

BILL NO. 23-009

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF LEE'S SUMMIT, MISSOURI, AT THE GENERAL MUNICIPAL ELECTION ON APRIL 4, 2023, THE QUESTION OF WHETHER THE CITY OF LEE'S SUMMIT SHALL IMPOSE A SALES TAX IN THE AMOUNT OF THREE PERCENT (3%) ON THE SALE AT RETAIL OF ALL NON-MEDICAL ADULT USE MARIJUANA, FOR GENERAL PURPOSES, AS AUTHORIZED BY ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION.

WHEREAS, On November 8 2022, the voters of the State of Missouri amended the Missouri Constitution to provide for the legalization of marijuana for adults twenty-one years of age and older, subject to certain limits ("Amendment"); and,

WHEREAS, contained within that Amendment is a provision authorizing the City of Lee's Summit to impose an additional sales tax in an amount not to exceed three percent (3%) on all tangible personal property retail sales of adult use marijuana (see Article XIV, Section 2.6(5) upon the affirmative vote of a simple majority of the qualified voters voting thereon; and,

WHEREAS, the City Council finds that it is in the public interest to submit to the voters of the City of Lee's Summit, Missouri at the general Municipal Election on April 4, 2023, the question of whether to impose a sales tax of three percent(3%) pursuant to Article XIV, Section 2.6(5) of the Missouri Constitution.

NOW, THEREFORE, be it ordained by the City Council of the City of Lee's Summit, Missouri, as follows:

SECTION 1. There is hereby imposed, subject to approval of a ballot measure as set forth below by the qualified voters, a sales tax of three percent (3%) for general revenue purposes on all tangible personal property retail sales of adult use marijuana within the City's corporate boundaries as authorized by the provisions of Article XIV, Section 2.6(5) of the Missouri Constitution.

SECTION 2. An election is hereby ordered to be held in the City of Lee's Summit, Missouri on the public municipal election date of April 4, 2023, on the following question:

"SHALL THE CITY OF LEE'S SUMMIT, MISSOURI, IMPOSE A CITY SALES TAX OF THREE PERCENT (3%) ON ALL RETAIL SALES OF ADULT USE, NON-MEDICAL MARIJUANA SOLD IN THE CITY OF LEE'S SUMMIT, MISSOURI?"

SECTION 3. The form of Notice of Election showing said question, a copy of which is attached hereto and made a part hereof, is hereby approved to be in substantially the same form.

SECTION 4. The City Clerk is hereby authorized and directed to notify the Board of Election Commissioners of Jackson County, Missouri, and the County Clerk of Cass County, Missouri, of the passage of this Ordinance and to provide a certified copy of this Ordinance no later than 4:00 P.M. on Tuesday, January 24, 2023, and to include in said notification all of the terms and provisions required by Chapter 115, RSMo, as amended.

SECTION 5. At said election, the qualified registered voters of the City shall vote at the

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polling places, as designated by the Board of Election Commissioners of Jackson County and the Clerk of Cass County.

SECTION 6. The judges and clerks at said election shall be designated by the Board of election Commissioners of Jackson County and the Clerk of Cass County.

SECTION 7. That, as provided by Section 144.757 of the Revised Statutes of Missouri, the City use tax shall be increased by three percent (3%), upon approval of the above referenced sales tax by the qualified voters of the City and that any revenue generated by the use tax from said general sales tax shall be used for general purposes as defined herein above.

SECTION 8. Nothing herein is intended to be nor shall be deemed as an abolition of any other tax levied by the City and that this proposed tax, if approved, shall be in addition to any additional applicable taxes.

SECTION 9. The Mayor, the City Clerk, and other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to carry out the purpose and intent of this Ordinance.

SECTION 10. If the sales tax authorized by this Ordinance is approved by a majority of the votes cast by the qualified voters voting thereon, then the City Clerk shall within ten days forward to the Director of Revenue of the State of Missouri by United States registered or certified mail, a certified copy of this Ordinance with a map clearly showing the boundaries of the City and said sales tax shall become effective no later than the first day of the second calendar quarter after the Department of Revenue receives notification of the rate change, and shall be levied, collected and distributed in the manner provided by law.

SECTION 11. Provisions of this Ordinance are severable, and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance

SECTION 12. That this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

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APPROVED by the Mayor of said city this ____ day of _____, 2023.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*

NOTICE OF ELECTION

CITY OF LEE'S SUMMIT, MISSOURI

Notice is hereby given to the qualified voters of the City of Lee's Summit, Missouri, that the City Council has called an election to be held on April 4, 2023, commencing at 6:00 A.M. and closing at 7:00 P.M., on the question contained in the following sample ballot:

**OFFICIAL BALLOT
ELECTION – APRIL 4, 2023
CITY OF LEE'S SUMMIT, MISSOURI**

“SHALL THE CITY OF LEE’S SUMMIT, MISSOURI, IMPOSE A CITY SALES TAX OF THREE PERCENT (3%) ON ALL RETAIL SALES OF ADULT USE, NON-MEDICAL MARIJUANA SOLD IN THE CITY OF LEE’S SUMMIT, MISSOURI?”

YES
NO

INSTRUCTIONS TO VOTERS: If you are in favor of the question, place an X in the box opposite "YES." If you are opposed to the question, place an X in the box opposite "NO."

The election will be held at the following polling places in the City:

PRECINCT

POLLING PLACE

DATED: _____, 202_.

Board of Election Commissioners of
Jackson County, Missouri

Cass County Clerk