

RESOLUTION NO. 25-1054

A RESOLUTION CREATING THE STREET MAINTENANCE SALES TAX (SMST) FINANCE OVERSIGHT COMMITTEE.

WHEREAS, on November 12, 2013, the voters of Olathe approved the implementation of a 10-year 3/8 percent street maintenance sales tax for the purpose of financing the cost of repairing, rebuilding, rehabilitating, upgrading and improving streets in the City of Olathe, and the voters of Olathe approved the renewal of the tax on April 25, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The Governing Body deems it appropriate that an independent citizens' finance oversight committee be appointed as an advisory body tasked with the review of the 3/8 cent sales tax-related revenues and expenditures during its term (April 2024 - March 2034), and therefore the Street Maintenance Sales Tax (SMST) Finance Oversight Committee ("Committee") is hereby created.

SECTION TWO: The Street Maintenance Sales Tax (SMST) Finance Oversight Committee Charter ("Charter"), attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.

SECTION THREE: The following members are hereby appointed to the Committee:

For a term of one year:

Gene Senesac

Kyle Kneale

Troy Snyder

For a term of two years:

Mike Mangino

Mike Rinke

Ken Baruth

Beverly Copsey.

SECTION FOUR: The Committee shall report their findings no less than annually to the City Council as required by the Charter.

SECTION FIVE: The Committee shall automatically terminate and disband at the earlier of either December 31, 2034, or upon the Committee's submission of the final Annual Report, which will reflect the final accounting of the expenditure of all Street Maintenance Sales Tax monies.

SECTION SIX: This Resolution shall take effect immediately.

ADOPTED by the Governing Body this 3rd day of June 2025.

SIGNED by the Mayor this 3rd day of June 2025.

Mayor

ATTEST:

(SEAL)

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
City of Olathe
Street Maintenance Sales Tax (SMST)
Finance Oversight Committee Charter

On November 12, 2013, the citizens of Olathe approved the implementation of a 3/8 percent street maintenance sales tax, and the voters of Olathe approved the renewal of the tax on April 25, 2023. The purpose of the sales tax revenue is to finance the cost of repairing, rebuilding, rehabilitating, upgrading and improving streets in the City of Olathe.

Mission: The SMST Finance Oversight Committee is an advisory body created by the Governing Body of the City of Olathe ("City Council") and is tasked with the review of the 3/8 cent sales tax-related revenues and expenditures during its term (April 2024 – March 2034). The Committee must report their findings annually to the City Council. Committee members do not make decisions on the use of SMST funds, but they are responsible for informing the Council and monitoring the street maintenance sales tax expenditures to ensure they are made in accordance with the referendum.

SMST Referendum:

Should the City of Olathe Kansas, pursuant to the provisions of K.S.A. 12-187, be authorized to levy a three-eighths of one percent (.375%) special purpose citywide retailers' sales tax within the City of Olathe, Kansas; such renewed tax, if approved by a majority of the electors voting thereon, to take effect on April 1, 2024, or as soon thereafter as permitted by law, and to end ten years after its commencement on March 31, 2034; the revenue from the renewed tax be used for the sole purpose of financing, in whole or in part with any other funds, the cost of repairing, rebuilding and rehabilitating streets in the City of Olathe (the "Street Preservation Program"); such program to include the repair, reconstruction and rehabilitation of street pavement, curb and gutters, sidewalks and such other work as is necessary to maintain, repair and renew city streets; if approved, such tax will continue the City's current one and one-half percent (1.50%) citywide retailers' sales tax levied within the City?

Duties: To carry out its stated mission, the Committee must perform the following duties:

- **Annually Review SMST Income and Expenditures:** The Committee must review income and expenditure reports produced by the City to ensure that SMST revenues were expended consistently with the voter-approved street maintenance sales tax referendum.
- **Annual Report:** The Committee must present to the City Council, in public session, an annual written report which shall include the following:
 - A statement summarizing the expenditures of the SMST revenues and compliance with the citizen approved referendum.
 - A Summary of the Committee's proceedings and activities for the preceding year.
 - Copies of the document must be made widely available to the public at large.

Authorized Activities: In order to perform the duties, the Committee may engage in the following authorized activities:

- The Committee may conduct at least one formal public meeting and issue an annual report to inform Olathe residents how the SMST funds are being spent in conformance with the referendum.
- Committee members may also review the annual financial or performance audits performed by the City's independent auditor.
- No expenditures or requisitions for services and supplies are allowed to be made by the Committee and no individual member is entitled to reimbursement for travel or other expenses except as authorized by the Council.

Membership: The Committee shall consist of seven (7) members, appointed by the Mayor with the consent of the remainder of the Governing Body, who are private citizens and are neither elected officials nor public employees from any governmental entity that either oversees or benefits from the proceeds of the street maintenance sales tax. Membership is limited to Olathe residents without economic interest in any of the City's projects. All members will serve without compensation.

Terms: Initially, three (3) members will be appointed for an initial one (1) year term and four (4) members will be appointed for an initial two (2) year term, commencing on the date of the first meeting of the Committee. Thereafter, the members of the Committee will be selected in the same manner as the member he or she is succeeding and the term of office for all members will be two (2) years. Members may be reappointed but in no case will a member serve more than four (4) complete successive terms. Each will serve until a successor is appointed.

Meetings Open to the Public and Public Notice: All Committee proceedings must be open to the public. Notices to the public must be provided pursuant to the notice requirements of the Kansas Open Records Act (KORA).

Staff Support: The City staff must provide the Committee with any necessary technical and administrative assistance to accomplish the mission and duties of the Committee. Staff must assist the Committee by preparing and distributing the Committee's agendas, notices, minutes, correspondence, and other documents.

Meeting Schedule. The Committee will hold one formal meeting annually, with additional meetings scheduled as needed.

Quorum. A quorum will consist of four (4) members of the Committee.

Location. All meetings will be held at Olathe City Hall, 100 E Santa Fe, Olathe, or such other site within the City agreed upon by the Committee without cost to the City.

Reports and Minutes. The Committee will issue regular reports on the results of its activities. A report must be issued at least once a year from the establishment of the Committee. Minutes of the proceedings of the Committee and all documents received and reports issued will be a matter of public record and must be made available on an Internet website maintained by the City.

Removal of Members; Vacancy. The Mayor, with the consent of the remaining members of the Governing Body, may remove any appointed Committee member at any time for good and sufficient cause. Cause includes, but is not limited to: violations of the conflict of interest laws; any violation of any applicable law, regulation, or policy; neglect of duty; or failure to comply with the City's board attendance policy.

Subcommittees. The Committee may form subcommittees for a specific task and for a specific period of time. Any subcommittee must report to the Committee. The Chair must serve as ex-officio member on any subcommittee. Subcommittee meetings must be noticed and open to the public.

Officers. The Mayor, with the consent of the Council, may appoint at any time a Chair and a Vice Chair who must carry out the duties and responsibilities as follows:

- *Duties of the Chair.* The Chair must preside at all meetings of the Committee and may sign letters, reports, or other communications on behalf of the Committee. The Chair also serves as the spokesperson and representative to the City Council on behalf of the Committee.
- *Duties of the Vice Chair.* The Vice-Chair must assume the duties of the Chair in the absence of the Chair. The Vice-Chair will also be responsible for such duties as may be assigned by the Chair.

Termination of Committee. The Committee will terminate as provided in the Resolution establishing the Committee, as amended (if at all) by the City Council.