

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ESTABLISHING THE MEASURE "H" CITIZENS' OVERSIGHT COMMITTEE AND ADOPTING OPERATIONAL BYLAWS

WHEREAS, The Los Banos City Council ("City Council") submitted to the voters of the City of Los Banos ("City") the Los Banos Essential City Services 1/2 Cent Sales Tax ("Measure H") for the election that was held on November 6, 2018;

WHEREAS, The election was conducted under the provisions of Part 1.6 (commencing with Section 7251) and Section 7285.91 of Part 7.1 in Division 2 of the California Revenue and Taxation Code;

WHEREAS, The voters of the City approved the Los Banos Essential City Services 1/2 Cent Sales Tax Ordinance as Measure H on the election ballot;

WHEREAS, Measure H is codified in Chapter 12.2 of Title 3 of the Los Banos Municipal Code commencing with Section 3-12.2.01 (the "Ordinance");

WHEREAS, Section 3-12.2.12 of the Ordinance contains a fiscal accountability provision that requires the City Council to create a citizens' oversight committee to review, make recommendations, and annually report on the revenue and expenditure of the funds from the tax adopted by the Ordinance in order to provide for citizens' oversight, transparency and accountability in connection with expenditures of tax revenues generated under the terms of the Ordinance; and

WHEREAS, The City Council desires to establish the bylaws that set forth the purpose, appointment and membership requirements, duties and procedures for the citizens' oversight committee.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council hereby establishes the Measure H Citizens' Oversight Committee (the "Committee").
2. The City Council adopts the Measure H Citizens' Oversight Committee Bylaws, attached as Exhibit "A," which is incorporated herein by reference, to establish the guidelines that govern the purpose, appointment, membership requirements, duties and procedures for the Measure H Citizens' Oversight Committee.
3. This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19th day of December, 2018, by City Council

Member _____, who moved its adoption, which motion was duly seconded by City Council Member _____, and the Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

CITY OF LOS BANOS
MEASURE H CITIZENS' OVERSIGHT COMMITTEE BYLAWS

On November 6, 2018, Los Banos voters enacted the Los Banos Essential City Services 1/2 Cent Sales Tax ("Measure H"). Measure H required the City Council to establish a citizens' oversight committee. The intent of these bylaws is not to expand nor restrict the Committee's responsibilities under Measure H but instead these bylaws are intended to implement the intended purpose of the citizens' oversight committee. The purposes of the Committee are set forth in Measure H, and these Bylaws are specifically made subject to the applicable provisions of Measure H as to the duties and responsibilities of the Committee.

A. Committee Purpose.

The purpose of the Committee is to review, make recommendations, and annually report on the revenue and expenditure of the funds from the ½ cent sales tax adopted by Measure H in order to provide for citizens' oversight, transparency and accountability in connection with expenditures of the tax revenues generated by Measure H.

The Committee shall confine itself specifically to its responsibilities under Measure H. Revenues from other sources shall fall outside the scope of the Committee's responsibilities.

B. Composition and Qualifications.

The Committee shall consist of five (5) members appointed by the City Council.

To be eligible to serve on the Committee, members must be:

1. at least 18 years of age and a registered voter; and
2. a resident of the City of Los Banos.

City employees, consultants, or vendors are expressly precluded from serving as members of the Committee.

Members of the Committee shall not be prohibited from serving on other City commissions or committees.

Each committee member shall complete ethics training as mandated by State Assembly Bill 1234. Members of the Committee shall not be, or have, any conflict of interest in the matters which they review.

C. Appointment Process.

The City Council will appoint members based on an application and interview process.

D. Term of Membership.

Terms of the members will be staggered so that the terms of three (3) members end in even-numbered years while the terms of the other two (2) members end in odd-numbered years. With the exception of the initial appointments each member will serve a term of two (2) years. At the Committee's first meeting after adoption of the original by-laws members will draw lots to select three (3) members to serve for an initial two (2) year term and the remaining members for an initial one (1) year term so that the terms of all members do not expire at the same time.

Terms shall expire on December 31st or until a successor is appointed whichever occurs last. Members whose terms have expired may continue to serve on the Committee until their successor has been appointed.

E. Compensation.

Members will not be compensated for service on the Committee.

F. Removal; Vacancy.

The City Council may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse. Upon a member's removal, his or her seat shall be declared vacant. The City Council shall fill any vacancies on the Committee. Vacancies shall be filled for the remaining unexpired term in the same manner as the original appointment.

G. Authority of Members.

Committee members shall not have the authority to direct City staff.

Individual members of the Committee retain the right to address the City Council, either on behalf of the Committee or as an individual.

The Committee and its members shall have the right to request and receive copies of reports and records relating to Measure H which have been prepared for the City Council and which have become public records.

H. Meetings of the Committee.

The Committee is required to meet at least twice a year.

All meetings shall be held within the City of Los Banos.

All meetings shall be noticed and open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted

according to Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century.

A majority of the five (5) Committee members shall constitute a quorum for the transaction of any business. The Committee shall not discuss items or subjects unless they are on the agenda for the meeting.

The City Council shall appoint the initial chair and vice-chair of the Committee. Thereafter the Committee shall annually elect the chair and vice chair from among its members. The vice-chair shall act as chair only when the chair is absent.

I. Duties of the Committee.

The specific duties of the Committee are as follows:

1. To review, comment and make recommendations for the use of Measure H funds to the City Council each year prior to adoption of the annual budget/Measure H annual expenditure plan. Recommendations and comments of the Committee will be presented by the Finance Director during the budget workshop. City Council will consider the recommendations and comments of the Committee prior to budget adoption.
2. Review the annual Performance Report and report Committee findings to the City Council at a public meeting. Finance Staff will present to the Committee an Annual Performance Report, the report will include the status of revenues received and the use of expenditures for the most recently completed fiscal year. The Committee will be tasked with reviewing the annual report and reporting its finding to the City Council at a public meeting. All reports will be made available to the public on the City's website.

J. City Staff Assistance.

The City Manager will designate/appoint City staff person(s) to serve as staff liaison(s) to the Committee. The liaison(s) will be responsible for providing relevant information and receive and record all exhibits, documents, or other material presented to the Committee.

The liaison(s) will provide technical and administrative assistance to the Committee as follows:

1. Preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the City Council;

2. Provision of a meeting room, including any necessary audio/visual equipment;
3. Preparation and copies of any documentary meeting materials, such as agendas and reports;
4. Retention of all Committee records;
5. Providing public access to Committee records on an Internet website maintained by the City, and
6. Printing and mailing of any required reports.

City staff when necessary shall attend all Committee meetings in order to report on the status of projects and the expenditures of Measure H revenue.

K. Amendment of Bylaws.

Any amendment to these Bylaws shall require approval by a majority vote of the City Council.

L. Expiration.

The Committee's role shall expire and shall wind up its and terminate its work, publish its final report and disband as soon as possible after Measure H expires after fifteen (15) years.