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Light-rail opponent sues to stop November vote

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A light-rail opponent is going to court to stop the city from holding an election Nov. 4 to raise sales taxes for an \$815 million starter rail line.

Kansas City resident Patrick Tuohey on Wednesday filed a lawsuit arguing that the city did not follow proper procedure for enacting the ordinance that put light rail on the ballot.

Tuohey is a leader on the Committee for Sensible Transit, which is campaigning against the 3/8 -cent sales tax for a 14-mile starter rail line.

The lawsuit filed in Jackson County Circuit Court contends that the city violated its charter by not reading the ordinance on three separate days at a regular or special meeting of the Kansas City Council.

The lawsuit notes that an emergency exception can be made, but that in this case the law did not meet the emergency threshold of preserving the "public peace, property, health, safety or morals" of the city.

City Attorney Galen Beaufort said Wednesday that he had reviewed the petition and, "based on the allegations, the plaintiff is simply incorrect."

Under the city charter, the council has provisions allowing it to waive a third reading, and the council followed those provisions, Beaufort said.

The charter also provides for two different kinds of emergency ordinances.

While the plaintiff cited requirements for a "declared emergency" to preserve the peace, the charter also allows for a "recognized emergency," including calling for an election, Beaufort said.

The council properly followed the procedure outlined for the recognized emergency related to an election ballot measure, he said.

Tuohey called that interpretation "laughable," saying it effectively gives the city a "blank check" to call anything it wants an emergency.

"It allows the City Council to declare an emergency whenever they want and to dispense with the rules," he said in an interview.

Tuohey is asking a judge to stop the election, although absentee voting began Tuesday. The lawsuit also asks a judge to stop the tax from being collected.

Kansas City Mayor Mark Funkhouser and City Councilman Russ Johnson called the lawsuit political shenanigans.

"I think it's nothing more than a publicity stunt," Funkhouser said.

Funkhouser said the lawsuit diverts attention from the issues related to light rail, including the creation of jobs, better transportation and an improved quality of life for the city.

"If we're going to have a community of choice, it needs to have the amenities people — especially young people — expect to find in a modern city, and transit is part of that," Funkhouser said.

Tuohey said a hearing has been set for Oct. 27 but he plans to ask for an earlier date.

Supporters tout light rail as an economic engine. | C2

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