

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120147

Calling an election on August 7, 2012, for the purpose of submitting an ordinance proposed by initiative to require the City to remove itself from financial involvement in the production of nuclear weapons components; directing the City Clerk to provide notice of the election; and recognizing an emergency.

WHEREAS, City Charter sections 701 through 704 provide for initiative petitions; and

WHEREAS, to place a matter before the voters by an initiative petition signatures of 3,573 Kansas City voters must be submitted; and

WHEREAS, the committee of petitioners submitted 3,676 signatures to place before the voters an ordinance called "Removal of City financial involvement in production of nuclear weapons components"; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. **ELECTION CALLED.** That an election is called on August 7, 2012, for the purpose of submitting to the voters of Kansas City the question of adopting an ordinance proposed by a committee of petitioners known as "Removal of City financial involvement in production of nuclear weapons components".

Section 2. **BALLOT TITLE.** The ballot title for the proposition shall be:

QUESTION _____

SHALL THE FOLLOWING BE APPROVED?

Shall the City of Kansas City adopt an ordinance proposed by a committee of petitioners to prohibit any future contracts whereby the City is directly financially involved in facilities that produce or procure components for, assemble, or refurbish nuclear weapons except for outside infrastructure improvement customarily provided by cities, including through taxes, bonds, loans, tax credits, credit or any other financial scheme or mechanism; to require the City to divest itself as soon as reasonably feasible of all municipal bonds which finance or subsidize any facility which produces or procures any parts for, assembles, or refurbishes nuclear weapons; and to prohibit by the City or any body or entity controlled or appointed by the City the owning or leasing of any facilities involved in nuclear weapons production or procurement, assembly, or refurbishing.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120147

Section 3. **ELECTION NOTICE.** The Notice of Election shall read as follows:

NOTICE OF ELECTION
CITY OF KANSAS CITY, MISSOURI

Notice is given to the qualified voters of the City of Kansas City, Missouri, that the City Council of the City has called a special election to be held in the City on August 7, 2012, commencing at 6:00 A.M. and closing at 7:00 P.M., on the question contained in the following sample ballot:

OFFICIAL BALLOT

CITY OF KANSAS CITY

SPECIAL ELECTION, AUGUST 7, 2012

QUESTION NO. _____

Shall the City of Kansas City adopt an ordinance proposed by a committee of petitioners to prohibit any future contracts whereby the City is directly financially involved in facilities that produce or procure components for, assemble, or refurbish nuclear weapons except for outside infrastructure improvement customarily provided by cities, including through taxes, bonds, loans, tax credits, credit or any other financial scheme or mechanism; to require the City to divest itself as soon as reasonably feasible of all municipal bonds which finance or subsidize any facility which produces or procures any parts for, assembles, or refurbishes nuclear weapons; and to prohibit by the City or any body or entity controlled or appointed by the City the owning or leasing of any facilities involved in nuclear weapons production or procurement, assembly, or refurbishing.

YES _____

NO _____

Instructions to voters will be supplied by the election authorities.

A complete copy of Committee Substitute for Ordinance No. 120147, (as it may be amended) submitting this question to the electorate is on file in the Office of the City Clerk of Kansas City, Missouri, and is open for inspection and copying.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120147

The election will be held at the following polling places in the City of Kansas City, Missouri: [insert list in last publication only]

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo, as amended.

Given under my hand and the official seal of the Kansas City, Missouri, this _____ day of _____, 2012.

(SEAL)

VICKIE THOMPSON-CARR
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Vickie Thompson-Carr, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My Commission Expires:_____

Section 4. **NOTICE TO ELECTION AUTHORITIES BY CITY CLERK.** That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, not later than May 29, 2012, which shall be the authority of each election authority of the City to submit the amendment to the electors of Kansas City and to give public notice as provided by law.

Section 5. **ENACTMENT OF ORDINANCE.** That contingent upon approval of the voters, a new section 1-27, code of ordinances, entitled "Initiative ordinance - Removal of City financial involvement in production of nuclear weapons components" is enacted by the people of Kansas City to read as follows:

Sec. 1-27. Initiative ordinance – Removal of City financial involvement in production of nuclear weapons components.

(a) The City of Kansas City, Missouri ("the City") shall not enter into any future contracts whereby it will be directly financially involved in any facilities that produce or procure components for, assemble, or refurbish nuclear weapons except for outside

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120147

infrastructure improvements customarily provided by cities. The City is also barred from funding or subsidizing such a facility through taxes, bonds, loans, tax credits, credit, or any other financial scheme or mechanism.

(b) The City shall use all means consistent with law and existing contractual obligations to divest itself as soon as reasonably feasible of current municipal bonds which finance or subsidize any facility which produces or procures any parts for, assembles, or refurbishes nuclear weapons.

(c) From the effective date of this ordinance, no municipal agency, nor any body or entity controlled or appointed by the City, is authorized to own or lease any facilities involved in nuclear weapons production or procurement, assembly, or refurbishing.

(d) The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.

Section 6. **EMERGENCY RECOGNIZED.** This ordinance, providing for the submission of a question to the people of Kansas City, Missouri, is hereby recognized to be an emergency measure within the meaning of Section 503(a)(3)(A) of the Charter because it calls an election and provides for the submission of proposals to the people; and as such shall become effective immediately following approval by the Mayor, or five days after passage if no action is taken by the Mayor to approve or veto the ordinance.

Approved as to form:

William D. Geary
City Attorney