

**CITY OF ATWATER
CITIZENS' OVERSIGHT COMMITTEE
FOR
PUBLIC SAFETY TRANSACTIONS
AND USE TAX
AGENDA**

Council Chambers
750 Bellevue Road
Atwater, CA 95301

February 2, 2017

5:00 PM



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Barkman_____, Maurer_____, Olzack_____, Raymond_____, Winningham_____,
Bowling _____, Lee_____

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

Citizens wishing to address the Committee, regarding only the items on the agenda, may do so when the item is read for consideration. Please state your name and address or community of residence and keep your comments to five minutes or less. Under the provisions of the California Government Code, the Committee may not discuss or take action on any item that is not on the agenda.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

OATH OF OFFICE:

**Citizens' Oversight Committee for Public Safety Transactions and Use Tax
Members**

- **Barkman**
- **Bowling**
- **Lee**
- **Maurer**
- **Raymond**
- **Winningham**
- **Olzack**

Recommendation: That City Clerk Hyler III administers the oath of office to the Citizens' Oversight Committee for Public Safety Transactions and Use Tax Members.

MINUTES:

1. Regular meeting, August 11, 2016

Recommendation: Motion to approve minutes as listed.

BUSINESS:

2. Citizens' Oversight Committee for Public Safety Transactions and Use Tax Bi-laws

Recommendation: that the Citizens' Oversight Committee, by motion, provide staff with direction regarding the Citizens' Oversight Committee bi-laws.

3. Setting meeting dates

Recommendation: Motion to set meeting dates as outlined in Chapter 3.45.160 "Establishment of Citizens' Oversight Committee," Section D "Meetings" of the Atwater Municipal Code.

REPORTS:

4. Verbal Financial update (Finance Director Deol)

5. Verbal Fire Department update (CAL FIRE Battalion Chief Pimentel)

6. Verbal Police Department update (Acting Police Chief Wisdom)

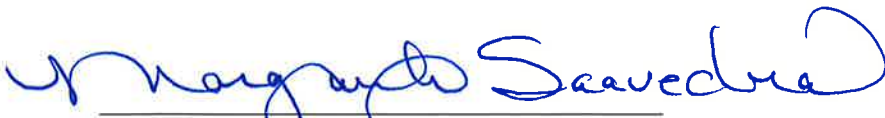
7. Verbal report regarding the Citizens' Oversight Committee Members appointment terms (Interim City Manager McBride)

BOARD COMMENTS:

ADJOURNMENT:

CERTIFICATION:

I, Margarita Saavedra, Recording Secretary, do hereby certify that a copy of the foregoing Agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



MARGARITA SAAVEDRA
Recording Secretary

1-25-17

DATE

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.



In compliance with the Federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission, or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at 357-6205. You may also send the request by email to jdelreal@atwater.org.



CITY OF ATWATER

CITIZENS' OVERSIGHT COMMITTEE FOR PUBLIC SAFETY TRANSACTIONS AND USE TAX

ACTION MINUTES

August 11, 2016

CALL TO ORDER:

The City of Atwater Citizens' Oversight Committee for Public Safety Transactions and Use Tax met in regular session this date at 5:35 PM in the City Council Chambers, 750 Bellevue Road, Atwater, California; Chairperson Lee presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Committee Member Raymond.

ROLL CALL:

Present: Committee Members Maurer, Raymond, Winningham,
Chairperson Lee

Absent: Committee Members Barkman, Olzack, Vice Chairperson
Bowling

Staff Present: Interim Police Chief Joseph, Mayor Price, City Attorney
Terpstra, CAL FIRE Battalion Chief Pimentel, Finance Director
Deol, Recording Secretary Saavedra

Staff Absent: None

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Chairperson Lee invited public comments.

No one came forward to speak.

MINUTES:

Regular meeting, April 18, 2016

MOTION: *Committee Member Maurer moved to approve the minutes as listed. The motion was seconded by Committee Member Raymond and the vote was: Ayes: Maurer, Winningham, Raymond, Lee. Noes: None; Absent: Barkman, Olzack and Bowling. The motion carried.*

REPORTS:

Finance Director Deol

Finance Director Deol presented a verbal report regarding the financial status of the Citizens' Oversight Committee for Public Safety Transactions and Use Tax.

City Attorney

City Attorney Terpstra responded to questions from Chairperson Lee regarding the use of Measure H funds to pay salaries. City Attorney Terpstra stated according to the ordinance outlining the use of Measure H funds it is appropriate to utilize Measure H funds to supplement not supplant existing city expenditures for public safety. He suggested utilizing the current Public Safety Expenditure Plan instead of the budget to review spending priorities.

City Attorney Terpstra clarified the purpose and jurisdiction of the citizens' oversight committee. He stated the role of the Measure H oversight committee to assess expenditures is an important role and is what the public voted for.

Committee Member Raymond questioned why the committee had not received copies of the Public Safety Expenditure Plan and asked who was responsible to provide the plan, and requested copies of the plan.

City Attorney Terpstra responded the Public Safety Plan has not been updated since 2014/15 and he had recently spoken with the City Manager regarding updating the plan.

Finance Director Deol stated she would attempt to locate the Expenditure Plan to provide to the Committee Members.

Interim Police Chief Joseph

Interim Police Chief Joseph stated he is working on generating revenue with a City owned Tow Yard and he is working with Grants Manager Lori Waterman to acquire grant funding.

CAL FIRE Battalion Chief Pimentel

CAL FIRE Battalion Chief Pimentel presented a verbal update/report regarding use of Citizens' Oversight Committee for Public Safety Transactions and Use Tax funds.

COMMITTEE MEMBER COMMENTS:

Committee members requested a venue to communicate to City Council their concerns regarding the Measure H fund lack of reserve for unpredicted emergency expenditures and the usage of Measure H funds to pay salaries.

Committee Member Maurer stated the Measure H Committee will need to sell the continuation of the ½ cent tax to residents in 7 years and stressed the importance of spending the funds well in order to present to the residents the necessity of the continuation of the ½ tax.

Committee Member Wunningham stated the City Council and the Measure H Committee are a team even if it does not appear so at times. He requested better communication between the Measure H Committee and City Council in order to be better prepared and more informed about the financial status prior to the Measure H Committee meetings. He requested monthly financial updates.

Committee Member Lee thanked Mayor Price for attending the meeting and requested City Council members attend the meetings to answer questions or take concerns back to City Council. He reiterated Committee Member Wunningham's comments regarding the importance of the Measure H Committee, City Council, and various departments being a team that work well together. He stated he agreed with Committee Member Maurer's comments concerning the Measure H Committee fulfilling their obligations well, in order to sell the ½ cent tax again in 7 years and believes the ½ tax is an important way to generate funds for Public Safety. He would like to possibly mirror the City of Los Banos in implementing the ½ cent tax permanently.

ADJOURNMENT:

Chairperson Lee adjourned the meeting at 6:45 PM.

ERIC LEE, CHAIRPERSON

By: Margarita Saavedra,
Recording Secretary

CITY OF ATWATER
ESTABLISHMENT OF CITIZENS OVERSIGHT COMMITTEE
FOR ATWATER PUBLIC SAFETY TRANSACTIONS AND USE TAX
BY LAWS

1. PURPOSE:

The purpose of the Citizens Oversight Committee (C.O.C.) is to monitor in coming Specific Tax Revenues and outgoing Specific Tax Expenditures. These revenues are specifically identified for use by the City of Atwater Public Safety Departments (Police and Fire). These Special Tax Revenues are administered by the California State Board of Equalization.

2. MEMBERS:

The Citizen Oversight Committee members plus five alternative members are appointed by the Atwater City Manager. The C.O.C. requirements are to develop a proactive process to keep the Atwater Citizens and the City Council informed of the Special Tax Revenues use.

The C.O.C. members will not be current City of Atwater Employees, officials, contractors, or venders of the City of Atwater. The city manager and city attorney will determine if a perspective member has a conflict of interest.

The first C.O.C. members will be appointed for two year and three year terms. Future C.O.C. members would be appointed for three year terms. No member may serve more than two consecutive three year terms. An exception may be granted by the City Manager if needed.

Each C.O.C. member will have one (1) vote on all matters brought to a vote during regular or called meetings. A quorum is a majority of voting members present. Alternate members do not vote unless taking the place of an absent member.

The C.O.C. is selected through the City of Atwater adopted recruitment process. These applications are reviewed by the City Manager.

3. JURISDICTION:

The C.O.C. will review generated revenues and expended revenues collected from the California State Board of Equalization. The C.O.C. will determine if these funds are expended for the purpose identified by the Public Safety Measure H, Police, and Fire Departments Expenditure Plan.

The C.O.C. will issue reports on their findings to the Citizens of Atwater, Atwater City Council and City Manager semi-annually (dates determined by the City Manager) or more frequently as needed.

The C.O.C. will also review the annual financial performance audits from an independent auditor.

4. MEETINGS:

The C.O.C. will meet at least semi-annually when reports will be generated for the Citizens of Atwater, City Council, and City Manager. The members may meet more frequently as they deem necessary.

5. OPERATIONS:

The C.O.C. will select members to serve as chair and vice chair of the committee. The police consultant will also attend meetings. In addition, a city staff person will be appointed by the City Manager to serve as secretary and provide administrative assistance.

6. VACANCIES:

A member of the C.O.C. may be removed from the committee by the City Manager for repeated absence, for malfeasance, for failing to meet qualifications, (Ord.3.45.160, Section D), or inability to complete their duties of a member.

If a member is removed or resigns the City Manager will appoint a person to fill the vacancy.

7. DUTIES OF OFFICERS:

The chairperson presides at all meetings and eligible to vote on all matters coming before the committee. The chairperson conducts meetings in an orderly manner.

The vice-chairperson performs all duties and assumes all responsibilities of the chairperson in an absence.

8. ATTENDANCE:

Members will attend all scheduled C.O.C. meetings. When a member cannot attend a meeting an alternate may be substituted. The alternate will have the same voting privileges as a member. A member who fails to attend two (2) consecutive meeting (without being excused) is considered to have vacated the position.

9. MISCELLANEOUS:

A complete copy of City of Atwater Ordinance No. CS 937 will be provided to C.O.C. members for additional clarification of duties and responsible areas.



CITY COUNCIL OF THE CITY OF ATWATER

ORDINANCE NO. CS 949

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATWATER AMENDING CHAPTER 3.45 OF THE ATWATER MUNICIPAL CODE RELATING TO ATWATER PUBLIC SAFETY TRANSACTIONS AND USE TAX

The City Council of the City of Atwater does hereby ordain:

SECTION 1: Title 3 “Revenues and Finance,” Chapter 3.45 “Atwater Public Safety Transactions and Use Tax,” Section 3.45.160 “Establishment of Citizens Oversight Committee” of the Atwater Municipal Code is hereby amended to read in full as follows:

3.45.160 Establishment of Citizens’ Oversight Committee.

A. Committee Established. There is hereby established in the City a citizen’s oversight committee to monitor the expenditures of revenue collected pursuant to this chapter only and report to the people and the City Council.

B. Selection of Members. Members of the citizens’ oversight committee shall be appointed by the City Manager. The committee shall consist of ~~five~~ seven members. The initial committee shall consist of those members listed in the Citizens’ Oversight Committee Member List, incorporated by reference herein. The citizens’ oversight committee members shall not be current City employees, officials, contractors or vendors of the City. Past employees, officials or vendors shall be eligible to serve on the committee, provided that there are no conflicts of interest as determined by the City Attorney.

As used herein, the term “official” is not synonymous with the term “public official” as defined in the California Political Reform Act. The term “official” shall not include members or appointees serving on existing boards or commissions of the City of Atwater, including, but not limited to, the Planning and Zoning Commission and the Parks and Recreation Commission. The term “official” shall mean any person who is not an employee, but performs the duties or functions of an employee of the City of Atwater for compensation under an outsourcing

arrangement, including, but not limited to, the Fire Chief, the Finance Officer and any other positions which may be outsourced subsequent to the enactment of this Ordinance.

Of the members of the committee first appointed, three ~~three~~ **four** shall be appointed for terms of two years and ~~two~~ **three** for terms of three years. Their successors shall be appointed for terms of three years. No member may serve more than two consecutive three-year terms.

The City Manager shall solicit citizens' oversight committee members through an open application process that is promoted through the City's adopted recruiting process. Any Atwater resident is eligible to apply for committee membership, subject to the appointment categories specified above. All applications will be reviewed by the City Manager, which will have the authority to make all final decisions on committee representation, subject to these guidelines.

C. Purpose and Jurisdiction. The citizens' oversight committee shall review expenditures of revenue collected pursuant to this chapter only to determine whether such funds are expended for the purposes specified in the then-current public safety measure police and fire expenditure plan, and issuing reports on their findings to the City Council and public at least annually. Committee members may also review the annual financial or performance audits performed by an independent auditor. The committee shall confine its oversight specifically to revenues generated under this chapter. Revenue generated through other sources shall be outside the jurisdiction of the public safety measure citizens' oversight committee.

In order to preserve the integrity and independence of the oversight process, committee members will not play a formal role in contracting, project management, or any other aspect of the public safety measure funding.

The committee is not charged with decision-making on spending priorities, schedules, project details, funding source decisions (e.g., leveraged funds, developer fees, etc.), financing plans, or tax rate assumptions. The committee shall serve in an advisory-only role to the City Manager. The committee shall have no jurisdiction other than that delegated to it by the people pursuant to this chapter.

The City Manager or designee shall provide any reasonable administrative or technical assistance required by the committee to fulfill its responsibilities or publicize its findings.

D. Meetings. The citizens' oversight committee shall meet semi-annually (or as otherwise provided for in approved or amended bylaws) with specific meeting dates to

be determined by committee members. Citizens' oversight committee meetings are subject to the Brown Act. Meetings must be noticed and open to the public. Committee minutes and reports are a matter of public record, and must be posted on a web site provided by the City. Additional meetings may be scheduled by the committee as necessary. All committee members shall attend a training and orientation session prior to the first regular committee meeting.

Committee members are expected to attend all regular meetings. Failure to attend two consecutive meetings may result in removal from the committee at the discretion of the City Manager.

E. Committee Operations. The citizens' oversight committee will select members to serve as chair and vice chair of the committee. A City staff person will be appointed by the City Manager or designee to serve as secretary. The secretary will be responsible for preparing, posting and distributing agendas and taking minutes at each meeting. Approved minutes shall be made available to the public. Committee decisions, positions, findings, and procedures shall require a simple majority vote of those members in attendance. The quorum requirement for any meeting shall be a minimum of three four members.

F. Vacancies. Committee members may be removed from the committee only by the City Manager for repeated absence (see Section D of this section), for malfeasance, for failing to meet the qualifications set forth in this section or for inability or unwillingness to fulfill the duties of a member. In the event of removal, resignation, or death, the City Manager shall appoint a person to fill the vacant seat.

G. Miscellaneous. With the exception of those items specifically addressed in these guiding principles, the committee may draft and adopt its own standard procedures and bylaws by majority vote. All citizens' oversight committee procedures and bylaws remain subject to review and approval by the City Council. Citizens' oversight committee reports and audits are subject to review and approval of the City Council.

SECTION 2. SEVERABILITY: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3. EFFECTIVE DATE: This ordinance shall take effect and be in force thirty (30) days after the date of its passage and the City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published in the Atwater Signal within fifteen (15) days from the adoption hereof.

INTRODUCED: February 24, 2014
ADOPTED: March 10, 2014
AYES: Bergman, Jeff Rivero, Mooneyham, Faul
NOES: Joe Rivero
ABSENT: None

APPROVED:



CAROL JOAN FAUL, MAYOR

ATTEST:



JEANNA DEL REAL, CITY CLERK

3.45.160 - Establishment of citizens' oversight committee.

- A. Committee Established. There is hereby established in the City a citizen's oversight committee to monitor the expenditures of revenue collected pursuant to this chapter only and report to the people and the City Council.
- B. Selection of Members. Members of the citizens' oversight committee shall be appointed by the City Manager. The committee shall consist of seven members. The initial committee shall consist of those members listed in the Citizens' Oversight Committee Member List, incorporated by reference herein. The citizens' oversight committee members shall not be current City employees, officials, contractors or vendors of the City. Past employees, officials or vendors shall be eligible to serve on the committee, provided that there are no conflicts of interest as determined by the City Attorney.

As used herein, the term "official" is not synonymous with the term "public official" as defined in the California Political Reform Act. The term "official" shall not include members or appointees serving on existing boards or commissions of the City of Atwater, including, but not limited to, the Planning and Zoning Commission and the Parks and Recreation Commission. The term "official" shall mean any person who is not an employee, but performs the duties or functions of an employee of the City of Atwater for compensation under an outsourcing arrangement, including, but not limited to, the Fire Chief, the Finance Officer and any other positions which may be outsourced subsequent to the enactment of this Ordinance.

Of the members of the committee first appointed, four shall be appointed for terms of two years and three for terms of three years. Their successors shall be appointed for terms of three years. No member may serve more than two consecutive three-year terms.

The City Manager shall solicit citizens' oversight committee members through an open application process that is promoted through the City's adopted recruiting process. Any Atwater resident is eligible to apply for committee membership, subject to the appointment categories specified above. All applications will be reviewed by the City Manager, which will have the authority to make all final decisions on committee representation, subject to these guidelines.

- C. Purpose and Jurisdiction. The citizens' oversight committee shall review expenditures of revenue collected pursuant to this chapter only to determine whether such funds are expended for the purposes specified in the then-current public safety measure police and fire expenditure plan, and issuing reports on their findings to the City Council and public at least annually. Committee members may also review the annual financial or performance audits performed by an independent auditor. The committee shall confine its oversight specifically to revenues generated under this chapter. Revenue generated through other sources shall be outside the jurisdiction of the public safety measure citizens' oversight committee.

In order to preserve the integrity and independence of the oversight process, committee members will not play a formal role in contracting, project management, or any other aspect of the public safety measure funding.

The committee is not charged with decision-making on spending priorities, schedules, project details, funding source decisions (e.g., leveraged funds, developer fees, etc.), financing plans, or tax rate assumptions. The committee shall serve in an advisory-only role to the City Manager. The committee shall have no jurisdiction other than that delegated to it by the people pursuant to this chapter.

The City Manager or designee shall provide any reasonable administrative or technical assistance required by the committee to fulfill its responsibilities or publicize its findings.

D. Meetings. The citizens' oversight committee shall meet semi-annually (or as otherwise provided for in approved or amended bylaws) with specific meeting dates to be determined by committee members. Citizens' oversight committee meetings are subject to the Brown Act. Meetings must be noticed and open to the public. Committee minutes and reports are a matter of public record, and must be posted on a web site provided by the City. Additional meetings may be scheduled by the committee as necessary. All committee members shall attend a training and orientation session prior to the first regular committee meeting.

Committee members are expected to attend all regular meetings. Failure to attend two consecutive meetings may result in removal from the committee at the discretion of the City Manager.

E. Committee Operations. The citizens' oversight committee will select members to serve as chair and vice chair of the committee. A City staff person will be appointed by the City Manager or designee to serve as secretary. The secretary will be responsible for preparing, posting and distributing agendas and taking minutes at each meeting. Approved minutes shall be made available to the public. Committee decisions, positions, findings, and procedures shall require a simple majority vote of those members in attendance. The quorum requirement for any meeting shall be a minimum of four members.

F. Vacancies. Committee members may be removed from the committee only by the City Manager for repeated absence (see Section D of this section), for malfeasance, for failing to meet the qualifications set forth in this section or for inability or unwillingness to fulfill the duties of a member. In the event of removal, resignation, or death, the City Manager shall appoint a person to fill the vacant seat.

G. Miscellaneous. With the exception of those items specifically addressed in these guiding principles, the committee may draft and adopt its own standard procedures and bylaws by majority vote. All citizens' oversight committee procedures and bylaws remain subject to review and approval by the City Council. Citizens' oversight committee reports and audits are subject to review and approval of the City Council.

(Ord. CS 937, § 1, 12-10-2012; Ord. CS 949, § 1, 3-10-2014)