

ORDINANCE NO. 3656-C.S.

AN ORDINANCE ADDING CHAPTER 10, "CITIZENS' TRANSPORTATION SALES TAX COMMISSION" TO TITLE 8 OF THE MODESTO MUNICIPAL CODE TO ESTABLISH A CITIZENS' TRANSPORTATION SALES TAX COMMISSION

WHEREAS, Section 1100 of Article XI of the Modesto City Charter grants the Council the authority to create by ordinance "such boards or commissions, as in its judgment are required and may grant them such powers and duties as are consistent" with the Charter; and

WHEREAS, Council desires to form a Citizens' Transportation Sales Tax Commission to provide oversight and advisory input and to make recommendations to the full City Council on City budget each year in regards to funds generated by a local transportation sales tax.

The Council of the City of Modesto does ordain as follows:

SECTION 1. Enacting Ordinance. Chapter 10 of 8 shall read as follows:

"8-10.101 - Citizen's Transportation Sales Tax Commission; Duties.

(a) A Citizen's Transportation Sales Tax Commission, hereinafter "Commission," is hereby established for the purpose of providing oversight of the collection and spending of tax revenue from any local transportation sales tax. . For purposes of this chapter, a "local transportation sales tax" is defined as a sales tax imposed on City residents for purposes of generating funds to specifically fund the City's transportation plan; any local tax used to fund general services in the City is not a "local transportation sales tax." The first such Commission shall be appointed by the Council no later than ninety (90) days from the effective date of the passage of any local dedicated tax imposed for transportation purposes. The Commission shall regularly meet and make recommendations to the Council to provide oversight of any transportation tax then in effect.

(b) The duties of the Commission shall include, but not be limited to, the following:

(i) reviewing the annual work plan and priorities for revenue derived from any transportation sales tax then in effect;

(ii) analyzing and commenting on any proposed items in the City budget that would lessen the City's its commitment to road and street funding from sources of revenue other than any transportation sales tax then in effect;

(iii) reviewing any policies, standards or similar measures that the City uses to set priorities for where revenues from any transportation sales tax then in effect are to be spent;

(iv) reviewing any proposals for the City to use bond or similar financing secured by revenues from any transportation sales tax then in effect;

(v) reviewing any policies, standards or similar measures that the City uses to determine whether work funded by the tax shall be done “in-house” or through outside contracts; and,

(vi) reviewing any other matter the Council deems appropriate related to any local transportation sales tax. The Council shall appropriate adequate funds for the work of the Commission.

8-10.102 – Membership of Commission.

The Commission shall consist of eleven (11) qualified electors residing within the City and shall be appointed by the City Council by resolution pursuant to the provisions below:

(a) Strong consideration shall be given to composing the Commission of:

(i) two (2) members from any bona fide local taxpayer's association with tax-exempt status under the relevant provisions of the Internal Revenue Code;

(ii) one (1) member from any bona fide local nonpartisan political organization, with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, dedicated to encouraging informed and active participation in government;

(iii) two (2) members from bona fide Modesto Neighborhood Associations or organizations with similar purposes with tax-exempt status under Section 501(c)(3) of the Internal Revenue Code;

(iv) one (1) member from any bona fide association representing business such as a chamber of commerce

(v) one (1) member from a large business located in the City;

(vi) one (1) member from a small business located in the City;

(vii) two (2) members from a bona fide labor union with members residing in the City; and,

(viii) one (1) member from a former Stanislaus County Civil Grand Jury who has served in that role within the previous five (5) years of his or her appointment.

(b) No member of the Commission shall be a relative by blood or marriage within the second degree of the Mayor, a member of the Council, any Charter officer, or any department head or deputy department head.

(c) No member of the Commission shall be an employee of the City nor any bargaining unit for employees of the City, nor be a person who receives

compensation from the City or from bargaining units of the City in any manner, including retirement benefits.

(d) No member of the Commission shall be a lobbyist or other person with business before the City that represents an economic interest in excess of the limit for material financial effect as established by state law.

(E) Members of the Commission shall serve without compensation.

(F) One-half of the Commissioners for the Commission in 2017 shall be appointed to two year terms and one-half shall be appointed to four year terms. Thereafter, each Commissioner shall be appointed to a four year term unless the appointment is to fill a vacancy.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 3. Effective Date. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. Publication. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in *The Modesto Bee*, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of October, 2016, by Councilmember Grewal, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Madrigal, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED: _____
TED BRANDVOLD, Mayor

ATTEST:

By: _____
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
ADAM U. LINDGREN, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, Councilmember Kenoyer moved its final adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour,
Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: _____
TED BRANDVOLD, Mayor

ATTEST: _____
STEPHANIE LOPEZ, City Clerk

Effective Date: November 11, 2016