

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 171032

Amending Section 64-81, Code of Ordinances, with respect to streetcar expansions; appropriating \$10,000.00 for the purpose of funding planning work related to the alignment of the streetcar system; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, on August 8, 2017, a question presented by a committee of petitioners through an initiative petition was submitted to the voters as provided for in Ordinance No. 170042; and

WHEREAS, on August 17, 2017, the Kansas City Board of Election Commissioners verified the results of the election and certified that the question presented was approved by the voters; and

WHEREAS, Section 704 of the Charter of the City of Kansas City, Missouri provides that an ordinance adopted pursuant to an initiative petition can be amended or repealed within the first year of its adoption upon the affirmative vote of nine (9) members of the City Council; and

WHEREAS, the City Council believes that the ordinance as adopted contains constitutional infirmities; and

WHEREAS, those constitutional infirmities would subject the ordinance as adopted to legal challenges that would be contrary to the City's interests and the interests of those supporting the objectives of the ordinance; and

WHEREAS, the City has existing contractual commitments that are impaired by the ordinance as adopted and that, if not rectified, could result in additional litigation, contrary to the City's economic interests; and

WHEREAS, the City Council has determined that the ordinance as adopted needs to be amended in such a manner as to implement the will of the voters while simultaneously protecting the City's interests; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Section 64-81, Code of Ordinances, "Construction of fixed rail transit system," is hereby amended to read as follows:

Sec. 64-81. Construction of fixed rail transit system.

(a) Regulated Activities.— Except as provided in this section, the City and any and all City officers, agents, and employees are prohibited from ~~in any way~~ causing the following without complying with subsection (b) of this section:

~~(1) — planning for or study of any new fixed rail transit system or addition to or expansion of any existing fixed rail transit system; or~~

(1) construction of any new fixed rail transit system or addition to or expansion of any existing fixed rail transit system; or

~~(1) — preparation for construction of any new fixed rail transit system or addition to or expansion of any existing fixed rail transit system; or~~

~~(2) — preparation of land for construction of any new fixed rail transit system or addition to or expansion of any existing fixed rail transit system; or~~

(2) purchase of land on which to construct any new fixed rail transit system or any addition to or expansion of any existing fixed rail transit system, ~~without complying with subsection (b) of this section.~~

(b) Election required.— Before any action is taken to accomplish any activity defined in subsection (a) of this section, the proposed action must be presented to the voters of the City for their approval by a majority of those voting. This question may be joined with any measure required for voter approval of any means of funding the activities defined in subsection (a) of this section.

(c) Planning permitted. ~~This section does not prohibit the planning necessary to construct or prepare for the construction of any new fixed rail transit system or addition to or expansion of any existing fixed rail transit system.~~

(d) Limitation on use of public ~~resources.~~ funds. Consistent with the prohibition contained in Section 115.848646, Revised Statutes of Missouri, the City and any and all City officers, agents and employees will not use public ~~resources~~ funds for the purpose of advocating, supporting or opposing any ballot measure required by this ordinance.

~~(a) Any person who violates this section shall be guilty of an ordinance violation, punishable by a fine of one thousand dollars (\$1,000.00). Each day on which a violation of this section occurs and/or continues shall be a separate and distinct violation. This subsection (d) shall be severable from the remainder of this ordinance.~~

(e) This ordinance shall not be interpreted or enforced so as to violate any person's rights under the Constitutions of the United States or Missouri.

(f) Definitions:

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As used in this Ordinance, "~~Fixed Rail Transit System~~fixed rail transit system" is a means of conveyance of passengers and goods, by way of vehicles running on rails.

As used in this Ordinance, "existing fixed rail transit system" is the electronically driven rail transit system that is commonly known as the "Downtown Street Car Transit System" as that phrase is used in Ordinance No. ~~140581~~140581, including any southerly extension as proposed by the Kansas City Main Street Rail Transportation Development District and any northerly extension terminating in the general vicinity of the Missouri River and Berkley Riverfront Park, to the same extent and effect as if such extension or extensions were in full operation as of the adoption of this Ordinance.

As used in this Ordinance, "addition to" means the process of uniting the "existing fixed rail transit system"~~, as defined, above,~~" with a newly built "fixed rail transit system"~~.~~"

As used in this Ordinance, "~~extension~~expansion of" means an enlargement in scope or operation of the "existing fixed rail transit system"~~.~~"

As used in this Ordinance, "new" means a "fixed rail transit system" that is not to be united with the "existing fixed rail transit system" following its construction.

Section 2. That \$10,000.00 is appropriated from the Unappropriated Fund Balance of the General Fund to the following account:

18-1000-891310-B	Transportation Planning	\$10,000.00
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Section 3. That this ordinance appropriates money and relates to contracts relating to the design, repair maintenance or construction of a public improvement, is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(C) and (D) of the City Charter, and shall take effect in accordance with Section 503.

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Randall J. Landes
Director of Finance

Approved as to form and legality:

Brian T. Rabineau
Assistant City Attorney