

OFFICE OF THE CITY ATTORNEY
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RESOLUTION NO. T.U. 01-2017

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 February 8, 2017, by the following vote:

Ayes: Commissioners: Nevin, Ross, Stephens,
Netherton, Neal.

Noes: Commissioners: None.

Absent: Commissioners: None.


City Clerk

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

**ARTICLE 1
PURPOSE**

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

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

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

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

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

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

1 systems.

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

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

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

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

14 ARTICLE 2

15 DUTIES

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

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

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

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

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

9 2.4 To achieve its purpose, the CAC may engage in any of the following

10 activities:

11 A. Receive and review periodic reports prepared by Financial

12 Management through the City Manager, in connection with the analysis of the use of the

13 TUT revenues.

14 B. Receive and review copies of the City's annual financial reports and

15 any associated audits.

16 C. Review projects funded with TUT revenue, and receive periodic

17 updates from City staff on the status of those projects.

18 D. Provide periodic reports to the City Council on the City's use of TUT

19 revenues.

20 2.5 The Financial Management Department will act as the supporting department

21 for the CAC.

22 ARTICLE 3

23 MEMBERS

24 3.1 The CAC consists of five (5) regular members appointed by the Mayor and

25 confirmed by the City Council. The Chair and the Vice Chair shall be elected by a majority

26 of the CAC.

27 3.2 Members of the CAC will be subject to a two (2) year term. Members may be

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1 reappointed after their first term; however, no member who has served four (4) consecutive
2 two (2) year terms will be eligible for reappointment. Serving any portion of an unexpired
3 term shall not be counted as service of one term. Members not eligible for reappointment
4 may continue to serve until their successors are appointed and qualified. The specific terms
5 of office for members of all advisory bodies are set forth in the roster.

6 3.3 The Chair shall preside at all meetings and hearings of the CAC and shall
7 have the duties normally conferred on such an officer. Consistent with these rules and
8 procedures, the Chair shall have the privilege of discussing all matters before the CAC and
9 to vote thereon.

10 3.4 The Vice Chair shall act for the Chair in his or her absence.

11 3.5. In the absence of both the Chair and Vice Chair, the members present at
12 such meeting may elect a Chair Pro Tem who shall serve only for the duration of the
13 meeting in which he or she is appointed and shall have all powers of the Chair for that
14 particular meeting.

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

22 ARTICLE 4

23 COMMITTEE ACCESS TO STAFF

24 4.1 Commissioner requests for assistance or research by staff, other than simple
25 requests for information or clarification, shall require the consent and approval of the
26 Director.

27 ARTICLE 5

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ELECTION OF OFFICERS

5.1 The Chairman and Vice Chair shall be elected by and from the members of the CAC. Election of the Chair and Vice Chair shall be held at the second meeting of September each year. The newly elected officers shall assume their offices at the first regular meeting of October.

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

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

ARTICLE 6

QUORUM

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

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

ARTICLE 7

MEETINGS

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

1 availability of the supporting departments. of each calendar quarter.

2 7.1.1 All meetings of the CAC will be called to order as noticed, unless
3 otherwise properly canceled, or rescheduled. No CAC meeting shall be canceled or
4 rescheduled unless the Director or designee first confers with the Chair. No matter shall
5 be cancelled or rescheduled unless the Director and Chair mutually agree to such action.

6 7.2 Meeting Breaks. The Chair shall, with the concurrence of the Committee,
7 recess the meetings as necessary to grant relief to the Commissioners, staff and audience.

8 7.3 Emergency or Special Meetings. An Emergency or Special Meeting may be
9 called at any time by the Chair of the CAC, or by a majority of its membership, on its own
10 motion or at the direction of the City Council. The call, notice and conduct of such
11 emergency or special meeting shall comply with the Ralph M. Brown Act, Government
12 Code section 54950, *et seq.*

13 7.4 Study Sessions. The CAC may hold study sessions as part of a regular,
14 adjourned or special meeting. No action may be taken by the Commission at such a study
15 session. When a matter is set for a study session, public testimony may be barred or
16 limited to particular persons at the discretion of the Chair, with the concurrence of a simple
17 majority of the Committee.

18 7.4.1 If necessary, a study session may be conducted with less than a
19 quorum of the Committee present.

20 7.5 Open and Closed Sessions. All meetings of the CAC shall be open and
21 public. All persons are welcome to attend. The CAC may, upon the advice of the City
22 Attorney and pursuant to the Ralph M. Brown Act, Government Code Section 5490, *et seq.*,
23 hold a closed session during a regular or special meeting.

24 ARTICLE 8

25 PARLIAMENTARY PROCEDURE

26 8.1 The latest revised edition of Robert's Rules of Order shall govern in the
27 conduct of CAC meetings in all cases to which they are applicable and in which they are
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1 not inconsistent with these Rules and Procedures or any other applicable statutes,
2 ordinances, resolutions or regulations of the City.

3 8.2 If properly agendized, the Rules and Procedures may be amended at any
4 regular or special meeting of the Commission by an affirmative simple majority vote of a
5 CAC quorum.

6 8.3 The CAC may suspend any of these Rules and Procedures for the duration
7 of the meeting or for a particular item only by an affirmative simple majority vote of a CAC
8 quorum.

9 ARTICLE 9

10 AGENDA

11 9.1 A written agenda shall be prepared for each meeting of the CAC.

12 9.2 The agenda must contain a brief general description of each item of business
13 to be discussed at the meeting.

14 9.3 The agenda shall be posted as required by law and made available at the
15 offices of the City.

16 9.4 The CAC may not take action on an item not appearing on the posted agenda
17 unless an exception is made as permitted under applicable law.

18 9.5 The Chair, in his or her discretion, and with the consent of the CAC, or upon
19 the request of any Commissioner, may rearrange the order of the presentation of any items
20 appearing on the agenda. No person should rely upon the order in which public hearing
21 items appear on the posted agenda.

22 9.6 Any public hearing on any agenda item may commence upon the opening of
23 the meeting.

24 9.7 Staff Reports. Staff reports shall be prepared with recommendations and the
25 basis for those recommendations. To the extent possible, alternate positions and their
26 justifications should be included as well. Staff reports are included in the hearing record.

27 9.8 Agenda Packets. Staff shall endeavor to provide the entire agenda packet
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1 to each member of the CAC no later than five (5) days prior to the regularly scheduled
2 meeting. Packets may be provided in part or in whole in an electronic format.
3 Amended/redlined documents or reports can be provided in electronic format.

4 ARTICLE 10

5 ORDER OF BUSINESS

6 10.1 Agenda Items. Agendas for regular meetings shall be organized in
7 substantially the following order:

- 8 A. Call to Order
- 9 B. Roll Call
- 10 C. Pledge of Allegiance
- 11 D. Review and approval of Minutes
- 12 E. Director's Report
- 13 F. Chairman Addresses Audience (Outlines Meeting Procedure)
- 14 G. Swearing In of Witnesses
- 15 H. Consent Calendar
- 16 I. Carryover Items
- 17 J. Regular calendar
- 18 K. Matters from the Audience
- 19 L. Matters from the Committee
- 20 M. Adjourn.

21 ARTICLE 11

22 TIME LIMITS, SPEAKERS, CONDUCT

23 11.1 Name and Address. Any person desiring to speak must first be recognized
24 by the Chair. All comments must be made clearly and audibly. All speakers shall be
25 requested to provide their full names and addresses.

26 11.2 Time Limits. All speakers normally will be limited to a three (3) minute
27 presentation. If a speaker requires the assistance of an interpreter, the Chair may grant
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1 the speaker a reasonable amount of additional time to make his or her presentation.

2 11.3 Number of Speakers. The Chair, with the concurrence of a Committee
3 majority, may limit the number of speakers or amount of testimony time upon a particular
4 issue in order to avoid repetitious and cumulative comments, and to hear those interested
5 in testifying. Except when necessary for immediate clarification of a particular point, no
6 person shall be allowed to speak a second time until all others wishing to speak have had
7 an opportunity to do so, and then only at the discretion of the Chairman and the
8 concurrence of the Committee.

9 11.4 Questions Through the Chair. Any person other than a Committee member
10 desiring to direct a question to a speaker or staff member shall submit the question to the
11 Chair, who shall determine whether the question is relevant to the subject of the hearing
12 and whether or not it should be answered by the speaker or staff member.

13 11.5 After the Committee meeting is opened, members of the audience will not be
14 permitted behind the rail.

15 11.6 Unruly or Disruptive Member of Audience. The Chair has the responsibility
16 to maintain a lawful, controlled, orderly, respectful and dignified meeting. To assure these
17 conditions, the Chair may take whatever lawful actions he or she deems necessary up to
18 and including adjournment of the meeting.

19 11.7 Information Received Outside a Hearing. Commissioners are discouraged
20 from receiving information other than at regularly scheduled meetings on any agenda item
21 including electronic communications received during the meeting from any person. If a
22 member of the Committee receives any information pertinent to a pending matter, he or
23 she shall disclose the contact and information so received during the hearing on the matter.

24 11.8 Commissioners are discouraged from engaging in discussions with
25 individuals outside of the CAC meeting in order to assure that everyone hears and receives
26 the same information from the same source at the same time.

27 11.9 Use of Electronic Communication Devices Discouraged. Commissioners'
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1 use of electronic communication devices (including cell phones), other than for the purpose
2 of accessing agenda materials that are on a Commissioner's electronic device, is
3 discouraged during CAC meetings.

4 11.10 Appearance of a Commissioner before the Committee. After a
5 Commissioner has disqualified him or herself as a result of a potential conflict of interest,
6 he or she may appear before the Commission during hearing on the matter and present
7 testimony regarding the matter, provided it is done with the advice of the City Attorney's
8 office.

9 11.11 Motions.

10 11.11.1 Motion-Second. Action upon an order, resolution or any other
11 action of the CAC may be proposed by any member by a motion. The Chair may make a
12 motion only after all other members of the CAC present have had an opportunity to make
13 a motion on the question. Before a motion can be considered or debated it must be
14 seconded, at which time it shall be on the floor and must be considered. If not seconded,
15 the motion fails for lack of a second and shall be so declared by the Chair. The Chair may
16 second a motion.

17 11.11.2 Amendment of Motion or Substitute Motion. A motion on the
18 floor may be amended or a substitute motion offered at any time before adoption or
19 rejection of the main motion. When a motion to amend or substitute motion is made and
20 seconded, the CAC will debate and take action on the amendment or substitute before
21 acting on the main motion. If the amendment or substitute is not adopted, the main motion
22 will be considered. If the amendment is adopted, the main motion, as amended, will then
23 be considered. If the substitute is adopted, no further action is necessary.

24 11.11.3 Withdrawal of Motion or Second. A motion may be withdrawn
25 by the maker at any time before adoption or rejection. A second to a motion may be
26 withdrawn by the seconding member at any time before adoption or rejection of the motion.
27 The motion will then be lost for lack of a second and so declared by the Chair unless
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1 seconded by another person.

2 11.11.4 Tabling a Motion. Tabling a motion is not a procedure utilized
3 by the CAC. Motions should be voted upon or continued to a date certain.

4 11.11.5 Discussion, Closure, and Question. After a motion has been
5 seconded, any member, including the Chair, may discuss or comment on the subject
6 motion. The Chair shall recognize any and all members of the CAC who desire to speak,
7 beginning with the motion's maker, and will protect each speaker from disturbance or
8 interference. When no member wishes to discuss or comment further, the Chair will call
9 for a vote on the motion. Any member of the CAC may at any time move to close the
10 debate.

11 11.11.6 Motions for Reconsideration. Motions for reconsideration of a
12 matter may be made by any member who voted with the prevailing majority on the matter
13 to be considered. Any member of the CAC may second a motion to reconsider. Motions
14 to reconsider shall be made at the same meeting as the original motion. If the matter to be
15 reconsidered required a public hearing, the public hearing will be reopened pursuant to
16 these Rules and Procedures before additional evidence is received.

17 11.12 Decision-making.

18 11.12.1 Voting. Approval of any motion before the CAC shall require
19 the affirmative vote of a majority of the members present, unless otherwise specified by
20 law.

21 11.12.2 Tie Votes. Any tie vote shall constitute a denial of the motion
22 and may be reconsidered by a motion offered by any member who voted on the matter. If
23 there is no subsequent affirmative vote, the result is denial. If the matter involves an appeal
24 and an affirmative vote does not occur, the result is that the decision appealed stands as
25 decided by the decision-maker from which the appeal was taken.

26 11.12.3 Abstentions. Except when a conflict exists and abstention is
27 required by state law, every member of the CAC who is present, when a roll call is called,
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1 shall vote for or against the motion, unless excused by a majority of the Committee
2 members present prior to the calling of the roll on such question.

3 11.12.4 Roll Call. Voting upon a motion may, at the discretion of the
4 Chair and shall, upon the request of any member, be by roll call. When voting is not by roll
5 call, the Chair may, in the absence of objection by any member of the CAC, declare an
6 item to be unanimously approved.

7 11.12.5 Motions Include Staff Recommendations. A motion to adopt or
8 approve staff recommendations or simply to approve the action under consideration shall,
9 unless otherwise particularly specified, be deemed to include adoption of all proposed
10 findings and execution of all additions recommended in both the written staff report on file
11 on the matter and any oral staff report presented during the hearing.

12 11.12.6 Absentees. A CAC member who is absent from any portion of
13 a hearing conducted by the CAC may still vote on the matter provided that he or she has
14 listened to the tape recording of the entire portion of the hearing from which he or she was
15 absent and examined the staff report and information presented during the portion of the
16 hearing from which he or she was absent. In such a case, the Commissioner shall state
17 for the record that he or she is familiar with the record and with the information presented
18 at the hearing.

19 11.12.7 In those matters involving a recommendation to the City
20 Council, the recommendation shall be transmitted in a timely manner to the City Council
21 for its consideration. In the event that staff has a recommendation that is different from
22 that of the CAC, the staff recommendation may also be presented to the City Council for
23 its consideration. However, the staff report presented to the City Council shall make clear
24 the precise nature of the CAC recommendation and shall further articulate staff's rationale
25 for providing a different recommendation. Before providing a recommendation to the City
26 Council that is not the same as or is in addition to that of the CAC, the Director or designee
27 shall first inform the CAC Chair of the intended course of action. The Chair shall have the
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1 right to appear at any scheduled meeting of the City Council for the purpose of presenting
2 the CAC's position relative to its recommendation to the City Council.

3 11.13 Findings. On any matter for which state law or City ordinance requires the
4 preparation of written findings, the staff report submitted on the matter will contain findings
5 proposed for adoption by the CAC. Any motion directly or implied rejecting the proposed
6 findings should include a statement of alternative or modified findings or direction that the
7 matter under consideration be continued for a reasonable period of time in order for staff
8 to prepare a new set of proposed findings consistent with the evidence which has been
9 presented and the decision which is anticipated.

10 11.14 Consent Items. Items that require little or no discussion by the CAC may be
11 considered as consent items. The CAC will act on these items in one motion at the
12 beginning of the meeting. Approval by the CAC of consent items means that the staff
13 recommendation was approved along with the findings and conditions set forth in the staff
14 report. Any member of the CAC or members of the public may request that consent items
15 be considered in their regular order on the agenda. Removal of an item from the consent
16 calendar is subject to approval by a majority of the CAC members present.

17 11.15. Continuances. Upon a showing of good cause, the CAC may continue an
18 agendized item to a specified date and time by a motion and roll call vote of all members
19 present.

20 11.16 Construction. These procedural rules shall be construed and applied so as
21 to ensure a full and fair discussion of relevant information which is offered on a Measure A
22 transactions and use tax matter and to facilitate an orderly analysis of information and
23 issues by the CAC.

24 ARTICLE 12

25 COMMITTEE AUTHORITY

26 12.1 Failure of the Committee to follow the procedures established by this
27 Resolution shall not invalidate or otherwise affect any action of the Committee.
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12.2 These rules and procedures in no way modify, amend or suspend the Committee's or individual Commissioner's obligations pursuant to the Political Reform Act, Open Meeting Law or other applicable statute of statewide concern. These rules and procedures shall be construed to remain consistent with such statutes, as they may be amended from time to time.