

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE MAINTAINING THE RATES OF GROSS RECEIPTS TAXES FOR ALL APPLICABLE UTILITIES OPERATING WITHIN THE CITY AND DECLARING AN EMERGENCY.

WHEREAS, the City of Independence, Missouri, imposes a franchise fee on the gross receipts of certain utilities operating within the City; and,

WHEREAS, Section 393.275, RSMo., requires cities to roll back the rate of a city's franchise fee on a utility within sixty (60) days of the effective date of a tariff increase approved by the Missouri Public Service Commission for the utility in excess of seven percent (7%), unless such cities pass an ordinance to maintain the existing rate; and,

WHEREAS, the Missouri Public Service Commission approved a rate increase within the City for the City's current gas service provider, Spire, of greater than seven percent (7%), with an effective date of January 18, 2023, and sixty (60) days from that date is March 19, 2023; and,

WHEREAS, in accordance with Section 393.275.2, RSMo., the City Council desires to maintain the rate of the City's franchise fee at nine and eight one-hundredths percent (9.08) of the gross receipts derived from the City's current gas service provider from sales within the City, without regard to the amount of any tariff increase now and in the future; and,

WHEREAS, that maintaining the City's existing franchise fee means opting out of the rollback pursuant to Section 393.275, RSMo., by ordinance, with an effective date of not later than March 19, 2023; and

WHEREAS, the City Council also desires to provide that the rates of the City's franchise fees, as established by ordinance, for any utility company doing business within the City that is subject to Section 393.275.2, RSMo., shall also remain at the rate set by ordinance without regard to the amount of any tariff increase now and in the future.

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

SECTION 1. Pursuant to Section 393.275, RSMo., and any and all other applicable authority, the City shall maintain the tax rates of its franchise fees on gross receipts for all utilities operating within the City that are subject to Section 393.275, RSMo, including, but not limited to, gas, electric, sewer, and water utilities without reduction, notwithstanding any periodic fluctuations in the tariffs of such utility corporations or any notice thereof, including, but not limited to, notice sent under Section 393.275, RSMo., as amended.

SECTION 2. That this Ordinance, in the judgment of the City Council, is deemed to be of an urgent nature and that its immediate passage is necessary for the preservation of the public peace, property, health, safety and welfare of the residents of the City of Independence and should go into effect immediately upon the date of its passage by the City Council, with an effective date of March 19, 2023. Therefore, this emergency Ordinance is consistent with the facts outlined above.

PASSED AS AN EMERGENCY THIS _____ DAY OF _____, 2023, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager