

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 9301., 9303., and 9306., Jackson County Code, 1984, relating to the anti-drug sales tax and enacting, in lieu thereof, three new sections relating to the same subject.

ORDINANCE #4443, September 10, 2012

INTRODUCED BY James D. Tindall, County Legislator

WHEREAS, by Ordinance 4132, dated August 10, 2009, the Legislature did authorize the continuation of the community-based anti-drug tax (COMBAT), which was submitted to the voters of Jackson County at a special election on November 3, 2009; and,

WHEREAS, pursuant to that special election, the voters of Jackson County approved the continuation of COMBAT through March 31, 2018; and,

WHEREAS, the ballot language authorized by Ordinance 4132 and approved by voters broadened the purpose of COMBAT to include the treatment and prevention of drug-related offenses as well as violent crime; and,

WHEREAS, the Drug Commission recommends that certain sections of Chapter 93, Jackson County Code, 1984, be revised to be consistent with the current mission and goals of COMBAT; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section A. Enacting Clause. Section 9301., 9303, and 9306., Jackson County Code, 1984, are hereby repealed and three new sections enacted in lieu thereof, to be known as sections 9301., 9303, and 9306., to read as follows:

9301. Tax Imposed.

Pursuant to the provisions of §§ 67.547 et seq., RSMo, as amended, there is hereby imposed in Jackson County, Missouri, a countywide sales tax (COMBAT) at the rate of one-quarter of one percent solely for the purpose of arrest [and prosecution of drug related offenses, the prevention of such offenses, and the incarceration, rehabilitation, treatment, and judicial processing of adult and juvenile violators of drug related offenses], prosecution, incarceration, treatment, and prevention (including D.A.R.E. Programs) of drug-related offenses and/or violent crimes and the judicial processing of adult and juvenile violators of such offenses.

9303. Appropriation for Arrest, Prosecution, and Incarceration.

Each year not less than 50% of the proceeds of the anti-drug sales tax shall be appropriated for the arrest, prosecution, and incarceration of those accused of drug-related offenses and/or violent crimes.

9306. COMBAT Director.

The administration of the COMBAT tax shall be under the day-to-day supervision of a

COMBAT Director. The following shall apply to the COMBAT Director:

9306.1 Appointment.

The COMBAT Director shall be appointed by the County Executive, subject to the disapproval of the County Legislature.

9306.2 Removal.

The COMBAT Director shall serve at the pleasure of the County Executive, except that he or she may be removed from office either by the County Executive or by a majority of the County Legislature.

9306.3 Qualifications.

The COMBAT Director shall have a minimum of eight years' experience in the areas of public health, substance abuse, prosecution, law enforcement, and/or other similar disciplines relevant to COMBAT, or the educational equivalent of such experience. At least five years of such experience shall be in supervision and administration.

9306.4 Duties.

The COMBAT Director shall set the priorities and direction of the COMBAT tax in all of its areas of emphasis, to include law enforcement, drug treatment, and community crime prevention. The Director shall supervise all staff authorized in the annual county budget, and shall provide staff support for the Drug Commission.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:


Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance #4443, introduced on September 10, 2012, was duly passed on September 24, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas	<u>9</u>	Nays	<u>0</u>
Abstaining	<u>0</u>	Absent	<u>0</u>

This Ordinance is hereby transmitted to the County Executive for his signature.

9.24.12
Date


Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4443.

9/25/2012
Date


Michael Sanders, County Executive

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~ Ord No.: 4443

Sponsor(s): James D. Tindall

Date: Sept. 10, 2012

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: <u>An ordinance to revise certain sections of Chapter 93 of the County Code so that it is consistent with the mission and goals of the COMBAT and the Drug Commission.</u></p>										
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1" data-bbox="326 611 1263 926"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>\$0.00</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td>\$0.00</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$0.00</td> </tr> <tr> <td>Amount budgeted for this item *:</td> <td>\$0.00</td> </tr> <tr> <td>Source of funding (name of fund) and account code number:</td> <td>\$0.00</td> </tr> </table> <p>• If account includes additional funds for other expenses, total budgeted in the account is: \$247,631.00 <input type="checkbox"/> No budget impact (no fiscal note required)</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	\$0.00	Amount previously authorized this fiscal year:	\$0.00	Total amount authorized after this legislative action:	\$0.00	Amount budgeted for this item *:	\$0.00	Source of funding (name of fund) and account code number:	\$0.00
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Total amount authorized after this legislative action:	\$0.00										
Amount budgeted for this item *:	\$0.00										
Source of funding (name of fund) and account code number:	\$0.00										
<p>PRIOR LEGISLATION</p>	<p>Prior <u>ordinances</u> and (date): 4132 Prior resolutions and (date):</p>										
<p>CONTACT INFORMATION</p>	<p>RLA drafted by: Dave Fleming, COMBAT Planning & Development Administrator, 881-3572</p>										
<p>REQUEST SUMMARY</p>	<p>An ordinance to revise certain sections of Chapter 93 of the County Code so that it is consistent with the mission and goals of the COMBAT and the Drug Commission.</p> <p>Background: The reauthorized ballot language contained some minor changes to that have not been changed in the County Code. These proposed changes allow for the inclusion of “violent crimes” to be a part of the COMBAT mission. These changes will be made in 9301, 9303, and 9306.3 (see attached).</p> <p>These changes have been reviewed and discussed by the Drug Commission and were recommended on August 14, 2012, to be presented to the County Legislature.</p>										

CLEARANCE	<input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS	Ch.93 Anti-Drug Sales Tax Proposed Language Revisions	
REVIEW	Department Director: <i>[Signature]</i>	Date: 8-26-2012
	Finance (Budget Approval): If applicable <i>NTA</i> <i>[Signature]</i> <i>William S Ball</i>	Date: 8-28-12
	Division Manager: <i>[Signature]</i>	Date: 8/28/12
	County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number:	Account Title:	Amount Not to Exceed:

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

CHAPTER 93

ANTI DRUG SALES TAX

PROPOSED LANGUAGE REVISIONS

Language to be deleted is enclosed in brackets [].
Proposed language is **bold**.

9301. Tax Imposed.

Pursuant to the provisions of §§ 67.547 et seq., RSMo, as amended, there is hereby imposed in Jackson County, Missouri, a countywide sales tax (COMBAT) at the rate of one-quarter of one percent for the purpose of arrest [and prosecution of drug related offenses, the prevention of such offenses, and the incarceration, rehabilitation, treatment, and judicial processing of adult and juvenile violators of drug related offenses] , **prosecution, incarceration, treatment, and prevention (including D.A.R.E Programs) of drug related offenses and/or violent crimes and the judicial processing of adult and juvenile violators of such offenses.** (Ord. 1795, Sec. 1, Eff. 12-19-89; Ord. 1941, Eff. 04/24/91; Ord. 2490, Eff. 01/20/96)

9303. Appropriation for Arrest, Prosecution, and Incarceration.

Each year not less than 50% of the proceeds of the anti-drug sales tax shall be appropriated for the arrest, prosecution, and incarceration of those accused of drug related offenses **and/or violent crimes.** (Ord. 1795, Sec. 3, Eff. 12-19/89; Ord. 1941, Eff. 04/24/91; Ord. 2490, Eff. 01/20/96)

~~9306~~ 9306.3 Qualifications

The COMBAT Director shall have a minimum of eight years experience in the areas of public health, substance abuse, prosecution, **law enforcement** and/or other similar disciplines relevant to COMBAT, or the educational equivalent of such experience. At least five years of such experience shall be in supervision and administration.