

STAFF REPORT

SUBJECT: Measure A Citizens Oversight Committee

MEETING DATE: July 8, 2009 **AGENDA ITEM:** 4

STAFF CONTACT: Gregg Hart

RECOMMENDATION:

Receive a report on the status of the recruitment effort for the Measure A Citizens Oversight Committee and provide direction to staff on the selection process the committee would like to use to make the South County subregional committee nomination to the SBCAG Board.

SUMMARY:

Voter-approved Ordinance #5, enacting Measure A, requires the establishment of a Citizen's Oversight Committee to ensure accountability to voters regarding the expenditure of funds and to assist in ensuring all the provisions of the Investment Plan are properly carried out. The board must appoint an 11-member committee comprised of 4 members nominated by the North County Subregional Planning Committee, 4 members nominated by the South Coast Subregional Planning Committee and 3 "at-large" members. Staff has widely advertised the volunteer positions in local and regional newspapers, via press releases and directly to SBCAG's e-mail distribution list and received 26 applications in total. No direction has been provided on how the board would like to evaluate the applications and make the committee appointments. Staff suggests that it would be appropriate for the board to first appoint the 3 "at large" members at its July 15th meeting. Then in August, the two subcommittees would choose their nominations of 4 members each for approval by the board at its August 20th meeting. Staff would like direction from the South Coast subregional committee as to the process the committee members would like to use to nominate the four subregional representatives to the Measure A Citizens Oversight Committee.

DISCUSSION:

The SBCAG Board must appoint the committee by April 1, 2010 or at least 90 days prior to the adoption of the Measure A Strategic Plan, whichever date is sooner. This provides the Oversight Committee with an opportunity to review the Strategic Plan before it is adopted to ensure that it is compliant with the requirements of the strategic plan prescribed in the ordinance. The strategic plan is scheduled to be adopted by the SBCAG in November 2009. Backing up 90 days from that date, the Citizen's Oversight Committee should be adopted at the board's August meeting. SBCAG staff would like direction from each sub-regional committee on how the members of the oversight committee they are required to nominate to the SBCAG board, should be selected. North and South sub-regional committees can independently adopt a process for selecting their respective nominees—they need not use the same process.

Ordinance #5 says the committee shall have eleven members and shall be comprised of an appropriate balance of transportation users representing the geographic, social, cultural, and economic interests in the county. Each sub-regional committee of the board shall nominate four members of the committee for appointment by the SBCAG Board. Three “at large” representatives shall be nominated and appointed by the full SBCAG Board.

The subregional committees each have a number of options available to select its nominations for the Measure A Citizens Oversight Committee. The committee could invite applicants to attend the August Subregional committee meeting and be interviewed by the full committee. The committee could delegate the nomination process to a Chair appointed subcommittee which could conduct interviews. The committee could also make its selection based on the application submitted by the applicants without conducting interviews. Staff is requesting direction from the committee on the method it would like to use to select candidates to be nominated by the committee to the SBCAG Board for appointment to the Measure A Citizens Oversight Committee.

Attachments: Excerpt of Ordinance #5 Pertaining to Citizens Oversight Committee

ATTACHMENT #1

Excerpt of Ordinance #5

The following is the full text of Ordinance #5 pertaining to the Citizens Oversight Committee that describes the composition of the committee and its role in providing citizen oversight and accountability for Measure A:

Section 22. Advisory Committees The following advisory committees are established to assist the Authority in the administration on the Investment Plan and this Ordinance.

A. The Citizens Oversight Committee will be appointed by the Authority to help ensure accountability to voters regarding the expenditure of funds and to assist the Authority in ensuring that all provisions, requirements and voter mandates specified in the Investment Plan and Ordinance are properly carried out. The committee will serve in an advisory capacity to the Authority and will be comprised of an appropriate balance of transportation users representing the geographic, social, cultural, and economic interests in the county. Each Subregion Committee established in Section 23 of this ordinance shall nominate four representatives for appointment by the Authority. Three "at large" representatives shall be nominated and appointed by the Authority. Employees and elected officials of local governments in Santa Barbara County, employees or policy board members of transit districts in Santa Barbara County, and persons with a personal financial interest in a project or program in the Investment Plan are ineligible to serve as representatives. The Authority must appoint the committee by April 1, 2010 or at least 90 days prior to the adoption of a Strategic Plan, whichever date is sooner. The committee will determine the frequency of its meetings and be provided with administrative and technical assistance by the Authority in conducting its business. The committee shall annually submit a letter to the Authority commenting on whether the provisions, requirements and voter mandates specified in the Investment Plan and Ordinance have been properly carried out. The letter may include observations and recommendations to the Authority.

Section 25. Audit Provisions. No less than annually, the Authority shall conduct and approve an independent fiscal audit of the expenditure of all revenues raised by this ordinance. The scope and content of the audit shall be developed with the assistance of the Citizens Oversight Committee established pursuant to Section 22.A. The Citizens Oversight Committee shall review the draft audit report including findings and any recommendations. The audit, which shall be made available to the public and the Citizens Oversight Committee, shall report on evidence that the expenditure of revenues is in accordance with the Investment Plan. In addition, the audit shall determine that Maintenance of Effort requirements as set forth in Section 27 are being met. The audit shall also insure that no more than one percent (1%) of total retail transaction and use tax expenditures is used for staff salaries and benefits in administering this Investment Plan and ordinance.