

STAFF REPORT

SUBJECT: Measure A Citizens Oversight Committee

MEETING DATE: May 21, 2009 **AGENDA ITEM:** 11

STAFF CONTACT: Gregg Hart

RECOMMENDATION:

Review the requirements of the Measure A ordinance for the formation of a citizen's oversight committee and provide direction to staff on the formation of the committee.

SUMMARY:

Voter-approved Ordinance #5, enacting Measure A, requires the establishment of a Citizen's Oversight Committee to ensure accountability to voters regarding the expenditure of funds and to assist in ensuring all the provisions of the Investment Plan are properly carried out. The SBCAG Board must appoint the committee by April 1, 2010 or at least 90 days prior to the adoption of the Measure A Strategic Plan, whichever date is sooner. This provides the Oversight Committee with an opportunity to review the strategic plan before it is adopted to ensure that it is compliant with the requirements of the strategic plan prescribed in the ordinance.

The strategic plan is scheduled to be adopted by the SBCAG board in November 2009. Backing up 90 days from that date, members of the Citizen's Oversight Committee should be appointed at the board's August meeting. Selecting members for the committee may take 2-3 months, depending on how the membership is selected. So staff would like to start the process for forming the committee in May.

Ordinance #5 says the committee shall have eleven members and shall be comprised of an appropriate balance of transportation users representing the geographic, social, cultural, and economic interests in the county. Each sub-regional committee of the board shall nominate four members of the committee for appointment by the SBCAG Board. Three "at large" representatives shall be nominated and appointed by the full SBCAG Board.

SBCAG staff has asked for direction from each sub-regional committee on how the members of the oversight committee they are required to nominate to the SBCAG board should be selected. North and South sub-regional committees can independently adopt a process for selecting their respective nominees—they need not use the same process. However, each has directed staff to conduct an open, publicly advertised application process for generating nominations for their respective committees.

Staff is now seeking direction from the full board on the process by which at-large members of the committee should be selected. As it did for the sub-regional committees, staff is recommending that first priority be given to members of the public that represented stakeholder

groups on the Measure A Policy Advisory Committee since they are familiar with Measure A and have a vested interest in seeing that the work they did to develop Measure A is translated into a successful implementation. Staff is recommending that the Policy Advisory Committee members be contacted to determine their interest in serving on the Oversight Committee. Staff would report back to the board in June.

DISCUSSION:

There are a variety of methods the board could use to solicit candidates for nomination to the Measure A Citizens Oversight Committee. The process could mirror the method used by the Santa Barbara County Grand Jury to select new members. SBCAG staff could publish advertisements in county newspapers seeking interested citizens to serve on the Citizens Oversight Committee. Respondents could then be asked to fill out a questionnaire and then be interviewed by members of the sub-regional planning committee at a subsequent meeting. This process would entertain the widest potential number of respondents but would not likely generate potential nominees with much knowledge or experience with Measure A. It would likely take at least three months to properly advertise the nomination process, complete interviews with the nominees and make nominations to the SBCAG Board.

Another option would be for Board members to individually recruit nominees and forward these individuals for nomination by the full committee. Questionnaires and interviews could be utilized or not and the full sub-regional committee would then select its four nominees by majority vote. This process could save time over the first alternative, but would also not necessarily forward nominees with knowledge and experience with Measure A.

SBCAG staff recommends a third option that could simplify the process and ensure the nominees have experience and knowledge of Measure A. This method is preferable because of it is most likely to be completed by August. In this option, SBCAG staff would ask the public members of the Measure Policy Advisory Committee that helped draft the Measure A Investment Plan if they would be interested in serving on the Measure A Citizens Oversight Committee. This would ensure the pool of potential nominees would have extensive experience with Measure A. Since members of the sub-regional Measure A Advisory Committees were originally selected to represent the geographic, social, cultural and economic interests in the county and board members worked extensively with these individuals at the sub-committee level during the drafting of Measure A, it would not be necessary to have a questionnaire and interview process prior to selection. The names of the interested individuals could be presented to the SBCAG Board for consideration in June. The Citizens Oversight Committee would then be in place to meet as early as this July, in time to serve a significant role in the Measure A Strategic Plan development process.

In conclusion, the Measure A Citizens Oversight committee is an important feature of Measure A. The public accountability and transparency features of the measure were a significant factor in the overwhelming voter support Measure A received at the polls. It is especially important for the first members of the Measure A Citizens Oversight Committee have experience with the background, history and legislative intent involved in the drafting of Measure A. The public at large wants to see the delivery of the projects promised by Measure A as soon as possible. Timely completion of the Measure A Strategic Plan is a critical path element in early project delivery and the informed participation of the Measure A Citizens oversight Committee in the drafting of the Measure A Strategic Plan will best facilitate this process.

COMMITTEES

The North County Subregional Committee directed staff to solicit nominations for its four Citizens Oversight Committee members through a publicly advertised process. The committee also directed staff to develop a job description for the Oversight Committee, for review by the board, that would be included in the advertisement. A draft job description is attached to the staff report as Attachment B.

The South Coast Subregional Committee also directed staff to solicit nominations through a public advertisement for its four members and also requested that staff develop a job description before advertising for nominations.

RECOMMENDATION

Review the requirements of the Measure A ordinance for the formation of a citizen's oversight committee and provide direction to staff on the formation of the committee.

ATTACHMENTS

Attachment A - Excerpt of Ordinance #5 Pertaining to Citizens Oversight Committee

Attachment B - Measure A Citizens' Oversight Committee Job Description

ATTACHMENT A

Excerpt of Ordinance #5

The following is the full text of Ordinance #5 pertaining to the Citizens Oversight Committee that describes the composition of the committee and its role in providing citizen oversight and accountability for Measure A:

Section 22. Advisory Committees The following advisory committees are established to assist the Authority in the administration on the Investment Plan and this Ordinance.

A. The Citizens Oversight Committee will be appointed by the Authority to help ensure accountability to voters regarding the expenditure of funds and to assist the Authority in ensuring that all provisions, requirements and voter mandates specified in the Investment Plan and Ordinance are properly carried out. The committee will serve in an advisory capacity to the Authority and will be comprised of an appropriate balance of transportation users representing the geographic, social, cultural, and economic interests in the county. Each Subregion Committee established in Section 23 of this ordinance shall nominate four representatives for appointment by the Authority. Three "at large" representatives shall be nominated and appointed by the Authority. Employees and elected officials of local governments in Santa Barbara County, employees or policy board members of transit districts in Santa Barbara County, and persons with a personal financial interest in a project or program in the Investment Plan are ineligible to serve as representatives. The Authority must appoint the committee by April 1, 2010 or at least 90 days prior to the adoption of a Strategic Plan, whichever date is sooner. The committee will determine the frequency of its meetings and be provided with administrative and technical assistance by the Authority in conducting its business. The committee shall annually submit a letter to the Authority commenting on whether the provisions, requirements and voter mandates specified in the Investment Plan and Ordinance have been properly carried out. The letter may include observations and recommendations to the Authority.

Section 25. Audit Provisions. No less than annually, the Authority shall conduct and approve an independent fiscal audit of the expenditure of all revenues raised by this ordinance. The scope and content of the audit shall be developed with the assistance of the Citizens Oversight Committee established pursuant to Section 22.A. The Citizens Oversight Committee shall review the draft audit report including findings and any recommendations. The audit, which shall be made available to the public and the Citizens Oversight Committee, shall report on evidence that the expenditure of revenues is in accordance with the Investment Plan. In addition, the audit shall determine that Maintenance of Effort requirements as set forth in Section 27 are being met. The audit shall also insure that no more than one percent (1%) of total retail transaction and use tax expenditures is used for staff salaries and benefits in administering this Investment Plan and ordinance.

ATTACHMENT B

Measure A Citizens' Oversight Committee JOB DESCRIPTION

Committee Purpose:

- The Citizens Oversight Committee will be appointed by the Santa Barbara County Association of Governments (SBCAG), as the Local Transportation Authority responsible for administering Measure A, to help ensure accountability to voters regarding the expenditure of funds and to assist SBCAG in ensuring that all provisions, requirements and voter mandates specified in the Investment Plan and Ordinance are properly carried out.
- The committee will serve in an advisory capacity to the Authority and will be comprised of an appropriate balance of transportation users representing the geographic, social, cultural, and economic interests in the county.

Responsibilities:

- The committee shall meet as is deemed necessary by the committee, to collect information, review reports, receive presentations, and provide comments on proposed and previous expenditures of Measure A funds.
- The committee shall assist the SBCAG Board in determining the scope and content of the annual independent fiscal audit of Measure A Expenditures. The Citizens Oversight Committee shall review the draft audit report including findings and any recommendations. The audit, which shall be made available to the public shall report on evidence that the expenditure of revenues is in accordance with the Investment Plan
- The committee shall annually submit a letter to the Authority commenting on whether the provisions, requirements and voter mandates specified in the Measure A Investment Plan and Ordinance have been properly carried out. The letter may include observations and recommendations to the Authority.

Membership and Selection:

The committee shall be composed of eleven members. The North and South sub-regional committees of the SBCAG Board shall each nominate four members of the committee for appointment by the SBCAG Board. Three "at large" representatives shall be nominated and appointed by the full SBCAG Board.

Employees and elected officials of local governments in Santa Barbara County, employees or policy board members of transit districts in Santa Barbara County, and persons with a personal financial interest in a project or program in the Investment Plan are ineligible to serve as representatives.

Term of Service:

Committee member terms will be four years. Initial terms will be staggered so that committee membership turn-over is staggered.

Members Nominated by North County and South Coast Committees

- Two seats serve an initial two year term, then four year terms thereafter
- Two seats serve an initial four year term, then four year terms thereafter

At-Large Members

- Two seats serve an initial four year term, then four year terms thereafter
- One seat serves a two year term, then four year terms thereafter

Compensation:

This is an uncompensated appointment.

Meetings:

- The committee will determine the frequency of its meetings [Typically, Citizens Oversight Committees in other regions meet quarterly].
- All meetings must be held in compliance with the Brown Act.
- All meetings will be conducted per “Robert’s Rules of Order”

Staffing:

- SBCAG will staff the committee and provide technical and administrative assistance to support and publicize the committee’s activities.
- Recipients of Measure A funds shall provide such information as is required by the committee to carry out its duties.