



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: September 1, 2021

Re: Amending and Restating Ordinance No. 024718 Calling a Special Election for the Local Parks Sales Tax to Correct Technical Errors in the Ballot Language

## Executive Summary

A Special Council Meeting has been called by the City Manager to correct technical errors contained in Ordinance No. 024718, which calls for an election to consider an extension of the existing one-eighth of one percent local parks sales tax.

## Discussion

The City Council approved Ordinance No. 024718 on August 2, 2021 to call a special election for November 2, 2021 on the question of whether to extend the one-eighth of one percent local parks sales tax. The final certification date for such ballot measure was August 24, 2021 and such measure was certified to the election authority prior to the deadline established by state law.

However, following certification of the ballot measure to the election authority, it was determined the ordinance contained an erroneous reference to "capital improvements". The reference to "capital improvements" in the ordinance should have been a reference to "local parks". In order to eliminate any possibility of confusion and to ensure the ballot measure clearly states the sales tax will be imposed for the purpose of local parks, a bill to amend Ordinance No. 024718 has been prepared for Council consideration.

Section 115.125.3 RSMo. allows for a certified ballot measure to be modified by late notification to the election authority pursuant to permission granted by court order, which is to be given freely upon application of the political subdivision. Such late notification procedure may be utilized by a political subdivision any time prior to 5:00 pm on the eighth Tuesday prior to the election, which in this instance would be 5:00 pm on Tuesday, September 7, 2021. If there would happen to be any additional costs associated with the printing or reprinting of ballots, the City would be responsible for the payment of such costs. At this time staff is not aware of any additional costs that would be incurred by a modification of the ballot language.

State law prohibits any ballot modifications after 5:00 pm on September 7, 2021 so all actions necessary to authorize the revised notification to the election authority must be completed by that time. As a result, the bill has been drafted as an emergency measure and the City Manager has called a Special Meeting of the City Council to consider enactment of the ordinance. This bill meets the criteria set forth in Section 15.B.4 of the City Charter, which authorizes an ordinance to be passed as an emergency measure on the day of the introduction of the bill if it is related to a matter "calling an election or providing for the



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

submission of a proposal to the people". A vote of six-sevenths of the Council is required to pass the ordinance as an emergency measure.

City staff will work cooperatively with the Boone County Clerk to ensure the court order is obtained and the revisions are submitted prior to the September 7, 2021 deadline.

## Fiscal Impact

Short-Term Impact:

Long-Term Impact:

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Reliable Infrastructure, Secondary Impact: Safe Neighborhoods, Tertiary Impact: Inclusive Community

### Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Environmental Management

## Legislative History

Date	Action
08/02/2021	B 233-21 enacted as Ordinance No. 024718 calling a special election for November 2, 2021 on the question whether to extend the one-eighth of one percent local parks sales tax

## Suggested Council Action

Approve the ordinance as an emergency measure.