

CITY COUNCIL RESOLUTION NO. 2024-XXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN MARCOS, CALIFORNIA, ESTABLISHING THE
MEASURE Q CITIZENS' OVERSIGHT COMMITTEE AND its
BYLAWS

WHEREAS, on July 9, 2024, the City Council of the City of San Marcos adopted Resolution No. 2024-9322 placing a measure on the ballot for the November 5, 2024 General Municipal Election to add Chapter 3.22 to the San Marcos Municipal Code, establishing a temporary one percent sales tax (the "Ordinance"); and

WHEREAS, the measure was designated by the San Diego County Registrar of Voters as "Measure Q;" and

WHEREAS, the Ordinance will become effective if approved by a majority of City voters voting in the election, will be deemed adopted when the City Council has certified the results of the election, and will take effect ten days thereafter; and

WHEREAS, Section 3.22.110 of the Ordinance provides that, prior to the Operative Date of the new tax (April 1, 2025), the City Council shall: (a) adopt a resolution establishing the composition of a committee of no more than three members of the community to review and biennially report on the revenue and expenditure of the tax funds; (b) define the scope of the committee's responsibilities; and (c) appoint at least a quorum of the members of the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are hereby incorporated and made an operative part of this Resolution.

SECTION 2: The San Marcos City Council does hereby create the "Measure Q Citizens' Oversight Committee" (COC) pursuant to San Marcos Municipal Code Chapter 3.22, this resolution, and the Measure Q COC bylaws (Attachment A).

SECTION 3: The San Marcos City Council hereby directs staff to annually prepare a Measure Q Spending Plan for presentation to and review by the COC, for inclusion in the budget process.

SECTION 4: To the extent of any conflict between this Resolution, the COC bylaws, and Measure Q, the terms of Measure Q shall govern.

SECTION 5: Duties of the Measure Q Citizens' Oversight Committee are as set forth in the attached bylaws.

SECTION 6 Composition; Qualifications; Nomination.

Composition and Qualifications are as set forth in the attached bylaws.

Appointment. City Council shall appoint the members of the Committee by majority vote in accordance with the following provisions:

1. The City Clerk shall prepare and maintain the COC appointments list.
2. The COC application form shall be prepared by the City Manager in consultation with the City Clerk and shall include information supporting the applicant's qualifications as described in the attached bylaws.
3. Applications shall be filed with the City Clerk and shall be active for one year.
4. Upon receipt of completed applications, the City Clerk shall submit the applications to the City Manager's office for review and determination that the applicant is qualified or not qualified in accordance with the eligibility requirements outlined in the attached bylaws.
5. Whenever an appointment is necessary to fill a scheduled or unscheduled vacancy on the COC, the City Manager or designee shall give notice to the City Clerk and City Council.
6. Upon receipt of said notice, the City Clerk shall provide all active applications and accompanying City Manager's recommendations to each member of the City Council.
7. The City Council shall consider the applications at an open meeting. Any member of the City Council may make a motion regarding an appointment to the COC from the list of applications presented.
8. Appointments are subject to the approval by majority vote of the City Council.

Terms. The term of appointment of a COC are as set forth in the attached bylaws.

Meeting Schedule. The meeting schedule of the COC are as set forth in the attached bylaws.

Operating Rules and Procedures, Brown Act Compliance. The COC shall operate in accordance with the Ralph M. Brown Act, including requirements that meetings be public, and agendas posted in advance of each meeting.

Bylaws. The City Council adopts additional rules and procedures in the form of bylaws (Attachment A); any such bylaws must be consistent with the terms of this Chapter and all other applicable laws.

Staff Support. The City Manager, and/or designee(s), shall serve as the City staff liaison to the COC and shall provide it with administrative support, including designation of a COC staff secretary. The City Manager or designee(s) shall have no voting rights.

Dissolution Date. The COC shall automatically dissolve as set forth in Section 2.2 of the bylaws.

SECTION 7: If any provision of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. This City Council hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed, and the balance of the resolution be enforced.

SECTION 8: This resolution shall take immediate effect and be in force after its adoption by the City Council, and City Council certification of the election results from the November 5, 2024 general election, provided that Measure Q passes by the necessary margin for approval. In the event the election results and subsequent certification reflect that Measure Q did not pass by the necessary margin, this resolution shall not become effective.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting held on the 12th day of November, 2024, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos