

RESOLUTION NO. 2019-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING AND RESTATING RESOLUTION NO. 2019-008 REGARDING THE TRANSACTIONS AND USE TAX MEASURE X CITIZEN OVERSIGHT COMMITTEE

Be IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA, AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana conclusively finds, determines and declares as follows:

WHEREAS, on November 6, 2018, the voters of the City of Santa Ana approved Measure X (Santa Ana Neighborhood Safety, Homeless Prevention, and Essential City Services Enhancement Measure).

WHEREAS, Measure X established Santa Ana Municipal Code Section 35-214; which includes a requirement for the City Council to adopt a resolution to establish a citizen oversight committee to act in an advisory role to the City Council in reviewing the annual revenue and expenditures of funds from the tax authorized by Measure X; and the committee members' terms, qualifications and duties, and the committee's scope of authority.

WHEREAS, on January 15, 2019, the City Council directed staff to prepare a resolution based upon staff recommendation establishing the citizen oversight committee and its bylaws.

WHEREAS, on February 5, 2019, the City Council adopted Resolution No. 2019-008 Approving the Establishment of and Bylaws for the Transactions and Use Tax Measure X Citizen Oversight Committee.

WHEREAS, the City Council desires to amend the bylaws and restate Resolution No. 2019-008 to allow that Committee Members be residents of the City instead of residents from the ward of the City Councilmember who appoints them.

NOW, THEREFORE, it is hereby ORDERED, RESOLVED and DETERMINED, as follows:

Section 2. Establishment of Committee, Member Qualifications and Selection, and Member Terms.

- A. The Transaction and Use Tax Measure X Citizen Oversight Committee ("Committee") shall be established. The name of the Committee shall be the SANTA ANA 2018 MEASURE X CITIZEN OVERSIGHT COMMITTEE. The

Committee shall be comprised of 7 members. All Committee Members must be residents of the City of Santa Ana.

- B. Each of the City Council Members shall select one Committee Member, who shall be a resident of the City of Santa Ana. The Mayor shall select one Committee Member at large, who must have financial expertise. Financial expertise is defined as minimum education equal to a four-year accredited college or university degree in Finance, Accounting, Economics or a related finance subject major, with two-year's minimum related working experience in the private or governmental sector. All selections put forth for appointment shall be ratified by a majority of the City Council during a regular City Council meeting.
- C. Each Committee member shall have a term that coincides with the City Council Member who appointed the Committee Member.
- D. Residents who desire to serve on the Committee must submit an application with the Clerk of the Council, pursuant to a process established by the Clerk. The Clerk of the Council shall furnish completed applications to the City Council Members and Mayor for consideration.
- E. Committee members are volunteers, and are not paid compensation by the City for serving on the Committee.

Section 3. Meetings.

- A. The Committee shall be subject to California open meetings law, which is the Ralph M. Brown Act (California Government Code Section 54950 *et seq.*).
- B. Four members shall constitute a quorum for meetings.
- C. The Committee shall self-elect a Chair to preside over meetings, authorize calls for any special meetings subject to the availability of Finance and Management Services Agency staff, execute the Committee's annual report, and attend the City Council meeting where the Committee's annual report is presented. The Committee shall also self-elect a Vice-Chair to serve in the absence of the Chair.
- D. In the absence of both the Chair and Vice-Chair, the Committee shall, as the first order of business, nominate a member to Chair the meeting.
- E. The Executive Director of Finance and Management Services shall appoint an employee to serve as the Recording Secretary of the Committee, who shall take minutes, issue notice of all regular and special meetings, and perform other duties associated with the role.

- F. The current edition of Robert's Rules of Order shall be the authority on all questions of parliamentary procedure, unless in conflict with the Santa Ana Municipal Code or state law.
- G. Regular meetings shall be held quarterly, on the second Wednesdays of March, June, September, and December; which are the months immediately following the availability and analysis of quarter-end sales tax data. Meetings will generally be held at 6:00 pm in a publicly-available room at City Hall, which shall be listed on each meeting agenda publicly posted prior to the meeting in accordance with state law. Additional meetings shall be scheduled as needed, or by direction of City Council.

Section 4. Committee Member Orientation. Committee Members shall receive an orientation including overviews of the following topics: compliance with the Brown Act; this establishing resolution and any subsequent amending resolutions; sales, transactions and use tax law and processes; and the City's budget and financial position.

Section 5. Committee Support.

- A. The Finance and Management Services Agency shall supply the staff support for the Committee, including attendance at meetings, and preparation of the agenda and meeting presentations.
- B. The City Council shall appropriate a small annual budget sufficient for administrative support such as photocopying, minute-taking, and an annual presentation from the City's sales tax consultant.

Section 6. Duties.

- A. Pursuant to Santa Ana Municipal Code Section 35-214, the Committee shall act in an advisory role to the City Council.
- B. The Committee shall review summaries of quarterly and year-to-date revenue generated by Measure X, as detailed sales tax data for each business is confidential pursuant to state law.
- C. The Committee shall review budgeted and actual expenditures appropriated from the Measure X revenue source.
- D. During its December meeting, the Committee shall receive annual presentations from the City's sales and use tax consultant and the City's independent financial statement auditor.
- E. During its March meeting, the Committee shall prepare an annual report to City Council, including recommendations, in time for City Council consideration during the budget process for the upcoming fiscal year.

Section 7. Committee Member Absences. If a Committee Member is absent from two consecutive regular meetings, unless by permission of the Committee expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified Committee Member, the seat shall become vacant and shall be so declared by the City Council. A notification of non-attendance to the Recording Secretary by either email or phone call may be deemed as an "excused absence" after consideration and vote of a majority of the Committee. Failure to give notification of non-attendance shall be deemed an unexcused absence.

Section 8. Amendment of Bylaws. The bylaws included herein can only be amended by resolution of the City Council.

Section 9. The amended and restated bylaws for the Santa Ana 2018 Measure X Citizen Oversight Committee, as described herein, are approved.

Section 10. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 4th day of June, 2019.



Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Laura A. Rossini
Laura A. Rossini
Senior Assistant City Attorney

AYES:	Councilmembers	<u>Iglesias, Penaloza, Sarmiento, Solorio,</u> <u>Villegas (5)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>Pulido (1)</u>

*Ward 4 Representative Vacant

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Norma Mitre, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-034 to be the original resolution adopted by the City Council of the City of Santa Ana on June 4, 2019.

Date: June 11, 2019



Norma Mitre
Acting Clerk of the Council
City of Santa Ana