

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE OF THE CITY OF BERKELEY, MISSOURI, AUTHORIZING AND DIRECTING THE SUBMISSION OF A BALLOT PROPOSITION TO THE QUALIFIED VOTERS OF THE CITY OF BERKELEY, MISSOURI TO CONSIDER IMPOSING A LOCAL USE TAX AT THE SAME RATE AS THE LOCAL SALES TAX

WHEREAS, the City has imposed total local sales taxes, as defined in Section 32.085 RSMo, at the total rate of 2%; and

WHEREAS, the City is authorized, under Section 144.757 RSMo, to impose a local use tax at a rate equal to the rate of the total local sales taxes in effect in the City; and

WHEREAS, the proposed City use tax cannot become effective until approved by the voters at a municipal, county or state general, primary, or special election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. Pursuant to the authority granted by, and subject to, the provisions of Section 144.600 through 144.761 RSMo, a use tax for general revenue purposes is imposed for the privilege of storing, using, or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal purchased, produced or manufactured outside this state until the transportation of the article has finally come to rest withing this City or until the article has become commingled with the general mass of property of this City.

Section 2. The rate of the tax shall be equal to the total local sales tax in effect. If any city sales tax is repealed or the rate thereof is reduced or raised by voter approval, the city use tax rate also shall be deemed to be repealed, reduced, or raised by the same action repealing, reducing, or raising the city sales tax.

Section 3. This tax shall be submitted to the qualified voters of the City of Berkeley, Missouri, for their approval, as required by the provisions of Section 144.757 RSMo, at the Primary election hereby called and to be held in the City on Tuesday, the 05th day of November, 2024. The ballot of submission shall contain substantially the following language:

Shall the City of Berkeley impose a local use tax at the same rate as the total local sales tax rate, provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action?

☐ Yes ☐ No

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."

Section 4. Within ten (10) days after the approval of this ordinance by the qualified voters of the City of Berkeley, Missouri, 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 together with certifications of the election returns and accompanied by a map of the City clearly showing the boundaries thereof.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

1st Reading this _____ day of _____ 2024

2nd Reading this _____ day of _____ 2024

3rd Reading, PASSED and APPROVED, this day of **2024**

Babatunde Deinbo, Mayor

ATTEST:

Final Roll Call:

Deanna L. Jones, City Clerk

Councilwoman Verges	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Anthony	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman-at-Large Crawford-Graham	Aye	___	Nay	___	Absent	___	Abstain	___
Mayor Deinbo	Aye	___	Nay	___	Absent	___	Abstain	___

Approved as to Form:
Donnell Smith, City Attorney

MEMORANDUM



"A Planned Progressive Community"

TO: Mayor Deinbo and City Council Members

CC: Deanna Jones, City Clerk, and Donnell Smith, City Attorney

FROM: Torenzo Ford, Finance Director

THROUGH: Nathan Mai-Lombardo, City Manager

DATE: June 3, 2024

RE: City of Berkeley Use Tax Request

Mayor Deinbo and City Council Members –

I would like to request that the City of Berkeley add a Use Tax to the November ballot. A Use Tax is a tax on the purchase of goods by Missouri residents from out-of-state vendors. The Use Tax rate would be the same as the local sales tax rate in the City of Berkeley of 2%. Sellers will not be charged a local sales tax and a Use Tax, it will be one or the other.

Local businesses are currently at a competitive disadvantage when local taxes are avoided by out of state vendors. A Use Tax would eliminate this disparity in tax rates collected by out of state sellers by imposing the same rate on all sellers. This is not a tax increase to the local residents but a tax imposed on out of state sellers that sell products that are to be used in the City of Berkeley. If approved, the Use Tax would bring in an estimated revenue amount of \$225,000/per year. This additional revenue can be used to improve our parks, streets, and other neighborhood facilities.

Please see the attached list of all the municipalities in Missouri who have already passed this language.

Ballot Language should read as follows:

“Shall the City of Berkeley impose a local use tax at the same rate as the local sales tax rate, provided, that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action?”

Thank you,

A handwritten signature in black ink, appearing to read "T Ford", with a long horizontal flourish extending to the right.

Torenzo Ford
Finance Director

City Code	City Name Cities with Rescinded	Local Option Use Tax Effective	Rate
00262	ADVANCE	07/01/1999	2.0000%
00514	ALBANY	07/01/2019	2.0000%
01198	ANDERSON	10/01/2020	1.5000%
02188	ASH GROVE	10/01/1996	2.0000%
02422	ATLANTA	07/01/2018	1.0000%
02548	AURORA	01/01/2009	2.5000%
02674	AVA	10/01/1996	1.5000%
03556	BATES CITY	10/01/1996	1.5000%
03592	BATTLEFIELD	07/01/2018	1.5000%
04114	BELLA VILLA	10/01/1996	0.5000%
04348	BEL-NOR	10/01/1996	0.5000%
04798	BENTON	07/01/2018	1.0000%
04960	BERNIE	10/01/2019	2.0000%
06004	BLACK JACK	10/01/1996	0.5000%
06382	BLOOMFIELD	10/01/1996	1.0000%
07318	BOONVILLE	07/01/2016	2.8750%
08164	BRECKENRIDGE HILLS	07/01/1997	1.2500%
08236	BRENTWOOD	01/01/2021	2.0000%
08398	BRIDGETON	07/01/2021	1.2500%
08650	BROOKFIELD	10/01/1998	2.2500%
08884	BROWNING	07/01/1997	2.0000%
09046	BRUNSWICK	10/01/2018	2.0000%
09388	BUCKLIN	10/01/1996	1.0000%
09424	BUCKNER	10/01/2000	3.0000%
10144	BUTTERFIELD	10/01/2018	1.0000%
10288	CABOOL	07/01/2018	1.5000%
10342	CAINSVILLE	07/01/2018	0.5000%
10450	CALHOUN	07/01/2021	2.0000%
10468	CALIFORNIA	07/01/2015	1.5000%
10486	CALLAO	07/01/2018	1.0000%
10612	CALVERTON PARK	10/01/2020	0.5000%
10864	CAMPBELL	01/01/2018	2.2500%
11638	CARTERVILLE	04/01/1998	2.0000%
12988	CHAFFEE	07/01/2018	1.7500%
13690	CHILLICOTHE	01/01/2016	2.5000%
13978	CLARENCE	07/01/2021	1.7500%
14068	CLARK	07/01/2013	2.0000%
14158	CLARKSDALE	07/01/2018	1.0000%
14194	CLARKSVILLE	01/01/2019	1.0000%
14554	CLAYCOMO	07/01/2021	2.2500%
14572	CLAYTON	04/01/2019	1.5000%

14788	CLEVER	01/01/2019	1.8750%
14986	CLINTON	04/01/1999	2.1250%
15436	COLE CAMP	10/01/2006	1.5000%
15562	COLLINS	10/01/1996	0.8750%

16228	COOL VALLEY	07/01/2018	1.7500%
16408	CORDER	10/01/1996	1.5000%
16822	COUNTRY CLUB HILLS	10/01/2016	1.7500%
16858	COUNTRY CLUB VILLAGE	07/01/2017	1.0000%
17074	CRANE	07/01/1997	1.5000%
17218	CRESTWOOD	07/01/2016	1.5000%
17344	CROCKER	07/01/2021	1.5000%
18730	DEEPWATER	07/01/2016	2.0000%
19270	DES PERES	10/01/1996	1.7500%
19396	DEXTER	10/01/2013	1.8750%
19792	DONIPHAN	07/01/2017	2.0000%
20512	DUQUESNE	07/01/2018	2.5000%
21322	EDINA	07/01/2018	1.5000%
21376	EDMUNDSON	10/01/1996	1.7500%
22114	ELSBERRY	07/01/1997	1.5000%
22600	ESSEX	04/01/2004	1.0000%
23086	EXCELSIOR SPRINGS	04/01/1999	3.5000%
23266	FAIRFAX	10/01/2012	2.0000%
23518	FAIRVIEW	10/01/2018	1.0000%
23662	FARBER	07/01/2018	1.5000%
23842	FAYETTE	07/01/2013	1.1250%
24706	FLORDELL HILLS	07/01/1997	0.5000%
25120	FORISTELL	07/01/1997	2.0000%
25957	FREMONT HILLS	10/01/1996	1.0000%
26110	FRONTENAC	07/01/2016	1.5000%
26182	FULTON	10/01/2020	2.5000%
26308	GALLATIN	10/01/1997	1.8750%
26434	GARDEN CITY	01/01/2018	2.0000%
27190	GLADSTONE	04/01/2003	3.0000%
27208	GLASGOW	07/01/2013	1.7500%
27334	GLENDALE	10/01/1996	1.5000%
28036	GOWER	10/01/1996	1.2500%
28324	GRANDVIEW	01/01/2018	3.0000%
28630	GRANTWOOD	04/01/1997	1.7500%
29152	GREENDALE	10/01/2018	1.0000%

29206	GREENFIELD	10/01/2018	1.1250%
30034	HAMILTON	10/01/2018	2.0000%
30214	HANNIBAL	07/01/2015	2.2500%
30322	HARDIN	04/01/2019	1.0000%
30754	HARTVILLE	07/01/2021	2.5000%
31276	HAZELWOOD	10/01/1996	2.2500%
31780	HERMITAGE	07/01/1997	1.5000%
31960	HIGGINSVILLE	10/01/2017	2.5000%
32572	HOLDEN	07/01/2000	2.5000%
32662	HOLLISTER	07/01/2019	2.0000%
32770	HOLTS SUMMIT	10/01/1996	3.0000%
33238	HOUSTON	07/01/2018	2.5000%

41870	LEXINGTON	10/01/2017	2.5000%
42032	LIBERTY	07/01/2018	3.3750%
42464	LICKING	07/01/2018	2.0000%
42536	LILBOURN	10/01/1996	1.0000%
42608	LINCOLN	10/01/1996	1.5000%
43238	LINN	07/01/2016	1.0000%
43274	LINN CREEK	10/01/1996	3.2500%
43490	LOCKWOOD	10/01/1996	2.0000%
44174	LOUISIANA	07/01/2001	2.2500%
44282	LOWRY CITY	10/01/1996	2.2500%
45326	MACON	10/01/2019	2.2500%
45614	MALDEN	07/01/2019	2.2500%
45830	MAPLEWOOD	10/01/1996	1.7500%
45866	MARCELINE	10/01/2020	2.0000%
46316	MARSHALL	07/01/2013	2.0000%
46406	MARSTON	10/01/1996	3.0000%
46424	MARTHASVILLE	10/01/1996	1.5000%
46460	MARTINSBURG	10/01/2020	1.5000%
46640	MARYVILLE	07/01/2019	2.2500%
47270	MEMPHIS	07/01/2014	1.0000%
47648	MEXICO	10/01/2020	2.0000%
48656	MINER	10/01/1996	2.2500%
49034	MOBERLY	01/01/2013	2.5000%
49394	MONROE CITY	07/01/2013	2.0000%

49988	MORLEY	01/01/2020	1.0000%
50078	MORRISVILLE	04/01/2021	2.0000%

50312	MOUND CITY	07/01/2016	1.5000%
50438	MOUNTAIN VIEW	07/01/2018	2.0000%
50672	MOUNT VERNON	07/01/2016	2.0000%
51302	NAYLOR	10/01/1996	2.0000%
51734	NEW CAMBRIA	01/01/2013	1.0000%
51860	NEW HAMPTON	01/01/2019	1.0000%
52076	NEW MADRID	10/01/1996	2.5000%
52148	NEW MELLE	10/01/1996	2.0000%
52616	NIXA	07/01/2018	1.5000%
52796	NORMANDY	10/01/2007	1.5000%
53174	NORTHMOOR	07/01/2019	1.5000%
53858	OAKVIEW	10/01/1996	3.0000%
54074	O'FALLON	10/01/2020	2.0000%
54650	OLIVETTE	10/01/1996	1.5000%
54938	ORRICK	07/01/2017	1.5000%
55964	PAGEDALE	04/01/2018	1.2500%
56036	PALMYRA	04/01/1999	2.0000%
56144	PARIS	07/01/2018	2.5000%
56342	PARMA	10/01/1996	2.0000%
56396	PASADENA HILLS	10/01/1996	0.5000%
56558	PATTONSBURG	10/01/1996	1.0000%
56756	PECULIAR	04/01/2002	3.0000%
57116	PERRYVILLE	07/01/2013	1.8750%
57422	PIEDMONT	07/01/2017	2.5000%
57602	PILOT GROVE	10/01/1996	2.0000%
57800	PINE LAWN	07/01/2019	1.7500%
57818	PINEVILLE	10/01/1996	1.5000%
58178	PLATTE CITY	10/01/2020	2.3750%
58196	PLATTE WOODS	07/01/2016	1.5000%
58250	PLATTSBURG	04/01/2006	2.0000%
58448	PLEASANT HOPE	10/01/1996	2.0000%
58520	PLEASANT VALLEY	07/01/2019	3.5000%
59942	PRINCETON	07/01/2016	1.5000%
61418	RICH HILL	01/01/2018	3.2500%
61670	RICHMOND	10/01/2016	2.0000%
61706	RICHMOND HEIGHTS	04/01/2016	1.5000%
62156	RIVERSIDE	10/01/1996	1.0000%
62192	RIVERVIEW	10/01/1996	0.5000%
62696	ROCK PORT	10/01/1996	2.2500%
62912	ROLLA	04/01/2020	2.2500%

64352	STE GENEVIEVE	07/01/1997	2.0000%
64424	ST JAMES	01/01/2020	2.0000%
64514	ST JOHN	07/01/2018	1.2500%
64550	ST JOSEPH	07/01/2015	2.8750%
65000	ST LOUIS	07/01/2001	4.7880%

65144	ST ROBERT	10/01/2020	2.2500%
65450	SALISBURY	07/01/2014	1.3750%
66440	SEDALIA	10/01/2015	2.5000%
67196	SHELBYVILLE	01/01/2014	1.0000%
67790	SIKESTON	01/01/2020	3.0000%
67808	SILEX	10/01/1996	1.0000%
68204	SLATER	07/01/2013	2.0000%
68420	SMITHVILLE	10/01/1996	2.5000%
69230	SOUTH WEST CITY	10/01/1996	1.7500%
70000	SPRINGFIELD	10/01/1996	2.1250%
70270	STANBERRY	07/01/2018	1.5000%
70414	STARK CITY	04/01/2020	0.5000%
70828	STOCKTON	07/01/1998	2.2500%
71224	STURGEON	10/01/2020	2.0000%
71368	SUGAR CREEK	10/01/1996	2.5000%
71728	SUNRISE BEACH	10/01/1996	2.0000%
71746	SUNSET HILLS	07/01/2021	1.2500%
71890	SWEET SPRINGS	10/01/2014	2.5000%
72340	TARKIO	07/01/2018	2.0000%
72826	THAYER	10/01/2020	2.0000%
73816	TRENTON	07/01/2021	2.6250%
75130	UNION STAR	10/01/2018	1.0000%
75220	UNIVERSITY CITY	07/01/1998	1.5000%
75238	UPLANDS PARK	10/01/1996	0.5000%
75346	URICH	07/01/2019	2.2500%
75688	VANDALIA	10/01/2020	1.5000%
75814	VELDA VILLAGE HILLS	07/01/2019	1.0000%
76102	VIENNA	10/01/1997	1.5000%
76246	VINITA PARK	10/01/1996	1.0000%
76840	WALNUT GROVE	07/01/2005	2.0000%
77092	WARRENSBURG	10/01/1996	1.8750%
77146	WARSAW	10/01/2006	2.3750%
77182	WARSON WOODS	07/01/2021	1.2500%
77416	WASHINGTON	07/01/1998	2.0000%

77992	WAYNESVILLE	07/01/2018	2.2500%
78118	WEBB CITY	10/01/2017	2.5000%
78442	WENTZVILLE	10/01/1996	2.5000%
78856	WESTON	10/01/1996	2.3750%
78910	WESTPHALIA	10/01/1996	1.0000%
78928	WEST PLAINS	07/01/2018	2.0000%
79882	WILLARD	10/01/1996	2.0000%
80026	WILLIAMSVILLE	10/01/2019	1.5000%
80098	WILLOW SPRINGS	07/01/2018	1.7500%
80350	WINDSOR	07/01/2019	1.7500%
80908	WOODS HEIGHTS	07/01/1998	1.5000%
80962	WOODSON TERRACE	10/01/1996	1.7500%