

ORDINANCE #65248
Board Bill No. 107

An Ordinance pertaining to the Transportation Sales Tax imposed pursuant to Senate Bill 432 as adopted and approved by the voters of St. Louis City on August 2, 1994, pursuant to Ordinance 63168; creating the "City Public Transit Sales Tax Trust Fund" directing the Treasurer of the City of St. Louis to deposit funds received pursuant to said sales tax into the City Public Transit Sales Tax Trust Fund" appropriating TEN MILLION, FIVE HUNDRED, NINETY-TWO THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$10,592,550), from the said sales tax for the period herein stated to the Bi-State Development Agency for certain purposes; providing for the payment of such funds during the period July 1, 2001 through, June 30, 2002; further providing that the appropriation is conditional upon the Bi-State Development Agency supplying the Board of Estimate and Apportionment an annual evaluation report; further providing that in no event shall the Comptroller draw warrants on the Treasurer for an amount greater than the amounts of the proceeds deposited in the "City Public Transit Sales Tax Trust Fund" during the period of July 1, 2001 through June 30, 2002; providing that the appropriation is conditional upon the Bi-State Development Agency requiring the payment of prevailing wages and benefits to employees of outside service contractors; containing a severability clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

SECTION ONE. All sales taxes collected pursuant to Senate Bill 432 and Ordinance 63168 and distributed by the Director of Revenue to the Treasurer of St. Louis City as authorized by Senate Bill 432 as approved and adopted by the voters of St. Louis City on August 2, 1994, pursuant to Ordinance 63168 shall be deposited in a special trust fund, which is hereby created, to be known as the " City Public Transit Sales Tax Fund."

SECTION TWO. There is hereby appropriated out of the "City Public Transit Sales Tax Trust Fund", subject to the conditions herein contained in Sections Four and Five, the amount of TEN MILLION, FIVE HUNDRED, NINETY-TWO THOUSAND, FIVE HUNDRED FIFTY DOLLARS (\$10,592,550), for the period herein stated to the Bi-State Development Agency to be used exclusively, without diversion in any way, for the purposes specified in Section Six.

SECTION THREE. The Comptroller of the City of St. Louis is hereby authorized and directed to draw warrants from time to time on the Treasurer of the City of St. Louis for payments to the Bi-State Development Agency, as authorized herein on the "City Public Transit Sales Tax Trust Fund", as the proceeds from the one-quarter percent (1/4%) sales tax authorized by Senate Bill 432 as approved and adopted by the voters of the City of St. Louis on August 2, 1994, pursuant to Ordinance 63168 are received from the Director of Revenue of the State of Missouri and are deposited in the "City Public Transit Sales Tax Trust Fund" as provided herein from July 1, 2001 through June 30, 2002. This authorization is made subject to and conditional upon the Bi-State Development Agency submitting to the Board of Estimate and Apportionment an annual evaluation report describing services provided and the cost thereof including justification for overhead rates and other management fees. The receipt of any funds appropriated hereunder shall constitute consideration for the Bi-State Development Agency's obligating itself to furnish the evaluation reports as required herein.

SECTION FOUR. In no event shall the Comptroller draw warrants on the Treasurer of the City of St. Louis for an amount greater than the amount of proceeds received from the Director of Revenue of the State of Missouri and deposited in the "City Public Transit Sales Tax Trust Fund" during the period from July 1, 2001 through June 30, 2002.

SECTION FIVE (a). The Bi-State Development Agency shall include in all its requests for competitive bids for outside service work the requirement that the bidder pay prevailing wages and benefits to its employees in performing such contractual work.

(b). For the purpose of this Ordinance, "prevailing wages and benefits" shall mean the wages paid generally in the St. Louis metropolitan area to workers engaged in service work of similar character, and all benefits associated therewith. Prior to letting any bid for outside service work, the Bi-State Development Agency shall establish prevailing wages and benefits associated therewith. Prior to letting any bid for outside service work, the Bi-State Development Agency shall establish prevailing wages and benefits for service workers in the contract for which the bid will be let, which shall be attached to and made a part of each bid specification. In establishing wages and benefits, the Bi-State Development Agency shall obtain from the Missouri Department of Labor and Industrial Relations, Division of Labor Standards, a list of prevailing wages for the job classifications that come closest in nature and character to the jobs to be performed in the service contract for which bids are to be let. In addition to such list, Bi-State shall also base its established prevailing wages and benefits on information from the United States Department of Labor, Bureau of Labor Standards, to the greatest extent feasible.

SECTION SIX. The Bi-State Development Agency shall expend all funds herein appropriated for the following purposes and no others: planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways, including extensions of the MetroLink line in the City and County of St. Louis; commuter rail service;

engineering and design of a multi-modal complex; upgrade and modernization of existing and purchase of new transit equipment and facilities, transfer centers, stations and enhanced security systems; and necessary incidental operating expenses, including maintenance of the existing system, loan repayment and financing expenses.

SECTION SEVEN. In the event the Board of Estimate and Apportionment concludes that any funds herein appropriated, or previously appropriated by the City of St. Louis to the Bi-State Development Agency and remaining unspent are used for other than purposes specified herein, the appropriation herein enacted shall be reduced by an amount equal to the amount used for other than the purposes specified herein. The determination of the Board of Estimate and Apportionment of such spending for other than such purposes shall be conclusive.

SECTION EIGHT. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional or is inconsistent with the ability of Bi-State to receive funding from the United States, the remaining sections of the Ordinance are valid unless the court finds the valid or consistent sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void or inconsistent section that it cannot be presumed that the Aldermen would have enacted the valid sections without the void or inconsistent sections, or unless the court finds the valid or consistent sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

Approved: July 18, 2001