



Public Works Department

AGENDA

REGULAR MEETING OF THE CITIZEN STREET OVERSIGHT COMMITTEE

Monday, January 23, 2012, 7:00 p.m.
El Cerrito City Hall
Hillside Conference Room
10890 San Pablo Avenue

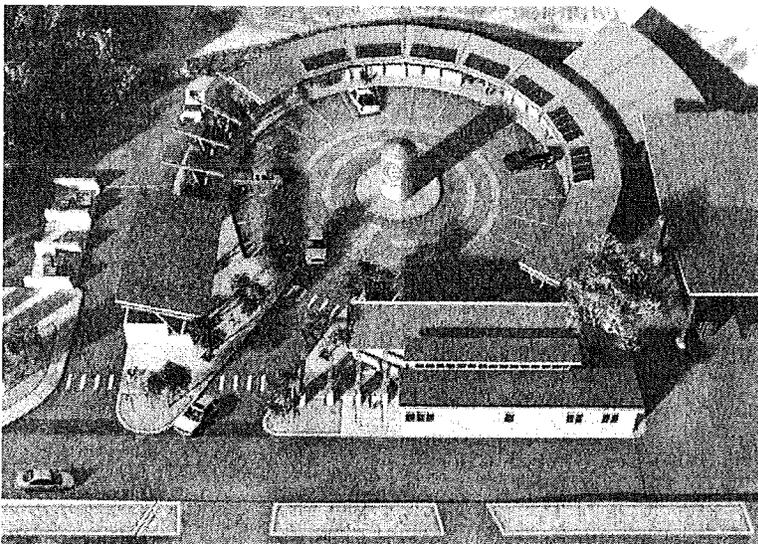
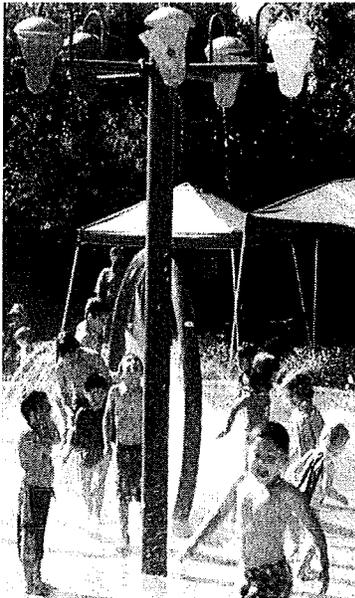
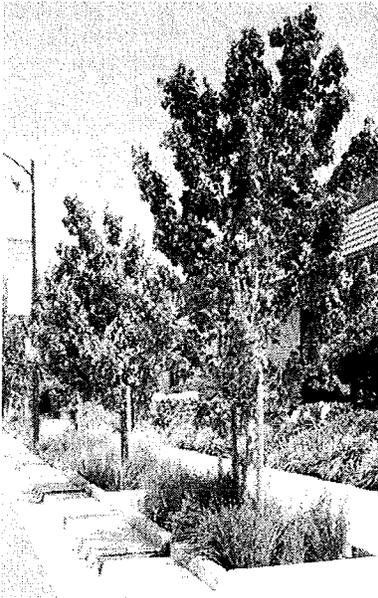
1. **Roll Call**
2. **Comments from the Public**
(Each speaker is limited to a maximum of 2 minutes.)
3. **Review of Fiscal Year 2010 – 2011 Audit and Auditor’s Report**
Review annual audit report as it pertains to Measure A and Agreed Upon Procedures Report from City’s auditor; Consider approving and signing Annual Report Memorandum to City Council (**Action Requested: Approve and sign Annual Report Memorandum to Council**)
4. **Staff Liaison Report**
Report on response from City Attorney on Measure A-eligible staff costs
5. **Election of Committee Officers**
Nominate and elect Committee Chair and Vice Chair (**Action Requested: Elect Officers**)
6. **Approval of Minutes**
Review and approve minutes from November 14, 2011 Meeting. (**Action Requested: Approval**)
7. **Committee Standing Rules**
Review Standing Rules drafted at the November 14, 2011 meeting. Review responses from City Attorney on outstanding questions on Rules 9, 12 & 13. (**Action Requested: Adopt revisions to Standing Rules**)
8. **Future Agenda Items and Meeting Schedule**
Set agenda and date for next meeting (**Action Requested: set agenda and date**)
9. **Adjournment**

Any writings or documents provided to a majority of the Citizen Street Oversight Committee regarding any item on this agenda will be made available for public inspection in the Public Works Department located at 10890 San Pablo Avenue during normal business hours.

COMMUNICATION ACCESS INFORMATION

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call Jerry Bradshaw, Staff Liaison at 215-4382 (voice) at least FIVE (5) WORKING DAYS NOTICE PRIOR TO THE MEETING to ensure availability.

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10890 San Pablo Avenue, El Cerrito, CA 94530
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City of El Cerrito, California
Fiscal Year Ended June 30, 2011
Comprehensive Annual Financial Report

CITY OF EL CERRITO
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEETS
JUNE 30, 2011

SPECIAL REVENUE FUNDS

	Gas Tax Fund	Landscape and Lighting Assessment Fund	Measure A Parcel Tax Fund	National Pollution Discharge Elimination System Fund	Federal, State, and Local Grants Fund	Asset Seizure Fund
Assets						
Cash and investments		\$30,178	\$301,064	\$736	\$66,249	\$186,439
Cash and investments with fiscal agent						
Accounts receivable	\$4,196	6,060		1,865		
Due from other governments	51,452	21,499		13,896	165,857	
Total Assets	\$55,648	\$57,737	\$301,064	\$16,497	\$232,106	\$186,439
Liabilities						
Accounts payable	\$34,177	\$94,608	\$11,832	\$20,727	\$45,184	\$4,459
Accounts payable Due to other funds	9,929					
Deposits payable						48,228
Total Liabilities	44,106	94,608	11,832	20,727	45,184	52,687
Fund Balances						
Restricted	11,542		289,232		186,922	133,752
Unassigned		(36,871)		(4,230)		
Total fund balances (deficits)	11,542	(36,871)	289,232	(4,230)	186,922	133,752
Total liabilities and fund balances	\$55,648	\$57,737	\$301,064	\$16,497	\$232,106	\$186,439



SPECIAL REVENUE FUNDS		Capital Projects Funds			Debt Service Funds		
Vehicle Abatement Fund	Park In Lieu Fund	Storm Drain Fund	Measure J Fund	Street Improvement Fund	Storm Drain Fund	Public Financing Authority Fund	Totals
\$180,894	\$11,969	\$40,922			\$17,615	\$3,832	\$839,898
		1,119	\$559	\$83,128	534,175	1,710,977	2,245,152
			47,452	390,898			96,927
<u>\$180,894</u>	<u>\$11,969</u>	<u>\$42,041</u>	<u>\$48,011</u>	<u>\$474,026</u>	<u>\$551,790</u>	<u>\$1,714,809</u>	<u>\$3,873,031</u>
		\$154	\$1,778	\$258,518			\$471,437
			42,219	150,494			150,494
				142,454			194,602
							48,228
		154	43,997	551,466			864,761
\$180,894	\$11,969	41,887	4,014	(77,440)	\$551,790	\$1,714,809	3,126,811
							(118,541)
<u>180,894</u>	<u>11,969</u>	<u>41,887</u>	<u>4,014</u>	<u>(77,440)</u>	<u>551,790</u>	<u>1,714,809</u>	<u>3,008,270</u>
<u>\$180,894</u>	<u>\$11,969</u>	<u>\$42,041</u>	<u>\$48,011</u>	<u>\$474,026</u>	<u>\$551,790</u>	<u>\$1,714,809</u>	<u>\$3,873,031</u>

CITY OF EL CERRITO
NON-MAJOR GOVERNMENTAL FUNDS
COMBINING STATEMENTS OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2011

SPECIAL REVENUE FUNDS						
	Gas Tax Fund	Landscape and Lighting Assessment Fund	Measure A Parcel Tax Fund	National Pollution Discharge Elimination System Fund	Federal, State, and Local Grants Fund	Asset Seizure Fund
Revenues:						
Taxes and assessments		\$771,050	\$439,215			
Use of money and property	\$348		408		\$269	\$416
Intergovernmental revenues	561,497			\$327,826	477,495	
Charges for services						
Other						
Total revenues	561,845	771,050	439,623	327,826	477,764	416
Expenditures:						
Current:						
General Government			13,996		243	
Public works	420,742	1,075,709		246,300	29,644	
Recreation		71,141				
Community development					181,247	
Public safety					108,821	2,552
Capital outlay			309,672		166,295	11,660
Debt service:						
Principal						
Interest and fiscal agent fees						
Total expenditures	420,742	1,146,850	323,668	246,300	486,250	14,212
Excess (deficiency) of revenues over (under) expenditures	141,103	(375,800)	115,955	81,526	(8,486)	(13,796)
Other Financing Sources (Uses):						
Transfers in	160,000	410,000		5,000		
Transfers (out)	(509,609)	(134,399)	(363,578)	(100,519)		
Total other financing sources (uses)	(349,609)	275,601	(363,578)	(95,519)		
Net changes in fund balances	(208,506)	(100,199)	(247,623)	(13,993)	(8,486)	(13,796)
Fund Balances - July 1, 2010	220,048	63,328	536,855	9,763	195,408	147,548
Fund Balances (Deficits) - June 30, 2011	\$11,542	(\$36,871)	\$289,232	(\$4,230)	\$186,922	\$133,752



SPECIAL REVENUE FUNDS		CAPITAL PROJECTS FUNDS			DEBT SERVICE FUNDS		
Vehicle Abatement Fund	Park In Lieu Fund	Storm Drain Fund	Measure J Fund	Street Improvement Fund	Storm Drain Fund	Public Financing Authority Debt Service Fund	Totals
		\$697,862	\$466,510	\$1,375,828			\$3,750,465
\$359	\$34	19	84	2,278	\$6	\$168	4,389
22,766				691,571			2,081,155
			11,381				11,381
				29,856			29,856
23,125	34	697,881	477,975	2,099,533	6	168	5,877,246
					\$2,650	6,655	23,544
		139,191	43,134				1,954,720
			71,022				142,163
19,908							181,247
				2,579,920			131,281
							3,067,547
					425,000	670,000	1,095,000
					90,613	1,033,889	1,124,502
19,908		139,191	114,156	2,579,920	518,263	1,710,544	7,720,004
3,217	34	558,690	363,819	(480,387)	(518,257)	(1,710,376)	(1,842,758)
				157,015	515,607	1,703,756	2,951,378
	(5,000)	(520,607)	(450,412)	(744,036)			(2,828,160)
	(5,000)	(520,607)	(450,412)	(587,021)	515,607	1,703,756	123,218
3,217	(4,966)	38,083	(86,593)	(1,067,408)	(2,650)	(6,620)	(1,719,540)
177,677	16,935	3,804	90,607	989,968	554,440	1,721,429	4,727,810
\$180,894	\$11,969	\$41,887	\$4,014	(\$77,440)	\$551,790	\$1,714,809	\$3,008,270

CITY OF EL CERRITO
 BUDGETED NON-MAJOR FUNDS
 COMBINING SCHEDULE OF REVENUES, EXPENDITURES
 AND CHANGES IN FUND BALANCES
 BUDGET AND ACTUAL
 FOR THE YEAR ENDED JUNE 30, 2011

	Street Improvement Fund			Storm Drain - Debt Service Fund		
	Budget	Actual	Variance Positive (Negative)	Budget	Actual	Variance Positive (Negative)
Revenues:						
Taxes and assessments	\$1,300,000	\$1,375,828	\$75,828			
Use of money and property	20,000	2,278	(17,722)	\$1,000	\$6	(\$994)
Intergovernmental	1,424,000	691,571	(\$732,429)			
Charges for services						
Other	60,000	29,856	(30,144)			
Total Revenues	<u>2,804,000</u>	<u>2,099,533</u>	<u>(704,467)</u>	<u>1,000</u>	<u>6</u>	<u>(994)</u>
Expenditures:						
Current:						
General government				3,000	\$2,650	350
Public works						
Recreation						
Community development						
Public safety						
Capital outlay	2,533,821	2,579,920	(46,099)			
Debt service :						
Principal payments				425,000	425,000	
Interest and fiscal fees				90,612	90,613	(1)
Total Expenditures	<u>2,533,821</u>	<u>2,579,920</u>	<u>(46,099)</u>	<u>518,612</u>	<u>518,263</u>	<u>349</u>
Excess (deficiency) of revenues over (under) expenditures	<u>270,179</u>	<u>(480,387)</u>	<u>(750,566)</u>	<u>(517,612)</u>	<u>(518,257)</u>	<u>(645)</u>
Other Financing Sources (Uses):						
Transfers in	180,000	157,015	(22,985)	517,612	515,607	(2,005)
Transfers (out)	(741,053)	(744,036)	(2,983)			
Total other financing sources (uses)	<u>(561,053)</u>	<u>(587,021)</u>	<u>(25,968)</u>	<u>517,612</u>	<u>515,607</u>	<u>(2,005)</u>
Net Change in Fund Balances	<u>(\$290,874)</u>	<u>(1,067,408)</u>	<u>(\$776,534)</u>	<u> </u>	<u>(2,650)</u>	<u>(\$2,650)</u>
Fund Balances - July 1, 2010		989,968			554,440	
Fund Balances (Deficits) - June 30, 2011		<u>(\$77,440)</u>			<u>\$551,790</u>	

**INDEPENDENT ACCOUNTANT'S
AGREED UPON PROCEDURES REPORT
FOR THE CITY OF EL CERRITO
MASTER INSTALLMENT SALE AGREEMENT
COMPLIANCE WITH BOND COVENANTS
FOR THE 2008 SALES TAX REVENUE BONDS
FOR THE YEAR ENDED JUNE 30, 2011**

INDEPENDENT ACCOUNTANT'S
AGREED UPON PROCEDURES REPORT
FOR THE CITY OF EL CERRITO
MASTER INSTALLMENT SALE AGREEMENT
COMPLIANCE WITH BOND COVENANTS
FOR THE 2008 SALES TAX REVENUE BONDS

Honorable Mayor and Members
of the City Council
El Cerrito, California

We have performed the procedures described below, which were agreed to by the City of El Cerrito to determine compliance with the Master Installment Sale Agreement for the 2008 Sales Tax Revenue Bonds between the City and the Financing Authority for the year ended June 30, 2011. The activity for the 2008 Sales Tax Revenue Bonds is reported in the City's Comprehensive Annual Financial Report in the Street Improvement Capital Projects Fund and the Public Financing Authority Debt Service Fund. This engagement to apply agreed upon procedures was performed in accordance with standards established by the American Institute of Certified Public Accountants and the standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. The sufficiency of these procedures is solely the responsibility of the City. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

The procedures are as follows:

1. We obtained the Master Installment Sale Agreement (Agreement) between the City and the Financing Authority dated June 1, 2008.
2. Section 2.03 of the Agreement – Improvement Fund – requires that the proceeds be used for acquisition and construction of the Projects (or to reimburse the City for costs paid by it) including the payment of interest on the Obligations upon receipt of a sequentially numbered “Request of the City” filed with the City Manager (see Attachment A to the Agreement), therefore we:
 - a. Obtained a listing of City Council-designated Projects for the fiscal year.
 - b. Obtained a listing of “Request of the City” filed with the City Manager for the fiscal year.
 - c. Selected a sample of twelve expenditures totaling \$1,701,150 charged to the Improvement Fund during the fiscal year, of total capital improvement expenditures of \$2,579,920.
 - d. Tested the above expenditures to determine that they were made in accordance with the City's purchasing policy.

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- e. Determined that the expenditures were related to a City Council-designated project (2a above). We did note that one expenditure in the amount of \$4,368 related to the removal of a trailer that had been used by Project staff was initially charged to the Improvement Fund, but the City later determined that the cost should instead be funded by the City and reversed the charge to the Improvement Fund. The cost of the removal of this trailer is not included in the total tested in 2c above.
 - f. Inquired as to whether the projects were complete as of the end of the fiscal year and, if so, whether excess funds were available from the Improvement Fund. The Agreement indicates that excess funds in the Improvement Fund, when all Projects are complete, can be transferred to the City “for any lawful purpose of the City subject to the provisions of any Tax Certificate”. However, Section 4.60.150 of the City’s Municipal Code limits the use of funds for pothole repair and street improvement and maintenance services. We found that two Projects were completed as of the end of the fiscal year. However, no excess funds were available as of June 30, 2011.
3. We obtained a confirmation of Sales Tax Add-On Revenues for the fiscal year from the State Controller’s Office to reconcile to the revenues recorded in the general ledger in the Street Improvement Capital Projects Fund.
 - a. The State Controller’s Office confirmation reconciled to the general ledger total in the Street Improvement Capital Projects Fund of \$1,375,828.
4. Section 4 of the Agreement – Covenants of the City – Based on the testing above, we obtained documentation of the City’s compliance with the provisions of this Section which generally require that the City pay its bills timely and use the proceeds in accordance with the definition of “Projects” above, and complete the Projects in a timely manner.
 - a. It appears that the City paid its bills timely and used the proceeds in accordance with the Agreement. Two Projects were completed during the fiscal year, but not all Projects were complete as of the end of the fiscal year.
5. Section 7.01 of the Agreement – Liability Limited to Revenues – We inquired as to whether the City advanced funds for payment of the Obligations other than from the Revenues. Revenues, as defined in the Agreement include the Sales Tax Add-On Revenues and interest earned from the investment of those funds. If yes, we obtained documentation that the City was reimbursed from the Revenues as defined in the Agreement. (Other subsections of Section 7 do not appear to be of compliance significance, therefore only this covenant is being included in the agreed upon procedures).
 - a. The City made payments of the Obligations only from the Revenues during the fiscal year. The City did not advance funds for payment of the Obligations during the fiscal year.
6. We obtained documentation of compliance with provisions of Section 2.02 of the Agreement – Revenue Fund; Pledge of Revenues:
 - a. Were principal and interest payments made from the Revenue Fund for all parity obligations?
 - i. Not applicable – the City does not have any parity obligations outstanding at June 30, 2011.

- b. Were excess revenue funds (after the payment of parity obligations) used for the payment of any supplemental or subordinate obligations?
 - i. Not applicable – the City does not have any supplemental or subordinate obligations outstanding at June 30, 2011.
 - c. Revenues cannot be used for termination payments unless specific conditions are met as defined in 2.02(B)(1) – were any termination payments made with pledged revenues?
 - i. No termination payments were made during the fiscal year.
- 7. Section 3.01 of the Agreement -- Parity Obligations – We inquired as to whether the City issued any parity obligations during the fiscal year, and if yes, obtained documentation that the City complied with provisions of this Section.
 - a. The City did not issue any parity obligations during fiscal year 2011.
- 8. Section 3.02 of the Agreement – Subordinate Obligations – We inquired as to whether the City issued any subordinate obligations during the fiscal year, and if yes, obtained documentation that the City complied with the provisions of this Section.
 - a. The City did not issue any subordinate obligations during fiscal year 2011.
- 9. Section 3.03 of the Agreement – Execution of Supplemental Installment Sale Agreements (other than the First Supplement) – We inquired as to whether the City executed any supplemental installment sales agreements during the fiscal year, and if yes, obtained documentation that the City complied with the provisions of this Section.
 - a. The City did not execute any supplemental installment sales agreements during fiscal year 2011.
- 10. Section 5 of the Agreement – Events of Default and Remedies – We inquired as to whether any of the Events of Default, as defined in the Section, occurred during the fiscal year. If yes, we obtained documentation that the revenues were applied in the manner set forth in this Section.
 - a. No Events of Default, as defined in the Section, occurred during the fiscal year.
- 11. Section 6 of the Agreement – Discharge of Obligations – This Section is applicable only if the City pays all of the Obligations (debt to the Authority), therefore, we would obtain documentation of compliance with this Section if the City has repaid all of the Obligations during the fiscal year.
 - a. The City did not pay all of the debt to the Authority during the fiscal year.

We were not engaged to, and did not perform an audit, the objective of which would be the expression of an opinion on the specified elements, accounts, or internal controls. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

Mane & Associates

December 14, 2011

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Date: January 23, 2012
To: El Cerrito City Council
From: Street Oversight Committee
Subject: Annual Report to City Council and Citizens of El Cerrito

On this date, the Street Oversight Committee met to review expenditures of revenue collected pursuant to Chapter 4.60 of the El Cerrito Municipal Code to determine whether such funds were expended for the purposes specified in the current Street Repair and Maintenance Expenditure Plan. The expenditures reviewed were reported for Fiscal Year 2010-11, and were summarized in the City's Annual Audit Report. Further, the Committee reviewed the Agreed Upon Procedures Report issued by the City's independent auditors, Maze and Associates, which stated that nothing came to their attention that caused them to believe that the City had failed to comply with the terms, covenants and conditions of the Master Installment Sale Agreement related to the bond issue. The Committee also reviewed a detailed list of vendors to whom the expenditures were made.

By a unanimous vote, the Committee found that the expenditures were an appropriate use of the Pothole and Local Street Improvement and Maintenance Transactions and Use Tax. The Committee is hereby reporting their findings to the City Council and the citizens of the City of El Cerrito pursuant to Section 2.04.320 C of the El Cerrito Municipal Code.

Al Miller, Chair, Street Oversight Committee

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Public Works Department

Draft Summary Minutes

REGULAR MEETING OF THE CITIZEN STREET OVERSIGHT COMMITTEE

Monday, November 14, 2011, 7:00 p.m.
El Cerrito City Hall
Hillside Conference Room
10890 San Pablo Avenue

Call to Order at 7:00 p.m.

1. Roll Call

Present: Chair Al Miller, and Committee Members Thomas Miller, Aurelia Schultz and Lynne Kessler

Absent: Vice Chair Liz Ozselcuk

Other Attendees: Staff Liaison Jerry Bradshaw

Chair Miller welcomed new committee member Shultz

2. Staff Liaison Report

Liaison Bradshaw reported that he met with new Committee Member Schultz a few weeks earlier and briefed her on the purpose and activities of the Committee.

Bradshaw went over the following items in the agenda packet:

- The Maddy Act Notice announcing all openings on boards, commissions and committees.
- Press release announcing openings on boards, commissions, and committees.

Following up on certain expenditures for decommissioning of the temporary City Hall campus that had been used by the Street Improvement program staff for two years, staff has moved those decommissioning expenditures out of the Streets Fund (211) to the Capital Fund (301).

Bradshaw reviewed the updated Committee Roster, which shows the expiration of each member's terms. Terms for committee members Al Miller, Kessler and Schultz expire on January 1, 2012. Each was invited to re-apply (none will have termed out of office).

Following up on staff salaries eligible for Measure A fund: Bradshaw reviewed minutes from a past meeting (January 26, 2009). This item had cleared up a discrepancy between the enabling ordinance and the Expenditure Plan. The ordinance prevails in this instance – No administrator's salaries will be charged to the fund. It is the intention of the Public Works

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Department to charge only expenses for personnel directly involved with planning, design or construction of Measure A projects. In practice, there have only been outside consultants charged to the fund, however in the current fiscal year (FY 2011-12) some staff costs are being charged directly to the fund (two temporary staff working directly on the projects). In the past, no permanent city staff has been managing the projects, so none have been charged to the fund. However, in the future Public Works staff may be more directly involved with project management – possibly including the Public Works director. In that event, city staff costs would be eligible to be charged to the Streets Fund. Other non-direct city staff costs such as finance department staff, clerical and other overhead costs would not be charged to the Fund. The mechanism for tracking time and costs will be staff time cards.

Thomas Miller believes there should be a system in place to track eligible staff costs, and time cards are adequate.

Chair Al Miller recommends that Bradshaw draft up a policy or procedure as to when various staff costs would be eligible for Measure A and ask the City Attorney to review it. Bradshaw agreed to check with the City Attorney regarding eligibility.

Thomas Miller suggested that an annual cap on staff expenditures be put in place. Acknowledging that program consistency varies too much for that, he agreed that time cards would be an adequate control.

3. Comments from the Public

None.

4. Approval of Minutes

No comments or corrections

Action taken: Approve minutes as presented. M/S; Thomas Miller/Kessler. Approved unanimously.

5. Committee Standing Rules

Bradshaw first made a correction from the previous meeting – he had stated that he had been given no direction on the duties of a staff liaison. In fact he had received and reviewed a copy of Administrative Policy No. 1 A 6, Staff Support for Boards, Commissions and Committees.

Pages 5-2 and 5-3 of the packet provided excerpts from adopted minutes (three meetings) summarizing previous discussion by the Committee on standing rules.

Thomas Miller pointed to Page 5-9 (excerpt from municipal code section 2.04.220) where there were two mentions of bylaws. He interprets those as requiring bylaws. Schultz counters that they allow for bylaws, but don't require them citing Paragraph H – "may draft bylaws". Chair Al Miller does not see the need for standing rules, but doesn't object to having them. Thomas Miller agreed that rules are not required.

Bradshaw reviewed with other staff liaisons what their practices for rescheduling meetings for other boards, commissions and committees were. He found that a liaison usually works with the chair to change schedules. He also checked with the City Clerk about how much communication can be made with committee members within the bounds of the Brown Act. She advised that as long as communication is directly with liaison on availability – not between committee members – there would be no conflict with the Brown Act.

Discussion on Rules

There was a lengthy discussion on each of the existing rules (1 – 9) as well as on several new rules (10 – 15) proposed by Thomas Miller. The following summarizes critical discussion points that led to a consensus on a new draft set of rules. For the most part, the specific wording was arrived at through the discussion. In a few instances noted below, there were outstanding questions that would require input from the City Attorney. Based on these discussions Bradshaw will compile a new set of draft Standing Rules and present them (along with any information from the City Attorney) at the next regular meeting. No formal action was taken.

Rule 1 – no proposed changes

Rule 2 – setting the time and place for regular meetings. Chair Al Miller asked how a conflict over room availability would be handled under this rule. Since reserving a room is not appropriate for an action by the Committee, the actual room was left out of the standing rules. The important items are the time and location, and “City Hall” is specific enough. The actual room for each meeting would be indicated on each agenda.

Rules 3 & 4 – The issue is how to reschedule regular meetings when there is not enough notice to have the committee vote on it. The recent occurrence when liaison Bradshaw was not able to attend the September meeting brought this to light.

- Since this scenario came to light because the regular staff liaison could not be present, there was discussion about how to deal with that other than changing the meeting schedule. Kessler proposed in that event the Committee would appoint a person on the Committee to record the minutes. Other discussion involved appointing a substitute liaison. In the case of this Committee, Bradshaw has unique understanding of the programs, projects and finances, and it would be difficult to find a substitute with that knowledge. Multiple staff (for project management and finance management) could possibly combine to adequately address committee business. At the very least, Bradshaw could (and would) designate a substitute providing that person with as much briefing as possible to participate in the committee business.
- There was lengthy discussion of the various scenarios of how to change meeting schedules within the bounds of the Brown Act while remaining flexible. There was finally a consensus by the Committee that existing Rules 3 & 4 will remain in place with the understanding that if a regular meeting was being considered for cancellation and there were no other regular meetings scheduled before then, the Chair would call a special meeting pursuant to Rule 4 to consider cancellation of the upcoming regular meeting pursuant to Rule 3.

Rule 5 – no proposed changes

Rule 6 – a change is suggested and incorporated to cover secretarial duties in the event the staff liaison does not attend the meeting. Wording is added to provide for the committee to designate an attendee to be acting secretary (Kessler’s comment from Rules 3 & 4 above). Bradshaw stated that he intends to always have a staff member attend to perform these functions.

Rules 7 & 8 – no proposed changes

Rule 9 – remove wording that prohibits the committee from meeting in the absence of a staff liaison. Bradshaw agreed to verify with the City Attorney whether there is a prohibition for the Committee to conduct business in the absence of staff.

Proposed New Rules

Rule 10 – new rule outlining the Committee’s recourse if the staff liaison fails to perform his/her function. Initial proposal was to report to the City Council. Chair Al Miller recommended changing that first report to the City Manager, then to Council if no corrective action occurred. This was an acceptable change.

Rule 11 – a rule stating that committee business be conducted in accordance with the Brown Act and that all requests for Brown Act clarification be transmitted through the Chair to staff. Discussion included whether a rule is needed since Brown Act compliance is already established in law and through the Municipal Code, and seeking clarifications through staff is already available and that practice is in place. The committee agreed to include this rule for the purpose of advising present, and especially future, committee members of the Brown Act requirements.

Rule 12 – a severability clause. Schultz questions whether there is any jeopardy of the rules being challenged or deemed illegal in a way that would necessitate protecting the portion of the standing rules not being challenged. Bradshaw will check with the City Attorney whether this rule has any merit. The last sentence of the proposed rule requires the chair to develop a replacement rule in time for action by the Committee at the next meeting.

Rule 13 – a rule establishing the method of nominating and electing officers of the Committee. The proposal of secret ballots is in conflict with public meeting laws, and cannot be included. The proposal allows nomination by anybody present at the meeting, including members of the public and staff. The question of whether the nominations can be made by anybody or only by Committee members will be posed to the City Attorney.

Rule 14 – a proposed new rule limiting terms of office to two successive terms; accepted as written.

Rule 15 – a proposed new rule requiring periodic review of the standing rules. The proposal locks in the timing for any rule changes to a strict annual schedule beginning with the

September meeting and concluding with the January meeting. There was a consensus that it would be beneficial for the Committee to review the rules annually with a standing agenda item – presumably at the September meeting. There was also a consensus that rule changes could be proposed at any time – not locked into a pre-set schedule. The process for drafting and voting on rule changes was discussed, and it was acknowledged that whether the process for approving rule changes would take one, two or three meetings varied depending on the complexity of the rule change and the degree of deliberation required. Proposed rule was modified accordingly.

The 15 proposed rules conforming to these discussions is attached to these minutes and incorporated by reference.

6. Future Agenda Items and Meeting Schedule

- Standing Rules
- Response to inquiries to City Attorney
- Year-End Audit presentation – should be put at the head of the agenda
- Election of officers

Agenda order – Audit presentation should be first on the agenda. Should Election of officers occur at the end of the meeting, or right after the Audit report (in the middle of the meeting)? Consensus was that election of officers would occur immediately after the audit report and any related action.

7. Adjourned at approximately 9:55 p.m.

Citizen Street Oversight Committee

Draft Standing Rules

Compiled from discussion at the November 14, 2011 Meeting

1. Regular meetings shall be held on the following dates:
 - a. 4th Monday in January
 - b. 4th Monday in September
 - c. 2nd Monday in November
2. Regular and special meetings shall be held in the El Cerrito City Hall at 7:00 pm in a room designated on the agenda.
3. Regular meetings may be canceled by a majority vote of the Committee at a previous meeting or by the Chair, at anytime that a quorum cannot be attained.
4. Special meetings may be scheduled by the Chairperson or by a majority vote of the Committee at a previous meeting.
5. A quorum is 3 committee members.
6. Summary minutes shall be kept by the staff liaison or delegate. In the event the staff liaison is not present another person shall be designated as acting secretary by majority vote. Minutes shall reflect all key discussion points, indicate all motions made and by whom, including seconders, and the results of any votes.
7. The Committee shall utilize source documents in its review of Street Fund revenues and expenditures (e.g. report from the State Board of Equalization, expense reports, contractor invoices).
8. The Committee may request that the auditor provide any underlying documents examined for the audit.
9. Administrative services to implement the provisions herein shall be provided by city staff as per ordinance 2.04.320, paragraph F.
10. In the event that the City liaison fails to appear at any properly called meeting the Chair shall report to the City Manager that the Committee is unable to perform its designated function and the reason for that failure seeking corrective action. If no corrective action is taken, the Chair shall notify the City Council.
11. All aspects of the conduct of the Committee shall be in compliance with the Brown Act or any other governing authority. In the event that any member has a question as to the legality of a procedure, that member shall pose that question to the chair who shall then seek a clarification from the staff liaison.
12. Should any portion of these rules be deemed to be illegal, that portion shall be deleted from these rules; the remainder remaining full force and effect. In such an event the intent of the deleted rule shall be reinstated in legal form, with minimum alterations, and such modified provision shall be incorporated in these

rules. It shall be the duty of the Chair to implement this rule subject to a majority vote to approve said implementation at the next regular or special meeting.

13. The election of the chairperson and vice chairperson shall be done at the first regular meeting of each calendar year. Nominations for each office shall be accepted from any party present at the meeting. The term of office shall be for the next period terminating at the anniversary of the current meeting. Only the members of the Committee shall have a vote.
14. No individual shall hold any one elective office for more than two successive terms. When one intervening term shall have elapsed any member may again hold any office from which service was denied by the limitations imposed by this rule.
15. These rules shall be reviewed and possibly modified at the September meeting. Members may propose revisions any time, preferably in writing. Any such proposal shall be voted upon at the following meeting. Versions shall be numbered and bear the date of the meeting at which they were adopted. Only Members shall have a vote as to the matter covered in this rule.