

GENERAL

Ordinance Fact Sheet

140664

Ordinance Number

Brief Title:

Approval Deadline:

Reason:

Details

Positions / Recommendations

<p>Reason for Legislation</p> <p>The City was ordered to place two sales taxes on the November ballot in <i>City v. Chastain</i>, Case No. 1116-CV29139. This ordinance authorizes the City Clerk to send the required notices to the election authorities. The deadline to send the notices is August 26, 2014. Voters will be asked to approve a ¼ percent sales tax for capital improvements and a 1/8 percent sales tax for transportation purposes.</p>		<p>Sponsor(s) Law Department</p>
<p>Discussion <i>(including relationship to other Council actions)</i></p> <p>In 2011, a committee of petitioners submitted an initiative petition seeking the adoption of two sales taxes by the voters, which also included proposed ballot language indicating that the revenue would be used to fund specific transportation improvements. The City Council declined to pass the ordinance after determining it was an unconstitutional appropriation ordinance because it failed to provide all of the revenue needed to fund the transportation improvements described in the ordinance.</p> <p>After the Circuit Court and Court of Appeals held that the ordinance was an unconstitutional appropriation ordinance, the committee of petitioners sought transfer to the Missouri Supreme Court, and the court granted transfer. The Missouri Supreme Court held that the proposed ordinance was not an unconstitutional appropriation ordinance because it determined that while the ordinance does mandate the imposition of two sales taxes, the ordinance “does not mandate that the city spend any money, make any plans or do anything at all other than impose</p>		<p>Programs, Departments, or Groups Affected</p>
		<table border="1"> <tr> <td data-bbox="857 621 1192 961">Applicants/Proponents</td> <td data-bbox="1192 621 1529 961"> <p>Applicant</p> <p>City Department</p> <p>Other</p> </td> </tr> </table>
Applicants/Proponents	<p>Applicant</p> <p>City Department</p> <p>Other</p>	
<table border="1"> <tr> <td data-bbox="857 961 1192 1176">Opponents</td> <td data-bbox="1192 961 1529 1176"> <p>Groups or Individuals</p> <p>Basis of Opposition</p> </td> </tr> </table>	Opponents	<p>Groups or Individuals</p> <p>Basis of Opposition</p>
Opponents	<p>Groups or Individuals</p> <p>Basis of Opposition</p>	
<table border="1"> <tr> <td data-bbox="857 1176 1192 1398">Staff Recommendation</td> <td data-bbox="1192 1176 1529 1398"> <p>☐ For</p> <p>9 Against</p> <p>Reasons Against:</p> </td> </tr> </table>	Staff Recommendation	<p>☐ For</p> <p>9 Against</p> <p>Reasons Against:</p>
Staff Recommendation	<p>☐ For</p> <p>9 Against</p> <p>Reasons Against:</p>	
<table border="1"> <tr> <td data-bbox="857 1398 1192 1593">Board or Commission Recommendation</td> <td data-bbox="1192 1398 1529 1593"> <p>9 For 9 Against</p> <p>9 No Action Taken</p> <p>9 For, with revisions or conditions</p> </td> </tr> </table>	Board or Commission Recommendation	<p>9 For 9 Against</p> <p>9 No Action Taken</p> <p>9 For, with revisions or conditions</p>
Board or Commission Recommendation	<p>9 For 9 Against</p> <p>9 No Action Taken</p> <p>9 For, with revisions or conditions</p>	
<table border="1"> <tr> <td data-bbox="857 1593 1192 1978">Council Committee Action</td> <td data-bbox="1192 1593 1529 1978"> <p>9 Do Pass</p> <p>9 Do Pass (as amended)</p> <p>9 Committee Substitute</p> <p>9 No Recommendation</p> <p>9 Hold</p> <p>9 Do Not Pass</p> </td> </tr> </table>	Council Committee Action	<p>9 Do Pass</p> <p>9 Do Pass (as amended)</p> <p>9 Committee Substitute</p> <p>9 No Recommendation</p> <p>9 Hold</p> <p>9 Do Not Pass</p>
Council Committee Action	<p>9 Do Pass</p> <p>9 Do Pass (as amended)</p> <p>9 Committee Substitute</p> <p>9 No Recommendation</p> <p>9 Hold</p> <p>9 Do Not Pass</p>	

Discussion**Policy / Program Impact**

<p>the two new sales taxes.” <i>City v. Chastain</i>, 420 S.W.3d 550 (Mo. 2014).</p> <p>The Missouri Supreme Court remanded the case back to the Circuit Court for further proceedings, and the Circuit Court ordered the City to submit proposed ballot language consistent with the Missouri Supreme Court’s opinion.</p> <p>The City submitted its proposed language, and after allowing the committee of petitioners the opportunity to file objections, the Circuit Court issued its judgment ordering the City to place its proposed ballot language before the voters at the next available election.</p> <p>The Circuit Court’s judgment became final on August 11, 2014, and the deadline for the City to provide notice to the election authorities for the election on November 4, 2014, is August 26, 2014.</p>		Policy or Program Change	9 No 9 Yes
		Operational Impact Assessment	
		Finances	
		Cost and Revenue Projections	Cost of Legislation Increase/Decrease in Revenue Expected Annually
		Fund Sources	

Applicable Dates:**Fact Sheet Prepared By:**

Sarah Baxter
Assistant City Attorney

Reviewed By:

William Geary
City Attorney

Reference Numbers