

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE ADDING CHAPTER 2, ARTICLE XVI, SECTIONS 2.91 THROUGH 2.93 TO THE OCEANSIDE CITY CODE TO ESTABLISH THE MEASURE X CITIZENS' OVERSIGHT COMMITTEE

WHEREAS, the City Council of the City of Oceanside adopted Ordinance _____ establishing a temporary one-half percent sales tax codified in Chapter 34, Article II, Sections 34.6.1 through 34.6.17; and

WHEREAS, the sales tax increase will not become effective until approved by a majority of Oceanside voters voting on November 6, 2018; and

WHEREAS, Section 34.6.16.D provides prior to the Operative Date of the new tax, the City Council shall create and convene a Citizen's Oversight Committee to review and report on City compliance with the terms of this Ordinance and the Measure X Spending Plan presented and approved by the City Council

NOW, THEREFORE, the City Council of the City of Oceanside ordains as follows:

SECTION 1: The Oceanside Code is hereby amended to add Chapter 2, Article XVI, Sections 2.91 through 2.93 as set forth below.

SECTION 2.91 Creation of the Measure X Citizens' Oversight Committee

There is hereby created the "Measure X Citizens' Oversight Committee" (the "COC") for the purpose of implementing Section 34.6.16.D of the Oceanside City Code. The function of the COC is to review and report on City compliance with the provisions of Measure X, particularly with respect to the City's accounting and expenditure of Measure X revenues. To the extent of any inconsistency between this ordinance and Measure X, the terms of Measure X shall govern.

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1 **SECTION 2.92 Duties of the Measure X COC**

2 A. The specific duties of the COC are as follows:

- 3 1. Public review and comment on each year's: (1) city manager's Measure X Spending
4 Plan (as defined in Section 34.6.16.B); (2) financial services department report (as
5 defined in Section 34.6.16.A); and (3) auditor report (as defined in Section 34.6.16.C).
- 6 2. Review an annual report regarding compliance with the Measure X Spending Plan
7 pursuant to Section 34.6.16.B and 34.6.16.D for presentation by staff to the City
8 Council at a public meeting.
- 9 3. Work with city staff to identify and apply "best practices" for tracking and reporting
10 on Measure X revenues and expenditures relative to other city revenues and
11 expenditures.
- 12 4. Make a finding prior to any future renewal of the tax measure that, in the absence of
13 extenuating circumstances, funds have been expended on improved infrastructure and
14 improved public safety services consistent with the intent of the Measure.

15 B. The COC shall have no authority to direct the conduct of any city department or city
16 employee. The COC is advisory in nature, and as such shall have no authority to
17 approve, disapprove or prevent any city action. Final spending authority for Measure X
18 lies solely with the city council.

19 **SECTION 2.93 Composition; Qualifications; Nomination.**

20 A. Members. The COC shall be comprised of seven (7) voting members.

21 B. Qualifications. All COC members shall be city residents, eligible to vote, and shall to
22 the satisfaction of the City Council have demonstrated expertise in accounting, finance,
23 engineering, construction, or municipal government. Current City employees and
24 current elected/appointed City officials are not eligible for membership pursuant to
25 Oceanside City Code section 34.6.16.D.

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1 C. Additional Expertise In addition to the qualifications outlined in Section B above, and in
2 order to provide for broad representation, the following types of individuals are eligible
3 for appointment as members of the COC in the following categories:

- 4 1. one member recommended by the Chamber of Commerce Board or active in the
5 business community;
- 6 2. one member recommended by the San Diego County Taxpayers Association;
- 7 3. two members recommended by the City of Oceanside's public safety associations;
- 8 4. two members who are qualified professionals in one of the following fields:
9 accounting, finance, engineering, construction, municipal government; and
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- 11 5. one member who is active in the community at large.

12 D. Appointment. Members shall be appointed by the mayor with the concurrence of the city
13 council in accordance with OMC 2.1.64 with the following provisions:

- 14 1. The city clerk shall prepare and maintain the COC appointments list in
15 accordance with Section 2.1.64 (b).
- 16 2. The COC application form shall be prepared by the city manager in consultation
17 with the city clerk, and shall include information supporting the applicant's
18 qualifications as described in the preceding section.
- 19 3. Applications shall be filed with the city clerk and shall be active for one year.
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- 21 4. Upon receipt of completed applications, the city clerk shall submit the
22 applications to the city manager's office for review and determination that the applicant
23 is highly qualified, qualified or not qualified in accordance with the eligibility
24 requirements outlined in the preceding section.
- 25 5. Whenever the mayor intends to make an appointment to fill a scheduled or
26 unscheduled vacancy on the COC, the mayor shall give written notice to the city clerk
27 and city council.
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1 6. Upon receipt of said notice, the city clerk shall provide all active applications and
2 accompanying city manager's recommendations to each member of the city council.

3 7. The mayor shall not make an appointment to the COC until a minimum of
4 fourteen days has passed from the date the mayor delivered the notice of intent specified
5 in subsection E above.

6 8. Any member of the council may make a recommendation to the mayor regarding
7 an appointment.

8 9. The mayor shall provide to the council the name of the nominee at least seventy-
9 two (72) hours before the meeting at which the appointment will be considered by the
10 city council. Appointments by the mayor are subject to the approval by the city council,
11 including the mayor.

12 E. Terms. Terms for the COC shall be for four years, with a maximum tenure of two
13 consecutive four-year terms. The initial COC members shall be appointed no later than
14 April 1, 2019. Initial terms shall commence upon assumption of office and shall expire
15 on June 30, 2023.

16 F. Meeting Schedule. In accordance with Section 2.1.63, the COC shall set the date, time
17 and location of its regular meetings by written resolution and may change its regular
18 meeting day, time or location by written resolution. The COC shall meet as often as
19 necessary to accomplish the objectives of Chapter 34.6 and this Chapter. It is anticipated
20 that the COC will need to meet a minimum of two times per year to fulfill its assigned
21 duties.

22 G. Operating Rules and Procedures. Except as expressly provided herein, or as otherwise
23 necessary to implement this Chapter or the requirements of Measure X, the rules
24 governing city boards and commissions generally shall govern the COC. The COC shall
25 also operate in accordance with the Ralph M. Brown Act; including requirements that
26 meetings be noticed in advance and held in public. The city council may also adopt
27 additional rules and procedures in the form of bylaws; any such bylaws must be
28 consistent with the terms of this Chapter and all other applicable laws.

1 H. Staff Support. The city manager, and/or designee(s), shall serve as the City staff liaison
2 to the COC and shall provide it with administrative support, including designation of a
3 COC staff secretary. The city attorney, and/or designee(s), shall provide the COC with
4 legal counsel and support.

5 I. Dissolution Date. The COC shall automatically dissolve at the time that all Measure X
6 revenues have been collected, expended and accounted for, and that the COC shall have
7 fulfilled all of its responsibilities with respect thereto. With the Measure X tax expiring
8 on March 31, 2026, it is currently estimated that the COC dissolution shall occur on or
9 about December 31, 2026.

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

17 **SECTION 3:** This Ordinance shall take effect and be in force on the thirtieth day after
18 its final passage by the City Council and certification of the election results from November 6,
19 2018.

20 **SECTION 4:** The City Clerk is hereby directed to publish this Ordinance, or title hereof
21 as a summary, pursuant to state statute once within fifteen (15) days after its passage in a
22 newspaper of general circulation published in the City of Oceanside.

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1 INTRODUCTION at a regular meeting of the City Council of the City of Oceanside,
2 California, held on the ___ day of _____, 2018, and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
4 Oceanside California, held on the ___ day of _____, 2018, by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

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10 MAYOR OF THE CITY OF OCEANSIDE

11 ATTEST:

APPROVED AS TO FORM:

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13 _____
14 CITY CLERK

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