

**BYLAWS OF THE CITY OF SAN MARCOS
MEASURE Q CITIZENS' OVERSIGHT COMMITTEE**

**ARTICLE I
THE COMMITTEE**

Section 1.1 **Name of Committee**

The name of the Committee shall be the 'Measure Q Citizens' Oversight Committee" (hereinafter referred to as "COC").

Section 1.2 **Purpose and Duties**

The purpose of the COC is to review and report on City compliance with the provisions of Measure Q, particularly with respect to the City's accounting and expenditure of Measure Q revenues. Measure Q is codified in Chapter 3.22 of the San Marcos City Code to establish a temporary one cent general transactions and use tax to be administered by the California Department of Tax and Fee Administration. The specific duties of the COC are as follows:

- A. Serve in an advisory capacity to guide the expenditure of the funds throughout the life of Measure Q through the review of the spending plan and budget as part of the City's annual budget process.
- B. Annually review the Independent Auditors' Report and compliance on revenues and expenditures and the Measure Q Spending Plan. After conducting such review, the COC shall report to the City Council, as part of the City's annual budget process, regarding its findings and recommendations.
- C. Conduct at least two (2) open public meetings per year, properly noticed and posted agendas, and reports and minutes pursuant to the Brown Act.
- D. Make a finding prior to any future renewal of the tax measure that, in the absence of extenuating circumstances, funds have been expended on improved infrastructure and improved public safety services consistent with the intent of Measure Q.

The COC is advisory in nature, and as such shall have no authority to approve, disapprove or prevent any City action, and shall have no authority to direct the conduct of any department or employee. Final spending authority for Measure Q proceeds lies solely with the City Council.

ARTICLE II MEMBERSHIP

Section 2.1 Composition

The COC shall consist of no more than three (3) members of the community. In accordance with SMMC 3.22.110, the City Council shall appoint the members of the Committee by majority vote. The members shall be qualified electors of the City of San Marcos and shall not be elected officials or current City employees. It is highly desirable, but not required, that members of the Committee have professional experience in accounting, finance, engineering or related discipline (including construction), and/or own or manage a business located in San Marcos.

The City Manager or designee(s) shall serve as Secretary of the COC. The City Manager or designee(s) shall have no voting rights. In the event of the absence of the Secretary at any regularly scheduled or special meetings of the COC the City Manager's designee shall act as Secretary for that meeting.

Section 2.2 Terms of Membership

With the exception of the initial appointees, the term of appointment of a COC Member shall be three (3) years; initial members shall serve from their term commencement date until their term expiration date, as specified in the following paragraph. There shall be no maximum term limits. Each COC Member shall hold office until expiration of the respective term or until a new member has been duly appointed. COC Members whose terms are due to expire may apply for reappointment.

The initial COC members shall be appointed no later than April 1, 2025. Initial terms shall commence upon assumption of office. The City Council shall appoint one member of the committee to an initial term expiring June 30, 2027. The terms of the individuals appointed to succeed this member shall be three (3) years. The other two members shall be appointed with an initial term expiring on June 30, 2028, to stagger future appointments of members of the COC.

The COC shall automatically dissolve, and all Member terms end, at the time that all Measure Q revenues have been collected, expended and accounted for, and that the COC shall have fulfilled all of its responsibilities with respect thereto. With the Measure Q tax expiring on March 31, 2035, it is currently estimated that the COC dissolution shall occur on or about December 31, 2035. The final dissolution date shall be determined by the City Manager.

Section 2.3 Termination of Membership

A COC Members' term shall automatically terminate upon any of the following occurrences:

1. The member is no longer a resident of the City of San Marcos.
2. The expiration of the term of membership, unless a successor has not been named in which case the member shall continue until such time as a successor is named.

3. Upon removal by a majority of the City Council, with or without cause; or
4. Upon dissolution of the COC.

Additionally, a COC Member's term may be terminated upon any of the following occurrences:

5. The member fails to complete and submit the required financial interest disclosure forms to the City Clerk's Office by the specified due date; or,
6. The member has been absent from three (3) consecutive meetings without sufficient cause and/or without notifying the Chairperson or COC Secretary.

In the event of occurrences 5 or 6 above, the City Manager or designee, shall notify the City Council of the facts and circumstances of the COC Member's failure to comply with the requirements for membership, and shall make a recommendation to the City Council regarding removal of the COC Member and appointment of new member.

Section 2.4 **Resignation**

Any COC Member may resign at any time by giving written notice to the City Manager or designee of the City of San Marcos. Any such resignation shall be effective upon receipt or upon any date specified therein.

Section 2.5 **Vacancy**

When any vacancy occurs, the City Council shall appoint by majority vote a new member to fill the unexpired portion of the term pursuant to the provisions expressed in the bylaws.

ARTICLE III OFFICERS

Section 3.1 **Officers**

The officers of the COC shall consist of a Chairperson and Vice Chairperson.

Section 3.2 **Chairperson**

The Chairperson shall be elected from among the COC Membership and shall preside at all official meetings of the COC. The Chairperson shall represent the COC at public functions as designated by the City Council. The City Manager or designee shall work cooperatively with the Chairperson to set items for the agenda.

Section 3.3 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 resignation, death, or removal of the Chairperson, the Vice Chairperson shall become acting Chairperson for the remainder of the Chairperson's term.

In the event the Vice Chairperson is no longer able to serve in that capacity a new Vice Chairperson shall be elected from among the COC Membership to fill the remainder of the term.

Section 3.4 Additional Duties of Officers

At times, officers of the COC shall perform duties and functions at the request of the City Council or staff, incidental to the offices held by such officers.

Section 3.5 Secretary

The Secretary shall perform the following functions:

1. Keep the minutes of all official meetings of the COC, which shall be open for inspection by any member of the public.
2. Sign reports and correspondence for the COC.
3. Set meeting dates and provide an agenda to each COC Member prior to each official meeting in compliance to the Brown Act.
4. Provide COC Members of all available reports and/or presentations prepared by City staff pertinent to each item on said agenda.
5. Draft City Council staff reports and resolutions available from agenda documents as directed by the COC.
6. Inform COC Members of the time and place of any special meetings as hereinafter provided compliant to the Brown Act.
7. Receive and make available to the COC all correspondence addressed to said COC.

Section 3.6 Additional Duties of Members.

Each COC Member shall become informed on matters affecting the functions and duties of the COC including the provisions of Measure Q, public administration and governmental accounting practices and procedures. Each COC Member shall make every reasonable effort to attend all regularly scheduled and any duly called special meetings.

ARTICLE IV MEETINGS

Section 4.1 Meeting Schedule

The COC shall conduct at least two (2) open public meetings per year and as needed, called by the City Manager or designee to fulfill the purpose of the COC pursuant to Section 1.2. Public notices of meeting shall be provided as set forth in the Brown Act.

Section 4.2 Special Meetings

Special meetings may be held upon the call of the City Manager or designee, for the purpose of transacting any business designated on the special agenda. Electronic written notice for special meetings shall be provided to members of the COC by the Secretary. At such special meeting, no business other than that designated in the call should be considered. Public notice of the special meeting shall be provided as set forth in the Brown Act.

Section 4.3 Meetings to be Open and Public

All meetings of the COC shall be open and public to the extent required by the Brown Act. All persons shall be permitted to attend any such meetings or workshops, except as otherwise provided by law.

Section 4.4 Quorum

A majority of the COC membership shall constitute a quorum for the purpose of conducting the COC business, exercising its powers and all other purposes, but less than a majority of the COC membership may adjourn the meeting from time to time until a quorum is obtained. Unless otherwise provided in the Bylaws, an affirmative vote by a majority of members present shall be required for approval of any action brought before the COC.

Section 4.5 Attendance at Meetings and Workshops

COC Members shall be required to attend all COC meetings. A COC Member may be removed if the COC Member fails to attend three consecutive COC meetings. COC Members are required to notify the Chairperson or City Manager or designee(s) if the COC Member intends to be absent from any meeting. At each meeting, after the meeting has been called to order, the Chairperson shall report to the COC the name of any COC Member who has so notified the Chairperson or staff of the intent to be absent.

Section 4.6 Rules of Order

All business and matters before the COC shall be transacted in conformance with the San Marcos Municipal Code and state law to the extent applicable to the business of the COC.

Section 4.7 Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the COC. COC Members, staff and/or the public may announce off-agenda matters of concern within the jurisdiction of the COC. Each off-agenda matter may be referred to staff for resolution or placed on the next available COC agenda.

Section 4.8 Order of Business

The order of business shall be established by the Chairperson of the COC. Agendas shall be published and posted in compliance with applicable state and local laws and rules.

Section 4.9 Meeting Procedure - General Procedures

Final action on agenda items shall be by minute order.

Section 4.10 COC Members Subject to Council Policy and Code of Ethics

All COC Members shall be subject to the disclosure requirements set forth by AB 1234.

ARTICLE V REPRESENTATION BEFORE PUBLIC BODIES

Section 5.1 Representation

Any official representation on behalf of the COC before the City Council, or any public body, shall be made by the Chairperson, the Vice Chairperson in the Chairperson's absence, or a member of the COC specifically designated by the COC.

ARTICLE VI MISCELLANEOUS

Section 6.1 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the COC Bylaws, the determination of the situation shall be subject to the jurisdiction of the City Attorney.