



## City of Long Beach

*Working Together to Serve*

### Office of the City Attorney

## Memorandum

**DATE:** October 14, 2021

**To:** Members of the Measure A Committee

**FROM:** Amy R. Webber, Deputy City Attorney

**SUBJECT:** Powers and Duties of the Measure A Committee

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At the last Measure A Citizens Advisory Committee (“Committee”) meeting, a question was raised about the extent of the Committee’s authority to make recommendations related to the use of Measure A funds. The Committee’s powers and duties are defined in Resolutions 16-033 and T.U.01-2017. These resolutions establish and define the role of the Committee and are summarized below.

#### Background

On February 23, 2016, the City Council approved the placement of a general tax measure on the June 7, 2016 ballot to adopt a transactions and use tax (“TUT”). In Resolution No. RES-16-0018, the City Council expressed priorities for the use of the TUT revenue for public safety and public infrastructure projects, if approved by the voters. Resolution-16-0033 created a five-member committee to periodically review the City’s use of TUT revenue, in keeping with the intent expressed in Resolution No. RES-16-0018 and the ballot measure expressed in Resolution No. RES-17-0017. In 2019, Measure A was extended by the voters. As with the original Measure A, and expressed in Resolution No. RES-19-0127, the revenue was prioritized by the City Council for public safety and public infrastructure as well as an additional specific priority: Community Hospital. The Measure A extension did not change the duties of the Committee.

#### Duties of the Citizen’s Advisory Committee

The City Council Resolution No. RES-16-0033 establishing the Committee enumerates in Section 4 that the purpose of the Committee is to advise that Measure A funds are being used according to the priorities established by City Council and also with the language contained in the ballot measure. Section 4 further describes that the Committee could engage in any of the following activities:

- “A. Receiving and reviewing periodic reports prepared by Financial Management, through the City Manager, in connection with the analysis of the use of the TUT revenues as result of a successful voter-approved ballot

measure on June 7, 2016. A review should include the examination of TUT revenue use for all infrastructure projects. "Infrastructure" is as defined in Resolution No. RES-16-0018 and with the language contained in the ballot measure expressed in Resolution No. RES-16-0017.

- B. Receiving and reviewing copies of the City's annual financial reports and any associated audits.
- C. Reviewing projects funded with TUT revenue, and receiving periodic updates from City staff on the status of those projects.
- D. Provide periodic reports to the City Council on the City's use of TUT revenues."

The Rules and Procedures for the Measure A Citizens Advisory Committee (T.U.01-2017) also notes in Article 1.5 that the role of the Committee is advisory only. Article 2.2 further describes the duties as advising City Council on the use of revenues conforming with City Council's intent on spending.

- 1.5 "It is the responsibility of the CAC to periodically review the City's use of TUT revenue and advise the City Council regarding the use of TUT revenue. All actions of the CAC shall be advisory only, except for those matters where final authority has been assigned by action of the City Council."
- 2.2 "The CAC shall advise the City Council on the use of TUT revenue as conforming with the intent of Resolution No. RES-16-0018 prioritizing spending and with the language contained in the ballot measure expressed in Resolution No. RES-16-0017."

In order to ensure that Measure A funds were used for the purposes listed in the ballot measure and approved by the voters, the Committee was intended to provide oversight of City expenditures conforming with City's Council's intent on spending, rather than make policy or budget recommendations.

If you have questions regarding this memo, please let me know.

ARW

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cc: Charles Parkin, City Attorney  
Thomas B. Modica, City Manager  
Diana Tang, Mayor's Office