

**CITY OF JOPLIN
COUNCIL AGENDA ITEM**

ITEM

Council Bill 2023-002 – imposing an additional sales tax at a rate of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold within the City pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution, subject to approval by the voters of the City at the General Municipal Election to be held on April 4, 2023; designating the form of ballot; directing the City Clerk to provide notice of said election; and containing an emergency clause.

MEETING DATE

January 17, 2023

ORIGINATING DEPARTMENT

Legal

ATTACHMENTS

Council Bill 2023-002 Ordinance

REVIEWED BY

City Attorney: Peter Edwards; Director of Finance: Leslie Haase; City Manager: Nicholas Edwards.

SUMMARY

This Council Bill imposes an additional sales tax at a rate of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold within the City pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution, subject to approval by the voters of the City at the General Municipal Election to be held on April 4, 2023; designates the form of ballot; directs the City Clerk to provide notice of said election; and containing an emergency clause.

BACKGROUND

On November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution, enacting Section 2 of Article XIV of the Missouri Constitution, effective December 8, 2022.

The newly enacted Article XIV, Section 2.6(5) of the Missouri Constitution authorizes the City of Joplin, Missouri, to impose, by ordinance, an additional sales tax in an amount not to exceed three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City, subject to approval by the voters of the City.

FUNDING SOURCE

N/A

RECOMMENDATION

Staff recommends adoption of this Council Bill on an emergency basis.

COUNCIL BILL NO. 2023-002

ORDINANCE NO.

AN ORDINANCE of the City of Joplin, Missouri, imposing an additional sales tax at a rate of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold within the City pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution, subject to approval by the voters of the City at the General Municipal Election to be held on April 4, 2023; designating the form of ballot; directing the City Clerk to provide notice of said election; and containing an emergency clause.

WHEREAS, on November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution, enacting Section 2 of Article XIV of the Missouri Constitution, effective December 8, 2022; and

WHEREAS, the newly enacted Article XIV, Section 2.6(5) of the Missouri Constitution authorizes the City of Joplin, Missouri, to impose, by ordinance, an additional sales tax in an amount not to exceed three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City, subject to approval by the voters of the City; and

WHEREAS, the City Council desires to submit the question of whether the City of Joplin, Missouri, shall impose an additional sales tax on tangible personal property retail sales of adult use marijuana at a rate of three percent (3%) to the qualified voters of the City at the General Municipal Election to be held on April 4, 2023.

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

Section 1. An additional sales tax at the rate of three percent (3%) on all tangible personal property retail sales of adult use marijuana sold in the City of Joplin, Missouri, as authorized by Article XIV, Section 2.6(5) of the Missouri Constitution, is hereby imposed, subject to approval by the voters of the City. The tax imposed hereunder shall be in addition to any and all other sales taxes allowed by law.

Section 2. The sales tax imposed by this Ordinance shall not be effective unless approved by a majority of the votes cast by the qualified voters voting thereon at the General Municipal Election to be held on April 4, 2023, at which election a proposal to authorize the City Council of the City of Joplin, Missouri, to impose the tax herein provided for shall be submitted to the qualified voters of the City.

Section 3. The ballot to be used in such election shall contain substantially the following language:

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OFFICIAL BALLOT

Election – Tuesday April 4, 2023

PROPOSITION “A”

Shall the City of Joplin, Missouri, impose an additional sales tax of three percent (3%) on all retail sales of adult use non-medical marijuana sold in Joplin?

Yes. ← —

No. ← —

Instructions to Voters

TO vote IN FAVOR OF the proposition, complete the arrow next to the word “YES”.

TO vote AGAINST the proposition, complete the arrow next to the word “NO.”

Section 4. The City Clerk is hereby directed to give notice to the County Clerks of Jasper and Newton Counties, Missouri, of the calling of the election as required by Chapter 115 RSMo and to give such other notice to the public as is required by law. The City Clerk is directed to perform such other tasks as may be necessary and required by law to place this proposal on the ballot at the General Municipal Election to be held on Tuesday April 4, 2023.

Section 5. If the ballots are submitted on Tuesday April 4, 2023, and if a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the additional sales tax of three percent (3%) on all tangible personal property retail sales of adult use marijuana shall become effective on the first day of the calendar quarter which begins at least forty-five (45) days after the Director of Revenue of the State of Missouri receives notice of adoption of the additional sales tax of three percent (3%) on all tangible personal property retail sales of adult use marijuana.

Section 6. Within ten (10) days following approval by the qualified voters of the City of the additional sales tax of three percent (3%) on all tangible personal property retail sales of adult use marijuana proposal, the City Clerk shall forward to the Director of Revenue of the State of Missouri, by 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 the boundaries thereof.

Council Bill No. 2023-002 (Continued)

Section 7. This Ordinance, being an Ordinance submitting a tax levy question to the voters, is an emergency within the meaning of Section 2.12(2) of the Home Rule Charter of the City of Joplin, Missouri, and as such shall become effective immediately upon its adoption and approval.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this ____ day of _____, 2023, by a vote of _____.

Douglas W. Lawson, Mayor

ATTEST:

Holly Nagy, City Clerk

APPROVED AS TO FORM:

Peter C. Edwards, City Attorney