



COUNTY OF DEL NORTE

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Memorandum

AGENDA DATE: February 23, 2021
TO: Del Norte County Board of Supervisors
FROM: County Counsel
SUBJECT: Measure R Citizens' Oversight Committee

RECOMMENDATION FOR BOARD ACTION:

- 1.) Approve and Adopt A RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF DEL NORTE, ESTABLISHING A MEASURE R TRANSACTIONS AND USE TAX (SALES TAX) OVERSIGHT COMMITTEE

SUMMARY:

On November 3, 2020, the voters of the unincorporated area of Del Norte County voted to pass Measure R, imposing a 1 percent sales tax in the unincorporated area of the County. Measure R requires the Board of Supervisors to create by resolution a citizens oversight committee to review and publically report on the use of the funds derived from the tax increase. The committee must be composed of five residents of the unincorporated area of the county, and the CAO and Auditor, or their designees, as non-voting members.

This resolution creates a process whereby members of the public can submit their applications to the Registrar of Voters, who will verify their residences, and together panel of other officials, review the applications. This panel will select the best five, and will forward these five to the Board for approval. This will provide a mechanism to select qualified candidates in a neutral forum, while at the same time creating a layer of separation between the selection process and the Board, over whose spending the committee will have oversight.

Rather than require one member from each supervisorial district, the resolution calls for a reasonable attempt at regional balance. This is because not every district has an equal amount of residents in the unincorporated area, and it might prove difficult to find a person from each district.

Measure R calls for terms of two years. In order to create staggered terms so that the entire committee isn't replaced every two years, upon initial appointment, two members will be selected so serve three years terms. This will create a board where there is a change in membership of two or three members each year.

The committee is an oversight committee, not an advisory committee. The role of the committee is to review budget information and input from the department heads responsible for spending the money, and publicly report to the board as to whether the funds were spent consistent with the aims of Measure R. Therefore the committee will answer three questions:

1. During the fiscal year being reviewed, were all Measure R funds spent on "vital local services," as described in the Ballot Question for Measure R?
2. If any Measure R funds were not spent on "vital local services," what were they spent on?
3. Were any Measure R funds used to supplant or displace another funding source in any department's budget?

These questions will provide clear guidance to the committee as to the scope and purpose of its inquiry. The oversight committee's report is not binding on the Board of Supervisors. It is informational only. The Board will have ultimate discretion in the use of the funds from Measure R. The "citizen oversight" that Measure R requires will be the creation of a public record that will be clear and easy to refer to, to dispell any doubt the public may have as to the county's use of the funds.

ALTERNATIVE: Do not adopt the resolution; give direction to staff as to a different formation of the committee.

AGENCY(S) INVOLVEMENT: County Counsel, Registrar of Voters, Administration.

SIGNATURE REQUIRED: Board Chair.

RESOLUTION NO.

**A RESOLUTION OF BOARD OF SUPERVISORS OF THE COUNTY OF DEL NORTE,
ESTABLISHING A MEASURE R TRANSACTIONS AND USE TAX (SALES TAX)
OVERSIGHT COMMITTEE**

WHEREAS, on July 28, 2020 via Ordinance 2020-013, authorized the imposition of a local 1% transactions and use Tax (sales tax), subject to approval of a majority of the qualified voters of the unincorporated area of the County at the General Election to be held on November 3, 2020; and

WHEREAS, the Del Norte County Ordinance, states that the Board of Supervisors shall establish a Citizens Oversight Committee to review the expenditure of Measure R tax revenues; and

WHEREAS, Committee members shall be appointed by the Board of Supervisors to serve a two year term and will be required to meet at least annually to review and publically report on the expenditure of revenues generated by the tax as imposed; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

- I. Establishment. There is hereby established, the Measure R Citizens Oversight Committee of the County of Del Norte (hereafter, the "Committee"). The Committee is composed of five (5) voting members, who shall be members of the public residing within the unincorporated area of the county, and two (2) non-voting members, which shall be the County Administrative Officer and the Auditor, or their designees.
- II. Members of the public may submit an application on a form approved by the board of supervisors to the County Registrar of Voters, who will verify the applicants' residences. The Registrar of Voters will select the five best applicants to submit to the board of supervisors for approval. The Registrar shall take regional balance into account, making a reasonable effort to ensure each supervisorial district is represented. The Registrar may assemble a panel of other department heads to select the applicants.
- III. Term of Committee / Terms of Members. The Committee shall exist perpetually, commencing upon Board Approval of Public Members. Each public member of the committee shall serve a term of two (2) years, except that, upon appointment of the first members, the Board shall select two members to serve an initial term of three (3) years in order to create staggered terms.
- IV. Appointment of Members. The Board of Supervisors shall appoint five (5) public members of the Committee. In the event any vacancies occur during the Term of the Committee, such vacancies shall be filled for the remaining unexpired terms in the same manner as original appointments.
- V. After the appointment of the first Committee, the Committee positions shall be added to the Local Appointments List and thereafter vacancies shall be advertised in accordance with the Maddy Act, Government Code Section 54970 *et seq.*
- VI. Powers and Duties. The Committee shall act in an oversight capacity and no express authority or power to act on behalf of the County is hereby delegated. The Committee shall perform the following duties:

- (a) The Committee shall meet at least annually to review and publically report on the expenditure of revenues generated by the Measure R tax. The Committee is subject to the Brown Act.
- (b) The Committee shall meet during the fourth quarter of each fiscal year, and shall be provided complete documentation of the use of all measure R funds expended during the fiscal year to date.
- (c) Every department which received Measure R funds during the fiscal year shall make a report to the Committee regarding its use of the funding, and whether any other funding source was supplanted by the Measure R funds.
- (d) During the meeting of the Board of Supervisors in which the recommended budget is adopted pursuant to Government Code Section 29064, the Committee shall make a report of its findings, specifically answering the following questions:
 - 1. During the fiscal year being reviewed, were all Measure R funds spent on “vital local services,” as described in the Ballot Question for Measure R?¹
 - 2. If any Measure R funds were not spent on “vital local services,” what were they spent on?
 - 3. Was any Measure R funding used to supplant or displace another funding source in any department’s budget?
- (e) The Committee may submit its findings to the board in writing, or may select one of its voting members to make a presentation to the board of supervisors.
- (f) The Committee may, at its discretion, meet again after the end of the fiscal year, but prior to the adoption of the final budget, and may update its findings if necessary.

¹ “To support vital local services including: providing support for law enforcement for emergency response; repairing potholes and maintaining streets; preparing for and responding to natural disasters and health emergencies; maintaining emergency dispatch services for fire, ambulance and law enforcement; maintaining jail and criminal justice services; addressing blight and public nuisances; and other general services and infrastructure; shall the measure be adopted imposing a one percent sales tax in the unincorporated area of the county, until ended by voters, providing \$1.2 million dollars annually, with citizen oversight and independent audits?”

PASSED AND ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Chris Howard, Chair
Del Norte County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Kylie Goughnour, Clerk of the Board

Joel Campbell-Blair, County Counsel