

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
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Lona Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE TRANSACTIONS AND USE  
TAX CITIZENS' ADVISORY COMMITTEE OF THE CITY OF  
LONG BEACH ADOPTING THE RULES AND PROCEDURES  
FOR THE COMMITTEE

WHEREAS, on April 5, 2016, by Resolution No. RES-16-0033, the Long  
Beach City Council established the Transactions and Use Tax Citizens' Advisory  
Committee (the "CAC" or the "Committee") for the purpose of reviewing and providing  
citizen input into the expenditure of Measure A transaction and use tax ("TUT") funds;  
and

WHEREAS, the CAC now intends to adopt the Rules and Procedures to  
govern the meetings and activities of the CAC in accordance with applicable laws and  
regulations;

NOW, THEREFORE, the Transactions and Use Tax Citizens' Advisory  
Committee of the City of Long Beach resolves as follows:

Section 1. The CAC of the City of Long Beach hereby adopts the  
attached Rules and Procedures for the CAC.

Section 2. The Director shall transmit a copy of this resolution to the City  
Clerk and to each member of the CAC.

Section 3. This resolution shall take effect immediately upon its adoption  
by the CAC, and the CAC Secretary shall certify to the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the  
Transactions and Use Tax Citizens' Advisory Committee of the City of Long Beach at its  
meeting of \_\_\_\_\_, 2017, by the following vote:

Ayes: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Noes: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Absent: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_ City Clerk

**RULES AND PROCEDURES FOR THE MEASURE A  
CITIZENS ADVISORY COMMITTEE  
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1                   **RULES AND PROCEDURES FOR THE TRANSACTIONS AND USE TAX**  
2   **CITIZENS' ADVISORY COMMITTEE**

3  
4   ARTICLE 1

5   PURPOSE

6           1.1.   The Transactions and Use Tax Citizens' Advisory Committee of the City of  
7 Long Beach ("CAC" or "Committee") is established by the Long Beach City Council  
8 Resolution No. RES-16-0033, adopted April 5, 2016.

9           1.2.   The TUT measure, approved by voters, enacts a transactions and use tax  
10 ("TUT") for a period of ten years on the sale and use of tangible personal property within  
11 the City, initially at a rate of one cent for the first six years of the tax, and declining to one-  
12 half cent for the remaining four years of the tax.

13           1.3.   The TUT is a general tax enacted solely to raise revenue for the general  
14 governmental purposes of the City and all of the proceeds from the tax shall be placed in  
15 the City's general fund and used for the usual current expenses of the City. The general  
16 fund pays for important City services including police, fire and paramedic services, street  
17 operations and maintenance, community center and recreation services, and general  
18 municipal services to the public.

19           1.4.   The City Council conveyed to residents the TUT revenue, while being a  
20 general tax, would be used for various purposes and identified priorities:

21                   A.   Public Safety: TUT revenue may be spent on costs providing public  
22 safety services, consisting of: police patrol, response, investigation, apprehension and law  
23 enforcement, emergency 911 response, fire protection and suppression services,  
24 paramedic services, and ambulance services.

25                   B.   Public Infrastructure: TUT revenue may be spend on the costs of  
26 improving and maintaining streets, sidewalks and alleys, improving and upgrading the  
27 City's water system for conservation, and improving and upgrading storm water/storm drain  
28 systems.

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1 1.5. It is the responsibility of the CAC to periodically review the City's use of TUT  
2 revenue and advise the City Council regarding the use of TUT revenue. All actions of the  
3 CAC shall be advisory only, except for those matters where final authority has been  
4 assigned by action of the City Council.

5 1.6. Committee members shall adhere to the requirements set by the Long Beach  
6 Municipal Code Chapter 2.18.

7 1.7. In order to effectively and efficiently perform its duties as assigned by the  
8 City Council, the CAC desires to specify procedural rules to govern the conduct of its  
9 meetings.

10 1.8. The following procedural rules shall, consistent with the State Constitution,  
11 applicable statutes, including the Brown Act, the City Charter and City ordinances, and  
12 related resolutions, govern the conduct of all business before the CAC.

13 ARTICLE 2

14 DUTIES

15 2.1 The duties of the CAC shall be to periodically review the City's use of TUT  
16 revenue and advise the City Council regarding the use of TUT revenue.

17 2.2 The CAC shall advise the City Council on the use of TUT revenue as  
18 conforming with the intent of Resolution No. RES-16-0018 prioritizing spending and with  
19 the language contained in the ballot measure expressed in Resolution No. RES-16-0017.

20 2.3 The CAC will present reports on the results of its activities. At minimum, an  
21 annual written report of its activities for the previous year to the Mayor and City Council will  
22 be presented. The report will be available to the public. The requirements of the report are  
23 outlined in Chapter 2.18 of the Long Beach Municipal Code and include:

- 24 A. The name of the body;  
25 B. Its objectives and functions;  
26 C. A reference to all reports and recommendations presented to the City  
27 Council, including the number of subject matters referred by the City Council;  
28 D. The number of meetings held;

- 1 E. Attendance records of all members;
- 2 F. The number of public hearings conducted;
- 3 G. The amount of money, if any, expended in support of that body;
- 4 H. A list of City personnel who regularly assist that body;
- 5 I. A recommendation as to whether that body should be abolished,
- 6 modified, or continued.

7 2.4 To achieve its purpose, the CAC may engage in any of the following  
8 activities:

9 A. Receive and review periodic reports prepared by Financial  
10 Management through the City Manager, in connection with the analysis of the use of the  
11 TUT revenues.

12 B. Receive and review copies of the City's annual financial reports and  
13 any associated audits.

14 C. Review projects funded with TUT revenue, and receive periodic  
15 updates from City staff on the status of those projects.

16 D. Provide periodic reports to the City Council on the City's use of TUT  
17 revenues.

18 2.5 The Financial Management Department will act as the supporting department  
19 for the CAC.

20 ARTICLE 3

21 MEMBERS

22 3.1 The CAC consists of five (5) regular members appointed by the Mayor and  
23 confirmed by the City Council.

24 3.2 Members of the CAC will be subject to a two (2) year term. Members may be  
25 reappointed after their first term; however, no member who has served four (4) consecutive  
26 two (2) year terms will be eligible for reappointment. Serving any portion of an unexpired  
27 term shall not be counted as service of one term. Members not eligible for reappointment  
28 may continue to serve until their successors are appointed and qualified. The specific terms

1 of office for members of all advisory bodies are set forth in the roster.

2 3.3 The Chair shall preside at all meetings and hearings of the CAC and shall  
3 have the duties normally conferred on such an officer. Consistent with these rules and  
4 procedures, the Chair shall have the privilege of discussing all matters before the CAC and  
5 to vote thereon.

6 3.4 The Vice Chair shall act for the Chair in his or her absence.

7 3.5. In the absence of both the Chair and Vice Chair, the members present at  
8 such meeting may elect a Chair Pro Tem who shall serve only for the duration of the  
9 meeting in which he or she is appointed and shall have all powers of the Chair for that  
10 particular meeting.

11 3.6 The Director of Financial Management or designee shall act as director  
12 (“Director”) and shall be responsible for keeping minutes of the CAC proceedings and  
13 business, preparing the agenda of the regular and special meetings, arranging proper and  
14 legal notice of the hearings, attending to correspondence, and performing such other duties  
15 for the CAC as are normally performed by a secretary to a legislative body. Where this  
16 resolution refers to duties of the Director, the Director may delegate such duties as he or  
17 she deems appropriate.

#### 18 ARTICLE 4

#### 19 COMMITTEE ACCESS TO STAFF

20 4.1 Committee member’s requests for assistance or research by staff, other than  
21 simple requests for information or clarification, shall require the consent and approval of  
22 the Director.

#### 23 ARTICLE 5

#### 24 ELECTION OF OFFICERS

25 5.1 The Chairman and Vice Chair shall be elected by and from the members of  
26 the CAC. Election of the Chair and Vice Chair shall be held at the first regularly scheduled  
27 meeting occurring in September or later each year. The newly elected officers shall  
28 assume their offices at the conclusion of that meeting.

1           5.2    The terms of office for Chair and Vice Chair shall be for one (1) year, and  
2 thereafter until their respective successors are elected and qualified.

3           5.3    Vacancies in offices shall be filled immediately by regular election procedure,  
4 but for the unexpired term only.

5                                        ARTICLE 6

6                                        QUORUM

7           6.1    A simple majority of members of the Committee shall constitute a quorum to  
8 conduct business. Except as otherwise required by law, the vote of a simple majority of a  
9 quorum of the Committee shall determine the act or decision.

10          6.2    In the event of the lack of a quorum at a meeting, the Chair or Vice Chair, or  
11 Chair Pro Tem, in that order, shall adjourn the meeting to another time, place, and date.  
12 Such order of adjournment shall serve as sufficient notice thereof to all members not  
13 present. It shall be the duty of the Director to employ such reasonable means as may be  
14 necessary to notify the absent members of the adjournment. The Director may adjourn a  
15 meeting where no Committee members are present, provided that if the meeting is  
16 adjourned to a time other than the next regular meeting, notice of the meeting shall be  
17 given as if the meeting were a special meeting.

18                                       ARTICLE 7

19                                       MEETINGS

20          7.1    Meetings. Meetings of the CAC shall be held periodically throughout the  
21 year, as needed, to periodically review and advise City Council on the use of the TUT  
22 revenue. Additional meetings may be requested by the Chairman and be scheduled at the  
23 availability of the supporting departments.

24                  7.1.1 All meetings of the CAC will be called to order as noticed, unless  
25 otherwise properly canceled, or rescheduled. No CAC meeting shall be canceled or  
26 rescheduled unless the Director or designee first confers with the Chair. No matter shall  
27 be cancelled or rescheduled unless the Director and Chair mutually agree to such action.

28          7.2    Meeting Breaks. The Chair shall, with the concurrence of the Committee,



1 recess the meetings as necessary to grant relief to the Committee members, staff and  
2 audience.

3 7.3 Emergency or Special Meetings. An Emergency or Special Meeting may be  
4 called at any time by the Chair of the CAC, or by a majority of its membership, on its own  
5 motion or at the direction of the City Council. The call, notice and conduct of such  
6 emergency or special meeting shall comply with the Ralph M. Brown Act, Government  
7 Code section 54950, *et seq.*

8 7.4 Study Sessions. The CAC may hold study sessions as part of a regular,  
9 adjourned or special meeting. No action may be taken by the CAC at such a study session.  
10 When a matter is set for a study session, public testimony may be barred or limited to  
11 particular persons at the discretion of the Chair, with the concurrence of a simple majority  
12 of the Committee.

13 7.4.1 If necessary, a study session may be conducted with less than a  
14 quorum of the Committee present.

15 7.5 Open and Closed Sessions. All meetings of the CAC shall be open and  
16 public. All persons are welcome to attend. The CAC may, upon the advice of the City  
17 Attorney and pursuant to the Ralph M. Brown Act, Government Code Section 5490, *et seq.*,  
18 hold a closed session during a regular or special meeting.

19 ARTICLE 8

20 PARLIAMENTARY PROCEDURE

21 8.1 The latest revised edition of Robert's Rules of Order shall govern in the  
22 conduct of CAC meetings in all cases to which they are applicable and in which they are  
23 not inconsistent with these Rules and Procedures or any other applicable statutes,  
24 ordinances, resolutions or regulations of the City.

25 8.2 If properly agendized, the Rules and Procedures may be amended at any  
26 regular or special meeting of the Committee by an affirmative simple majority vote of a  
27 CAC quorum.

28 8.3 The CAC may suspend any of these Rules and Procedures for the duration

1 of the meeting or for a particular item only by an affirmative simple majority vote of a CAC  
2 quorum.

3 ARTICLE 9

4 AGENDA

5 9.1 A written agenda shall be prepared for each meeting of the CAC.

6 9.2 The agenda must contain a brief general description of each item of business  
7 to be discussed at the meeting.

8 9.3 The agenda shall be posted as required by law and made available at the  
9 offices of the City.

10 9.4 The CAC may not take action on an item not appearing on the posted agenda  
11 unless an exception is made as permitted under applicable law.

12 9.5 The Chair, in his or her discretion, and with the consent of the CAC, or upon  
13 the request of any Committee member, may rearrange the order of the presentation of any  
14 items appearing on the agenda. No person should rely upon the order in which public  
15 hearing items appear on the posted agenda.

16 9.6 Any public hearing on any agenda item may commence upon the opening of  
17 the meeting.

18 9.7 Staff Reports. Staff reports shall be prepared with recommendations and the  
19 basis for those recommendations. To the extent possible, alternate positions and their  
20 justifications should be included as well. Staff reports are included in the hearing record.

21 9.8 Agenda Packets. Staff shall endeavor to provide the entire agenda packet  
22 to each member of the CAC no later than five (5) days prior to the regularly scheduled  
23 meeting. Packets may be provided in part or in whole in an electronic format.  
24 Amended/redlined documents or reports can be provided in electronic format.

25 ARTICLE 10

26 ORDER OF BUSINESS

27 10.1 Agenda Items. Agendas for regular meetings shall be organized in  
28 substantially the following order:

- 1                   A.     Call to Order
- 2                   B.     Roll Call
- 3                   C.     Review and approval of Minutes
- 4                   D.     Director’s Report
- 5                   E.     Consent Calendar
- 6                   F.     Carryover Items
- 7                   G.     Regular calendar
- 8                   H.     Matters from the Audience
- 9                   I.     Matters from the Committee
- 10                  J.     Adjourn.

11                                       ARTICLE 11

12                                       TIME LIMITS, SPEAKERS, CONDUCT

13                   11.1   Name and Address. Any person desiring to speak must first be recognized  
14 by the Chair. All comments must be made clearly and audibly. All speakers shall be  
15 requested to provide their full names and addresses.

16                   11.2   Time Limits. All speakers normally will be limited to a three (3) minute  
17 presentation. If a speaker requires the assistance of an interpreter, the Chair may grant  
18 the speaker a reasonable amount of additional time to make his or her presentation.

19                   11.3   Number of Speakers. The Chair, with the concurrence of a Committee  
20 majority, may limit the number of speakers or amount of testimony time upon a particular  
21 issue in order to avoid repetitious and cumulative comments, and to hear those interested  
22 in testifying. Except when necessary for immediate clarification of a particular point, no  
23 person shall be allowed to speak a second time until all others wishing to speak have had  
24 an opportunity to do so, and then only at the discretion of the Chairman and the  
25 concurrence of the Committee.

26                   11.4   Questions Through the Chair. Any person other than a Committee member  
27 desiring to direct a question to a speaker or staff member shall submit the question to the  
28 Chair, who shall determine whether the question is relevant to the subject of the hearing

1 and whether or not it should be answered by the speaker or staff member.

2 11.5 After the Committee meeting is opened, members of the audience will not be  
3 permitted behind the rail.

4 11.6 Unruly or Disruptive Member of Audience. The Chair has the responsibility  
5 to maintain a lawful, controlled, orderly, respectful and dignified meeting. To assure these  
6 conditions, the Chair may take whatever lawful actions he or she deems necessary up to  
7 and including adjournment of the meeting.

8 11.7 Motions.

9 11.7.1 Motion-Second. Action upon an order, resolution or any other action  
10 of the CAC may be proposed by any member by a motion. The Chair may make a motion  
11 only after all other members of the CAC present have had an opportunity to make a motion  
12 on the question. Before a motion can be considered or debated it must be seconded, at  
13 which time it shall be on the floor and must be considered. If not seconded, the motion  
14 fails for lack of a second and shall be so declared by the Chair. The Chair may second a  
15 motion.

16 11.7.2 Amendment of Motion or Substitute Motion. A motion on the floor may  
17 be amended or a substitute motion offered at any time before adoption or rejection of the  
18 main motion. When a motion to amend or substitute motion is made and seconded, the  
19 CAC will debate and take action on the amendment or substitute before acting on the main  
20 motion. If the amendment or substitute is not adopted, the main motion will be considered.  
21 If the amendment is adopted, the main motion, as amended, will then be considered. If  
22 the substitute is adopted, no further action is necessary.

23 11.7.3 Withdrawal of Motion or Second. A motion may be withdrawn by the  
24 maker at any time before adoption or rejection. A second to a motion may be withdrawn  
25 by the seconding member at any time before adoption or rejection of the motion. The  
26 motion will then be lost for lack of a second and so declared by the Chair unless seconded  
27 by another person.

28 11.7.4 Tabling a Motion. Tabling a motion is not a procedure utilized by the

1 CAC. Motions should be voted upon or continued to a date certain.

2 11.7.5 Discussion, Closure, and Question. After a motion has been  
3 seconded, any member, including the Chair, may discuss or comment on the subject  
4 motion. The Chair shall recognize any and all members of the CAC who desire to speak,  
5 beginning with the motion's maker, and will protect each speaker from disturbance or  
6 interference. When no member wishes to discuss or comment further, the Chair will call  
7 for a vote on the motion. Any member of the CAC may at any time move to close the  
8 debate.

9 11.7.6 Motions for Reconsideration. Motions for reconsideration of a matter  
10 may be made by any member who voted with the prevailing majority on the matter to be  
11 considered. Any member of the CAC may second a motion to reconsider. Motions to  
12 reconsider shall be made at the same meeting as the original motion. If the matter to be  
13 reconsidered required a public hearing, the public hearing will be reopened pursuant to  
14 these Rules and Procedures before additional evidence is received.

15 11.8 Decision-making.

16 11.8.1 Voting. Approval of any motion before the CAC shall require the  
17 affirmative vote of a majority of the members present, unless otherwise specified by law.

18 11.8.2 Tie Votes. Any tie vote shall constitute a denial of the motion and may  
19 be reconsidered by a motion offered by any member who voted on the matter. If there is  
20 no subsequent affirmative vote, the result is denial. If the matter involves an appeal and  
21 an affirmative vote does not occur, the result is that the decision appealed stands as  
22 decided by the decision-maker from which the appeal was taken.

23 11.8.3 Abstentions. Except when a conflict exists and abstention is required  
24 by state law, every member of the CAC who is present, when a roll call is called, shall vote  
25 for or against the motion, unless excused by a majority of the Committee members present  
26 prior to the calling of the roll on such question.

27 11.8.4 Roll Call. Voting upon a motion may, at the discretion of the Chair and  
28 shall, upon the request of any member, be by roll call. When voting is not by roll call, the

1 Chair may, in the absence of objection by any member of the CAC, declare an item to be  
2 unanimously approved.

3 11.8.5 Motions Include Staff Recommendations. A motion to adopt or  
4 approve staff recommendations or simply to approve the action under consideration shall,  
5 unless otherwise particularly specified, be deemed to include adoption of all proposed  
6 findings and execution of all additions recommended in both the written staff report on file  
7 on the matter and any oral staff report presented during the hearing.

8 11.8.6 Absentees. A Committee member who is absent from any portion of  
9 a hearing conducted by the CAC may still vote on the matter provided that he or she has  
10 listened to the tape recording of the entire portion of the hearing from which he or she was  
11 absent and examined the staff report and information presented during the portion of the  
12 hearing from which he or she was absent. In such a case, the Committee member shall  
13 state for the record that he or she is familiar with the record and with the information  
14 presented at the hearing.

15 11.8.7 In those matters involving a recommendation to the City Council, the  
16 recommendation shall be transmitted in a timely manner to the City Council for its  
17 consideration. In the event that staff has a recommendation that is different from that of  
18 the CAC, the staff recommendation may also be presented to the City Council for its  
19 consideration. However, the staff report presented to the City Council shall make clear the  
20 precise nature of the CAC recommendation and shall further articulate staff's rationale for  
21 providing a different recommendation. Before providing a recommendation to the City  
22 Council that is not the same as or is in addition to that of the CAC, the Director or designee  
23 shall first inform the CAC Chair of the intended course of action. The Chair shall have the  
24 right to appear at any scheduled meeting of the City Council for the purpose of presenting  
25 the CAC's position relative to its recommendation to the City Council.

26 11.9 Findings. On any matter for which state law or City ordinance requires the  
27 preparation of written findings, the staff report submitted on the matter will contain findings  
28 proposed for adoption by the CAC. Any motion directly or implied rejecting the proposed

1 findings should include a statement of alternative or modified findings or direction that the  
2 matter under consideration be continued for a reasonable period of time in order for staff  
3 to prepare a new set of proposed findings consistent with the evidence which has been  
4 presented and the decision which is anticipated.

5 11.10 Consent Items. Items that require little or no discussion by the CAC may be  
6 considered as consent items. The CAC will act on these items in one motion at the  
7 beginning of the meeting. Approval by the CAC of consent items means that the staff  
8 recommendation was approved along with the findings and conditions set forth in the staff  
9 report. Any member of the CAC or members of the public may request that consent items  
10 be considered in their regular order on the agenda. Removal of an item from the consent  
11 calendar is subject to approval by a majority of the Committee members present.

12 11.11. Continuances. Upon a showing of good cause, the CAC may continue an  
13 agendized item to a specified date and time by a motion and roll call vote of all members  
14 present.

15 11.12 Construction. These procedural rules shall be construed and applied so as  
16 to ensure a full and fair discussion of relevant information which is offered on a Measure A  
17 transactions and use tax matter and to facilitate an orderly analysis of information and  
18 issues by the CAC.

## 19 ARTICLE 12

### 20 COMMITTEE AUTHORITY

21 12.1 Failure of the Committee to follow the procedures established by this  
22 Resolution shall not invalidate or otherwise affect any action of the Committee.

23 12.2 These rules and procedures in no way modify, amend or suspend the  
24 Committee's or individual Committee member's obligations pursuant to the Political Reform  
25 Act, Open Meeting Law or other applicable statute of statewide concern. These rules and  
26 procedures shall be construed to remain consistent with such statutes, as they may be  
27 amended from time to time.

28