

CHARTER ORDINANCE NO. ~~70~~ 83

A CHARTER ORDINANCE EXEMPTING THE CITY OF OLATHE, KANSAS, FROM ALL THE PROVISIONS OF K.S.A. 12-1696, RELATING TO DEFINITIONS PERTAINING TO TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1697 (a) RELATING TO THE LEVY OF TRANSIENT GUEST TAX; FROM THE PROVISIONS OF K.S.A. 12-1698 (e), RELATING TO CITY TRANSIENT GUEST TAX FUND; FROM ALL THE PROVISIONS OF K.S.A. 12-16,101, RELATING TO A COMMITTEE TO MAKE RECOMMENDATIONS FOR PROGRAMS AND EXPENDITURES; AND FROM ALL THE PROVISIONS OF K.S.A. 12-16,113, RELATING TO AN ANNUAL ACCOUNTING OF EXPENDITURES; PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND FURTHER REPEALING CHARTER ORDINANCE NO. ~~63~~ 70.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The City of Olathe, Kansas, a city of the first class, by the power invested in it by Article [12](#), Section [5](#), of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from all the provisions of K.S.A. [12-1696](#), which applies to said city, but not uniformly to all cities, and provides the following substitute and additional provisions on the same subject:

“As used in this act, the following words and phrases have the meaning respectively ascribed to them herein:

- (a) ‘Activities’ mean planning, organizing, implementing, equipping, furnishing, staffing and managing of programs;
- (b) ‘Business’ means any person engaged in the business of renting, leasing or letting living quarters, sleeping accommodations, rooms or a part thereof in connection with any motel, hotel or tourist court;
- (c) ‘Economic development promotion’ means (1) activities to attract the location or relocation of industrial or commercial enterprises into the community through marketing efforts, including advertising and incentives; (2) activities designed to encourage retention and expansion of existing industrial or commercial enterprises in the community; (3) convention and tourism promotion activities designed to attract visitors into the community through marketing efforts, including advertising, directed to at least one of the five basic convention and tourism market segments consisting of group tours, pleasure travelers, association meetings and conventions, trade shows and corporate meetings and travel and support of those activities and organizations which encourage increased lodging facility occupancy; ~~and~~ (4) construction and management of a full service hotel and conference center located within the Corporate Ridge Office Park at the southeast corner of K-10 Highway and Ridgeview Road (“Hotel & Conference Center”); ~~and~~ (5) annual payment of the six percent (6%) transient guest tax generated at the Hotel & Conference Center to

the operator of the Hotel & Conference Center for a period of twenty (20) years, ~~beginning 2010,~~ to pay expenses of the Hotel & Conference Center in exchange for the economic development investment generated by the Hotel & Conference Center to the community;

(d) 'Hotel, motel, or tourist court' means any structure or building which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient or permanent guests and having more than two bedrooms furnished for the accommodation of such guests;

(e) 'Person' means an individual, firm, partnership, corporation, joint venture or other association of persons;

(f) 'Transient guest' means a person who occupies a room in a hotel, motel or tourist court for not more than 28 consecutive days;"

SECTION TWO: The City of Olathe, Kansas, by the power vested in it by Article [12](#), Section [5](#), of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from, and makes inapplicable to it, the provisions of K.S.A. [12-1697\(a\)](#), and provides the following substitute and additional provisions on the same subject:

"(a) In order to provide revenues to promote economic development, the Governing Body of the City is hereby authorized to levy a transient guest tax at not to exceed the rate of ~~six percent (6%)~~ [nine percent \(9%\)](#) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel or tourist court."

SECTION THREE: The City of Olathe, Kansas, by the power vested in it by Article [12](#), Section [5](#) of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from, and makes inapplicable to it, the provisions of K.S.A. [12-1698\(e\)](#), and provides the following substitute and additional provisions on the same subject:

"(e) All such monies received by the city treasurer from disbursements from the city transient guest tax ~~shall will~~ be credited to the City's general fund; but ~~shall be~~ deposited into the 'Economic Development Promotion Account' and ~~shall~~ [may](#) only be expended for economic development promotion. [Any amounts disbursed to the Olathe Chamber of Commerce from such Account will be made pursuant to 1\) the annual operating budget of the Olathe Chamber of Commerce as presented to and approved by the Governing Body of the City, and 2\) the terms of an agreement or agreements](#) ~~with between the City and~~ the Olathe Chamber of Commerce [\(as approved by the Governing Body of the City\)](#) for economic development promotion services."

SECTION FOUR: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-16,101, and provides the following substitute and additional provisions on the same subject:

“(a) The Olathe Chamber of Commerce ~~shall~~ will establish an Economic Development Advisory Council to make recommendations to the Olathe Chamber of Commerce Board of Directors and the Governing Body of the City concerning the programs and expenditures for economic development promotion. Such council ~~shall~~ will be composed of the Mayor of Olathe, or a duly authorized representative; the Olathe City Manager, or duly authorized representative; the President of the Olathe Chamber of Commerce, who ~~shall~~ will act as its secretary; and up to eighteen additional members selected pursuant to the terms of Bylaws of the Economic Development Advisory Council and which Bylaws have been specifically approved by the Governing Body.

(b) The Olathe Chamber of Commerce ~~shall~~ will establish a Convention and Visitors Bureau Advisory Council to make recommendations to the Olathe Chamber of Commerce Board of Directors and the Governing Body of the City concerning the programs and expenditures for economic development promotion in the area of tourism and conventions, including management and conduct of sporting events. Such council ~~shall~~ will be composed of the Mayor of Olathe, or duly authorized representative; the City Manager, or duly authorized representative; the President, or a designated employee, of the Olathe Chamber of Commerce, who ~~shall~~ will act as its secretary; and up to eighteen additional members selected pursuant to the terms of Bylaws of the Convention and Visitors Advisory Council and which Bylaws have been specifically approved by the Governing Body.”

SECTION FIVE: The City of Olathe, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to exempt, and does exempt itself from, and makes inapplicable to it, the provisions of K.S.A. 12-16,113, and provides the following substitute and additional provisions on the same subject:

“The Olathe Chamber of Commerce ~~shall~~ will provide the separate accounting of the receipt and disbursement of all funds from the Economic Development Promotion Account, and ~~shall~~ will provide to the City, or, in the alternative, cooperate with the City in obtaining, at the sole expense of the Olathe Chamber of Commerce, the services of the City’s independent auditor to provide to the City its audited financial statements, which ~~shall~~ will include an accounting of the receipt and expenditures of such funds in accordance with generally accepted accounting principles by September 1st of each year. In the event no such accounting is provided within such time period, funds ~~shall~~ may not be provided to the entity from the Economic Development Promotion Account unless and until the accounting is provided.”

SECTION SIX: Charter Ordinance No. ~~63~~ 70 is hereby repealed.

SECTION SEVEN: This Ordinance ~~shall~~ will be published once each week for two consecutive weeks in the official City newspaper.

SECTION EIGHT: This is a Charter Ordinance and ~~shall~~ will take effect sixty-one (61) days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, subdivision (c) (3), of the Constitution of the State of Kansas, in which case the ordinance ~~shall~~ will become effective if approved by a majority of the electors voting thereon.

PASSED AND APPROVED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, the ~~19th~~ ____ day of ~~August, 2008~~ ____, 2025.

SIGNED by the Mayor this ~~19th~~ ____ day of ~~August, 2008~~ ____, 2025.
