

Resolution No. 2013-10-08-1505

## STOCKTON CITY COUNCIL

## RESOLUTION ADOPTING THE CITY OF STOCKTON TRANSACTION AND USE TAX ORDINANCE CITIZEN'S OVERSIGHT COMMITTEE CHARTER

On July 9, 2013, the Stockton City Council adopted Resolution 2013-07-09-1601 calling for a special election and Ordinance 2013-07-09-1601 establishing the 3/4 cent sales tax contingent upon voter consideration and approval at the November 5, 2013 election; and

The City of Stockton desires to clarify the intent of authorizing the formation of a Citizens' Oversight Committee through Ordinance 2013-07-09-1601 contingent upon voter consideration and approval at the November 5, 2013 election; and

The City of Stockton is responding to community inquiries as to how the Citizens' Oversight Committee will foster accountability and transparency so that members of the public can see that the tax proceeds are being spent consistent with the goals of the tax measure; and

The City of Stockton has developed a Charter detailing the role and duties of the Citizens' Oversight Committee in preparation for implementation of Ordinance 2013-07-09-1601 contingent upon voter consideration and approval at the November 5, 2013 election; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:


1. The City of Stockton Transaction and Use Tax Ordinance Citizens' Oversight Committee Charter, attached as Exhibit 1 and incorporated herein, is hereby approved and adopted.
2. The City Manager is authorized to take whatever action is necessary to carry out the purpose and intent of this resolution.

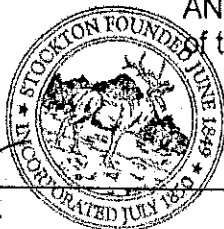
PASSED, APPROVED, and ADOPTED October 8, 2013



ANTHONY SILVA, Mayor  
of the City of Stockton

ATTEST:

  
BONNIE PAIGE, City Clerk  
of the City of Stockton



**CITY OF STOCKTON TRANSACTIONS AND USE TAX ORDINANCE  
CITIZENS' OVERSIGHT COMMITTEE CHARTER**

**1. Committee Established**

A Citizens' Oversight Committee ("Committee") is hereby established as required by the City of Stockton Transactions and Use Tax Ordinance ("Ordinance"). The Committee shall have the duties and rights set forth in this Charter.

**2. The Mission and Purpose of the Committee**

2.1. The mission of a strong and independent Citizens' Oversight Committee is to oversee the expenditure of revenues generated by the tax imposed by the Ordinance and to make recommendations to the City Council regarding those expenditures in accordance with the voter's intent as set forth in Measure B.

2.2. The purpose of the Committee as stated in the Ordinance shall be to meet at least semi-annually to review the expenditure of revenues generated by the tax imposed by this Ordinance and to make recommendations to the City Council regarding those expenditures. To carry out its stated purposes, the Committee shall perform the following duties:

- 2.2.1 Review Expenditures. The Committee will review at the close of each fiscal year the actual expenditures for Measure A proceeds, as attested by the City's independent financial auditor in the Comprehensive Annual Financial Report, to ensure that tax proceeds are expended for the purposes set forth in the applicable ballot measure.
- 2.2.2 Inform the Public. The Committee shall inform the public concerning the City's expenditures of the tax proceeds.
  - (a) Minutes of Committee meetings shall be provided to the City Council and placed on the next available regular Council meeting agenda thereafter.
  - (b) The Committee will have the responsibility to report to the public any information that funds are being spent illegally or imprudently or in a manner inconsistent with the intent of the voters as expressed in Measures A and B.

- 2.2.3 Annual Reports. The Committee shall present to the City Council, in public session, an annual written report, which shall include the following:
- (a) A statement indicating whether the City is in compliance with the purposes set forth in the applicable ballot measures with respect to the tax proceeds;
  - (b) A review of tax expenditures to verify that amounts collected were expended for the purposes set forth in the applicable ballot measure with respect to the tax proceeds;
  - (c) A review of the City's progress in implementing the recommendation of the Marshall Plan on Crime, including the hiring of 120 more police officers and other investments; and
  - (d) A summary of the Committee's proceedings and activities for the preceding year.
- 2.2.4 Budget Recommendation. The City will propose a budget for the use of Measure A proceeds to the Committee with sufficient time for it to formulate a recommendation to the City Council before it deliberates on that same budget in the annual budget adoption process.
- (a) The Committee shall present to the City Council, in public session, their recommendation on the proposed budget.
- 2.2.5 Review Sunset Provisions. Before City Council authorization of the sunset or extension of the sunset of the tax, the Committee will review its applicability and whether the City has supporting evidence and appropriate findings as outlined in the Ordinance.

### **3. Committee Membership**

3.1 The Committee shall consist of at least seven (7) members as required by the Ordinance. The City Council shall appoint all the members of the Committee as set forth herein.

3.2 Each member of the City Council, including the Mayor, shall nominate one member to the Committee. The City Council shall approve by majority vote all the nominations to the Committee.

3.3 In evaluating individuals to nominate as members of the Committee, the City Council shall take into consideration such factors and criteria as it deems appropriate in evaluating a nominee, including his or her knowledge, expertise, skills, integrity, diversity, judgment, business or other related

experience, reputation in the business community, the interplay of the nominee's experience with the experience of other Committee members, and the extent to which the nominee would be a desirable addition to the Committee.

3.4. To be a qualified person to serve on the Committee, he or she must be at least 18 years of age.

3.5. The Committee may not include any employee or official of the City or any vendor, contractor or consultant of the City. Nor can the City Council appoint persons who hold an office incompatible with service on the Committee.

#### **4. Committee Governance**

4.1. All Committee proceedings shall be open to the public except as necessary to consider legally privileged matters consistent with state law. Notice to the public shall be provided in the same manner as the proceedings of the City Council. The Committee will have the ability to appoint a Chair from among its voting members and establish other bylaws that are not in conflict with the provisions of the Ordinance or this Charter. The Committee shall serve as the single statutory Oversight Committee for Measures A and B.

#### **5. City Commitment to the Committee**

5.1. The City acknowledges that effective oversight by the Committee is not only required by law but is essential to the City's ability to accomplish the intent of the voters as expressed in Measures A and B. Therefore, the City commits to support the oversight process through cooperation with the Committee, by providing the Committee with access to information and with sufficient logistical support so that the Committee may effectively perform its oversight function. Further, the City will insure that with regard to the Committee, all City Staff are committed to open communication, the timely sharing of information and teamwork.

5.2. The City agrees to provide the Committee with the necessary information to engage in effective oversight. Receipt of timely and complete information is essential in order for the Committee to perform its duties. All expenditures by the City of funds obtained through revenues generated by the tax imposed by the Ordinance shall be subject to the review and oversight of the Committee. The Committee will be entitled to access all information concerning expenditures not subject to legal privilege.

5.3. The City Manager will facilitate communication between the Committee and the City Council by scheduling specific time on City Council Agendas for the Committee to report on its business to the City.

5.4. Committee reports will be available to the public on a website to be provided for the Committee by the City.

5.5. The City and the Committee agree that to insure oversight by the Committee continues to be as effective as possible, the efficacy of this Charter will be evaluated on a periodic basis and a formal review will be jointly conducted by the City and the Committee within five (5) years of the adoption of this Charter to determine if any amendments should be made.