



City Council Staff Report

DATE: October 19, 2011 CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1796, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Proposed Ordinance No. 1796.

RECOMMENDATION:

Waive further reading and adopt Proposed Ordinance No. 1796, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.29 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION."

STAFF ANALYSIS:

At its September 21, 2011, meeting Proposed Ordinance No. 1796 was introduced for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.29 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION" by the following vote:

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.

NOES: None.

ABSENT: None.

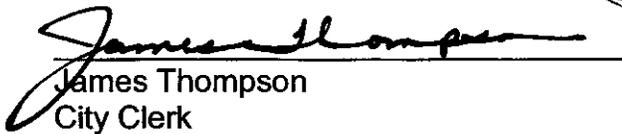
ABSTAIN: None.

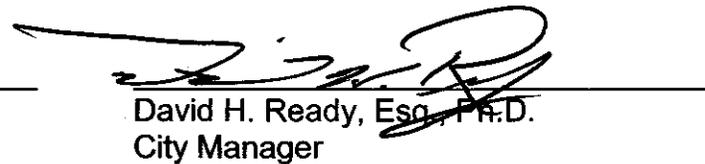
On October 5, 2011, Proposed Ordinance No. 1796 was reintroduce for first reading, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.29 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION" *amending subsection (a) of section 2.29.050 to read "Programs and projects proposed to be*

funded in whole or in part by Measure "J" revenues and priorities;" adding subsection (f) to section 2.29.050 to read "Implement a CDBG or other reasonable application review processes, to review proposed expenditures of Measure "J" revenues and make recommendations to the City Council" by the following vote:

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills,
Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES: None.
ABSENT: None.
ABSTAIN: None.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh
Attachment: Ordinance No. 1796

PROPOSED ORDINANCE NO. 1796

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.29 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION.

City Attorney's Summary

This ordinance establishes a seven member Measure "J" Oversight Commission appointed by the City Council to review and make recommendations to the City Council on the use of funds generated by the implementation of Measure "J," a 1% transactions, sales, and use tax for a specified period.

The City Council of the City of Palm Springs finds:

A. Pursuant to Article XIII C of the Constitution of the State of California, and Sections 200 and 201 of the Charter of the City of Palm Springs, the City Council ordered Measure "J" be submitted to the qualified electors of the City at the November 8, 2011, General Municipal Election, on whether to approve a one percent (1%) Transactions, Sales and Use Tax for a period of twenty-five (25) years.

B. In the event Measure "J" is approved by a majority of the City's qualified electors, the City Council desires that a commission of the City provide oversight of the use of the proceeds generated from the tax.

The Council of the City of Palm Springs ordains:

SECTION 1. Chapter 2.29 is added to the Palm Springs Municipal Code to read:

**Chapter 2.29
Measure "J" Oversight Commission**

Section:	
2.29.010	Creation and Membership
2.29.020	Term; Vacancies; Vote
2.29.030	Officers
2.29.040	Meetings; Rules of Procedure
2.29.050	Powers and Duties of the Commission

2.29.010 Creation and Membership.

A. There is created within the City of Palm Springs the Measure "J" Oversight Commission consisting of seven members, appointed by the City Council, to serve at the pleasure of the City Council.

B. The membership of the Measure "J" Oversight Commission shall include, but not limited to, residents with accounting or financial backgrounds and expertise.

2.29.020 Term; Vacancies; Vote.

A. Members of the Commission shall serve for the term provided by Chapter 2.06 of the Palm Springs Municipal Code, except that in order to ensure a stagger of appointees, the initial appointments shall be for staggered terms as determined by the City Clerk.

B. A vacancy in the Commission shall not impair the right of the remaining members to exercise the powers of the Commission pursuant to this chapter. Four members shall constitute a quorum of the Commission, and any ruling, decision or other action of the Commission may be taken by a majority of those members present, provided a quorum is present.

2.29.030 Officers.

The Commission, at its organizational meeting and annually thereafter, shall elect from its membership a chair and vice-chair. The chair and vice-chair shall have and perform such duties as are commonly associated with their respective titles. The city manager may appoint an executive secretary and other staff, and provide compensation for their services as may be authorized by the City Council. The City Treasurer/Director of Finance shall be the City staff liaison to the Measure "J" Oversight Commission.

2.29.040 Meetings; Rules of Procedure.

The Commission shall meet at least once each quarter at such time and place as shall be fixed by the Commission by its standing rules. A majority of the existing appointed members of the Commission shall constitute a quorum for the transaction of business. The Commission may establish such rules and regulations as it deems necessary for the conduct of its business. In matters relating to the holding of regular and special meetings, the Commission and any standing committee of the Commission, is bound by the provisions of the Ralph M. Brown Act of the State of California (Sections 54950, *et. seq.*, California Government Code).

2.29.050 Powers and Duties of the Commission.

A. To the extent permitted by law, the Measure "J" Oversight Commission shall review all projected revenues and recommended expenditures for the funds generated by Chapter 3.22 of this Code and shall make recommendations to the City Council within time limitations as may be established by the City Council. The Commission shall have the following powers and duties:

- (1) Establish a schedule of regular meeting times;
- (2) Hold meetings and make recommendations to the City Council regarding:
 - (a) Programs and projects proposed to be funded in whole or in part by Measure "J" revenues and priorities;
 - (b) Oversee and monitor expenditures of all Measure "J" funds, after the City Council has approved any program or project with Measure "J" funds;
 - (c) Review the annual independent audit of revenues received by and expenditures from Measure "J" funds prior to the audit's presentation to the Council;
 - (d) Review the Director of Finance's estimate of Measure "J" revenues for each fiscal year prior to Council adoption of the annual General Fund Budget;
 - (e) Request public hearings with the City Council.
 - (f) Implement a CDBG or other reasonable application review processes, to review proposed expenditures of Measure "J" revenues and make recommendations to the City Council.
- (3) Perform such other duties as the City Council may assign.

B. The actions and recommendations of the Measure "J" Commission shall be reported through appropriate city communication devices and methods provided or maintained by the City Manager for the dissemination of information to the residents of the City.

SECTION 2. The City Council recognizes that the passage of Measure "J," a general tax measure, will result in additional general tax revenues that the City can use for any governmental use or purpose as allowed under the City of Palm Springs Charter, the Palm Springs Municipal Code, and the laws of the State of California. It is the desire of the City Council that revenues attributed to Measure "J" should be used for projects, programs, services, and other opportunities that have been or would be unfunded or underfunded under current and anticipated budget restrictions. The City Council therefore finds that the creation and implementation of the Measure "J" Oversight Commission will ensure that the proceeds of Measure "J" are used for

projects, programs, and services that are beneficial for, and will maintain and/or improve the overall quality of life of, the residents of the City of Palm Springs.

SECTION 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage or the date on which the City Council certifies voter approval of Measure "J," whichever occurs last.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 19TH DAY OF OCTOBER, 2011.

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 1796 was introduced at a regular meeting of the Palm Springs City Council on the 5TH day of October, 2011, and adopted at a regular meeting of the City Council held on the 19TH day of October, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California