

ORDINANCE O2024-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, AMENDING CHAPTER
3.10, SECTION 3.10.130 "CITIZENS OVERSIGHT
COMMITTEE" OF THE MANTECA MUNICIPAL CODE
IMPOSING A TRANSACTIONS AND USE TAX

WHEREAS, on July 16, 2024 and August 20, 2024, respectively, the City Council approved the addition of Chapter 3.10 to the Manteca Municipal Code, in anticipation of the possibility of the residents of Manteca voting to approve at the November 5, 2024 general election to a purposed 0.75% transactions and use tax increase;

WHEREAS, on November 5, 2024, the residents of the City of Manteca approved, by majority vote, "Measure Q," and the final election results were provided by the San Joaquin County Registrar of Votes on December 3, 2024, and certified by the County Board of Supervisors on the morning of December 10, 2024; and

WHEREAS, in order to ensure that the community has the opportunity to have complete representation of all four (4) districts on the Citizens Oversight Committee and consistency with the "Measure M" citizens oversight committee, the following amendments to Chapter 3.10, Section 3.10.130 are brought forward for consideration.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 3.10, Section 3.10.130, "Citizens oversight committee" is hereby amended as follows:

- A. Committee Established. There is hereby established in the city of Manteca 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 council. The committee shall consist of five members and one alternate. The citizens' oversight committee members shall not be current city of Manteca 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. All members shall be residents of the City of Manteca and registered to vote.

Based on the conclusion of a term, a removal, and/or vacancy, each councilmember shall nominate a member from their assigned council district; provided, however, the mayor shall appoint a member and the alternate from an at-large pool of residents. Councilmembers shall nominate their top choice of a candidate from their respective districts, while the mayor shall have top choice of the at-large group of candidates

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for the at-large and alternate positions, but only after the Councilmembers have nominated their top choices.

All members and alternate appointments shall run concurrent with the terms of the mayor and councilmembers, respectively. Following the nominations by the mayor and the councilmembers, respectively, such nominations shall be approved by a majority of the city council. The city council (through the city clerk's office) may begin the process to accept applications for commission members/alternate within sixty days before the expiration of a term. Following a removal or a vacancy, the city council may instruct the city clerk's office to begin the recruitment the day after the position becomes open.

- 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, 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 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 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 council. The committee shall have no jurisdiction other than that delegated to it by the people pursuant to this chapter.

The City of Manteca 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 (i.e., twice a year, or as otherwise provided for in approved or amended by-laws) with specific meeting dates to be determined by committee members and staff. 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

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of the city council.

- 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 members.
- F. Vacancies. Committee members may be removed from the committee only by the city council 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 council 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 by-laws by majority vote. All citizens' oversight committee procedures and by-laws 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 section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

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City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ____ day of _____, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk