



**CITY COUNCIL
STAFF REPORT**

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| Agenda Item: | <u>I-3</u> |
| Date: | <u>July 17, 2012</u> |
| Department: | <u>City Attorney</u> |

AGENDA TITLE: Adoption of Resolution No. 39 -12 for the Submission to the Voters of a Ballot Question Related to A Transaction and Use Tax for the Tuesday, November 6, 2012 Municipal Election

STAFF RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 39 -12 placing a half-cent sales tax (i.e., a Transaction and Use Tax) on the ballot for the November 2012 election.

BACKGROUND: Orinda faces a \$52 million funding shortage to repair the City's roads and related infrastructure. Bringing the City's roads system into good (Pavement Condition Index PCI 70) condition will require an investment of approximately \$39.6 million. To fix the underlying drains will cost an additional \$12.4 million. Both the City Council and staff continue to keep road and drain repairs as a top priority and to seek new funding options to repair the City's infrastructure problem. The magnitude of the issue is significant and will require a multi-year plan to completely address the infrastructure problem. As such, a 10-year road and drainage repair plan has been developed to map out how the road and drainage repairs can be made. (Agenda Item I-2)

In January 2012 the City conducted a community poll to test voters' responsiveness to various options for funding the City's infrastructure needs. Of the options presented, a half-cent sales tax rated the most favorable, gaining approval from three of every five voters. On February 7, 2012, the Council considered the polling results, and on May 1, 2012 and June 5, 2012, the Council considered whether to pursue a sales tax measure to address the funding shortages and considered a sunset option. If the City Council adopts Resolution No. 39 -12, a half-cent sales tax will be placed on the November 2012 ballot for voter approval. The half-cent sales tax is the first step in the 10-year roads and drainage repair plan. In order to fully address the infrastructure issue, future new funding options will need to be adopted.

GENERAL TAX: The revenue generated through a sales tax measure requiring simple majority (50%) approval ("general sales tax") cannot be committed to a specific project or single purpose. Specifically, revenue generated by a general sales tax must be placed in the General Fund and must be available for any and all municipal purposes. Once the funds are received in the General Fund, the City Council could annually appropriate the new revenue to any city service; however, this Council has expressed a desire that the money would be annually allocated for road and drainage infrastructure.

ORDINANCE: The ballot measure will be implemented by the proposed Ordinance (attached as Exhibit A to Resolution No. 39 -12), which adds a new chapter to the Orinda Municipal Code. The text of the Ordinance was provided by the State Board of Equalization, which will administer the collection of the sales tax. The Ordinance will be adopted only if the ballot measure receives approval by a majority of the voters voting at the municipal election.

FISCAL ACCOUNTABILITY PROVISIONS: The proposed Ordinance contains two fiscal accountability provisions. First, it requires an annual audit of the sales tax, which must include the amount generated and all allocations made from the tax. Second, it requires the City Council to establish via resolution by April 1, 2013 a Citizens' Oversight Commission to review the expenditures or to assign these duties to an existing City Committee or Commission.

SUNSET PROVISION: The tax is authorized for 10 years and will sunset in 2023.

BALLOT ARGUMENTS AND IMPARTIAL ANALYSIS: At the time it adopts the resolution placing the measure on the ballot, the City Council should also decide whether to authorize City Council members to author written ballot arguments supporting the measure, whether to authorize rebuttal arguments, and whether to request the City Attorney to prepare an impartial analysis of the measure. Members of the City Council, alone or together with other members of the public, can prepare a written ballot argument supporting the measure, which would have priority over any other ballot arguments received in support of the measure. The Elections Code expressly requires that the City allow written direct arguments to be submitted for and against any ballot measure, but allows the Council discretion to determine, in advance, whether rebuttal arguments should be allowed. The Council also has discretion whether to request the City Attorney's impartial analysis. Consistent with past practice, staff's draft resolution provides for up to two City Council members to author written ballot arguments supporting the measure and provides for rebuttal arguments and an impartial analysis. The due dates are as specified by the County, which is charged with conducting the election.

SUMMARY: The adoption of the Resolution No. 39 -12 will submit a half-cent sales tax to the voters on November 6, 2012. If the measure receives approval by a majority of the voters voting at the municipal election, the proposed Ordinance will be adopted and the Board of Equalization will begin collecting an additional half-cent tax in 2013, which will be deposited in the City's General Fund. The tax will sunset on December 31, 2022.

FISCAL IMPACT: Orinda's current sales tax rate is 8.25%, of which the City receives 1.0%. In Fiscal Year 2011, the City received approximately \$924,853 in revenue from sales taxes. The City expects to receive \$895,058 at the close of Fiscal Year 2013. If approved by the voters, it is estimated that additional revenue generated by a half-cent sales tax would be approximately \$540,000 in Fiscal Year 2014 and would escalate at a 1% rate up to a projected \$702,000 by Fiscal Year 2022.


ATTACHMENTS:

Attachment A:

Resolution No. 39 -12 for the Submission to the Voters of a Ballot Question Related to A Transaction and Use Tax in the Tuesday, November 6, 2012 Municipal Election

Exhibit A: An Ordinance of the City of Orinda Imposing a Transaction and Use Tax To Be Administered by the State Board of Equalization

Respectfully submitted by,



Catherine C. Engberg
Acting City Attorney

Approved By:



Janet S. Keeter
City Manager

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In The Matter Of:

Resolution for the Submission)
to the Voters of a Ballot) Resolution No. 39-12
Question Related to A)
Transaction and Use Tax in)
the Tuesday, November 6,)
2012 Municipal Election)
_____)

WHEREAS, Orinda's roads, drains, and related infrastructure require an investment of approximately \$52 million (in 2011 dollars) to address deteriorating conditions, regular maintenance, and other long-term needs; and

WHEREAS, the City has and continues to dedicated Gas Tax, Transportation Impact Fees, Drainage Impact Fees, and Return to Source Funds to road maintenance and will continue to do so; and

WHEREAS, the extent of the City's roads issue is so large that a multi-phased approach is required to bring all of the City's roads to a Pavement Condition Index (PCI) of 70; and

WHEREAS, the City Council recognizes that the magnitude of investment needed to bring the City's roadway and drainage infrastructure into full repair will require a phased approach over many years; and

WHEREAS, by separate resolution on July 17, 2012, the City Council adopted a 10-year plan for roads and drainage repair (Resolution No. 38-12); and

WHEREAS, the City Council recognizes that additional sources of revenue will be necessary to complete all phases of the roadway infrastructure repair; and

WHEREAS, the revenue generated by a Transaction and Use Tax would be available for the City Council to annually appropriate from the City's general fund for all city services, but this Council desires to allocate the new revenue to address road and related infrastructure needs; and

WHEREAS, a one-half cent sales tax is the first step in the 10-year roads and drainage repair plan; and

WHEREAS, by separate resolution adopted June 5, 2012 the City Council has ordered a municipal election to be held on November 6, 2012; requested and consented to its

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consolidation; and authorized the County to conduct the election on behalf of the City and canvass the results; and

WHEREAS, the City Council is requesting and consenting to the consolidation of this ballot question and proposed Ordinance with the municipal election on November 6, 2012; and

WHEREAS, Elections Code section 9222 authorizes the City Council to submit proposed ordinances directly to the voters without collecting signatures for the same; and

WHEREAS, Government Code section 53724 authorizes the City Council, by two-thirds vote, to submit proposed taxes to the voters; and

WHEREAS, attached to this resolution is "An Ordinance of the City of Orinda Imposing a Transaction and Use Tax To Be Administered by the State Board of Equalization," which is the Ordinance that the City Council is submitting to the electorate on November 6, 2012, and which, if approved by a majority vote to the electorate, will become law; and

WHEREAS, Elections Code sections 9220 and 9285 authorize the City Council, by majority vote, to adopt provisions for the filing of rebuttal arguments for city measures submitted at municipal elections;

NOW, THEREFORE, BE IT RESOLVED:

1. **Consolidation of Election.** The municipal election called for Tuesday, November 6, 2012 shall include the submission of a ballot measure which would ask City voters to approve the proposed Ordinance ("proposed Ordinance" or "Measure") as described herein.

2. **Form of Ballot Measure.** The City Council, pursuant to its right and authority, orders submitted to the voters at the November 6, 2012 municipal election the following question:

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|--|-----|
| Orinda City Services and Infrastructure Measure To help protect and maintain city services, including repairing failing roads, fixing potholes, improving traffic safety on local streets, fixing drains, and providing for other city services, shall the City of Orinda enact a one-half cent sales tax, for 10 years, with financial audits, public review of all expenditures, and a citizens' oversight commission? | YES |
| | NO |

3. **Majority Vote Required.** If the measure receives approval by a majority of the voters voting at the election, the ballot measure is approved and the proposed Ordinance is adopted.

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4. **Full Text of Ordinance.** The complete text of the proposed Ordinance is attached hereto as Exhibit A.
5. **Impartial Analysis.** The City Clerk is instructed to transmit the Measure to the City Attorney along with a request that an impartial analysis be prepared for inclusion in the Voters' Pamphlet materials. Pursuant to Elections Code section 9280, the City Attorney shall prepare an impartial analysis, which shall be filed with the City Clerk's office no later than August 10, 2012.
6. **Deadline for Submittal of Ballot Arguments.** The deadline for submission of arguments in favor of and arguments against this measures is 5:00 p.m. on August 10, 2012. Arguments shall be submitted to the City Clerk's Office, located at 22 Orinda Way, Orinda, CA 94563. If more than one argument for or against is received, the priorities established by Elections Code Section 9287 shall control.
7. **Adoption of Procedure for Rebuttal Arguments.** The provisions of Elections Code section 9285 are adopted and shall control the submission of rebuttal arguments. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date of filing of direct arguments. All previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.
8. **Ballot Arguments Submitted by the City Council.** The City Council authorizes the following member(s) of its body:
- _____ (Council Member in Favor)
 _____ (Council Member in Favor)
- to file a written argument not exceeding 300 words regarding the Measure as specified above, accompanied by the printed name(s) and signature(s) of the persons submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code.
9. **Full Text of Resolution.** The City Clerk shall make available to any voter upon request a copy of the full text of this resolution placing the Transaction and Use Tax on the ballot, including the proposed Ordinance. The full text of this resolution shall not be printed in the voter pamphlet but shall be made available on the City's website.
10. **Reimbursement of County's Costs.** The City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.
11. **Notice of Election.** The City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

12. **Letter Designation.** Pursuant to section 13116 of the Elections Code of the State of California, the City Clerk of the City of Orinda and the Registrar of Voters of Contra Costa County are hereby authorized to mutually agree to use, and to use, a letter designation for the City ballot measure that will not conflict with other measures on the ballot or confuse the voters.

13. **Conduct of Election.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

14. **Filing with County.** The City Clerk is directed to file with the Board of Supervisors and the County Clerk of Contra Costa a certified copy of this resolution at least 88 days before the date of the election.

15. **Certification of Resolution.** The City Clerk is hereby authorized to do all things necessary and proper to implement the provisions of this resolution, including certifying the passage and adoption of this Resolution and entering it into the book of original Resolutions.

ADOPTED by the City Council of the City of Orinda at a regular meeting of the Council held on July 17, 2012, by the following vote:

| | |
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| AYES: | COUNCILMEMBERS: |
| NOES: | COUNCILMEMBERS: |
| ABSENT: | COUNCILMEMBERS: |
| ABSTAIN: | COUNCILMEMBERS: |

Steve Glazer, Mayor

ATTEST:

Michele L. Olsen, City Clerk

Exhibit List

Exhibit A: An Ordinance of the City of Orinda Imposing a Transaction and Use Tax To Be Administered by the State Board of Equalization

410865.1

BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA

In the Matter of:
An Ordinance Imposing a Transaction)
and Use Tax to be Administered by)
the State Board of Equalization)

Ordinance No. 12- 02

SECTION 1. A new Chapter 3.14 shall be added to Title 3, Revenue and Finance, of the Orinda Municipal Code, subject to voter approval as set forth herein, as follows:

3.14.010 Title.

This ordinance shall be known as the City of Orinda Transaction and Use Tax Ordinance. This ordinance shall be applicable to the incorporated territory of the City of Orinda.

3.14.020 Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

3.14.030 Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions herein be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

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D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.14.040 Contract with State.

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.14.050 Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one half of one percent (0.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.14.060 Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.14.070 Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one half of one percent (0.5%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.14.080 Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the

Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.14.090 Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, "City of Orinda" shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.14.100 Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.14.110 Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the

contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code.

That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.14.120 Amendments or Repeal.

A. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

B. The City Council may amend this chapter without voter approval only to make minor technical adjustments consistent with the purposes set forth in this ordinance or as necessary to comply with the law.

3.14.130 Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.14.140 Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

3.14.150 Effective Date.

This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

3.14.160 Termination Date.

The authority to levy the tax imposed by this ordinance shall expire ten years from the Operative Date.

3.14.170 Use of Proceeds

The proceeds from the transactions and use tax imposed by this ordinance shall be for general governmental purposes of the City and shall be received into the general fund of the City. Nothing herein shall bind the City to use the proceeds for any specific purpose or function.

3.14.180 Fiscal Accountability Provisions

A. Annual financial audit. The amount generated by this new general purpose revenue source and how it was used shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

B. Citizens' Oversight Commission. No later than April 1, 2013, the City Council shall establish a Citizens' Oversight Commission to review the expenditures of tax revenues under the authority of this Chapter, or shall assign these duties to an existing City committee or commission. The terms, composition, and specific duties of any new Citizens' Oversight Commission, or the assignment of these duties to an existing City committee or commission, shall be established by resolution of the City Council. All meetings of the Citizens' Oversight Commission shall comply with the provisions of the Ralph M. Brown Act (Gov't Code Section 34950, et seq.).

SECTION 2. This Ordinance relates to the levying and collecting of the City transaction and use taxes and shall take effect immediately upon approval by a majority of the voters voting at the municipal election on November 6, 2012, but it shall not become operative until the Operative Date, as defined in Orinda Municipal Code section 3.14.020, is reached.

SECTION 3. The City Clerk shall publish this Ordinance according to law.