

Memorandum Regarding Council Bill No. 2024-03: An Ordinance calling for an election to be held on April 2, 2024, to ask the voters to approve an additional three percent sales tax on non-medical adult use marijuana and imposing said tax if approved.

Background:

On November 8, 2022, the electors of the State of Missouri approved Amendment 3 to the Missouri Constitution. Amendment 3 enacted Section 2 of Article XIV of the Missouri Constitution effective December 8, 2022. Article XIV, Section 2.6(5) authorizes cities to impose an additional sales tax in an amount not to exceed three percent on all tangible personal retail sales of non-medical adult use marijuana sold within the corporate limits of the city subject to approval by the voters of the city.

Analysis:

Council Bill 2024-03, if approved, would submit to the voters of the City of Nixa the question of whether to authorize an additional sales tax of three percent on all tangible personal property retail sales of non-medical adult use marijuana. This question would be submitted at the April 2, 2024, general municipal election.

Recommendation:

Staff recommends approval of this Council Bill.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Council Bill No. 2024-03.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA CALLING AN ELECTION
2 TO BE HELD ON APRIL 2, 2024, TO SUBMIT TO THE QUALIFIED VOTERS THE
3 QUESTION OF IMPOSING AN ADDITIONAL THREE PERCENT SALES TAX ON ALL
4 TANGIBLE PERSONAL PROPERTY RETAIL SALES OF NON-MEDICAL ADULT USE
5 MARIJUANA; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY
6 AND CONVENIENT TO SUBMIT SAID QUESTION TO THE QUALIFIED VOTERS OF
7 THE CITY; AND PROVIDING FOR THE ENACTMENT OF SAID TAX IF APPROVED.
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9

10 **WHEREAS** the City is authorized pursuant to the Article XIV, Section 2, of the
11 Missouri Constitution to impose an additional sales tax in an amount not to exceed three
12 percent on all tangible personal property retail sales of non-medical adult use marijuana
13 sold within the City, subject to approval by the qualified voters of the City; and
14

15 **WHEREAS** the City Council finds that it is in the best interest of the citizens of the
16 City to impose an additional sales tax of three percent on all tangible personal property
17 retail sales of non-medical adult use marijuana sold in the City and to submit the same to
18 the qualified voters of the City for approval of those voting at the general municipal
19 election to be held on April 2, 2024.
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21 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
22 **NIXA, AS FOLLOWS, THAT:**
23

24 **SECTION 1:** An election is hereby called and ordered to be held within the City of
25 Nixa, Missouri, on April 2, 2024, to submit the following question to the qualified voters of
26 the City:
27

28 **QUESTION 1**
29

30 Shall the City of Nixa, Missouri, impose an additional sales tax of three
31 percent (3%) on all tangible personal property retail sales of non-medical
32 adult use marijuana sold within the City?
33

34 Yes []

35 No []
36

37 Instructions to Voters: If you are in favor of the question, place an X in the
38 box opposite "YES." If you are opposed to the question, place an X in the
39 box opposite "NO."
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41 **SECTION 2:** The City Clerk is authorized and directed to notify the Clerk of
42 Christian County, Missouri of the adoption of this Ordinance as soon as practicable, but
43 no later than 5:00 p.m. on the tenth Tuesday prior to April 2, 2024, and to include in said
44 notification all of the terms and provisions required by Chapter 115, RSMo., or any other
45 provision of law. The City Clerk is further authorized and directed to do all things
46 necessary and convenient to ensure that the question is properly submitted to the voters

47 on April 2, 2024, including, without limitation, submitting a different ballot from the form
48 approved Section 1 of this Ordinance, so long as the question submitted to the voters is
49 substantially the same as the question authorized in Section 1 of this Ordinance. The City
50 Clerk shall also provide a certified copy of the notice of election, which is attached hereto
51 as "Council Bill Exhibit A." Said notice of election shall be in substantially similar form as
52 the document attached hereto as "Council Bill Exhibit A."
53

54 **SECTION 3:** The Clerk of Christian County, Missouri is hereby authorized to
55 conduct an election on behalf of the City in a manner consistent with the provisions of
56 Chapter 115, RSMo.
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58 **SECTION 4:** The City Administrator, and other officers of the City, are hereby
59 authorized and directed to take such other actions as may be necessary or convenient to
60 carry out the purpose and intent of this Ordinance.
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62 **SECTION 5:** Upon approval, by the qualified voters of the City, of the question
63 herein submitted by this Ordinance the additional sales tax contemplated herein shall be
64 levied, in addition to any other sales taxes levied by the City, within the City limits of the
65 City of Nixa, Missouri. The City Administrator, or designee, shall thereafter be authorized
66 and directed to provide certified copies of this Ordinance, and any other information which
67 may be necessary or convenient, to the Director of Revenue of the State of Missouri.
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69 **SECTION 6:** If the proposed city sales tax is not approved by a majority of the
70 votes cast by the qualified voters voting thereon, then this Ordinance shall be of no effect,
71 and the sales tax proposed herein shall not be effective, however, the failure of this
72 proposition to receive the requisite majority vote shall have no effect on any other sales
73 tax levied or imposed by the City. Nothing herein is intended to be nor shall be deemed
74 as an abolition of any other tax levied by the City.
75

76 **SECTION 7:** This Ordinance shall be in full force and effect from and after its final
77 passage by the City Council and after its approval by the Mayor, subject to the provisions
78 of section 3.11(g) of the City Charter.
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80
81 **[Remainder of page intentionally left blank. Signatures follow on next page.]**
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93 **ADOPTED BY THE COUNCIL THIS 22nd DAY OF January 2024.**

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ATTEST:

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PRESIDING OFFICER

CITY CLERK

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100

101 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2024.**

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103

ATTEST:

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105

MAYOR

CITY CLERK

107

108 APPROVED AS TO FORM:

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110

CITY ATTORNEY

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COUNCIL BILL EXHIBIT A

NOTICE OF ELECTION

NIXA, MISSOURI

Notice is hereby given to the qualified voters of the City of Nixa, Missouri, that pursuant to an Ordinance duly adopted, the Mayor and City Council of the City of Nixa, Missouri, have called an election to be held in the City on April 2, 2024, commencing at 6:00 am and closing at 7:00 pm, for the purpose of submitting to the qualified voters of the City the question contained in the following sample ballot:

QUESTION 1

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

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."

A full and complete copy of Council Bill 2024-03, submitting the above question to the electorate is on file in the office of the City Clerk of the City of Nixa, Missouri where the same is open for inspection and copying during normal business hours.

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

To be determined by the County Clerk of Christian County, Missouri.