

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9540-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DEFINING THE COMPOSITION OF THE MEASURE O – CITIZENS' OVERSIGHT
COMMITTEE, PURPOSE, TERMS OF OFFICE FOR COMMITTEE MEMBERS, THE SCOPE
OF THE COMMITTEE'S RESPONSIBILITIES AND OTHER RELATED MATTERS

WHEREAS, on November 6, 2018, Garden Grove voters passed Ordinance No. 2897, also known as Measure O, imposing a one-cent (1%) transactions and use (sales) tax;

WHEREAS, Garden Grove merchants will begin collecting the tax on behalf of the City of Garden Grove on April 1, 2019;

WHEREAS, Ordinance No. 2897 states that the measure will be "subject to a clear system of accountability, including public audits and disclosures of all funds spent to ensure that all funds are spent properly" and "include strict Citizen Oversight, giving an independent voice in overseeing the measure's funds";

WHEREAS, this Resolution establishes a Measure O – Citizens' Oversight Committee; and

WHEREAS, this Resolution sets the composition of the Measure O – Citizens' Oversight Committee, its purpose, the terms of office, and defines the scope of the committee's responsibilities; and other related matters.

NOW, THEREFORE, THE CITY OF GARDEN GROVE CITY COUNCIL DOES
HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The Measure O – Citizens' Oversight Committee's composition, terms of office, scope of responsibilities and other related matters shall be as described in Exhibit A to this Resolution, incorporated herein by reference.

SECTION 2. This Resolution shall become effective immediately upon its passage and adoption.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution, and enter it into the book of original Resolutions.

Adopted this 26th day of February 2019.

ATTEST:

/s/ STEVEN R. JONES
MAYOR

/s/ TERESA POMEROY, CMC
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on February 26, 2019, by the following vote:

AYES:	COUNCIL MEMBERS:	(7)	BRIETIGAM, O'NEILL, NGUYEN T., BUI KLOPFENSTEIN, NGUYEN K., JONES
NOES:	COUNCIL MEMBERS:	(0)	NONE
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

/s/ TERESA POMEROY, CMC
CITY CLERK

EXHIBIT A

City of Garden Grove Measure O – Public Safety/9-1-1 and Vital City Services Citizens' Oversight Committee

1. **Purpose:** The purpose of the Measure O Citizens' Oversight Committee will be to review the City's annual general fund budget, mid-year budget, and year-end audited financial information in regards to the receipt and expenditure of the fiscal year's one-cent transactions and use (sales) tax revenue. This review will be based on the City's Measure O Ordinance No. 2897 and input received via the Community Priorities Survey. The committee will communicate its findings to the public and the City Council annually.
2. **Committee Responsibilities:** The oversight committee responsibilities for each of the years that the Measure O one-cent (1%) transactions and use (sales) tax is collected is:
 - 2.1. Review year-end audited annual financial information which will include Measure O tax revenue and expenditures.
 - 2.2. Review the mid-year financial report of general fund revenues and expenditures.
 - 2.3. Review the annual general fund operating budget.
 - 2.4. Review the above reports based on the City's Measure O Ordinance No. 2897 and input via the Community Priorities Survey.
 - 2.5. Hear public testimony and comments regarding Measure O.

The Committee shall produce a report that records the results of its review of the City's annual general fund budget, mid-year budget and year-end audited financial information for expenditures from revenue generated from the Measure O tax. The report shall be presented to the Council at a public meeting and shall be a public record. The report will also be posted on the City's website. The committee shall confine itself specifically to a high level review of revenues generated under Measure O and related expenditures.

The Oversight Committee responsibilities do NOT include the following:

- Enterprise and other funds generated independent of Measure O;
- Enterprise and other fund expenditures independent of Measure O;
- Decision-making on spending priorities;
- Authority to direct City staff or other officials.

3. **Committee Composition:** The Oversight Committee shall consist of seven members. At least one member should represent the business community as an owner or representative of a local business; at least one member should be an active senior resident (age 62 or older); at least two members should have background in finance/accounting; and the remaining three members may be members of the community at-large.

The following rules apply to all members:

- 3.1. All members shall be at least 18-years of age and reside within the State of California and be residents or business owners/representatives in the City of Garden Grove. All members shall be a registered voter. (Confirmation can be made by the voter through the OC Registrar of Voters website.)
- 3.2. Committee members may not be current Garden Grove employees, Garden Grove City Council members, or any vendor, contractor, or consultant with active contracts or agreements with the City of Garden Grove.
- 3.3. In making its appointment to the Oversight Committee, the Council may, at its discretion, consider various factors applicable to each candidate including, but not limited to, (i) residency in the City, (ii) whether the candidate is a registered voter within the City, and (iii) the candidate's professional (including financial or accounting experience) and educational background which supports or complements the purposes of the Oversight Committee.
4. **Committee is Advisory:** Advisory bodies play an important role in City government by assisting and advising the City Council. The primary role of an advisory body is to provide judicious advice to the City Council, the elected policy making body of the City. The advisory body's role can include the review of written and financial information, facilitating the study of issues, assessing the alternatives regarding issues of community concern and ultimately forwarding recommendations through Staff Liaison to the City Council for its consideration.

5. **Committee Member Terms of Office:** Pursuant to Garden Grove Municipal Code Section 2.21.012 Terms of Office, the term of office for all members of boards, commissions, and committees shall be from the date of appointment to the date of the first meeting of the City Council following each regular municipal election; provided, however, that a member shall remain in office until his or her successor is appointed or as otherwise set forth herein.

First Term		Future Terms – 2 years	
Appointment	Expiration	Appointment	Expiration
April 2019	December 2020	January 2021	December 2022

6. **Committee Organization and Use of Existing City Practices:** The Committee shall follow all relevant existing City practices in terms of organization and conduct. Specifically:

- 6.1. Elect the Chair and Vice Chair;
- 6.2. Operate in accordance with the Ralph M. Brown Public Meetings Act and shall conduct its meetings in accordance with the provisions thereof;
- 6.3. Operate in accordance with City of Garden Grove - City Council Policy, Commission/Committee Appointments, except where the Measure O Citizens' Oversight Committee Resolution (Policies) specifically addresses a topic;
- 6.4. Operate in accordance with City of Garden Grove Administrative Directives or Policies related to Ethics Training for Elected Officials; Appointees to Certain Boards, Commissions, and Committees; and Designated Employees;
- 6.5. Comply with all State and local mandated conflict of interest/economic interest disclosure requirements, if required by law;
- 6.6. Receive no compensation for service on the Committee.

7. **Committee Appointments / Attendance / Removal / Vacancy:** The Committee shall be appointed through the normal City Council Committee/Commission Appointments process. Pursuant to Garden Grove Municipal Code Section 2.21.010, the Mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute. There will be an application for Measure O Oversight Committee consideration. The power to make determinations as to appointments, attendance, removal and vacancies on the Oversight Committee is expressly reserved by the City Council.

- 7.1. For committee's to function effectively and accomplish their goals, all members must be active participants. This means all members must be present at all meetings. Committee members must inform the staff liaison prior to the meeting if they are unable to attend.
 - 7.2. The Council may remove any Committee members for any reason in accordance with established committee/commission removal processes outlined in Municipal Code section 2.21.014.
 - 7.3. If a Committee member resigns or is removed by the Council, his or her seat shall be declared vacant. The Council in accordance with established appointment processes contained in Municipal Code section 2.21.13 shall fill any vacancies on the Committee.
 - 7.4. A Committee member may be removed as may otherwise be prescribed or required by law.
8. **Staff Support / Authority of Committee:** Staff from the Finance Department will have primary responsibility for providing administrative support to the Measure O Citizens' Oversight Committee as shall be consistent with the Committee's purpose. The City Manager or his/her designee may also act as staff liaison to the Committee. Oversight Committee members do not have the authority to direct staff of the City or other officials.
9. **Committee Meeting Schedule:** The City's budget development occurs from January through August; the audited financial statement is typically complete by the end of January; and the mid-year financial report is normally completed in March. Consequently, the Committee will be active from January through August each year with a minimum of two meetings anticipated annually. The committee will have the ability to meet up to four times annually as needed. The exact meeting schedule (days/times/locations) will be dependent upon the budget preparation schedule, which changes slightly from year to year. No specific hearing dates and times have been established in this resolution in order to allow staff to work with the appointed Committee members to identify days/times that work well for the membership. All Oversight Committee meetings will be public and will be agendized in accordance with the Brown Act.
10. **Committee Reports:** The Committee shall present to the Council, in public session, an annual written report which shall include the following:
- 10.1. A summary of the Committee's proceedings and activities during the most recent review period.
 - 10.2. A response to the following questions will be addressed in the annual report:

10.2.1. Does the current audited financial information reflect that the Measure O – Public Safety and Vital City Services tax was collected and appropriately spent?

10.2.2. Does the City's proposed General Fund annual budget and CIP plan protect and maintain the City's core services including public safety?

The report prepared by the Committee documenting their findings and recommendations will be presented to the City Council at a public meeting and will be public record. The report will also be posted on the City's website.

11. Amendment of Policy and Regulations: The policies and regulations of the Oversight Committee may be subject to later and further amendments by the City Council and its discretion.