

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 272-21

AN ORDINANCE

amending and restating Ordinance No. 024718 to correct a technical error in the ballot language and reaffirming the call of a special election in the City of Columbia, Missouri, to be held on Tuesday, November 2, 2021, on the question whether to extend the one-eighth of one percent local parks sales tax; directing notification of the election authority; describing the form of the notice of election; declaring an emergency for enactment; and fixing the time when this ordinance shall become effective.

WHEREAS, on August 2, 2021 the City enacted Ordinance No. 024718 calling for a special election to consider a ten year extension of a one-eighth of one percent park sales tax; and

WHEREAS, prior to the enactment of Ordinance No. 024718, such ordinance was introduced as Bill 233-21 at the July 19, 2021 Regular City Council meeting and subsequently had its second and third readings together with an opportunity for public comment at the August 2, 2021 Regular City Council meeting; and

WHEREAS, in addition to the enactment of Ordinance No. 024718 on August 2, 2021, on August 16, 2021 the Council considered and received public comment on Resolution 141-21 which declares the intent of the City Council on utilization of the funds anticipated to be generated by the extension of the local parks sales tax and such resolution was tabled for further consideration of such funding priorities to the September 7, 2021 Council meeting; and

WHEREAS, all of the information presented to the public and the City Council related to the ballot measure authorized by Ordinance No. 024718 and Resolution 141-21 were clear in their intent to extend the existing one-eighth of one percent local parks sales tax; and

WHEREAS, the final certification date for the ballot measure authorized by Ordinance No. 024718 to be certified to the Boone County Clerk as the election authority was August 24, 2021; and

WHEREAS, the City Clerk certified the ballot measure authorized by Ordinance No. 024718 to the Boone County Clerk prior to the final certification date as required by law; and

WHEREAS, subsequent to August 24, 2021 it was determined Ordinance No. 024718 contained a more generic reference to “capital improvements” as opposed to the statutory language required for consideration of a “local parks” sales tax which has the potential to create confusion and ambiguity if not corrected before the measure is submitted to the voters; and

WHEREAS, pursuant to Section 115.125 RSMo., the City may take action to correct the ballot language for submission to the voters to ensure the language specifically addresses the local parks sales tax provided such action is completed and certified to the County Clerk prior to 5:00 p.m. on September 7, 2021; and

WHEREAS, Section 15 of the Charter of the City of Columbia authorizes an ordinance to be passed as an emergency measure on the day of introduction of the bill if the subject matter of the bill is related to calling an election or providing for the submission of a proposal to the people; and

WHEREAS, the City Council finds the substance of the proposed ballot measure to be presented to the voters was intended to be limited to a local parks sales tax and not a more general capital improvement sales tax and the reference to capital improvements was in error; and

WHEREAS, the City Council finds it to be in the best interest of the citizens of Columbia to ensure the proposition to be voted on is a ballot measure authorizing a local parks sales tax and not a capital improvement sales tax.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Ordinance No. 024718 is hereby amended and restated as set forth herein to correct a technical error in the ballot language contained in such ordinance and to reaffirm the intent of the City to call a special election on the question of whether to extend the one-eighth of one percent local parks sales tax. The material to be deleted in Ordinance No. 024718 is shown below in ~~strikeout~~; and the material to be added is shown as underlined.

Ordinance No. 024718

calling a special election in the City of Columbia, Missouri, to be held on Tuesday, November 2, 2021, on the question whether to extend the one-eighth of one percent local parks sales tax; directing the filing of any necessary court action, notification of the election authority, and payment of costs;

describing the form of the notice of election; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI AS FOLLOWS:

SECTION 1. A special election is hereby ordered to be held in the City of Columbia, Missouri, on Tuesday, November 2, 2021, on the following question:

PROPOSITION 1

Shall the municipality of Columbia, Missouri impose a sales tax of one-eighth of one percent, for a period of ten (10) years, for the purpose of providing funding for local parks for the municipality~~capital improvements which may include the retirement of debt under previously authorized bonded indebtedness?*~~

~~YES~~

NO

The current one-fourth of one percent local parks sales tax is scheduled to be reduced to one-eighth of one percent on March 31, 2022. Approval of this proposition would keep the local parks sales tax rate at one-fourth of one percent for an additional ten (10) years.

The City intends to use this sales tax to fund land acquisition for parks, greenways and natural areas, maintenance improvements to existing parks and facilities, annual funding for equipment replacement and program scholarships, new facility and park development, land acquisition for trails and greenbelts and capital improvement projects for such, and contingency purposes.

~~*This language is required by state law. The City does not intend to use sales tax funds to retire debt under previously authorized bonded indebtedness.~~

YES

NO

SECTION 2. The City Counselor is authorized and directed to file any necessary court action to obtain a court order permitting late notification to the election authority of the adoption of this ordinance. Upon entry of such court order, the City Clerk is hereby authorized and directed to notify the Clerk of the County Commission of Boone County, Missouri, of the adoption of this ordinance no later than 5 o'clock p.m. on ~~August 24~~September 7, 2021, and to include in the notification all of the terms and provisions

required by Chapter 115, RSMo. as amended. The payment of additional cost, if any, for printing or reprinting of ballots is hereby authorized.

SECTION 3. The form of the notice of election shall be substantially as set forth on "Exhibit A" [Exhibit A amended to reflect correction of error] attached hereto.

SECTION 4. The election shall be held and conducted, and the results thereof canvassed and returned, in all respects in accordance with the laws of the State of Missouri and the Charter and Ordinances of the City of Columbia, Missouri.

...

SECTION 2. This ordinance amending and restating Ordinance No. 024718 which is related to calling an election or providing for the submission of a proposal to the people is enacted as an emergency ordinance on the same day as introduction of the bill as set forth in Article II, Section 15 of the Home Rule Charter of the City. This ordinance shall go into effect immediately after its passage by six-sevenths (6/7) of the members of the City Council.

PASSED this _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor