

**MEETING AGENDA  
TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE  
COLEMAN CONFERENCE ROOM, CITY HALL  
291 N. MAIN STREET  
PORTERVILLE CALIFORNIA  
WEDNESDAY, JANUARY 14, 2015, 6:00 P.M.**

Roll Call: Committee Members

**ORAL COMMUNICATIONS**

This is the opportunity for any member of the public to address the Committee.

**SCHEDULED MATTERS**

**1. Minutes of November 12, 2014**

**2. Review of Resolution No. 24-2006**

Re: Review of A Resolution of the City Council of the City of Porterville Establishing an Independent Citizen's Oversight Committee Charged to Monitor the Expenditure of General Fund Revenues Derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, adopted by the City Council on February 21, 2006.

**OTHER MATTERS**

**ADJOURNMENT**

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the Committee after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.

Transactions and Use Tax Oversight Committee  
Coleman Conference Room, City Hall  
Wednesday November 12, 2014, 6:00 PM

Roll Call: Russell "Buck" Fletcher, Margaret Stinson, Kat Harris, Janet Meister, Gail Lemmen, Khris Saleh, Salvador Estrada

Oral Communications

No community members were present

Scheduled Matters

**Minutes of October 22, 2014:** Buck reported that he went to City Council and reported on other matters. He is still discussing with the City Manager about having the budget published in the Excel format and future projects.

Margaret: We should have had a Measure H fire truck with all of the members riding in or walking with it for next years Veteran's Day Parade.

Kat moves to accept the minutes. Margaret seconds the motion. Passed by voice vote

**Review of 1<sup>st</sup> Quarter Measure H Expenditures for FY 2014/2015 Budget (as of September 30, 2014)**

Khris: For Maria- Why current period is different from YTD. Differences between September (current period) and the first quarter (YTD)

Khris: Police and Fire Retirement, What is POB? Maria: Pension Obligation Bonds, which are issued by Rabo Bank instead of by CalPers.

Vehicle Maintenance in the Police Department: Why is there a spike in the fuel and maintenance expenditures? Captain Kroutil will look into the spike and report. (He sent an email detailing the expenditures on November 17<sup>th</sup>.)

Tools and Equipment- Police Department purchased new dispatch chairs. Did Measure H pay for all of a chair or just a percentage? Measure H pays for 2 dispatchers, which is 17% of the dispatchers. Measure H paid for 17% of the total bill for the chairs. The chairs are high quality dispatcher chairs.

Other Expenses- Blue Aluminum Plate- nameplates on the board are of all the people who work for the department. Measure H is paying for a percentage of the new plates.

Food- Food for the Juvenile Diversion program

License Renewal- Cell bright device which is a phone ripping which extracts information from phones with a warrant. Measure H pays a percentage of the yearly fee.

Fire: Fire Program Web Support- Annual fee for Investigation Vehicle 24% Measure H/76% General Fund

Audio Recorder for investigating fires

Library: How does the library decide how much to charge Measure H and how much to charge the General Fund? Vicki: Measure H pays for 3 personnel and 30% of Janitorial supplies. Utilities are paid 30% Measure H/70% General Fund. Measure H also pays for some office and computer supplies.

Public Safety Building construction expenses are billed each month.

What is the Set PSB Test Locations? This was sent to Mr. Winter, a Civil Engineer, for preparation of the building or the land. All of the expenses for the Public Safety Building go to the City Council as bids that are approved by the City Council. Construction

Manager and the engineers review line items and approve each budget. Chief LaPere checks on the project weekly and meets with Webb & Sons to check on progress. The Public Station is a firm bid project (meaning Webb & Sons is paid what their bid was) plus a contingency cushion for unexpected expenses.

Other Questions, Comments and Concerns:

Sal- YTD increase of \$17,000 from last year. The increase is in Utilities and collection and Development funds.

Does the city provide guidelines for the library budget? Maria recently worked up the percentage for Utilities.

Captain Kroutil- someone who is hired by Measure H stays with Measure H until they are transferred.

Library: There is an equal commitment between Measure H and the General Fund for books. After the Library Board drafted the definition of literacy, Vicki used that definition to guide how much to charge to Measure H.

Sal had a concern for overtime hours increase in the Police and Fire Department. Captain Kroutil said events trigger overtime, but the department is working to decrease overtime hours.

Chief Hall said Overtime fluctuates widely and are not reimbursed by the agency that required the overtime in the same quarter that that the overtime is charged.

Captain Kroutil- School Resource Officers training

Janet Ayala is a Measure H officer

We have 4 School Resource officers- one for Burton and three for PUSD. Burton pays for 75% of their SRO and PUSD pays for 75% of one of their SRO. Measure H pays for one SRO and the General Fund pays for the other officer.

Total Library funding is \$1.1 million. \$700,000 is General Fund and the rest are Measure H and California Library Fund.

Janet: Under utilities- Chief Irish cell phone use and a correction for the Fire Investigators cell phone. IT switched providers so for a month or two there was not a charge for the cell phones, but that is now corrected.

Kat moves to accept the budget as presented. Margaret seconds the motion.

Discussion: Khris is concerned about Library and Literacy funding does not have a strict percentage that is charged to Measure H for items such as maintenance and supplies.

Khris would like to see a formula to explain library expenditures.

Margaret pointed out library employees are different from Fire and Police departments in that Library employees are fluid in their duties- sometimes doing Measure H Literacy work and sometimes not. Khris is concerned with Maintenance and Utilities

Expenditures. Mr. Lollis said he would look at the percent increase in hours from before Measure H and make the increase a percentage of the budget for those items. Mr. Lollis will look into making library expenditure more objective.

6 Ayes

1 Nay

**3. Other Matters:** Concerning animal control being part of Measure H- Animal Control is currently under the Police Department.

Can large projects be brought to our attention before they are approved? City Council is concerned that Measure H committee not be an advisory committee.

Buck will work with city staff concerning getting Measure H budget in a useable format. Kat has been going to Animal Control meetings and they are trying to get Animal Control under Measure H.

Margaret wants to use Measure H fire engine to promote Measure H so people can see what their money is being spent on. Police Department will look into Measure H tags on police vehicles that are supported by Measure H.

Do we have any crime and fire stats to show how Measure H funds have made a difference? Captain Kroutil: Crime rate has decreased because we have been able to staff our department and implement the sector program, which is fully staffed reducing response time.

Fire: Response time prior to Measure H was 60% of the time 5 minutes or less. Now response time is 80% of the time 5 minutes or less. Fire Department is able to handle multiple calls. There has been a reduction of fires along the Tule River because the fire investigator has arrested and prosecuted more people and has also increased weed abatement efforts

Next meeting will be Wednesday February 11<sup>th</sup> (Kat will be gone) at 6PM

Respectfully submitted,

Gail Lemmen

RESOLUTION NO. 24 -2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ESTABLISHING AN INDEPENDENT CITIZEN'S OVERSIGHT COMMITTEE  
CHARGED TO MONITOR THE EXPENDITURE OF GENERAL FUND REVENUES  
DERIVED FROM THE TRANSACTIONS AND USE TAX FOR PUBLIC SAFETY,  
POLICE AND FIRE PROTECTION.

WHEREAS, the Porterville City Council reaffirmed the adoption of Ordinance No. 1684 on December 6, 2005, imposing a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 and Section 7285.91 of Part 1.7 of Division 2 of the Revenue and Taxation Code that authorizes the City of Porterville to adopt a tax ordinance that shall become operative if at least two-thirds of the electors voting on the measure vote to approve the tax at an election called for that purpose; and

WHEREAS, Ordinance No. 1684 imposes, upon all retailers in the incorporated territory of the City of Porterville, a transactions and use tax at the rate of one half of 1 percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property subject to the State sales and use tax; and

WHEREAS, Ordinance No. 1684, hereinafter known as the *Transactions and Use Tax for Public Safety, Police and Fire Protection* appeared on the November 8, 2005 Special Consolidated Election ballot as Measure H; and

WHEREAS, the tax imposed by Measure H is a special tax, the proceeds of which are to provide a source of revenue to be used to provide additional public safety, police, fire protection services and undertake necessary capital projects to support those services, and to restore and maintain literacy programs and services; and

WHEREAS, revenues generated by Measure H shall be accounted for and paid into a special fund or account designated for use for Public Safety Services only; and

WHEREAS, by Ordinance No. 1684 the City adopted the Program Guidelines and Public Safety Expenditure Plan for the administration and expenditure of the tax proceeds. The Public Safety Expenditure Plan may be amended from time to time by a majority vote of the City Council, so long as the funds are utilized for public safety, police and fire protection services. For the purposes of the Ordinance, "Public Safety Services" means (a) obtaining, furnishing, operating, and/or maintaining police protection equipment or apparatus, paying the salaries and benefits of police protection personnel, and such other police protection service expenses as are deemed necessary by the City Council for the benefit of the residents of the City; (b) obtaining, furnishing, operating, and/or maintaining fire protection equipment or apparatus, paying the salaries and benefits of fire protection personnel, and such other fire protection service expenses, including capital expenses, as are deemed necessary by the City Council for the benefit of the residents of the City; and (c) with the use of no more than 15% of the revenue generated from the special tax, restoration and maintenance of literacy programs due to the established connection between illiteracy and crime; and

WHEREAS, the Porterville City Council declares that public participation is essential to ensuring the effective implementation of priority goals and objectives contained in the Public Safety Expenditure Plan, and the appropriate expenditure of General Fund revenues committed to public safety, police and fire protection services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby directs formation of an independent citizen’s oversight committee as follows:

**A. Name:** The committee shall be known as the *Transactions and Use Tax Oversight Committee*.

**B. Purpose**

1. To review the revenue and expenditures of the three Measure H budgets (Fire, Police and Literacy) contained in General Fund No. 4, Public Safety Sales Tax, and report to Council their finding as “consistent with the intent of the ballot measure” or “non consistent.”

Should a determination of “non consistent” be brought forth, the Council shall hold a public hearing on the issue and take whatever action is necessary and appropriate to correct any issues the Council concurs are inconsistent. It is not the intent of the measure nor the direction of the City Council that the committee have any input in the activities of the aforementioned departments, their sole and only purpose is to advise the City Council on whether or not they believe the departments are utilizing the funds in compliance with the intent of Measure “H” and that the City is not under funding the public safety departments based on the approved funding levels.

2. *Oversight:* Provide that certain spending decisions and priorities contained in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan are subject to direct oversight and review.

**C. Charge of Committee**

1. *Monitoring of expenditures:* To monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection, and to keep the public informed about the expenditures.
2. *Inform public of failure to expend revenues:* To advise the public when General Fund revenues are not expended for certain spending decisions and priorities as set in the *Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan*.

The charge of the committee may be revised from time-to-time by the Porterville City Council.

**D. Powers:** The Porterville *City* Council empowers the committee with the following powers:

1. *Oversight:* Oversight responsibility to review expenditures related to certain spending decisions and priorities in the Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan.
2. *Review financial statements:* Authority to review independent financial and performance audits of the General Fund No. 4, Public Safety Sales Tax.
3. *Review of General Fund Budgets:* Authority to review the Fire, Police and Literacy Budgets and the General Fund application to Public Safety to assure a continued, base level of support.

**The committee shall not have the following authority:**

1. *No authority to recommend or advise:* The committee does not have authority to recommend, direct, or advise on any such matters that may fall under its oversight power and authority to review. The committee is not advisory to the City Council and has no power to determine or recommend how General Fund moneys are spent. The City Council retains its authority to make such decisions and determinations and establish separate advisory groups for such purposes. The City Council shall also retain discretion and flexibility in what it asks, directs, or allows the committee to address.

**E. Committee Operations**

1. *Establishing the committee:* The committee shall be established pursuant to voter approval of Measure H in the November 8, 2005 Special Consolidated Election and within 120 days of the effective implementation date of Measure H on April 1, 2006.
2. *First meeting:* The committee shall hold its first meeting within 60 days of adoption of the City's 2006/2007 Annual Budget.
3. *Open meeting requirements:* Meetings of the committee are subject to the open meeting requirements of the *Ralph M. Brown Act*. Meetings shall be noticed and open to the public.
4. *Annual report:* The committee shall issue an annual report of its conclusions. Minutes and reports of the committee are a matter of public record. Reports and minutes of the committee shall be published on the City of Porterville website.
5. *Meet at least once annually:* The committee shall meet at least once annually after adoption of the City budget.

6. *Quorum:* The committee shall make decisions by a simple majority vote of those members in attendance.
7. *Record:* The committee shall maintain a record of its meetings.
8. *Location of meetings:* The committee shall meet in Mikkabi Conference Room, 291 N. Main Street, Porterville, California, at a time convenient to members and the public or at some other location designated by the committee and available to the public.
9. *Officers:* The committee shall elect a chairperson, vice chairperson, and secretary.
10. *Effective operation of meetings:* The Porterville City Council charges the committee to establish additional operating procedures as necessary for the effective operation of committee meetings.
11. *Administrative staff:* The City Manager or his designee will provide necessary administrative and technical assistance to the committee.
12. *Resources available to the committee:* The committee shall be provided the resources to publicize its conclusions—the minimum level of resource to be a page on the City of Porterville website.

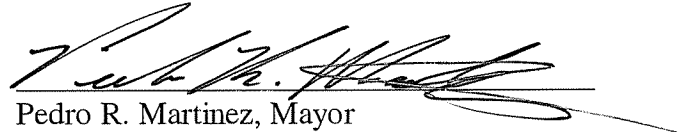
**F. Committee Composition:** The committee shall consist of 10 members as follows:

1. *City Council appointments:* For the establishment of the committee, each member of the Porterville City Council shall appoint two people to the committee. The appointee may be either a resident of Porterville, a business owner or operator. All future appointment to the committee shall be by a majority vote of the Council.
2. *Criteria for appointment:* No member of the City Council, employee of the City, or immediate family member of a City Council Member may serve on the committee.
3. *Length of appointment; rescission of appointment:* For the establishment of the first committee, each Council member shall appoint one person to a two-year term and one to a four-year term. After that, each member of the committee shall be appointed for a four-year term and shall serve until such time that his or her term is completed, or until such time that his or her appointment is rescinded by a simple majority vote of the City Council. It is provided that a member of the committee may resign at his or her discretion.
4. *Recommendation to remove by committee:* Members of the committee, by majority vote, may recommend to the Porterville City Council removal of a committee member for the following reasons: (1) malfeasance; or (2) repeated absence.



5. *Appointment of new members:* At the next regularly scheduled City Council meeting, the Council shall act to replace members of the committee in the event of removal, resignation, disability, or death.
6. *Dissolution of committee:* Dissolution of the committee shall occur in the event the *Transactions and Use Tax for Public Safety, Police and Fire Protection* is revoked or otherwise rendered invalid.

APPROVED AND ADOPTED this 21th day of February, 2006.

  
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

  
Georgia Hawley, Chief Deputy City Clerk

## Porterville Police, Fire, and Emergency Response 9-1-1 Measure Program Guidelines and Expenditure Plan

This measure will provide a secure, local revenue stream to the City of Porterville that will be used entirely to provide additional public safety police and fire personnel and services to protect our community. Porterville residents deserve to know how the funds will be spent. Detailed spending plans have been developed so voters can have a clear understanding of how the monies will be spent if the ½ cent sales tax is approved. Program guidelines have also been established to govern how the money can be spent, to specify the accounting, audit and oversight guidelines that will be implemented to make certain that the funds are spent according to the voter's direction, and to ensure the public is well-informed of the progress and process.

### Fiscal Accountability Protections

An Independent Auditor will annually review and audit expenditures of funds specifically derived from the Public Safety Measure, to ensure compliance with the expenditure plans and with prudent, established accounting regulations and practices.

The City will establish an Independent Citizen's Oversight Committee to annually review revenues and expenditures, providing a second independent verification that all expenditures are being made as promised to Porterville residents. The findings of both the Independent Citizens Oversight Committee and the Independent Auditor will be reviewed by the City Council and made available to the public.

Each May or June, as the City's budget is adopted following public hearings, the City Manager will re-certify the plan to the City Council, stating what monies have been received, what monies have been spent and what monies are available. The financial consequences of these changes will be reflected in the re-certified plan.

### Dedicated Accounting Structure

The Expenditure Plan specifies that all revenues from the Measure are to be utilized for the sole purpose of improving our community's public safety, with the revenue to be directed to the police and fire departments respectively, and with a small portion (not more than 15%) dedicated to the restoration and maintenance of literacy programs due to the established connection between illiteracy and crime. The funding proportions have been mutually agreed upon by the Police Chief and Fire Chief.

The City will establish separate funds into which these specific monies shall be deposited. These accounts shall be separate for police and fire and shall be the source of their respective expenditures as established in the approved expenditure plans. Any balances in these funds, positive or negative, shall earn or pay interest accordingly.

Based on public safety needs, the City Council may determine to advance funds from the City's General Fund into the individual Public Safety Sales Tax Fund in order to most effectively accomplish the objectives of the program.

### Priorities if additional revenues are available

In the event that the contingency/reserve fund is fully funded and all annual planned expenditures have been implemented, the use of the additional unanticipated sales tax revenues will be used first to accelerate the implementation of the plan and then to provide additional public safety facilities, personnel, and new equipment based on specific needs of the community.

### Review and Modification of Expenditure Plan

The proposed Expenditure Plan may be amended from time to time by a majority vote of the City Council.

## NOVEMBER 2005 BALLOT MEASURE EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on ½ Cent Sales Tax availability

The City Council has evaluated Porterville's safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

Fiscal Year 2005-06 Sales Tax Revenue available (partial year)	\$600,000
Additional Supplemental Resources (General Fund)	\$50,903
Total Resources Available	\$650,903
Increase Police Sworn by 5 positions to the base and outfit (partial year)	\$412,803
Increase Fire Sworn by 7 positions to the base and outfit (partial year)	\$148,100
Restore Literacy Programs/hours (partial year)	\$90,000
Total 2005-06 Fiscal Year Expenditures	\$650,903
Fiscal Year 2006-07 Additional Sales Tax Revenues (First full F/Y)	\$1,792,000
Increase Police Sworn by 1 additional position to the base	\$85,000
Maintain and Expand Patrol Operations	\$405,000
Maintain and Expand Gang Suppression and Narcotics Operations	\$215,000
Maintain 7 additional Sworn Fire personnel	\$521,156
Purchase additional Fire Rescue Apparatus	\$140,000
Purchase Rescue Equipment for new Fire Apparatus	\$25,000
Purchase Personal Safety Equipment for additional Fire Fighters	\$14,000
Maintain Literacy Program/hours	\$180,000
Expand Homework Assistance and Creative Expression Program	\$80,000
Establish Capital Reserve Fund for New Fire Station	\$126,844
Total 2006-07 Fiscal Year Expenditures	\$1,792,000
Fiscal Year 2007-08 Additional Sales Tax Revenues (Second full F/Y)	\$1,863,680
Increase Police Sworn by 1 additional position to the base	\$87,000
Maintain Expanded Patrol Operations	\$508,000
Maintain Expanded Gang Suppression and Narcotics Operations	\$255,250
Maintain 7 additional Sworn Fire personnel	\$557,637
Hire 1 additional Fire Investigator	\$74,167
Station and Equipment	\$20,000
Maintain Literacy Programs/hours	\$187,200
Expand Homework Assistance and Creative Expression Program	\$83,200
Increase Established Capital Reserve Fund for New Fire Station	\$91,226
Total 2007-08 Fiscal Year Expenditures	\$1,863,680

Fiscal Year 2008-09 Additional Sales Tax Revenues (Third full F/Y)	\$1,938,227
Additional Supplemental Resources (General Fund)	\$50,000
Total Resources Available	\$1,988,227

Increase Police Sworn by 1 additional position to the base	\$91,000
Maintain Expanded Patrol Operations	\$566,000
Maintain Expanded Gang Suppression and Narcotics Operations	\$320,763
Maintain 8 additional Sworn Fire personnel	\$676,030
Safety Equipment	\$5,000
Maintain Literacy Programs/hours	\$194,688
Expand Homework Assistance and Creative Expression Program	\$86,528
Increase Established Capital Reserve Fund for New Fire Station	\$48,218
Total 2007-08 Fiscal Year Expenditures	\$988,227

Fiscal Year 2009-10 Additional Sales Tax Revenues (Fourth full F/Y)	\$2,015,756
Additional Supplemental Resources (General Fund)	\$75,000
Total Resources Available	\$2,090,756

Maintain 8 additional Sworn Police personnel	
Maintain Expanded Patrol Operations	\$630,000
Maintain Expanded Gang Suppression and Narcotics Operations	\$396,651
Maintain 8 additional Sworn Fire personnel	\$723,352
Maintain Literacy Programs/hours	\$202,476
Expand Homework Assistance and Creative Expression Program	\$89,989
Partial Year Debt Service Payment on New Fire Station Financing	\$48,288
Total 2009-10 Fiscal Year Expenditures	\$2,090,756

Fiscal Year 2010-11 Additional Sales Tax Revenues (Fifth full F/Y)	\$2,096,387
Additional Supplemental Resources (General Fund)	\$150,000
Total Resources Available	\$2,246,387

Maintain 8 additional Sworn Police personnel	
Maintain Expanded Patrol Operations	\$664,000
Maintain Expanded Gang Suppression and Narcotics Operations	\$413,983
Maintain 8 additional Sworn Fire personnel	\$773,352
Maintain Literacy Programs/hours	\$210,575
Expand Homework Assistance and Creative Expression Program	\$93,589
Debt Service on New Fire Station Financing	\$90,889
Total 2010-11 Fiscal Year Expenditures	\$2,246,387

* Total Reserve Cash Available for Real Property Acquisition for New Fire Station in Fiscal Year 2008/09.	\$266,288
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1. Assumes 4% growth rate in annual sales tax revenue.
2. Current General Fund monies and State and School Subventions provide for 44.5 Sworn Police Officers. Additional grant funding has provided for 2.5 additional Sworn Police Officers. Additional positions funded through this sales tax measure will add positions to the base of 45 Sworn Police Officers.
3. Additional General Fund Utility User's Taxes generated from annexation activity during the course of this expenditure plan will be proposed to be specifically earmarked for additional Police positions. These additional positions will modify the base above the 45 positions as described in Note 2.
4. Literacy programs delivered through the Library will annually receive up to 15% of the new revenue provided by this sales tax measure.
5. The City will use base budget amounts established and approved under the Expenditure Control Budget System in determining additional funding for Police, Fire, and Literacy programs delivered through the Library to prevent erosion of existing General Fund support for these activities.

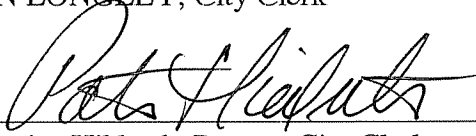
STATE OF CALIFORNIA )  
CITY OF PORTERVILLE ) SS  
COUNTY OF TULARE )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21<sup>st</sup> day of February, 2006.

THAT said resolution was duly passed adopted by the following vote:

Council:	IRISH	WEST	HAMILTON	STADTHERR	MARTINEZ
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, City Clerk

  
by Patrice Hildreth, Deputy City Clerk