

RESOLUTION NO.18-19

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
ESTABLISHING THE FORMATION, STRUCTURE, AND MEMBERSHIP OF THE
MEASURE X CITIZENS' OVERSIGHT COMMITTEE AND ADOPTING BYLAWS
RELATING TO SAME**

WHEREAS, the City Council of the City of Martinez adopted Ordinance No. 1418 on July 23, 2018, to establish the regulatory and administrative framework for the proposed general transactions and use (sales) tax measure placed on the November 6, 2018 ballot; and

WHEREAS, Section 2 of Ordinance No. 1418 stipulates that no later than April 1, 2019, the City Council shall establish a Citizens' Oversight Committee to review the expenditures of tax revenues under the authority of the Ordinance, and that the terms, composition, and specific duties of the new Citizens' Oversight Committee shall be established by resolution of the City Council; and

WHEREAS, the Budget/Finance Subcommittee met on February 15, 2019, and provided its input and recommended approval of the proposed Bylaws of the Citizens' Oversight Committee.

NOW, THEREFORE, BE IT RESOLVED said City Council hereby establishes the Measure X Citizens' Oversight Committee and adopts the attached City of Martinez Measure X Citizens' Oversight Committee Bylaws, governing the terms, composition and specific duties thereof.

* * * * *

I HEREBY CERTIFY the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 20th day of February, 2019, by the following vote:

AYES: Councilmembers Mark Ross, Debbie McKillop, Lara DeLaney, Vice Mayor Noralea Gipner, and Mayor Rob Schroder.

NOES: None

ABSENT: None


RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

**CITY OF MARTINEZ MEASURE X
CITIZENS' OVERSIGHT COMMITTEE BYLAWS**

Section 1. Committee Established. The City of Martinez (the "City") was successful at the election conducted on November 6, 2018 (the "Election"), in obtaining authorization from the City's voters to impose a general retail transaction and use tax ("General Tax") in the incorporated territory of the City for the purpose maintaining quality of life and essential services 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 General 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 No. 18-19 establishes the Measure X 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 review the expenditures of General Tax proceeds focused on addressing quality of life and essential services as set forth in Ordinance No. 1418 to ensure funds are spent responsibly on general City services consistent with community priorities.

The Committee shall confine itself specifically to proceeds generated from the imposition of the General 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. The Committee shall act in an advisory capacity to the City Council and no express authority or power to act on behalf of the City is hereby delegated. To carry out its stated purpose, the Committee shall perform the following duties:

(a) Review semi-annual revenue and expenditure reports produced by the City and other relevant reports and information regarding the Transactions and Use Tax; and

(b) Provide to the City Council an annual report on whether revenues were expended efficiently and effectively and recommendations, if any, of ways to ensure that future revenues are expended efficiently and effectively.

(c) In order to preserve the integrity and independence of the oversight process, Committee members shall not play a role in contracting or project management for projects funded through revenue from Measure X.

(d) The Committee is not charged with decision-making on spending priorities, schedules, project details, or financing plans.

Section 4. Membership.

4.1 Number. The Committee shall consist of the City Treasurer and six (6) members, striving for at least one member from each of the four (4) voting districts of the City and striving to reflect the diverse nature of the community, 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 a financial field.
- The final configuration of the committee will then consist of seven (7) members, as follows:

One (1) City Treasurer

Six (6) members at large

4.2 Qualification Standards.

(a) To be a qualified member of the Committee, a person must be at least 18 years of age and reside in Martinez.

(b) The Committee may not include any employee, City Council member or any vendor, contractor or consultant of the City.

4.3 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.

4.4 Term. At the Committee’s first meeting, at-large members will draw lots to select a minimum of three (3) members to serve for an initial three (3) year term, and the remaining three (3) members for an initial four (4) year term. All successive terms shall be for four (4) years. No member may serve more than two (2) consecutive terms, except for the City Treasurer.

4.5 Appointment. Members of the Committee shall be appointed through the following process:

- (a) the general public and appropriate local groups will be solicited for applications;
- (b) the Mayor and City Treasurer will review the applications;

(c) the Mayor will make appointments of the members of the Committee with the approval of the City Council.

4.6 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.

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

4.8 Limitation of 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.

(c) As stated in Section 3 (d), the Committee is not charged with decision-making on spending priorities, schedules, project details, or financing plans.

Section 5. Meetings of the Committee

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

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

5.3 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 6. City Support

6.1 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 semi-annual revenue and expenditure reports and other relevant information regarding financial transactions related to the Measure X General Tax revenues; and

(d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the City.

6.2 City staff shall attend all Committee proceedings in order to report on the status of expenditures of General Tax proceeds.

Section 7. Reports. In addition to the Annual Report required in Section 3.1, 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 8. 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 9. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the entire City Council.

Section 10. Termination. The Committee shall automatically terminate and disband 180 days after the end of the fiscal year in which all Measure X General Tax revenues were finally expended.

MEASURE X CITIZENS' OVERSIGHT COMMITTEE ETHICS POLICY STATEMENT

This following Ethics Policy Statement provides general guidelines for Committee members to perform their roles. Not all ethical issues that Committee members face are covered in this Statement. However, this Statement captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

POLICY

- **CONFLICT OF INTEREST.** A Committee member shall not make or influence a City decision related to: (1) any contract funded by General Tax proceeds or (2) any construction project which will benefit the committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent. 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.
- **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by General Tax proceeds, or (2) any construction project. A Committee member shall not make or influence a City decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of two (2) years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the City that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two (2) years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the City with respect to: (1) bidding on projects funded by the General Tax proceeds; and (2) any construction project.
- **COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California and all other applicable government entities, and the policies, procedures, rules and regulations of the City of Martinez;
- **COMMITMENT TO CITY.** A Committee member shall place the interest of the City above any personal or business interest of the member.

The undersigned acknowledges he or she has received a copy of this Ethics Policy Statement, understands the provisions of this policy and agrees to adhere to its requirements.

Date Member, Oversight Committee