

RESOLUTION NO. 20-012

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING AMENDED AND UPDATED BYLAWS FOR THE SUPPLEMENTAL SALES TAX
REVENUE EXPENDITURE COMMITTEE

WHEREAS, a Supplemental Sales Tax Revenue Expenditures Oversight Committee was created shortly after the passage of the ½-cent supplemental sales tax in November 2012. The creation of such a committee was called for by Measure N-12 in order to report to the City Council on the expenditure of the generated funds, and to serve in a quasi-independent oversight role, on behalf of the public at large; and

WHEREAS, the Council adopted Bylaws for the Committee, to guide it in its deliberations. The Committee has been meeting consistently since its creation, first once each quarter and, since 2017, once every six months; and

WHEREAS, with the passage of J-20 in November 2020, the voters approved an additional one-cent supplemental sales tax. Measure J-20 also called for advice and oversight by an independent committee; and

WHEREAS, the Bylaws used for Measure N-12 need to now be modified to serve for advice and consent for both N-12 and J-20;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. The City Council hereby approves the amended Bylaws, attached hereto as Exhibit A, and incorporated herein by reference.

Section 3. The amended Bylaws are effective immediately upon Council approval and should replace the prior version on the City's website and otherwise be communicated.

APPROVED this 2nd day of February, 2021, by the following vote:

AYES: Gregory, Strong, Garcia, Hamon, Martin



Steven W. Martin, Mayor

ATTEST:



Melissa, City Clerk

Exhibit A – Committee Bylaws
Exhibit B – Code of Ethics

PASO ROBLES SUPPLEMENTAL SALES TAX OVERSIGHT COMMITTEE

BYLAWS

ARTICLE I - THE COMMITTEE

Section 1: Name of Committee

The name of the Committee shall be the Paso Robles “Supplemental Sales Tax Oversight Committee” (hereinafter referred to as the “Committee”).

Section 2: Purpose

The Committee shall provide a forum for citizens to review and report to both the City Council of the City of Paso Robles (“City Council”) and the community as a whole on matters relating to Supplemental Sales Tax revenues and expenditures resulting from both Measure N-12, approved by the voters in 2012, and Measure J-20, approved by the voters in 2020.

The Committee has two distinct roles: oversight and advice. The oversight role is the higher priority: Paso citizens need to know whether the voter-approved supplemental sales tax revenues are being spent on community priorities established by the City Council, based on information gained from business and resident surveys and other means. At each regular meeting, the Committee shall review the latest accounting for each of the ballot measures, which shall summarize funds generated and expended. The Committee shall determine if the funds were spent appropriately, and report that to the Council and public. The intent is for expenditures by the City in the priority areas to equal or exceed the revenues generated by the measures.

The Committee may also provide advice to staff and the Council. For example, if it receives public input indicating that community priorities are changing, that a certain program or project is not achieving the desired effect, or that the Council’s priorities are not understood by the public, the Committee may communicate that input directly to the Liaisons at the meetings (see Section 10, Liaisons, below). The Committee may also, if it chooses, request a report to Council, as described in Article III, Section 12, below.

The Committee shall be and remain active until all funds collected under Measures J-20 and N-12 are expended.

To accomplish its purpose:

- a. The Committee may consult with and report to staff and the City Council on those matters dealing with the expenditures of revenues derived from the two limited-term sales tax measures. It shall report directly to the City Council at least semi-annually and whenever otherwise necessary or appropriate.
- b. The Committee shall also conduct two-way communication directly with the public. It shall seek and receive public input at its meetings and through other means deemed necessary, such as through formal and informal surveys. It shall share its findings with the public at least semi-

annually through appropriate means such as media releases, regular reports posted on the City's website, and/or on social media.

Section 3: Membership

Committee members are appointed by and serve at the pleasure of the City Council.

- a. Total Membership—Total membership of the Committee shall be 11 members, as defined in paragraph (b) below, 7 of whom shall be at-large appointees and 4 of whom shall be appointees affiliated with community organizations.

- b. Membership Categories and Qualifications

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

- (1) At-Large Appointee: To qualify under this category, the person must be selected by a majority vote of the City Council. Of the seven at-large appointees, at least four must be residents of the City at the time of appointment. Up to three at-large appointees may be non-residents, provided they have a business or other demonstrated interest within the City; or an

- (2) Appointee Affiliated with a Community Organization: To qualify under this category, the person must be nominated by a community organization and selected by a majority vote of the City Council. Organizations nominating representatives and include, among others:

- Organizations representing general business interests, the hospitality industry, and attractions (such as the Chamber of Commerce, the Hispanic Business Association, Downtown Main Street Association, Travel Paso, 16th DAA, Wine Country Alliance);
- Educational organizations (such as PRJUSD, Cuesta College, private and charter schools); and
- Local non-profit service providers and health care providers offering services in Paso Robles (such as the Paso Robles Housing Authority, People's Self-Help Housing, ECHO, Twin Cities, CHC, RISE).

Any organization falling within one of the categories above that seeks to have an affiliated member appointed when such a seat becomes open shall submit their nomination to the City during a call for applications. The nominee is not required to be either staff or a member of the organization. There can be only one nominee from a given organization on the committee at any one time. If local organizations do not nominate a total of four representatives, then the Council may appoint either additional at-large member(s), while still retaining a total membership of 11.

- c. Grandfathered Membership. Members of the existing Supplemental Sales Tax Revenue Expenditure Advisory Committee created after the adoption of Measure N-12 who are members as of January 2020, are eligible for reappointment. Those members who are at large may be considered with the other at-large applicants. Those members who desire to be affiliated members shall need to secure recommendation for appointment by an organization in one of the categories delineated in Sub-paragraph b (2) of this Section 3. Any member as of January 2020 who is reappointed shall be serving their first term in the new Committee.

- d. 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.
- e. City and District Residency. The Council shall ensure, to the extent possible, that at least a majority of the Committee members are residents of the City and that at least one member of the Committee is a resident of each of the four Councilmanic districts at the time of appointment.
- f. Term of Appointment. A member's regular term of appointment shall be three (3) years, starting on April 1. However, the initial term for two members from the At-Large Appointee category and one member from the Community Organization Affiliation category shall be for only one year; the term of two members from the At-Large Appointee category and one member from the Community Organization Appointee category shall be for two years. When making the initial appointments, the Council shall determine the terms of the individual members. Following these initial shorter terms, the regular term of appointment for the members in all seats shall be three years.

No person shall be eligible for appointment for more than two consecutive terms, exclusive of prior appointment to fill an unexpired term of office. Persons who have served two full consecutive terms may be reappointed following a one-term absence.

- g. Membership on only One Committee. Appointees shall serve on only one Council Advisory Body/Commission at a time.
- h. Member Code of Ethics. Committee members shall adhere to the City Council's Code of Ethics (Appendix A). In addition, Committee members are to act for the long-term benefit of the community as a whole, not for personal benefit or the benefit of an organization or group they may belong to or that nominated them.

Section 4: Conflict of Interest

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 if:

- 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;
- b. The member shall have acted in violation of Section 9 of Article III of these Bylaws;
- c. The member shall have served two consecutive full terms; or
- d. The member shall have acted in violation of the adopted Code of Ethics (Appendix A) or for similar cause.

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 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 a 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 shall meet the qualifications set forth in Section 3 (b) 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.

Section 10: Liaisons

In addition to the 11 Committee members, one member of the City Council (appointed by the Mayor and confirmed by the Council), as well as the Fire Chief, Police Chief, and Public Works Director, or their designees, shall be non-voting Liaisons. The purpose of the four Liaisons shall be to facilitate the work of the Committee, by serving as a two-way conduit of information between the Committee and their respective City organizations.

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 Section 5 of 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: Secretary

The Administrative Services Director or designee shall be the Secretary. The Secretary shall be responsible for noticing meetings, creating the agenda, and keeping the minutes and other official records.

Section 5: 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 annually from among the members of the Committee. Officers of the Committee shall hold office until their successors are elected and in office. Any such officer shall not be prohibited from succeeding themself.

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, the Chairperson or Vice Chairperson 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, initially, on at least a quarterly basis, during the months of April, July, October, and January, at a location accessible to the public (either in person or virtually, depending on any in-person meeting restrictions resulting from a pandemic or other event) in Paso Robles, California. At its April meeting each year, the Committee shall determine its regular meeting schedule for the coming year. Starting in April 2022, the Committee may determine its own schedule of regular meetings, as long as it meets at least semi-annually, and one or more of the regular meetings align with the City's budget process. The Committee shall also meet any time so requested by the Council. A notice, agenda, and other necessary documents shall be delivered to the members, personally or by mail, at least 72 hours prior to any regular meeting.

The Secretary will provide the Committee members with quarterly written reports on the revenues received under the N-12 and J-20 supplemental tax measures, and the operating budget activities and capital projects funded by each measure.

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 adheres to the Ralph M. Brown Act (Gov. Code §54950 et seq.), and 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 staff of the adjourned meeting.

Section 4: All Meetings to be Open and Public

All meetings of the Committee shall be conducted in Paso Robles, at a location accessible to the public (either in person or virtually, depending on any in-person meeting restrictions resulting from a pandemic or other event). All persons shall be permitted to attend except as otherwise provided by law.

Section 5: Posting Agendas/Notices

The Secretary shall post an agenda for each regular Committee meeting or a notice for each special Committee meeting containing the time and location of the meeting together with a brief description of each item of business to be transacted or discussed at the meeting . Agendas/notices shall be posted outdoors at the Paso Robles City Library at least 72 hours in advance of each regular meeting and at least 24 hours in advance of each special meeting. The Secretary 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 any matter 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 Chairperson 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 issues and/or the time allocated to each individual speaker.

At every special meeting, members of the public shall have an opportunity to address the Committee only on a matter to be addressed at the meeting.

Section 7: Non-Agenda Items

Matters brought before the Committee at a regular meeting that had not been 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. Six of the 11 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 question brought before the Committee.

Section 9: Absences

Members shall notify the Secretary or Chairperson in advance of a meeting if they will not be able to attend. If a member shall be absent from two consecutive meetings, whether regular or special, such absence shall result in the termination of the membership of the absenting member.

Section 10: Method and Order of Business

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

Section 11: Action Minutes

Minutes of the Committee shall be prepared in writing by the Secretary. The draft minutes of the Committee documenting the Committee's actions shall be forwarded to the City Council following each meeting, and shall then be scheduled for approval by the Committee. The approved minutes of each meeting shall be made available on the City's website and filed in the official book of minutes of the Committee.

Section 12: Reports and Recommendations to City Council

Reports or recommendations of the Committee to the City Council shall be prepared in writing by the Secretary following every regular meeting and presented to the City Council during a public meeting once the Secretary or designee has prepared a report identifying key facts, options, analysis of the options, fiscal impact, and recommendations, and the report has been reviewed by the City Manager. Reports may also be prepared following a special meeting, at the request of the Committee.

The Chair, or the Chair's designee, at the direction of a majority of the Committee at a meeting at which a quorum is present, may also make verbal reports to the City Council on any issue within the Committee's purview.

Section 13: Reports to the Community

The Committee, assisted by staff, shall also make report to the community each time it reports to the Council. These reports shall be designed to communicate the latest accounting for each of the ballot measures, presenting the funds generated and expended, and summarizing the use of those funds. In addition, the reports shall seek to elicit questions or feedback from the broadest feasible cross section of the community. To these ends, a variety of media may be used, including, as appropriate, newsletters, social media, utility bill stuffers, the City's website, etc.

ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES OTHER THAN THE CITY COUNCIL

The Chairperson or designee may make official representations on behalf of the Committee before public bodies other than the City Council at the direction of the Committee and 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 – SUB-COMMITTEES

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

ARTICLE VI – AMENDMENTS

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

Exhibit B

CODE OF ETHICS

PREAMBLE

The residents and businesses of Paso Robles are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- ▶ Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- ▶ Public officials be independent, impartial, and fair in their judgment and actions;
- ▶ Public office be used for the public good, not for personal gain; and
- ▶ Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Paso Robles City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

PUBLIC INTEREST

Advisory Body and Commission Members will work for the common good of the people of Paso Robles and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

Advisory Body and Commission Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

CONDUCT

Advisory Body and Commission Members are expected to exercise a duty of care in carrying out their responsibilities, which includes devoting sufficient time to carefully review and fully understand the matters that come before them.

Advisory Body and Commission Members shall act with civility towards all and shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of others.

Advisory Body and Commission Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

Advisory Body and Commission Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on the business at hand.

Advisory Body and Commission Members shall base their decisions on the merits and substance of the matter at hand.

Advisory Body and Commission Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received from sources outside of the public decision-making process.

Exhibit B

CONFLICT OF INTEREST¹

Advisory Body and Commission Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility or personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall timely file with the City Clerk a Statement of Economic Interests (Form 700) and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.² Advisory Body and Commission Members shall participate biennially in Ethics Training seminars as required by state law.

Advisory Body and Commission Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

Advisory Body and Commission Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

Advisory Body and Commission Members shall not use public resources (such as City equipment, staff, and facilities) not available to the public for private gain or personal purposes.

No Advisory Body or Commission Member shall appear before the body on which that member serves to advocate on behalf of or to represent the private interests of third parties.

Advisory Body and Commission Members shall represent the official policies and positions of the Advisory Body if authorized by the Advisory Body. When presenting their personal opinions and positions, members shall explicitly state they are doing so in their personal capacity, and not as a representative of the Advisory Body or the City.

Advisory Body and Commission Members shall refrain from using their position to unduly influence the deliberations or decisions of City commissions, boards, or committees.

POLICY ROLE

Advisory Body and Commission Members shall respect and adhere to the Council-Manager structure of Paso Robles City government as provided in State law and the Municipal Code.

Advisory Body and Commission Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

COMPLIANCE & ENFORCEMENT

Advisory Body and Commission Members themselves are primarily responsible for ensuring they understand and meet the ethical standards set forth herein.

¹ State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are complex and fact dependent. Advisory Board Members should notify the City Manager if they have a question about the conflict-of-interest rules or should consult with the Fair Political Practices Commission for guidance in advance.