

ORDINANCE NO 265

**AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA ADDING
CHAPTER 4.14 TO THE YUCCA VALLEY MUNICIPAL CODE, RELATING TO THE
ESTABLISHMENT OF THE REVENUE MEASURE OVERSIGHT COMMISSION**

Town Attorney's Summary

This ordinance establishes a seven (7)-member Revenue Measure Oversight Commission appointed by the Town Council to review and make recommendations to the Town Council on the use of funds generated by the implementation of Measure "Y", a temporary 0.5% general transactions and use tax for town essential services, and Measure "Z", a temporary 0.5% special transactions and use tax for sewer assessment reduction.

The Council of the Town of Yucca Valley finds:

- A. Pursuant to Article XIII C of the Constitution of the State of California, the Town Council ordered Measure "Y" to be submitted to the qualified electors of the Town at the November 8, 2016 General Municipal Election on whether to approve a ½ cent (0.5%) transactions and use tax for a period of ten (10) years.
- B. Pursuant to Article XIII C of the Constitution of the State of California, the Town Council ordered Measure "Z" to be submitted to the qualified electors of the Town at the November 8, 2016 General Municipal Election on whether to approve a ½ cent (0.5%) transactions and use tax for a period of ten (10) years.
- C. Measure "Y" was approved by the Town's qualified electors, where the Town Council desires that a commission of the Town provide oversight of the use of the proceeds generated from the tax.
- D. Measure "Z" was approved by the Town's qualified electors, where the Town Council desires that a commission of the Town provide oversight of the use of the proceeds generated from the tax.

The Council of the Town of Yucca Valley ordains:

CHAPTER 4.14

REVENUE MEASURE OVERSIGHT COMMISSION

SECTION:

- 4.14.010: Creation
- 4.14.020: Term; Vacancies; Vote
- 4.14.030: Officers
- 4.14.040: Membership
- 4.14.050: Meetings; Rules of Procedure
- 4.14.060: Powers and Duties of the Commission

4.14.010 REVENUE MEASURE COMMISSION CREATED:

There is created a Revenue Measure Oversight Commission consisting of seven (7) members, appointed by the Town Council to serve at the pleasure of the Town Council.

4.14.020 TERM; VACANCIES; VOTE

- A. Members of the Commission shall serve the term provided by the Town's Manual of Procedural Guidelines, except that in order to ensure a stagger of appointees, the initial appointments shall be for staggered terms as determined by the Town 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 (4) 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.

4.14.030 OFFICERS

The Commission, at its organization meeting and as needed thereafter, shall elect from its membership a chair and vice-chair. The chair and vice-chair shall have and perform such duties as commonly associated with the respective titles and specific adherence to the Town's Manual of Procedural Guidelines. The Town Manager may appoint a secretary and other staff and provide such compensation for their services as may be authorized by the Town Council and by the annual town budget of expenditures.

4.14.040 MEMBERSHIP

Should any vacancy occur among the members of the Commission other than by expiration, the chairperson shall forward a notice to the mayor and members of the Town Council indicating that such a vacancy exists. The Town Council shall fill the vacancy in accordance with the provisions of the Manual for Procedural Guidelines.

4.14.050 MEETINGS; RULES OF PROCEDURE

The Commission shall meet at least twice annually at such place and time 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. 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).

4.14.060 POWERS AND DUTIES OF THE COMMISSION

Within the limitations provided by law, the Revenue Measure Oversight Commission shall review the projected revenues and recommended expenditures for the funds generated by Chapter 3.26 and/or Chapter 3.28 of this Code and shall make recommendations to the Town Council as a part of the Town's annual budget process. The Commission shall have the following powers and duties:

1. Establish a schedule of regular meeting times
2. Make recommendations to the Town Council regarding:
 - a. Programs and projects proposed to be funded in whole or in part by Measure "Y" and/or Measure "Z" revenues;
 - b. Oversee and monitor expenditures of all Measure "Y" and/or Measure "Z" funds, after the Town Council has approved any program or project with Measure "Y" and/or Measure "Z" funds;
 - c. Review the annual independent audit of revenues received by and expenditures from Measure "Y" and/or Measure "Z" funds prior to the audit's presentation to the Council;
 - d. Review the Finance Manager's estimate of Measure "Y" revenues for each fiscal year prior to the Council adoption of the annual General Fund Budget.
 - e. Review the Finance Manager's estimate of Measure "Z" revenues for each fiscal year prior to the Council adoption of the Special Fund Budget
3. Perform such other duties as the Town Council may assign.

SECTION 2.

1. The Town Council recognizes that the passage of Measure "Y", a general tax measure will result in additional general tax revenues that the Town can use for any governmental use or purpose as allowed by the Yucca Valley Municipal Code and the laws of the State of California. It is the desire of the Town Council that revenues attributed to Measure "Y" 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.
2. The Town Council recognizes that the passage of Measure "Z", a special tax measure will result in additional special revenues that the Town must specifically use toward the reduction of the Sewer Assessments equitably among all phases.

The Town Council therefore finds that the creation and implementation of the Revenue Measure Oversight Commission will ensure that the proceeds of Measure "Y" and/or Measure "Z" 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 Town of Yucca Valley.


SECTION 3. The Mayor shall sign and the Town 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 Town Council certifies voter approval of Measure "Y" and Measure "Z" whichever occurs last.

APPROVED AND ADOPTED THIS 7th day of February, 2017.



MAYOR

ATTEST:



TOWN CLERK

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Lesley R. Copeland, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 265 as duly and regularly introduced at a meeting of the Town Council on the 17th day of January, 2017, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 7th day of February, 2017, by the following vote, to wit:

Ayes: Council Members Denison, Drozd, Lombardo and Mayor Abel

Noes: None

Abstain: None

Absent: Council Member Leone

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 8th day of February, 2017.



Town Clerk of the Town of
Yucca Valley