

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE
CITY OF MERCED, CALIFORNIA,
AMENDING SECTION 3.38.050, “CITIZENS
OVERSIGHT COMMITTEE,” OF THE
MERCED MUNICIPAL CODE RELATING
TO THE TAX TRANSPARENCY
COMMISSION**

**THE PEOPLE OF THE CITY OF MERCED DO ORDAIN AS
FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Section 3.38.050, “Citizens Oversight Committee,” of the Merced Municipal Code is hereby amended to read as follows:

“3.38.050 Citizens Oversight Committee.

A. Pursuant to the Measure, and Sections 200 and 706 of the City Charter, there is hereby created a Merced Vital City Services Protection Measure Citizens Oversight Committee (‘Citizens Oversight Committee’) to review the revenues and expenditures generated and spent under this Chapter.

B. The Citizens Oversight Committee shall consist of three (3) voting members from each of the existing three (3) Policing Districts of the City, as these Policing Districts exist on the effective date of this Chapter, for a total of nine (9) voting members.

1. Pursuant to Section 3.38.180 of this Chapter, the composition shall begin transitioning to seven (7) members, one (1) to be appointed from each of the six (6) City Council districts plus one (1) at-large member. The transition pursuant to this amendment shall begin upon the effective date of this amendment and shall be completed no later

than January 1, 2024. The Committee shall also be known as the Tax Transparency Commission.

C. Initial voting members of the Citizens Oversight Committee shall be nominated to the City Council by the Citizens Revenue Task Force.

1. The City Council shall first consider the nominations from the Citizens Revenue Task Force as a whole and either affirmatively vote to appoint or not appoint the nominees as a whole.
2. In the event a majority of the City Council fails to appoint the nominees as a whole, the City Council may make individual appointments from the nominations from the Citizens Revenue Task Force.
 - (a) The remainder of any unfilled positions on the Citizens Oversight Committee shall be returned to the Citizens Revenue Task Force for further nominations.
3. The City Council shall consider those nominations by following the same procedure as set forth in Subsections C.1 and 2 above.

D. Any vacancy for a voting member on the shall be filled by having the Citizens Oversight Committee make nominations to the City Council for consideration as a whole.

1. The City Council shall first consider the nominations as a whole and either affirmatively vote to appoint or not appoint the nominees as a whole.
2. In the event the City Council fails to affirmatively appoint the nominees as a whole, the City Council may make individual appointments from the

nominees submitted by the Citizens Oversight Committee.

(a) The remainder of any unfilled positions on the Citizens Oversight Committee shall be returned to the Citizens Oversight Committee for further nominations.

3. The City Council shall consider these nominations by following the same procedure as set forth in Subsections D.1 and 2 above.

E. In addition to the voting members, there shall be made available to each employee association and unrepresented employees, a non-voting ex-officio member of the Committee from each employee association, including unrepresented employees. Each employee association, including unrepresented employees, shall determine the selection process and term for their ex-officio member. In addition, each association shall have the right to designate an alternate ex-officio member to the Committee to serve when the ex-officio is unable to attend.

F. Voting members of the Committee shall be restricted to individuals who are registered voters within the City of Merced. Elected officials at any level of government and employees of the City of Merced and the dependents of each are ineligible to serve as voting members of the Committee.

G All voting members so appointed shall serve without compensation for a term of four (4) years. The voting members first appointed to the Committee shall classify themselves by lot so that by the following City Council election the term of one (1) of the voting members in each Policing District shall expire. Said lot shall provide for the grouping of terms to such an extent as is necessary in order that the term of at least three (3)

voting members, one (1) from each Policing District, shall expire on each succeeding City Council election.

H. The Committee shall review the projected revenues and recommended expenditures for the funds generated by this Chapter and shall make their recommendations to the City Council on the same as a part of the City's budget process. After a review of the independent audit required by Section 3.38.070 hereof, the Citizens Oversight Committee shall provide its findings to the City Council. Unless modified by City Council Resolution, the Citizens Oversight Committee shall not have any function, power, or authority other than as expressly provided herein.

The Citizens Oversight Committee shall meet quarterly or as often as it deems necessary to accomplish the objectives stated in this Section.”

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

///

///

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2020, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2020, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:


Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:



City Attorney **5-10-21**
Date