

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 230446

Enacting a new Section 68-476, Code of Ordinances; providing for submission to the qualified voters of the City for their approval at an election called for Tuesday, ~~August 8~~November 7, 2023 the question of renewing for 10 years a 3/8 cent sales tax for the purposes of developing, operating, maintaining, equipping, and improving a public ~~mass transportation system~~bus transit system for Kansas City, pursuant to contract with Kansas City Area Transportation Authority; authorizing and directing the City Clerk to notify the responsible election authorities of this election; and recognizing this ordinance as having an accelerated effective date.

WHEREAS, under the provisions of Sections 94.600 to 94.655, RSMo., the City may impose by ordinance, a sales tax for transportation purposes on the receipts from the sale at retail of all tangible personal property or taxable services at retail within its limits, if such property and services are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo; and

WHEREAS, Section 68-474, Code of Ordinances, approved by voters in 2003 imposed a sales tax for transportation purposes through March 31, 2009; and

WHEREAS, Section 68-475, Code of Ordinances, approved by voters in 2009 renewed the sales tax for transportation purposes through March 31, 2024; and

WHEREAS, under the applicable Missouri constitutional requirement no ordinance enacted pursuant to this authority shall be effective until it has been submitted to the qualified voters of the City and approved by a majority of the qualified voters voting thereon; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. *Continuation of Tax.* That Chapter 68, Code of Ordinances, entitled “Taxation” is amended by enacting a new Section 68-476, to read as follows:

Section 68-476. Continuation of tax.

Pursuant to the authority granted by and subject to the provisions of RSMo. §§ 94.600 through 94.655, a tax for the purposes of developing, operating, maintaining, equipping and improving a public ~~mass transportation system~~bus transit system for Kansas City, pursuant to contract with the Kansas City Area Transportation Authority, is hereby continued upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in RSMo. §§ 144.010 through 144.525, and the rules and regulations of the director of revenue issued pursuant thereto. The rate of the tax shall be 3/8 percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the city, if such property and such services are subject to taxation by the state under

the provisions of RSMo. §§ 144.010 through 144.525. The tax shall become effective April 1, 2024, and shall apply to all sales made after March 31, 2024, until March 31, 2034, for a period of ten (10) years and shall be collected as provided in RSMo. §§ 94.600 through 94.655.

Section 2. **Election Called.** That an election is called to be held on Tuesday, ~~August~~ November 7, 2023, at which election the question described in this ordinance shall be submitted to the qualified voters of the City for their consideration.

Section 3. **Ballot Title.** –The ballot title shall be: Public ~~Mass Transportation~~ Bus Transit System

QUESTION _____

SHALL THE FOLLOWING BE APPROVED?

Shall the City of Kansas City continue a city sales tax for the purpose of developing, operating, maintaining, equipping and improving a public ~~mass transportation~~ bus transit system for Kansas City, ~~Missouri pursuant to contract with the Kansas City Area Transportation Authority~~, as authorized by 94.605 of the Revised Statutes of Missouri at a rate of 3/8% for a period of 10 years?

____ YES ____ NO

The voter who desires to vote in favor of this question shall place an “X” in the box opposite Yes. The voter who desires to vote against this question shall place an “X” in the box opposite No.

Section 4. **Delivery of Ordinance by City Clerk to Election Authorities.** That the Clerk shall deliver certified copies of this ordinance and notice of election to the Board of Election Commissioners of Kansas City, Missouri, to the Board of Election Commissioners of Clay County, to the Board of Election Commissioners of Platte County, and to the County Clerk of Cass County, which shall be the authority of the respective election authorities of the City to submit this amendment to the electors of Kansas City as herein provided and to give public notice thereof as provided by law.

Section 5. **Election Notice.** That the notice of election shall read as follows:

NOTICE OF ELECTION
CITY OF KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called an election to be held in said City on Tuesday, ~~August~~ November 7, 2023, at which election all qualified voters residing within the City of Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT
CITY OF KANSAS CITY ELECTION

MUNICIPAL ELECTION, ~~AUGUST 8~~NOVEMBER 7, 2023

QUESTION NO. ____
(Public ~~Mass Transportation~~Bus Transit System)

Shall the City of Kansas City continue a city sales tax for the purpose of developing, operating, maintaining, equipping and improving a public ~~mass transportation bus transit~~ system for Kansas City, ~~Missouri pursuant to contract with the Kansas City Area Transportation Authority~~, as authorized by Section 94.605 of the Revised Statutes of Missouri at a rate of 3/8% for a period of 10 years?

____ YES ____ NO

[Instructions to voters will be supplied by the election authorities]

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A full and complete copy of this ordinance, submitting the above proposition to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where it is open for inspection and copying.

The polling places for the election will be *[insert list of polling places in last publication only]*.

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I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, Revised Statutes of Missouri.

Given under my hand and the official seal of the City of Kansas City, Missouri, this ____ day of _____, 2023.

(SEAL)

MARILYN SANDERS
City Clerk, City 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 6. **Notice to the Missouri Department of Revenue by the City Clerk.** If approved by voters, the City Clerk shall, within 10 days after the approval, forward to the Missouri Department of Revenue by United States registered or certified mail, a certified copy of this ordinance together with certifications of the election returns accompanied by a map of the City clearly showing its boundaries.

Section 7. **Accelerated Effective Date.** That this ordinance is recognized as an ordinance with an accelerated effective date as provided by Section 503(a)(3)(A) of the City Charter in that it calls for an election, and shall take effect in accordance with that section.

Approved as to form:

Dustin E. Johnson
Assistant City Attorney