

**CITY OF MARTINEZ MEASURE D  
CITIZENS' OVERSIGHT COMMITTEE BYLAWS (as amended 3/20/19)**

**Section 1. Committee Established.** The City of Martinez (the "City") was successful at the election conducted on November 8, 2016 (the "Election"), in obtaining authorization from the City's voters to impose a special retail transaction and use tax ("Special Tax") in the incorporated territory of the City for the exclusive purpose of road improvement and maintenance at a rate of one-half percent (0.50%) for a period of 15 years on the sale of tangible personal property and the storage, use, or other consumption of such property. The election was held and conducted as provided by law for holding municipal elections, and the Special Tax revenue is to be collected by the State Board of Equalization and remitted to the City.

The City has voluntarily chosen to establish a Citizen's Oversight Committee to provide enhanced accountability to the citizens of the City. The City Council of the City (the "City Council") by the adoption of Resolution 016-17 establishes the Citizens' Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Bylaws. The Committee does not have independent legal capacity from the City. All meetings of the Citizens' Oversight Committee shall comply with the provisions of the Ralph M. Brown Act (Government Code Section 34950 et seq.).

**Section 2. Purpose.** The purpose of the Committee is to inform the public regarding the expenditure of Special Tax proceeds, as further set forth in these Bylaws, to ensure that Special Tax proceeds will be used only for the purposes specified in the ballot measure. Such purposes include improving and maintaining roadways.

The Committee shall confine itself specifically to Special Tax proceeds generated from the imposition of the Special Tax under the ballot measure. All monies generated under other sources shall fall outside the scope of the Committee review.

**Section 3. Duties.**

3.1 Duties of the Committee. To carry out its stated purposes, the Committee shall perform the following duties:

(a) Inform the Public. The Committee shall inform the public regarding compliance of the City's expenditures of Special Tax proceeds as specified in Measure D.

(b) Review Expenditures. The Committee may review quarterly expenditure reports produced by the City to ensure that (a) Special Tax proceeds are expended only for the purposes set forth in the ballot measure; and (b) no Special Tax proceeds are used for any administrative salaries of City employees or other operating expenses.

(c) Present Annual Report. The Committee shall present to the City Council, in public session, an annual written report which shall include the following:

i. A statement indicating whether the Committee has determined that the City has

expended Special Tax proceeds only for the purposes set forth in the ballot measure; and

- ii. A summary of the Committee's proceedings and activities for the preceding year.

3.2 Duties of the City Council. The City Council shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (a) Approval of annual street selection,
- (b) Approval of construction contracts,
- (c) Approval of construction change orders,
- (d) Appropriation of construction funds,
- (e) Handling of all legal matters,
- (f) Approval of construction plans and schedules, and
- (g) Approval of maintenance plans.

3.3 Voter-Approved Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of Special Tax proceeds, the City has not charged the Committee with responsibility for:

- (a) Projects financed through sources other than the Special Tax proceeds, which shall be outside the authority of the Committee.
- (b) The establishment of priorities and order of construction for the Special Tax projects, which shall be made by the City Council in its sole discretion.
- (c) The selection of design professionals, engineers, soil engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on City criteria established by the City Council in its sole discretion.
- (d) The approval of the design for each project (including materials) by the City Council in its sole discretion.
- (e) The selection of independent audit firm(s), audit consultants and such other consultants as are necessary to support the activities of the Committee.
- (f) The approval of an annual budget for the Committee that is sufficient to carry activities set forth herein.
- (g) The adoption of a plan for publicizing the activities of the Committee and the

determination as to whether a mailer, a newspaper notice or website materials would best suit the distribution of the Committee's findings and recommendations.

- (h) The amendment or modification of the Bylaws for the Committee as provided herein.
- (i) The appointment or reappointment of qualified applicants to serve on the Committee and based on criteria adopted in the City Council's sole discretion.

#### **Section 4. Authorized Activities.**

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

- (a) Receive and review copies of the City's annual independent audit of expenditure of Special Tax proceeds.
- (b) Inspect City rights-of-way for which Special Tax proceeds have been or will be expended, in accordance with any access procedure established by the City Manager of the City.

#### **Section 5. Membership.**

5.1 Number. The Committee shall consist of the City Treasurer and four (4) members appointed by the Mayor from a list of candidates submitting written applications, and based on criteria established by the City, to wit:

- Membership should be balanced and should ideally include individuals with business experience; community service experience; and knowledgeable professionals in the fields of construction, engineering, finance, law and accounting.
- The final configuration of the committee will then consist of five (5) members, as follows:
  - One (1) City Treasurer
  - Four (4) members at large

#### **5.2 Qualification Standards.**

- (a) To be a qualified member of the Committee, a person must be at least 18 years of age and be a Martinez resident; a Martinez property owner; or a Martinez business owner.
- (b) The Committee may not include any employee, City Council member or any vendor, contractor or consultant of the City.

5.3 Ethics: Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Articles 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000 *et seq.*), and to complete the Form 700 as required by all “designated employees” of the City. Additionally, each member shall comply with the Committee Ethics Policy attached as “Attachment A” to these Bylaws.

5.4 Term. At the Committee’s first meeting, at-large members will draw lots to select a minimum of two (2) members to serve for an initial one (1) year term, and the remaining two (2) members for an initial two (2) year term. No member may serve more than eight consecutive (8) years, except for the City Treasurer.

5.5 Appointment. Members of the Committee shall be appointed through the following process: (a) appropriate local groups will be solicited for applications; (b) the Mayor or his designee will review the applications; (c) the Mayor will make appointments of the members of the Committee with the approval of the City Council.

5.6 Removal; Vacancy. The City Council may remove any Committee member for any reason, including failure to attend two (2) consecutive Committee meetings without reasonable excuse or for failure to comply with the Committee Ethics Policy or applicable law. Upon a member’s removal, his or her seat shall be declared vacant. The Mayor, in accordance with the established appointment process, shall fill any vacancies on the Committee.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the City. (b) Individual members of the Committee retain the right to address the City Council as an individual.

## **Section 6. Meetings of the Committee.**

6.1 Regular Meetings. The Committee is required to meet at least once a year including an annual organizational meeting.

6.2 Location. All meetings shall be held within the City.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

## **Section 7. City Support.**

7.1 The City shall provide to the Committee necessary technical and administrative assistance as follows:

- (a) preparation of and posting of public notices as required by the *Ralph M. Brown Act*, ensuring that all notices to the public are provided in the same manner as

- notices regarding meetings of the City Council;
- (b) provision of a meeting room, including any necessary audio/visual equipment;
  - (c) preparation and copies of any documentary meeting materials, such as agendas and reports; and
  - (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the City.

7.2 City staff shall attend all Committee proceedings in order to report on the status of projects and the expenditures of Special Tax proceeds.

7.3 No Special Tax proceeds shall be used to provide City support to the Committee.

**Section 8. Reports.** In addition to the Annual Report required in Section 3.2, the Committee may report to the City Council semi-annually, or more often if necessary, in order to advise the City Council on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

**Section 9. Officers.** The City Treasurer shall serve as the Chair of the Committee. The Committee shall elect a Vice-Chair for a term of one (1) year, who shall act as Chair only when the Chair is absent.

**Section 10. Amendment of Bylaws.** Any amendment to these Bylaws shall be approved by a majority vote of the entire City Council.

**Section 11. Termination.** The Committee shall automatically terminate and disband at the earlier of the date when (a) all Special Tax proceeds are spent, or (b) all projects funded by Special Tax proceeds are completed.