

**ORDINANCE #68815**  
**Board Bill No. 225**  
**Committee Substitute**

An ordinance submitting to the qualified voters of the City of St. Louis, pursuant to section 92.115 RSMo., the question whether to continue the earnings tax imposed by the City of St. Louis for a period of five years; providing for an election and the manner of voting thereat; providing that if such question shall receive the votes of a majority of the voters voting thereon that such earnings tax shall continue; and containing a severability clause and emergency clause.

**WHEREAS**, the City of St. Louis imposes an earnings tax (the "Earnings Tax") for general revenue purposes of one percent (1%) on certain salaries, wages, commissions, other compensation and net profits pursuant to Section 92.110 et seq., RSMo., Article I Section 4 of the Charter of the City of St. Louis, and Section 5.22.010 et seq., St. Louis City Revised Code; and

**WHEREAS**, a state-wide initiative petition ("Proposition A") proposing statutory amendments to Chapter 92, RSMo., relating to earnings taxes, was approved on November 2, 2010 by a majority of Missouri voters; and

**WHEREAS**, Proposition A requires that starting in 2011, voters in any city imposing an earnings tax will decide in local elections whether to continue the earnings tax; and

**WHEREAS**, the City of St. Louis desires to submit to the voters of the City of St. Louis the question of whether to continue the Earnings Tax in accord with sections 92.105 to 92.125 RSMo., as amended by Proposition A.

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

**SECTION ONE.** The City of St. Louis, a constitutional charter city, imposes an earnings tax (the "Earnings Tax") for general revenue purposes of one percent (1%) on certain salaries, wages, commissions, other compensation and net profits pursuant to Section 92.110 et seq., RSMo., Article I Section 4 of the Charter of the City of St. Louis, and Section 5.22.010 et seq., St. Louis City Revised Code. Pursuant to Section 92.115, RSMo., the question whether to continue to impose and levy the earnings tax authorized pursuant to Sections 92.110 to 92.200 RSMo. is hereby submitted to the qualified voters of the City of St. Louis and shall be voted upon at an election to be held as hereinafter provided.

The question shall read exactly in the words and figures as follows:

Shall the earnings tax of 1%, imposed by the City of St. Louis, be continued for a period of five (5) years commencing January 1 immediately following the date of this election?

**SECTION TWO.** The foregoing proposed question shall be submitted to the qualified voters of the City of St. Louis at the general municipal election to be held on Tuesday, the 5th day of April, 2011, which is the next general municipal election date immediately following the effective date of Section 92.115 RSMo., and if said proposed question shall receive in its favor the votes of a majority of qualified voters voting thereon, the proposal shall be adopted and the Earnings Tax shall be continued. The qualified voters may, at such election, vote a ballot in the following form:

OFFICIAL BALLOT

Instructions to voters:

To vote in favor of the proposition submitted upon this ballot, place an "X" in the square opposite the word "Yes" and to vote against the proposition submitted upon this ballot, place an "X" in the square opposite the word "No."

The proposition shall appear on the ballot as follows:

Shall the earnings tax of 1%, imposed by the City of St. Louis, be continued for a period of five (5) years commencing January 1 immediately following the date of this election?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

**SECTION THREE.** The Board of Election Commissioners of the City of St. Louis shall provide notice of such election,

shall provide the ballots or voting machines, or both, and conduct the election and shall ascertain and certify the result thereof, all according to the laws regulating such elections. If voting machines are used, the aforesaid "OFFICIAL BALLOT" shall be placed or posted on the said voting machines wherever said machines are used under the direction of the Board of Election Commissioners for the City of St. Louis and according to laws regulating such elections.

**SECTION FOUR.** Upon the approval of this Ordinance, it shall be published once in the City Journal. Proof of the publication of this Ordinance shall be made by affidavit of the City Register, and such affidavit shall be filed in the office of the City Register and a copy of such publication shall be attached thereto.

**SECTION FIVE.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any court of competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this ordinance, and such holding or holdings shall not affect the validity of the remaining portions of this ordinance.

**SECTION SIX.** This being an ordinance calling for an election or vote by or submission to the people of the City of St. Louis, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor pursuant to Article IV Sections 19 and 20 of the Charter of the City of St. Louis.

**Approved: December 13, 2010**