



Council Agenda Report

From: Dick McKinley, Public Works Director

Subject: Amending the Bylaws of the Supplemental Tax Oversight Committee

Date: August 15, 2017

Facts

1. On August 21, 2012, the City Council considered creating a Supplemental Tax Oversight Committee if the voters approved a one-half of one percent supplemental general sales tax measure on the November 2012 ballot.
2. The voters approved a one-half of one percent supplemental general sales tax measure on the November 2012 ballot.
3. On December 4, 2012, the City Council voted to for the Supplemental Tax Oversight Committee (STOC), to adopt Bylaws, to identify four community organizations that would appoint a member to the STOC, and to begin the recruitment process for three members to be appointed by the City Council. The four community organizations were the Chamber of Commerce, the Paso Robles Main Street Association, the Travel Paso Robles Alliance (TPRA), and the Senior Advisory Committee. The Bylaws also called for semi-annual meetings of the STOC.
4. On January 15, 2013 the City Council set dates to interview candidates for the STOC. Due to the large number of applicants, on February 5, 2013 the City Council voted to set additional dates for the interviews. On March 5, 2015 the City Council, after interviewing 28 applicants for the STOC, voted to conduct a second interview with the top ten candidates.
5. On March 21, 2013 the City Council voted to amend the STOC Bylaws to have a total of nine members, with four from the community organizations identified in #3 above, and five appointed by the City Council. The City Council appointed the initial five members at the March 21st meeting.
6. On February 6, 2017, Tom Tringham resigned from the STOC because of conflicts with business travel.
7. On May 2, 2017, the City Council adopted a Resolution of Intention to establish the Paso Robles Tourism Improvement District (the "PRTID"), and on May 16, 2017, the Council held a public meeting pursuant to Government Code Section 54954.6, allowing public testimony regarding the establishment of the PRTID, and the levy of assessments.
8. On June 20, 2017 the City Council held a public hearing and took all necessary actions to implement the PRTID and eliminate the TPRA. That action included the elimination of the TPRA seat on the STOC, and Sandra Sage no longer being a member of the STOC.
9. At the STOC meetings on April 12, 2017, the vacancy situation was discussed with the STOC. At the July 12, 2017 meeting a follow up discussion on this matter took place and the STOC members discussed the matter and expressed no disagreement with the action to request the City Council to

amend the Bylaws and change the membership of the STOC from nine to seven, and semi-annual meetings. See attached copy of the Bylaws with proposed changes noted.

Options

1. Do nothing. Leave the Bylaws as they are and leave two vacancies on the STOC;
2. Amend the Bylaws to go back to the original membership total of seven and semi-annual meetings;
3. Amend the Bylaws to retain nine members, assign one seat to a different community organization to replace TPRA, and take action to fill the vacancies.

Analysis and Conclusions

The Supplemental Tax Oversight Committee currently has nine membership slots, with two of those vacant. One of the vacancies is a City Council-appointed position, and the other has been a position appointed by the TPRA. The TPRA was eliminated by City Council on June 20, 2017 so there is no longer a need for that position on the STOC. Since a City Council-appointed position is also vacant the STOC currently has seven active members, which facilitates having a quorum and voting. There were two meetings in a row that had to be canceled when the STOC did not have a quorum when it was nine members.

The STOC has discussed whether to go back to the original semi-annual meetings (currently meeting quarterly). Since the agendas are very light and the meetings tend to be very short, the proposed Bylaws change would have the STOC meet semi-annually (April and October) and have staff send them written reports in January and July to make sure the information is remaining current.

Fiscal Impact

There is no significant fiscal impact associated with the proposed changes to the Supplemental Tax Oversight Committee Bylaws.

Recommendation

Amend the Supplemental Tax Oversight Committee Bylaws to have seven members rather than nine members, with four of the members appointed by the City Council and three members (one each) appointed by: the Chamber of Commerce, the Paso Robles Main Street Association, and the Senior Advisory Committee.

Attachments

1. Supplemental Tax Oversight Committee Bylaws

BYLAWS

PASO ROBLES SUPPLEMENTAL SALES TAX REVENUE EXPENDITURE ADVISORY COMMITTEE

ARTICLE I - THE COMMITTEE

Section 1: Name of Committee

The name of the Committee shall be the "Paso Robles Supplemental Sales Tax Revenue Expenditure Advisory Committee" (hereinafter referred to as the "Committee").

Section 2: Purpose

The Committee serves at the pleasure of the City Council as a means to aid the City Council in gathering public input by providing a forum through which private citizens may review and advise the City Council of the City of Paso Robles ("City Council") on matters relating to Supplemental Sales Tax Revenue Expenditures. In order to accomplish that purpose, the Committee may consult with and advise the City Council on those matters which deal with the expenditures of revenues derived from a limited-term one-half percent General Sales Tax levied within the City of Paso Robles, approved by the voters in November 2012 ("Sales Tax Measure"). The Committee shall be and remain established for a period of 12 years following adoption of the Sales Tax Measure, unless otherwise abolished by an affirmative vote of the majority of the City Council.

Section 3: Membership

a. Membership Categories and Qualifications

To be eligible for membership on the Committee, a person must be either a:

(1) Council Appointees: To qualify under this category, the person must be an individual selected by a majority vote of the City Council members.

(2) Community Organization Appointees: To qualify under this category, the person must be a member selected by a community organization (community organization to be determined by the City Council; e.g., Chamber of Commerce).

b. Open Membership

Criteria and selection for membership shall not discriminate based upon sex, race, religion, creed, color, age, marital status, national or ethnic origin, or any other classification protected by law.

c. Total Membership & Term Of Appointment

The total membership of the Committee shall be ~~seven (7) nine (9)~~ members. The total membership shall be allocated among the two membership categories, defined above, as follows: four (4) ~~five (5)~~ members

from the from the Council Appointees category, and three (3) ~~four (4)~~ members from the Community Organization Appointees category.

A member's regular term of appointment shall be three (3) years. However, the initial term for one (1) member from the Council Appointees category and for two (2) members from the Community Organization Appointees category shall be for only two (2) years. Following this initial two (2) year term, the regular term of appointment for each of these members shall then be three (3) years.

(1) No person shall be eligible for appointment for more than three consecutive terms, exclusive of prior appointment to fill an unexpired term of office.

(2) Persons who have served three full consecutive terms may be reappointed following a one-term absence.

(3) Appointees shall serve on only one Council Advisory Body/Commission at a time.

d. Member Code of Ethics

Committee members shall adhere to the City Council's Code of Ethics (Appendix).

Section 4: Conflict of Interest

a. Committee members shall refrain from using their position to unduly influence the deliberations or decisions of the City Council or other City commission, board or committee.

Section 5: Termination of Membership

Membership in the Committee shall terminate in the event that:

a. The member shall not be, or shall no longer be, a member of that membership category from and for which he or she was elected or appointed; or

b. The member shall have acted in violation of Section 9 of Article III of these Bylaws.

c. The member shall have served three consecutive full terms.

Section 6: Removal of Members

A member may be removed by an affirmative vote of a majority of the City Council, if, after a hearing, it is found and determined that any one of the grounds for termination specified in Section 5 of this Article I exists.

Section 7: Resignation

Any Committee member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the Committee and the City Council. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 8: Filling of Vacancies

In the event of a vacancy on the Committee, the City Council shall select an individual to fill such vacancy as soon as reasonably practicable. New members must meet the qualifications set forth in Section 3 of Article I.

Section 9: Remuneration

Members shall serve without pay except for reimbursement for travel expenses to meetings outside of the City, if any.

ARTICLE II – OFFICERS

Section 1: Officers

The officers of the Committee shall consist of a Chairperson and a Vice Chairperson, who shall be elected in the manner set forth in this Article II.

Section 2: Chairperson

The Chairperson shall preside at all meetings of the Committee, and may submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the Committee. The Chairperson may sign documents necessary to carry out the business of the Committee.

Section 3: Vice-Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson’s duties until such time as the Committee shall elect a new Chairperson.

Section 4: Additional Duties

The officers of the Committee shall perform such other duties and functions as may from time to time be required by the Committee, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 5: Election

The Chairperson and Vice Chairperson shall initially be elected from among the members of the Committee at the Committee’s first regular meeting. Thereafter, the Chairperson and Vice Chairperson shall be elected from among the members of the Committee annually. The regular term of appointment for both officers shall be one (1) year. Officers of the Committee shall hold office until their successors are elected and in office. Any such officer shall not be prohibited from succeeding him or herself.

Section 6: Removal of Officers

Upon an affirmative vote by a majority of the members of the Committee present at a regular or special meeting of the Committee at which a quorum is present, any officer may be removed from office, and a successor elected pursuant to Section 7 of this Article II.

Section 7: Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Committee shall elect a successor from among the Committee members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III – MEETINGS

Section 1: Regular Meetings

The Committee shall meet on a semi-annual basis (every 6 months – April and October), at a location accessible to the public, in Paso Robles, California. A notice, agenda and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two (72) hours prior to the meeting. Staff will provide the Committee members with quarterly written reports on capital projects funded by the Supplemental Tax, and the tax revenues/expenditures.

Section 2: Special Meetings

Special meetings may be held upon call of the Chairperson, or an affirmative vote by a majority of the members of the Committee present at a regular or special meeting of the Committee at which a quorum is present, for the purpose of transacting any business designated in the call, after notification of all members of the Committee by written notice personally delivered or by mail at least twenty-four (24) hours before the time specified notice for a special meeting. At such special meeting, no business other than that designated in the call shall be considered.

Section 3: Adjourned Meetings

Any meeting of the Committee may be adjourned to another meeting date, time and place without the need for notice requirements of a special meeting, provided the adjournment indicates the date, time and place of the adjourned meeting. Committee members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4: All Meetings to be Open and Public

All meetings of the Committee shall be open to the public to the extent required by law. All persons shall be permitted to attend except as otherwise provided by law.

Section 5: Posting Agendas/Notices

The City Staff member assigned to the Committee, or his or her authorized representative, shall post an agenda for each regular Committee meeting or a notice for each special Committee meeting containing a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at the Paso Robles City Library at least

seventy-two hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting. The Staff Member shall maintain a record of such posting.

Section 6: Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the Committee on matters within the Committee's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Committee may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

Section 7: Non-Agenda Items

Matters brought before the Committee at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the Committee at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Gov. Code §54950 et seq.). Those non-agenda items brought before the Committee that the Committee determines will require Committee consideration and action and where Committee action at that meeting is not so authorized shall be placed on the agenda for a future meeting once a City staff report concerning the matter is prepared.

Section 8: Quorum

The powers of the Committee shall be vested in the members thereof in office. Four (4) of the seven (7) members then in office shall constitute a quorum for the purpose of conducting the Committee's business, exercising its powers and for all other purposes, but less than that number may adjourn the meeting until a quorum is obtained. An affirmative vote by a majority of the members of the Committee present at a regular or special meeting of the Committee at which a quorum is present shall be required for approval of any questions brought before the Committee.

Section 9: Unexcused Absences

If a member shall be absent without the consent of the Committee from three (3) consecutive meetings, whether regular or special, such absence shall result in the termination of the membership of the absenting member. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson of his or her intent to be absent and the reasons therefore; provided, however, that a member shall be entitled to only two (2) excused absences within twenty-four (24) consecutive calendar months. At each meeting, after the roll has been called, the Chairperson shall report to the Committee the name of any member who has so notified him or her of his or her intent to be absent and the reason for such absence.

Section 10: Order of Business

All business and matters before the Committee shall be transacted in conformance with the City Council's established practice.

Section 11: Minutes (Action)

Minutes of the Committee shall be prepared in writing by the City staff member assigned to the Committee. Copies of the minutes of each Committee meeting shall be made available to each member of the Committee and the City Council. Approved minutes shall be filed in the official book of minutes of the Committee and forwarded to the City Council for information.

Section 12: Recommendations to City Council

Recommendations of the Committee to the City Council shall be prepared in writing by the City staff member assigned to the Committee. Recommendations may be presented to the City Council during a public meeting once the assigned staff prepares a staff report summarizing key facts, analysis, cost/benefit consideration, fiscal impact, and policy implications and options, and the report has been reviewed by the City Manager. The official minutes of the Committee documenting the Committee recommendation(s) shall be attached to the staff report.

ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES

The Chairperson, the Vice-Chairperson in the Chairperson's absence, or a member of the Committee may make official representations on behalf of the Committee before the City Council only if so specifically designated by the Committee. The Committee may present information to other public bodies with the affirmative vote of a majority of the City Council. Nothing in this article shall limit the ability of members of the Committee to speak before the City Council or any other public body as an individual, provided the member states he or she is not representing or speaking on behalf of the Committee.

ARTICLE V – COMMITTEES

The Committee may establish any standing and/or special committees it deems necessary consistent with, and to fulfill, its stated purpose as established in Section 2 of these Bylaws.

ARTICLE VI – AMENDMENTS

These Bylaws may be amended upon an affirmative vote by a majority of the City Council.