

1 **BOARD BILL NO. 258 INTRODUCED BY: ALDERWOMAN PHYLLIS YOUNG**

2 An ordinance relating to parks; imposing, under and by the authority of Sections  
3 67.1700 to 67.1769 RSMo (August 28, 2012), subject to the approval of the  
4 voters, an additional three-sixteenths of one cent sales tax on all retail sales made  
5 in the City of St. Louis which are subject to taxation as provided for in Sections  
6 144.010 to 144.525 and 67.1700 to 67.1769 RSMo, for the purpose of funding the  
7 operation and maintenance of the Metropolitan Park and Recreation District and  
8 parks owned by and located in the City of St. Louis, in addition to any and all  
9 other sales taxes allowed by law; submitting to the qualified voters of the City of  
10 St. Louis a proposal to approve this Ordinance; providing for an election and the  
11 manner of voting thereat; providing that if such question shall receive the votes of  
12 a majority of the voter voting thereon that such tax shall be authorized and in  
13 effect as provided in Sections 67.1700 to 67.1769 RSMo (August 28, 2012);  
14 providing that the tax imposed pursuant to the provisions of this Ordinance shall  
15 be a tax on all retail sales made in the City of St. Louis which are subject to  
16 taxation under the provisions of Sections 144.010 to 144.525 and 67.1700 to  
17 67.1769 RSMo; providing for the allocation of the proceeds of such tax to certain  
18 purposes; providing that certain real property previously designated as part of the  
19 Gateway Mall Master Plan shall instead be part of the projects funded by the  
20 portion of such proceeds applied by the Metropolitan Park and Recreation District  
21 pursuant to this Ordinance; and containing an interpretation clause, a severability  
22 clause and an emergency clause.

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

2 **SECTION ONE.** Under and by the authority of Sections 67.1700 to 67.1769  
3 RSMo (August 28, 2012), there is hereby imposed, subject, however, to the  
4 approval of the qualified voters as hereinafter provided, an additional three-  
5 sixteenths of one cent sales tax on retail sales (excluding sales of food and  
6 prescription drugs) made in the City of St. Louis for the purpose of funding  
7 certain operations and maintenance of the Metropolitan Park and Recreation  
8 District and of parks owned and operated by the City of St. Louis, in addition to  
9 any and all other sales tax allowed by law.

10 **SECTION TWO.** The following question is hereby submitted to the qualified  
11 voters of the City of St. Louis and shall be voted upon at an election to be held as  
12 hereinafter provided. The question shall read substantially in words and figures  
13 as follows:

14 ***PROPOSITION P***

15 SAFE AND ACCESSIBLE

16 ARCH AND PUBLIC PARKS INITIATIVE

17 For the purpose of increasing safety, security, and public  
18 accessibility for the Gateway Arch grounds and local,  
19 county and regional parks and trails for families and  
20 disabled and elderly visitors, and for providing expanded  
21 activities and improvements of such areas, shall the City of  
22 St. Louis join such other of the counties of St. Louis and St.

December 7, 2012

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1 Charles to impose a three-sixteenths of one cent sales tax in  
2 addition to the existing one-tenth of one cent sales tax  
3 applied to such purposes, with sixty percent of the revenues  
4 derived from the added tax allocated to the Metropolitan  
5 Park and Recreation District for Gateway Arch grounds and  
6 other regional park and trail improvements, and the  
7 remaining forty percent allocated to the City of St. Louis  
8 for park improvements as authorized by the Board of  
9 Aldermen of the City of St. Louis under Ordinance No.  
10 \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_. 2013, with such tax  
11 not to include the sale of food and prescription drugs and to  
12 be subject to an independent annual public audit?

13 Yes  No

14 If you are in favor of the question, place an X in the box  
15 opposite YES. If you are opposed to the question, place an  
16 X in the box opposite NO.

17 **SECTION THREE.** The foregoing question shall be submitted to the qualified  
18 voters at an election called and to be held on Tuesday, the [second (2<sup>nd</sup>)] day of  
19 April, 2013, and if the question shall receive in its favor the votes of a majority of  
20 the voters voting thereon, the tax shall be authorized and shall become effective as  
21 provided in Sections 67.1700 to 67.1769 RSMo (August 28, 2012). The qualified  
22 voters may, at such election, vote a ballot in substantially the following form:

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**PROPOSITION P**

SAFE AND ACCESSIBLE

ARCH AND PUBLIC PARKS INITIATIVE

For the purpose of increasing safety, security, and public accessibility for the Gateway Arch grounds and local, county and regional parks and trails for families and disabled and elderly visitors, and for providing expanded activities and improvements of such areas, shall the City of St. Louis join such other of the counties of St. Louis and St. Charles to impose a three-sixteenths of one cent sales tax in addition to the existing one-tenth of one cent sales tax applied to such purposes, with sixty percent of the revenues derived from the added tax allocated to the Metropolitan Park and Recreation District for Gateway Arch grounds and other regional park and trail improvements, and the remaining forty percent allocated to the City of St. Louis for park improvements as authorized by the Board of Aldermen of the City of St. Louis under Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_. 2013, with such tax not to include the sale of food and prescription drugs and to be subject to an independent annual public audit?

Yes  No

1           If you are in favor of the question, place an X in the box  
2           opposite YES. If you are opposed to the question, place an  
3           X in the box opposite NO.

4           **SECTION FOUR.** The Board of Election Commissioners of the City of St.  
5           Louis shall provide notice of such election pursuant to Section 115.127 RSMo,  
6           shall provide the ballots or voting machines, or both, and shall conduct the  
7           election and shall ascertain the results thereof, all according to the laws regulating  
8           such elections. Upon approval of this Ordinance, it shall be published once in the  
9           City Journal. Proof of publication of this Ordinance shall be made by affidavit of  
10          the City Register and such affidavit shall be filed in the office of the City  
11          Register and a copy of said publication shall be attached thereto.

12          **SECTION FIVE.** The provisions of Sections 67.1700 to 67.1769 RSMo (August  
13          28, 2012) are adopted and incorporated herein by reference as if fully set forth  
14          herein.

15          **SECTION SIX.** The tax imposed pursuant to the provisions of this Ordinance  
16          shall be a tax on all retail sales made in the City of St. Louis which are subject to  
17          taxation under the provisions of Sections 144.010 to 144.525 and 67.1700 to  
18          67.1769 RSMo.

19          **SECTION SEVEN.** The portion of the revenue derived from the additional tax  
20          authorized by this Ordinance and allocated to the Metropolitan Park and  
21          Recreation District for Gateway Arch grounds shall be applied to property owned  
22          or controlled by the City of St. Louis as provided for in that certain Cooperation

1 Agreement to be adopted by the City of St. Louis, the Port Authority of the City  
2 of St. Louis, the Metropolitan Park and Recreation District and CityArchRiver  
3 2015 Foundation in the form attached hereto, and as amended or supplemented  
4 from time to time, and that certain comprehensive capital improvements program  
5 agreement authorized in Section 67.1742(2) RSMo (August 28, 2012).

6 **SECTION EIGHT.** The portion of the revenue derived from the additional tax  
7 authorized by this Ordinance which is returned to the City of St. Louis from the  
8 tax authorized by this Ordinance pursuant to Section 67.1754 RSMo shall be  
9 deposited in the special trust fund created pursuant to Ordinance No. 64994,  
10 known as the Metropolitan Park and Recreation District Capital Improvements  
11 Sales Tax Trust Fund (the Metro Parks Trust Fund), to consist of two accounts,  
12 namely, a Major Parks Capital Improvements Account and a Neighborhood Parks  
13 Capital Improvements Account. All revenue of the Metro Parks Trust Fund and  
14 all interest on such revenue shall be allocated and credited upon receipt as  
15 follows: forty percent (40%) to the Major Parks Capital Improvements Account  
16 and sixty percent (60%) to the Neighborhood Parks Capital Improvements  
17 Account. Notwithstanding any provision of Ordinance No. 64994, the portion of  
18 the revenue derived from the additional tax authorized by this Ordinance that is  
19 credited and allocated to the Major Parks Capital Improvements Account shall be  
20 credited and allocated to six sub-accounts, one each for capital improvements in  
21 Carondelet, Fairground, Forest, O’Fallon, Tower Grove and Willmore Parks (the  
22 Major Parks) in the following proportions: Carondelet, fifteen and one-tenth  
23 percent (15.1%), Fairground, eleven percent (11%); Forest, thirty and six-tenths

1 percent (30.6%); O’Fallon, ten and seven-tenths percent (10.7%); Tower Grove,  
2 twenty-three and six-tenths percent (23.6%) and Willmore, nine percent (9%).

3 **SECTION NINE.** Appropriations from the Metro Parks Trust Fund shall be  
4 made pursuant to the policies and procedures for capital improvements planning  
5 and budgeting as provided in Ordinance 60419, as amended; provided, however,  
6 that as part of the annual budget preparation process, the Director of Parks  
7 Recreation and Forestry shall prepare and submit to the Budget Division his or  
8 her recommendations for expenditure of revenues on deposit in: i) the Major  
9 Parks Capital Improvements Account in a manner similar to current procedures  
10 for appropriating revenues in the Major Park Capital Improvements Account of  
11 the Capital Improvements Sales Tax Trust Fund established by Ordinance 62885;  
12 and ii) the Neighborhood Parks Capital Improvements Account pursuant to  
13 Section Ten hereof.

14 **SECTION TEN.** Revenue on deposit in the Neighborhood Parks Capital  
15 Improvements Account shall only be expended for capital improvements projects  
16 in public parks owned by the City of St. Louis and maintained by the City’s  
17 Department of Parks, Recreation and Forestry; provided, however, that no  
18 revenues in such account shall be expended for projects in any Major Park.  
19 Further, revenues, in such account shall not be expended for more than seventy-  
20 five percent (75%) of the cost of any specific capital improvement project.  
21 Matching funds for any such specific capital improvement project shall be  
22 accepted by the Comptroller from any source whatsoever, including, but not

1 limited to: i) revenues in any Ward Capital Improvements Sub-Account of the  
2 Capital Improvements Sales Tax Trust Fund established by Ordinance 62885; ii)  
3 Community Development Block Grant Funds; and iii) private donations and/or  
4 private and public grants on deposit in the City Treasury in accounts established  
5 by the Comptroller for such purpose.

6 In preparing and submitting to the Budget Division his or her annual  
7 appropriation recommendations for Neighborhood Parks, the Director of Parks,  
8 Recreation and Forestry shall consider various factors, including, but not limited  
9 to: i) the relative capital improvement needs of the neighborhood parks; ii) the  
10 amount of Neighborhood Parks Capital Improvements Account funds  
11 appropriated to specific Wards and neighborhoods in previous years; iii) the  
12 percentage of non—Metro Parks Trust Fund matching funds available for the  
13 project; and iv) that each annual appropriation be balanced to provide  
14 neighborhood park improvements in as many different Wards and neighborhoods  
15 as possible. In addition, said recommendations shall be approved by resolution of  
16 the Parks and Environmental Matters Committee of the Board of Aldermen prior  
17 to their submission to the Budget Division.

18 **SECTION ELEVEN.** All monies from any account or sub-account within the  
19 Metro Parks Trust Fund shall be expended only by appropriating ordinances. No  
20 money credited and allocated to any account or sub-account within the Metro  
21 Parks Trust Fund shall be: i) transferred to any other fund, account or sub-  
22 account; or ii) appropriated, expended, used or encumbered for any purpose other

1 than capital improvements as indicated by the name of the respective account or  
2 sub-account.

3 **SECTION TWELVE.** The City shall not decrease its annual general revenue or  
4 capital fund appropriations or expenditures for park and recreation purposes from  
5 general revenues or capital funds as a result of the approval of the voters of the  
6 sales tax authorized by this Ordinance.

7 **SECTION THIRTEEN.** This Ordinance is intended to be a supplement to,  
8 consistent with and not in derogation of Ordinance No. 64994. All provisions of  
9 Ordinance No. 64994 shall remain in full force and effect and shall apply with  
10 respect to the additional tax approved in this Ordinance except as expressly  
11 provided for herein and all provisions of this Ordinance shall be interpreted  
12 consistent with Ordinance No. 64994 unless clearly inconsistent, and in the case  
13 of any such inconsistency, the inconsistent provision of this Ordinance shall apply  
14 only with respect to the additional tax approved in this Ordinance.

15 **SECTION FOURTEEN.** Notwithstanding any provision of Ordinance No.  
16 68407 or the St. Louis Gateway Mall Master Plan, the area bounded by  
17 Broadway, Market Street, 7th Street and Chestnut Street shall be included in the  
18 projects funded in part by the portion of such proceeds applied by the  
19 Metropolitan Park and Recreation District pursuant to this Ordinance; and shall  
20 not be governed by Ordinance No. 68407 with respect to the Gateway Mall  
21 Master Plan. Except as provided herein, Ordinance No. 68407 for the area

1           bounded by 7<sup>th</sup> Street, Market Street, 21<sup>st</sup> Street and Chestnut Street shall remain  
2           in full force and effect.

3           **SECTION FIFTEEN.** If any provision of this Ordinance shall be held invalid,  
4           the remainder of this Ordinance, to the extent severable therefrom, shall not  
5           thereby be invalidated.

6           **SECTION SIXTEEN.** This being an ordinance providing for the submission of  
7           a question to the voters, it is hereby declared to be an emergency ordinance as  
8           provided by Article IV, Section 20 of the Charter of the City of St. Louis, and  
9           shall be effective immediately upon approval by the Mayor or its approval over  
10          his or her veto.