File #: 260858, **Version:** 2

ORDINANCE NO. 260858, AS AMENDED

Sponsor: Director of Law Department
AS AMENDED

Calling an election on April 6, 2027, for the purpose of submitting to the voters of Kansas City a question of whether to enact an ordinance that prohibits City officers, agents, and employees from implementing, advancing, furthering, or fostering a plan to design or construct certain stadiums or arenas without the approval of a majority of voters and providing for penalties for violations thereof; directing the City Clerk to provide notice of the election; enacting the ordinance contingent upon voter approval; and recognizing an accelerated effective date.

LEGAL REVIEW COMMITTEE recommends "Advance and Do Pass, Debate".

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. **ELECTION CALLED**. That an election is called on April 6, 2027, for the purpose of submitting to the voters of Kansas City the question of whether to adopt an ordinance that prohibits City officers, agents, and employees from implementing, advancing, furthering, or fostering a plan to design or construct certain stadiums or arenas without the approval of a majority of voters and providing for penalties for violations thereof.

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

QUESTION ___
(Initiative Petition)
(Voter Approval for Certain Development Projects)

SHALL THE FOLLOWING BE APPROVED?

Shall the City adopt an ordinance that prohibits City officers, agents, and employees from implementing, advancing, furthering, or fostering any plan to design or construct, with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or necessary infrastructure support for that stadium, arena, or similar venue, unless the plan is first submitted to and approved by a majority of the voters voting on it, and providing a penalty of five hundred dollars ($500.00) per day for each violation?

___ For the Ordinance

___ Against the Ordinance

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 April 6, 2027, 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
GENERAL MUNICIPAL ELECTION
APRIL 6, 2027

QUESTION ___
(Initiative Petition)
(Voter Approval for Certain Development Projects)

SHALL THE FOLLOWING BE APPROVED?

Shall the City adopt an ordinance that prohibits City officers, agents, and employees from implementing, advancing, furthering, or fostering any plan to design or construct, with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or necessary infrastructure support for that stadium, arena, or similar venue, unless the plan is first submitted to and approved by a majority of the voters voting on it, and providing a penalty of five hundred dollars ($500.00) per day for each violation?

___ For the Ordinance

___ Against the Ordinance

Instructions to voters will be supplied by the election authorities.

A complete copy of Ordinance No. _____ 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.

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

_____, 20__.

(SEAL)

_____
MARILYN SANDERS
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of the City 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 January 26, 2027, which shall be the authority of each election authority of the City to submit the question to the electors of Kansas City and to give public notice as provided by law.

Section 5. **ENACTMENT OF ORDINANCE**. That contingent upon the approval of the voters, Chapter 74 of the Code of Ordinances entitled "Economic Development Incentive Policies and Procedures Code" is hereby amended by enacting a new Section 74-13 to read as follows:

Sec. 74-13. Plans to design or construct, with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or certain necessary infrastructure support.

(a) Except as provided in this Section, any and all City officers, agents, and employees are prohibited from in any way implementing, advancing, furthering, or fostering any plan to design or construct, with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or necessary infrastructure support for that stadium, area, or similar venue.

(b) For any city officer, agent, or employee to implement, advance, further, or foster any plan to design or construct, with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or necessary infrastructure support for that stadium, arena, or similar venue, that plan must first by ordinance be submitted to the voters in an election and be approved by a majority of voters in that election. The City Council shall submit an ordinance for that purpose to the voters at the next available municipal or state election held not less than thirty (30) days after such submission by the Council for which the City can lawfully provide required notices to the election authorities without seeking a court order.

(c) Any person who violates this Section shall be guilty of an ordinance violation, punishable by a fine of five hundred dollars ($500.00). Each day on which a violation of this Section occurs shall be a separate and distinct violation.

(d) The restrictions, obligations, and prohibitions of this Section do not apply to any plan to design or construct, exclusively with private, federal, state, and/or county funding, and not with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or necessary infrastructure support for that stadium, arena, or similar venue.

(e) For purposes of this Section,

(1) "For-profit business" includes a for-profit corporation, limited liability company, limited partnership, limited liability partnership, sole proprietorship, joint venture, and any other organization with an objective of making a profit or generating income such as for owners, investors, shareholders, and/or members.

(2) "Material support from the City" includes funds from the General Fund or any other Fund, bonds issued by the City (directly or through a conduit issuer), tax revenues, frozen tax rates, tax exemptions, tax abatements, and any other benefit or incentive from the City to encourage development. "Material support from the City" also includes support, backing, assistance, or provision through, by, or involving the sale, lease, gift, conveyance, or other disposal of any real property owned by the City or any agency or instrumentality of the City which is principally used or held out for use as a park.

(3) "Necessary infrastructure support" includes construction of new streets, expansion of streets, parking facilities, and parking garages, but does not include pedestrian bridges, transportation access, bike lanes, utility upgrades, traffic improvements, and similar projects.

(4) This section does not prohibit the planning necessary to operate existing city infrastructure and city parks or to appropriately make a decision to seek voter approval for a plan to design or construct, with material support from the City, a stadium, arena, or similar venue, with a seating capacity of 2,500 or more, for use by a for-profit business, or ancillary development or necessary infrastructure support for that stadium, arena, or similar venue.

(5) This section shall not be interpreted, applied, or enforced so as to violate any rights under, or to conflict with, the City Charter, state law, the state constitution, federal law, or the federal constitution.

(f) That this Ordinance, 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)(D) of the City Charter and shall take effect in accordance with that section.

(g) That the provisions of this Ordinance are severable. In the event any provision of this Ordinance (including any phrase, sentence, paragraph, subsection, or section) is determined to be invalid, the remaining provisions shall not be affected thereby.

Section 6. **ACCELERATED EFFECTIVE DATE RECOGNIZED.** That this ordinance, providing for the submission of a question to the people of Kansas City, Missouri, is hereby recognized to be an ordinance

with an accelerated effective date within the meaning of Section 503(a)(3)(A) of the City Charter because it calls an election and provides for the submission of a proposal 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:

Samuel Miller
Associate City Attorney