



***CITIZEN'S OVERSIGHT COMMITTEE (PUBLIC SAFETY)
SPECIAL MEETING MINUTES
JANUARY 30, 2018
6:00 PM
SANGER COUNCIL CHAMBER
1700 7TH STREET, SANGER***

A. CALL TO ORDER

The Committee called their Special Meeting to order at [6:00:09 PM](#).

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Committee Member Tony Gonzales.

C. ROLL CALL

Present: Chair Sue Simpson, Vice Chair Joann Mares, Secretary James Miser, Committee Member Tony Gonzales, Committee Member Melissa Griggs

Absent: None

D. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

The Committee by motion of Member Griggs approved the agenda as presented. The motion was seconded by Secretary Miser and approved by the following vote:

AYES: Simpson, Mares, Miser, Gonzales, Griggs

NOES: None

ABSTAIN: None

ABSENT: None

E. INFORMATION ITEM

1. **SUBJECT:** Resolutions Regarding Supplement and Supplant.

City Manager Tim Chapa and Administrative Services Director Gary Watahira provided information regarding Resolution No. 4122 seeking to clarify Ordinance No. 1094 and the intent that revenues supplement, not supplant existing City expenditures for public safety.

Secretary Miser said the presentation indicated there needed to be a minimum dollar amount spent and asked City Attorney Hilda Cantú Montoy if that was her interpretation. He said the resolution indicates that if revenues dropped there would be a minimum guarantee but there is a percentage of the General Fund that needs to be spent on public safety. He said the dollar figures for expenditures are only for General Fund expenditures with the analysis including Measure S funds and in his opinion the analysis is flawed and needs to be redone.

City Attorney Montoy said the Committee could request further clarification with respect to doing the same analysis based on the percentage rather than saying the analysis is flawed.

Secretary Miser requested the City Attorney conduct a review of the sentence that indicates there shall be a percentage of General Fund revenue that shall be appropriate for public safety departments beginning in 2008 and 2009 and shall apply to all fiscal years.

Public comment:

Kevin Carter said the part about the percentage was skipped and said all the information needs to be provided for thorough discussion and understanding.

Henry Provost asked when the resolution discussed was discovered and said he would like an explanation of how supplement and supplant has been interpreted and applied.

Efren Rubio said the audit should be done first before continue with making changes.

F. DEPARTMENT REPORTS

1. **SUBJECT:** Ordinance Clarifying Expenditure Language of Sanger Police, Fire, Paramedic 9-1-1 Emergency Response and Gang/Drug Prevention Special Transactions and Use Tax Ordinance (known as Measure S Ordinance).

City Attorney Montoy said the City Council has the authority to amend the ordinance and the goal is to receive direction from the COC as a body as to what kind of language they would like to see in the ordinance.

Secretary Miser said he has done some research and said this process is similar to federal grant funds. He read definitions regarding federal grant funds according to the 2017 Office of Management and Budget Requirements.

Member Gonzales said the COC nor the City Council should make changes and that the voters should be able to provide input. He recommended a compliance audit be done first then shared with the public at a community meeting.

Chair Simpson said she would like to see having an annual compliance audit added to the ordinance. She also asked that it be defined if expenses are dollar amounts or categories and if expenditures are baseline dollar amounts or personnel categories such as Measure S funded positions versus non-Measure S positions.

Secretary Miser thanked City Manager Chapa for bringing Resolution 4122 to their attention. He said it is his opinion that prior staff made no attempts to comply with the resolution in the past. He said the 2012 attorney letter does speak to the qualitative and quantitative aspects. He said 4122 takes a quantitative approach and the City Attorney letters take a line item approach. He said the Office of Management and Budget guidelines would indicate that

raises for police would be inappropriate. He said the best thing to do would be to start with Resolution 4122. He said the audited numbers should be used when determining general fund revenues of 2008.

Public comment:

Mike Montelongo said if the pay raises are considered to be out of compliance then payment to non-profit groups and money given to Wilson School for the computer lab should be considered in determining compliance. He said all funds used for non-public safety should be reviewed. He said he believes Measure S is working and is happy that the Police and Fire Departments are fully staffed because it makes the City safer.

Jeanne Adams said it should not be taken to the citizenry. She said the COC has the knowledge base and understanding of the ordinance to recommend changes and because it would be difficult to get the community involvement hoped for. She said the ordinance itself is the verbiage and would be nice to have clarification. She said a formula is needed to help apply the ordinance to the decisions made. She said using percentages are good because inflation can be applied.

Dick Sheppard said he remembers the discussion that took place regarding Resolution 4122. He said it is his recollection that when the Measure S ordinance was first created it did not envision giving to non-profit groups. He said the awarding to non-profit groups evolved when Brian Haddix was the city manager and was voted by the City Council. He said it came about as a result of pressure from various groups of the City.

Police Chief Silver Rodriguez asked the Committee that as they consider the changes to the ordinance, they keep the process in mind and do not make it harder to qualify expenses under Measure S. He said since his arrival in mid 2012 he studied Measure S and can assure that all the funds that have been charged have been for safety equipment, cars, weapons, and anything that can be used to help make the Department's job better. He said he contacted many people during the Measure S renewal and they wanted the Fire and Police Departments well trained and well equipped.

Greg Tarascou said he became the Fire Chief in 2013 but has been here since 2001 and has a good recollection of what Measure S was intended for in 2008. He said it was intended for public safety, not funding non-profits. He said the intent was to not go below the floor established in 2008. He said there has never been a time when Measure S monies were moved to pay for anything besides public safety. He recommended looking at establishing a minimum floor that the General Fund needs to pay rather than a percentage.

Public comment:

Kevin Carter said if the dollar figure is going to be used, an inflation factor should be included.

City Attorney Montoy summarized the Committee's recommendations on changes to the expenditure language of the Measure S ordinance: use a baseline dollar amount (similar to Resolution 4122); keep original language but add what supplant and supplement means then follow with a formula; no CPI/inflation; annual compliance audit; maintenance of effort with respect to personnel.

The City Attorney said the draft ordinances will be presented to the COC prior to presentation to the City Council.

G. *ADJOURNMENT*

Being no further business the Committee adjourned their special meeting at [7:37:40 PM](#).