

ORDINANCE #68691
Board Bill No. 71

An Ordinance pertaining to the Transit Sales Tax imposed pursuant to Section 94.660, RSMo., 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 – Account ONE" appropriating \$9,975,000 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, 2010 through, June 30, 2011; 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, 2010 through June 30, 2011; containing a severability clause.

WHEREAS, In accordance with Ordinance 65613, the City of St. Louis, Missouri is authorized to enter into a Memorandum of Agreement (MOA) with the Bi-State Development Agency and St. Louis County, Missouri providing for the City's annual appropriation of the sales tax levied for public mass transportation purposes, and pursuant to provisions of Section 3.2 of the MOA, the City shall transfer monthly to the Trustee, BNY Trust of Missouri, in immediately available funds, moneys on deposit in the City Public Transit Sales Tax Fund account attributable to the quarter-cent sales tax imposed pursuant to Ordinance 63168 and approved by the voters on August 2, 1994;

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

SECTION ONE. All sales taxes collected pursuant to Section 94.660, RSMo., and Ordinance 63168 and distributed by the Director of Revenue to the Treasurer of St. Louis City as authorized by Senate Bill 432 (the "Act") 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, to be known as the "City Public Transit Sales Tax Fund – Account ONE."

SECTION TWO. There is hereby appropriated out of the "City Public Transit Sales Tax Trust Fund – Account ONE," subject to the conditions herein contained in Sections Four and Five, the amount of \$9,975,000, for the period herein stated to the Bi-State Development Agency to be used for the purposes authorized by the Act.

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 – Account ONE," as the proceeds from the one-quarter percent (1/4%) sales tax authorized by Section 94.660 RSMo., 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 – Account ONE" as provided herein from July 1, 2010 through June 30, 2011.

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, 2010 through June 30, 2011.

SECTION FIVE. 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 the Bi-State Development Agency 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: June 24, 2010