

Measure 'E' Transactions and Use Tax (TUT) Oversight Committee Guidelines and Policy

I. Mission

To ensure that all revenues received from the voter approved Transactions and Use Tax (Measure E) are spent on uses outlined in San Rafael Ordinance 1913.

II. Governing Authority for Committee Formation

Section 3.19.144 of the San Rafael Municipal Code requires the establishment of an Independent Oversight Committee:

“A City Transactions and Use Tax Committee, to be established by the City Council by Resolution, shall review the collection and expenditure of tax revenues collected under the authority of this Chapter. The committee shall consist of at least 5 members, who shall be residents of the City. The terms of the Committee members and their specific duties shall be established by resolution of the City Council.”

III. Roles, Responsibilities and Duties

A) The responsibilities and duties of the Committee shall be limited to:

- 1) Review expenditures of Measure E general tax revenues to ensure the monies have been expended in accordance with the authorized municipal purposes of Measure E. To complete this review, the Committee shall:
 - i) Understand allowable expenses of Measure E general tax funds (as identified in Section 3.19.080 of the Municipal Ordinance) which states:
The proceeds of the transactions and use tax imposed by this Chapter shall be deposited into the General Fund of the City to be used for all general government purposes which may include, but are not limited to, fire and police protection, street and sidewalk repair and maintenance, library services, park repair and maintenance, recreational programs, building and code enforcement services, planning and zoning services, capital equipment requirements, repair and replacement of City facilities, capital improvement projects, operational expenses, fiduciary responsibilities, administration, indebtedness and general obligations of the City. The tax imposed by this Chapter is intended to be and is, a general tax, the proceeds of which are to be spent as the City Council shall in its discretion, from time to time, determine.
 - ii) Review documentation from City Council and from City Council-appointed advisory committees that pertain to the prioritization of use of Measure E general tax funds.
 - iii) Review annual reports prepared by the City's Finance Department that track the receipt and spending of Measure E general tax funds.

- iv) Prepare and submit to the City Council and the community an annual public report on the expenditures of Measure E general tax revenues for the previous fiscal year. (Committee Meetings will typically be held in the fall, for the fiscal year ending on the preceding June 30.)
- 2) Fulfill the final responsibilities of the Measure S TUT Oversight Committee under Ordinance 1837: Review and report on the final expenditures of Measure S during fiscal year 2013-2014, through its termination on March 31, 2014, to ensure that monies have been expended consistent with the authorized purposes of Measure S.
- B) The Committee shall not have any budgetary decision authority, shall not allocate financial resources, and shall not make budget or service recommendations to the City Council.
- C) The Committee shall not have authority to direct, nor shall it direct, City staff or officials.

IV. Committee Structure:

A) Appointments

- 1) The City Council shall make appointments to the Committee consistent with the established manner of appointing various City Commissions and related committee members.
- 2) The Committee shall be composed of five (5) members

B) Qualification Standards

Members of the Committee shall be at least 18 years of age and reside within the City limits. The Oversight Committee may not include any employee or official of the City, or any vendor, contractor or consultant doing business with the City.

C) Term

Committee members shall serve for a term of four years. Members' terms are to be staggered; The City Council will determine which three of the initial appointments will be for a two-year term.

D) Chair and Vice-Chair

The Mayor shall appoint the initial Chair. The Chair shall appoint the initial Vice-Chair. Thereafter, the Committee shall annually elect a chair and a Vice-Chair, who shall act as Chair only when the chair is absent.

E) Compensation

The Committee members shall serve without compensation.

F) Meetings

- 1) The Committee shall conduct at least one meeting each fiscal year.

- 2) Special meetings may be called by the Committee's chair. Special meetings may also be called by Committee members if three or more members petition the chair for a special meeting.
- 3) All meetings shall be noticed and 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.
- 4) A majority of the Committee members shall constitute a quorum for the transaction of any business.

G) Vacancies and Removal

- 1) The City Council shall fill any vacancies on the Committee.
- 2) The City Council may remove any Committee member for any reason, including but not limited to, failure to attend two consecutive Committee meetings. Upon a member's removal, his or her seat shall be automatically deemed vacant.

H) City Support

The City shall provide the Committee with necessary technical and administrative assistance, including:

- 1) Preparation, provision and posting of public notices as required by the Brown Act and in the same manner as noticing City Council meetings.
- 2) Provision of a meeting room, including any available City audio/visual equipment.
- 3) Provision of meeting materials, such as agendas, minutes and supporting reports.
- 4) Retention of Committee records.
- 5) Properly staff all Committee meetings.
- 6) Educate Committee members on municipal finance.

I) Termination of Committee

The Measure E TUT Oversight Committee shall automatically disband six (6) months after the end of the fiscal year in which the enabling ordinance is repealed, ruled invalid or terminates under the provisions of the ordinance. The purpose of this time is to allow the Committee to complete its final report.