

AN ORDINANCE IMPOSING A SALES TAX OF ONE PERCENT (1%) OF THE RECEIPTS FROM THE SALE AT RETAIL WITHIN THE CITY OF PEVELY, MISSOURI, SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AND CALLING FOR SUBMISSION TO THE VOTERS OF PEVELY, MISSOURI, AT AN ELECTION TO BE HELD ON APRIL 2, 2024, A PROPOSITION AUTHORIZING THE BOARD OF ALDERMEN OF THE CITY OF PEVELY TO IMPOSE AN ADDITIONAL SALES TAX OF ONE PERCENT (1%) FOR THE PURPOSE OF IMPROVING PUBLIC SAFETY.

WHEREAS, the City of Pevely, Missouri (the “City”) is a city of the fourth class and political subdivision duly organized and validly existing under the Constitution and laws of the State of Missouri; and

WHEREAS, pursuant to the provisions of § 94.510, MO. REV. STAT., the City is authorized by the State of Missouri to propose, by ordinance, a sales tax on all retail sales made in the City which is subject to taxation under Chapter 144 for the purpose of improving the public safety of the City, including, but not limited to, expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; and

WHEREAS, the City desires to avail itself of such authority; and

WHEREAS, under the provisions of § 94.510, MO. REV. STAT., no proposal shall be effective until it has been submitted to the qualified voters of the City of Pevely, Missouri, and approved by a majority of the qualified voters voting thereon. The City desires to submit the question of the imposition of an additional citywide sales tax for public safety to the voters of the City of Pevely, as provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PEVELY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to the authority granted by and subject to the provisions of §94.510, MO. REV. STAT., an additional one percent (1%) local sales tax is hereby imposed upon all retail sales made in the City of Pevely, Missouri, which are subject to taxation under the provisions of §§ 144.010 to 144.525, MO. REV. STAT., and the rules and regulations of the Director of Revenue issued thereto. Said local sales tax shall be until repealed by appropriate vote of the voters of the City of Pevely, Missouri, and shall be used for the purpose of funding public safety and shall be in addition to any and all other sales taxes allowed by law.

Section 2. An election is hereby called for submitting to the voters of Pevely a proposal authorizing the Board of Aldermen of the City of Pevely, Missouri, to impose and extend

an additional one percent (1%) local sales tax on all retail sales made in the City for the purpose of funding public safety. Such proposal shall be submitted to the voters at the election to be held on April 2, 2024. This local sales tax shall be effective if a majority of the votes cast by the qualified voters voting thereon are in favor of the proposal.

Section 3. Upon passage of this ordinance the City Clerk of the City of Pevely, Missouri, be, and hereby is authorized and directed to notify the County Clerk of Jefferson County, Missouri, of its duty to hold such election and to include in said notification all of the terms and provisions required by Chapter 115, MO. REV. STAT., as updated and amended. The County Clerk of Jefferson County, Missouri, shall be the election authority of the City to submit the question to the voters of Pevely as herein provided and to give the public notice thereof as provided by law. The City Clerk shall deliver to the County Clerk of Jefferson County, Missouri, a certified copy of this ordinance which shall be the authority for said Board to conduct said election as hereinabove provided and as provided by law.

Section 4. There shall be submitted to the voters of the City of Pevely, Missouri at an Election to be held for and on behalf of the City of Pevely, Missouri on April 2, 2024, to present the following question:

PROPOSITION PUBLIC SAFETY

Shall the City of Pevely, Missouri reduce its property tax by fifty-percent (50%) from its current rate and impose an additional citywide sales tax of one percent (1%) for the purpose of funding law enforcement for the City of Pevely?

_____ **Yes**

_____ **No**

Section 5. The said municipal public election shall be held in accordance with the laws of the State of Missouri and Ordinances of the City of Pevely, Missouri, and such election shall be conducted by the County Clerk of Jefferson County. Said election shall be held, the results thereof canvassed and notice thereof given in conformity with the Constitution and laws of the State of Missouri.

Section 6. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal submitted pursuant to this section, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax.

Section 7. All revenue received by the City from the tax authorized under the provisions § 94.510, MO. REV. STAT., shall be deposited in a special trust fund and shall be used for improving the public safety for the City.

Section 8. The Director of Revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the local sales tax in the same manner as provided in §§ 94.500 to 94.550, MO. REV. STAT., and the Director of Revenue shall collect, in addition to the sales tax for the State of Missouri, this additional local sales tax less one percent for the cost of collection. This local sales tax and the sales tax imposed under the sales tax law of the State of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the Director of Revenue.

Section 9. The Director of Revenue may authorize the State Treasurer to make refunds from the amounts in the trust fund and credit the same to the City of Pevely for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of the City. If the City abolishes the local sales tax, it shall notify the Director of Revenue of the action at least ninety days prior to the effective date of the repeal and the Director of Revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the local sales tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the local sales tax in the City, the Director of Revenue shall remit the balance in the account to the City and close the account of the City. The Director of Revenue shall notify the City of each instance of any amount refunded or any check redeemed from receipts due the City.

Section 10. Within ten (10) days after approval of such ballot proposition, the City Clerk shall forward to the Director of Revenue of the State of Missouri, by United States Registered Mail or Certified Mail, a certified copy of this ordinance, along with a map of the City of Pevely, clearly showing the boundaries thereof.

Section 11. The additional sales tax referenced in this ordinance shall, if approved by a majority of the qualified voters voting thereon, become effective on October 1, 2024.

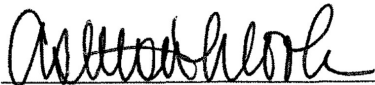
Section 12. Severability. The sections, paragraphs, sentences, clauses, and phrases of this ordinance shall be severable. In the event that any such section, paragraph, sentence, clause, or phrase of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this ordinance are valid, unless the court finds the valid portions of this ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 13. Governing Law. This ordinance shall be governed exclusively by and construed in accordance with the applicable laws of the State of Missouri.

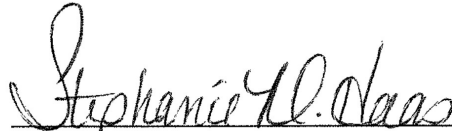
Section 14. Effective Date. This ordinance shall be in full force and effect, after compliance with all governing laws, rules, and regulations, upon passage by the Board of Aldermen and approval by the Mayor.

Read two times, passed, approved, and adopted by the City Council of the City of Pevely, Missouri, this 20 Day of NOVEMBER, 2023.

ATTEST:



Ashton Cooke
City Clerk of Pevely, MO



Stephanie M. Haas
Mayor of Pevely, MO

APPROVED AS TO FORM:



City Attorney Allison Sweeney

**To Put Bill #2023/110 on its 1st reading
By Caption:**

Motioned: RICK YOUNT
Seconded: TRAVIS DITTMANN

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	___
Menkhus	✓	___
Yount	✓	___
Markus	✓	___
Tucker	✓	___
Leeder	✓	___
Brooks	✓	___

Absent: _____

**To Accept Bill #2023/110 on its 1st
Reading by Caption:**

Motioned: STEVE MARKUS
Seconded: RYAN TUCKER

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	___
Menkhus	✓	___
Yount	✓	___
Markus	✓	___
Tucker	✓	___
Leeder	✓	___
Brooks	✓	___

Absent: _____

**To Put Bill #2023/110 on its 2nd Reading
By Caption:**

Motioned: STEVE MARKUS
Seconded: RICK YOUNT

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	___
Menkhus	✓	___
Yount	✓	___
Markus	✓	___
Tucker	✓	___
Leeder	✓	___
Brooks	✓	___

Absent: _____

**To Approve Bill #2023/110 on its 2nd
and Final Reading by Caption:**

Motioned: DON MENKHUS
Seconded: RICK YOUNT

	<u>Aye</u>	<u>Nay</u>
Dittmann	✓	___
Menkhus	✓	___
Yount	✓	___
Markus	✓	___
Tucker	✓	___
Leeder	✓	___
Brooks	✓	___

Absent: _____