



## City Council Report

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Sacramento, CA 95814

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**File ID:** 2018-01701

December 11, 2018

**Consent Item 22**

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**Title:** Consideration of Measure U Citizens Advisory Committee Operating Procedures

**Location:** Citywide

**Recommendation:** Pass a Motion approving the Measure U Citizens Advisory Committee Operating Procedures.

**Contact:** Leyne Milstein, Assistant City Manager, 916-808-8491, Office of the City Manager

**Presenter:** None

**Attachments:**

1-Description/Analysis

2-Council Resolution 2018-0393

3- Measure U Community Advisory Committee Operating Procedures

**Description/Analysis:**

**Issue Detail:** On November 6, 2018, voters of the City of Sacramento approved Measure U, a one-cent general sales tax measure, effective April 1, 2019. On October 2, 2018, the City Council adopted Resolution 2018-0393 creating the Measure U Community Advisory Committee (Committee) included as Attachment 2.

The Committee's purpose is to provide general oversight of expenditures and revenues generated by the tax. The proposed Operating Procedures (Attachment 3) further outline the process the Committee will use to make recommendations and manage its work. The Committee Operating Procedures ensure transparency and accountability around processes and decisions regarding the recommendations and work product of the Committee.

**Policy Considerations:** Establishing the Committee is consistent with the Ordinance approved by Council on July 31, 2018, reflected in the adoption of Resolution 2018-0393 and reflects the Councils' continued commitment to seek community input in funding inclusive economic development investments.

To ensure a robust and diverse applicant pool, all candidates shall complete and submit, and electronic application supplied by the Office of the Clerk prior to the application period closing. At the close of the application period the Clerk shall prepare all applications and transmit them to the Mayor and Council for their review and subsequent nomination.

**Economic Impacts:** None.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** This report concerns administrative activities and government fiscal activities that do not constitute a "project" as defined by the CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) and are not subject to the provisions of CEQA (CEQA Guidelines 15060(c)(3)).

**Sustainability:** None.

**Commission/Committee Action:** Not applicable.

**Rationale for Recommendation:** The recommended procedures are consistent with the ordinance adopted by Council on July 31, 2018 and Resolution 2018-0393.

**Financial Considerations:** The Compensation Commission will determine a stipend, if any for participation on this Committee. The current committee members receive a \$50 per meeting stipend. The proposed committee will be authorized to receive reasonable administrative or technical assistant from staff to fulfill its responsibilities.

**Local Business Enterprise (LBE):** None

## **RESOLUTION NO. 2018-0393**

Adopted by the Sacramento City Council

October 2, 2018

### **Establishing the Measure U Community Advisory Committee and Defining the Scope of the Responsibility of the Committee; and Rescinding Resolution 2012-0344, which Established the 2012 Measure U Citizens Oversight Committee**

#### **BACKGROUND**

- A. On July 31, 2018 the City Council (Council) approved an ordinance proposing the City of Sacramento Transaction and Use Tax Ordinance of 2018. Proposed city code section 3.27.150 calls for either the creation of a new citizen's oversight committee to review and report on the revenue and expenditure of funds from the tax adopted by the Council or a continuation of the previously established committee.
- B. The City of Sacramento has a higher income inequality than the national average, and larger disparities across race and ethnicity by neighborhood, which negatively affects economic growth and the City's ability to enhance the quality of life for residents. To address these issues and inequalities in the City, the City must focus its economic and community development investments and planning for long-term and short-term delivery of services to make vibrant, livable neighborhoods that are safe and enable our residents and future generations to have greater economic opportunity and mobility and businesses to thrive.
- C. To ensure that the expenditures of City resources reflect Council and community priorities, the Measure U Community Advisory Committee will review, report, and make non-binding recommendations on expenditures of certain funds from the tax.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. The City Council hereby establishes the Measure U Community Advisory Committee as described in Exhibit A to this resolution.
- Section 2. Resolution 2012-0344 is hereby rescinded.
- Section 3. This resolution takes effect only upon voter approval of Measure U on the November 6, 2018 ballot.

**Table of Contents:**

Exhibit A - City of Sacramento Measure U Community Advisory Committee

Adopted by the City of Sacramento City Council on October 2, 2018, by the following vote:

Ayes: Members Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: Member Ashby

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy  
Date: 2018.10.05 09:09:05  
-07'00'

Mindy Cuppy, City Clerk

*The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.*

## **Exhibit A**

### **City of Sacramento Measure U Community Advisory Committee**

#### **Purpose of the committee.**

To ensure that the expenditures of City resources reflect Council and community priorities, the committee shall review, report, and make non-binding recommendations on revenue and expenditures of certain funds from the Transactions and Use Tax (Sacramento City Code chapter 3.27.).

#### **Powers and duties of committee.**

#### **The powers and duties of the committee are as follows:**

- A. Provide recommendations through the publication of an annual report that will be available on the City's website and presented to the Sacramento City Council, which report will include:
  - a) A review of Transactions and Use Tax revenues;
  - b) Recommendations on how to allocate resources to support inclusive community economic development. Recommendations should be informed by committee review and discussion of revenues from the Transactions and Use Tax and information concerning city expenditures;
  - c) Advice to council on priorities; and
  - d) Review of performance measures and evaluation of city expenditures.
- B. Work with City staff on community engagement with respect to the Transactions and Use Tax.

#### **Appointment of members and qualifications.**

- A. The Measure U Community Advisory Committee shall consist of 15 members.
  - a. Each councilmember shall have one nominee.
  - b. The Mayor shall have one nominee.
  - c. Six members shall be nominated by the Personnel & Public Employees Committee.

- d. All nominees shall be appointed by the Mayor subject to a concurrence of a majority of the Council.
- e. The Mayor and Council shall strive to make appointments that reflect the diversity of the community.

B. Qualifications.

- a. All members shall live in the City of Sacramento.
- b. No member shall be elected officials of the City of Sacramento.
- c. No member shall have a direct or indirect interest, distinguishable from the interest of the public generally, in any appropriation of the Transactions and Use Tax revenues. Indirect interest includes but are not limited to an owner, officer, employee or business entity that directly receives Transactions and Use Tax revenue.
- d. Within 30 days of appointment to the committee, each appointee shall file with the city clerk the statement of economic interests required by the conflict of interest code adopted pursuant to the Political Reform Act (California Government Code Section 81000 et seq.), and annually thereafter. Failure to complete the statement of economic interest shall be deemed good cause for removal of the committee member.
- e. The Personnel and Public Employee Committee shall nominate members for the following seats:
  - i. One member shall be a representative of a bona fide taxpayer organization.
  - ii. One member shall have professional or personal experience with housing, affordable housing, homelessness, or rental housing issues.
  - iii. One member shall be between the ages of 16 and 24.
  - iv. One member shall have professional experience with business, economic development, or workforce development.
  - v. One member shall have professional experience with community trauma, mental health, or community-based crime reduction.

- vi. One member shall have professional experience with youth-focused, adult education, public health, or environmental justice organizations.
- B. All candidates shall submit an electronic application supplied by the Office of the City Clerk.
- C. Prior to attendance at their first meeting, appointees must sign and return to the Office of the City Clerk an Oath of Office.

**Term of office; vacancies**

- A. Members of the Measure U Community Advisory Committee shall serve a term of four years, except as provided below.
- B. The initial terms for members of the Measure U Community Advisory Committee nominated by council districts 2, 4, 6, and 8, and the Mayor shall expire on December 31, 2020 and shall expire on December 31 every four years thereafter. The initial terms for members of the Measure U Community Advisory Committee nominated by council districts 1, 3, 5, and 7 shall expire on December 31, 2022 and shall expire on December 31 every four years thereafter.
- C. The initial terms for three members of the Measure U Community Advisory Committee nominated by the Personnel and Public Employees Committee shall expire on December 31, 2020 and shall expire on December 31 every four years thereafter. The initial terms for three members of the Measure U Community Advisory Committee nominated by the Personnel and Public Employees Committee shall expire on December 31, 2022 and shall expire on December 31 every four years thereafter. Staggering shall be determined by the Office of the City Clerk using approved procedures.
- D. If a vacancy occurs during the term of any member, a successor to serve the remainder of the unexpired term shall be appointed in accordance with the requirements for initial appointments.

**Limitations on number of consecutive terms served.**

- A. No person appointed shall be appointed to serve more than two consecutive terms.
- B. A member appointed to complete 75% or more of an unexpired term shall be eligible to serve up to two consecutive terms; the unexpired term will be considered as the first full term of the two consecutive full terms. A member appointed to complete less than 75% of an unexpired term shall be eligible to serve up to two full consecutive terms in addition to the partial unexpired term.

- C. A person shall be eligible for reappointment to the committee two years after the last date the member served on the board or committee.

**Chairperson and organization of the committee.**

At its first meeting, and annually thereafter, the committee shall elect a committee chairperson and vice chairperson, who shall hold office at the pleasure of the committee. When there is a vacancy in the office of chairperson or vice chairperson, the committee shall fill that office from among its members. The committee may adopt rules and procedures for the conduct of its business and may do any other thing necessary or proper to carry out its functions, which may include the formation of one or more standing committees. Staff support to the committee shall be provided by one or more city employees designated by the city manager or city manager's designee.

**Committee meetings.**

At their first meeting, and annually thereafter, the committee shall establish a calendar setting the time and place for regular meetings to be held no less than four times per year. The meetings shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (California Government Code section 54950 et seq.). The committee shall have the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

**Attendance.**

- A. The failure of any member to attend three consecutive regular meetings shall be deemed good cause for removal of such member from office.
- B. The absence of any committee member because of the performance of his or her official duties shall not be deemed a failure to attend a meeting described in subsection A.

**Quorum; Voting.**

The quorum required for the committee to conduct business is eight members. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.

CITY OF SACRAMENTO  
MEASURE U COMMUNITY ADVISORY COMMITTEE  
OPERATING PROCEDURES

BACKGROUND

On November 6, 2018, the citizens of Sacramento approved Measure U, a one-cent general sales tax measure, effective April 1, 2019. The ordinance establishing the tax includes a provision requiring the city council to establish a citizens' committee to review and report on funds generated by the Measure U tax. On October 2, 2018 the city council adopted Resolution 2018-0393 establishing the Measure U Community Advisory Committee (the committee) as a body of 15 members with diverse backgrounds and qualifications. The attached Operating Procedures outline the general purpose and duties of the committee (Attachment 3). In general, the Committee will review the revenue generated by the Measure U tax; make recommendations to the city council on how to allocate resources to support inclusive community economic development; provide advice to council on priorities, and review performance measures and evaluation of Measure U funded city expenditures.

These Operating Procedures establish the procedures to be used by the Committee in implementing Sacramento City Code section 3.27.150 and Resolution 2018-0393.

FUNDAMENTAL PRINCIPLES

As further described below, the Committee will meet to review the Measure U tax revenues and expenditures; will be given pertinent information to review those revenues and expenditures; will report their recommendations and findings to the city council as required by Resolution 2018-0393; will work with city staff to inform the public as appropriate; will operate according the Council Rules of Procedure (as applicable) and these Operating Procedures; and will adhere to ethical standards.

1. MEETINGS AND AGENDAS

- a. As required by Resolution 2018-0393, the committee shall meet at least four times per year. The committee shall, at the first meeting each calendar year, establish a calendar setting the time and place for its regular meetings.
- b. Upon completing the city's year-end audit process, the committee shall review the results of the independent audit of Measure U revenues and expenditures for the prior fiscal year, to ensure that tax proceeds are expended consistent with council's appropriations of Measure U funding.
- c. After the meeting described in subsection b above, the committee shall meet at least one additional time to review estimated budgets for Measure U revenues

and expenditures before the city council's public sessions on the upcoming annual budget.

- d. Special meetings may be called by city staff or the committee. A majority of the members may petition the chair for a special meeting.
- e. All meetings shall be open to the public in accordance with the Ralph M. Brown Act, Government Code section 54950 et seq. Each member of the Committee will be given a current copy of the Ralph M. Brown Act.
- f. Eight committee members constitute a quorum for the transaction of any business. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item.
- g. Items supported by a majority of the members present is sufficient to insure it is on the next agenda.
- h. The committee may adopt additional rules and procedures for itself, so long as they are consistent with Resolution 2018-0293, the Council Rules of Procedure, and these Operating Procedures.

## 2. CHAIR

The committee shall, at the first meeting each calendar year, elect a chair and a vice-chair who shall act as chair only when the chair is absent. Duties of the chair include:

- a. Acting as the presiding officer during committee meetings;
- b. Coordinating information gathering with the designated committee contact as necessary;
- c. Scheduling reporting deadlines;
- d. Coordinating with staff to develop meeting agendas that further completion of scheduled deadlines;
- e. Coordinating with staff to schedule special meetings, as necessary, in a timely manner; and
- f. Ensuring distribution of materials in a timely manner.

## 3. INFORMATIONAL MATERIALS

At least quarterly, city staff shall provide financial reports, including council-adopted budgets and actuals to-date, to each committee member. The reports will show revenue generated by Measure U, expenditures as presented in the annual budget, and all uses of Measure U funds. Additional information may be shared with committee members and will be made available to the public at the same time via the board's webpage in the city clerk's office.

#### 4. COMMITTEE SCOPE AND LIMITATIONS

- a. The committee shall review copies of financial reports that provide Measure U tax revenues and expenditures.
- b. The committee shall receive and review copies of the city's annual independent audit.
- c. The committee shall consider recommendations to the city council within the context of review/recommendations provided in any council-adopted Economic Development plan or strategy, priorities, quality of life indices, or program/project evaluation metrics.
- d. The committee shall review and consider the recommendations of the city manager's Inclusive Economic and Community Development Investment Committee prior to making recommendations to the council.
- e. Neither the committee nor committee members have authority to direct city staff.
- f. Individual committee members retain the right to address the city council as an individual or on behalf of the committee if authorized by the committee.

#### 5. REPORTS TO COUNCIL

- a. The committee shall submit an annual report to the city council, at a public meeting. The report, which will also be posted on the committee's website must include the following elements:
  - i. A statement indicating whether the city is in compliance with the purposes set forth in the Measure U ballot measure with respect to the tax proceeds;
  - ii. A review of Measure U tax revenues and related uses of funds to verify that amounts collected were expended for the purposes set forth in the ballot measure and city council direction;
  - iii. A written summary of the committee's proceedings, activities, recommendations to the council, and responses by the council for the preceding year.

#### 6. STAFFING

The City shall provide to the Committee technical and administrative assistance as needed.

## 7. COMMITTEE ETHICAL STANDARDS

- a. Disclosures. Committee members shall timely and completely disclose their reportable financial interests as required by Resolution 2018-0393 and the city's Conflict of Interest Code.
- b. Conflict of Interest. Committee members shall not make or influence a city decision related to any city purchase or contract that will benefit the committee member's outside employment, business, or a personal finance or benefit an immediate family member, such as a spouse, child or parent.
- c. Outside Employment. Committee members shall not use their influence over a committee matter to negotiate future employment with any person or organization that relates to a city purchase or contract.
- d. Commitment to Uphold Law. Committee members shall uphold the federal and California Constitutions; the laws and regulations of the United States and the State of California; and the charter, codes, procedures, and rules of the city.
- e. The committee and its members should endeavor at all times to: honor the open and inclusive nature of the Measure U tax oversight purpose and process; encourage robust community participation; respect the interests and concerns of their colleagues and the public; and act in the best interests of the city and its citizens.

Adopted xxx, 2018