

## **El Cerrito Municipal Code Section 2.04.320**

### **Citizens' Oversight Committee.**

- A. Committee Established.** There is hereby established in the city of El Cerrito a citizens' oversight committee to monitor the expenditures of revenue collected pursuant to Chapter 4.60 (the "Pothole Repair and Local Street Improvement and Maintenance Transactions and Use Tax") only and report to the people and the city council. The title of this committee shall be the "Street Repair and Maintenance Citizens' Oversight Committee" (hereinafter the "Citizens' Oversight Committee" or the "Committee").
- B. Selection of Members.**
1. Members of the citizens' oversight committee shall be appointed by majority vote of the city council. The committee shall consist of five members. The citizens' oversight committee members shall not be current city of El Cerrito employees, officials, contractors or vendors of the city. Past employees, officials or vendors shall be eligible to serve on the committee, provided that such service would not be a violation of law, as determined by the city attorney.
  2. Of the members of the committee first appointed, three shall be appointed for terms of four years and two for terms of three years. Their successors shall be appointed for terms of four years. No member may serve more than two consecutive four-year terms.
  3. The city council shall solicit citizens' oversight committee members through an open application process that is promoted through the city's normal recruiting process. Any El Cerrito resident is eligible to apply for committee membership, subject to the limitations specified above. All applications will be reviewed by the city council, which will have the authority to make all final decisions on committee representation, subject to these guidelines.
- C. Purpose and Jurisdiction.**
1. 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 in the then-current street repair and maintenance expenditure plan, and issuing reports on their findings to the city council and public at least annually. The committee 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 Chapter 4.60. Revenue generated through other sources shall be outside the jurisdiction of the street repair and maintenance citizens' oversight committee.
  2. 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 street repair and maintenance measure funding.

- 3.** 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 failure of the committee to carry out any of its duties under this section shall not affect the validity of any of the provisions of Chapter 4.60.
- 4.** The city of El Cerrito city manager or his or her 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 (or as otherwise provided for in approved or amended by-laws) with specific meeting dates to be determined by the committee. Citizens' oversight committee meetings are subject to the requirements of the Ralph M. Brown Act (Government Code Section 54950 et seq., as may be amended from time to time). Meetings must be noticed and open to the public. Additional meetings may be scheduled by the committee as necessary. All committee members shall attend a training and orientation session upon commencing their duties.
- E.** Attendance. Committee members are expected to attend all regular meetings.
- F.** Committee Operations. At the first meeting of each calendar year, 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 his or her 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 of those members voting.
- G.** Vacancies. In the event of removal, resignation, or death, the city council shall appoint a person to fill the vacant seat.
- H.** Miscellaneous. With the exception of those items specifically addressed in this chapter, 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.

(Ord. 2008-3 § 2, 2008.)