

**REGULAR MEETING MINUTES**  
**MEASURE V RESIDENTS' OVERSIGHT COMMITTEE**

April 15, 2019, 5:30 p.m.

City Hall Conference Room 109, 333 Civic Center Plaza

City Website: <http://www.ci.tracy.ca.us>

1. CALL TO ORDER: Michel Bazinet, Chairperson, called the meeting to order at 5:31 p.m.

2. ROLL CALL:

Present: Michel Bazinet, Allan Borwick and Abdul Wahid

Absent: Ameni Alexander and Eleassia Davis

(Budget Officer Hedegard informed the Committee that Eleassia Davis had emailed her resignation effective immediately prior to the meeting.)

Staff Present: Thomas Hedegard, Budget Officer  
Carol Zandona, Executive Assistant  
Bianca Rodriguez, Deputy City Attorney  
Richard Joaquin, Parks Planning & Development Manager

Recorded By: Carol Zandona

3. ITEMS FROM THE AUDIENCE:

None

4. APPROVAL OF MINUTES:

Motion: Committee Member Borwick made a motion to approve the January 24, 2019 minutes

Second: Committee Member Wahid

All in Favor: Chairperson Bazinet, Committee Members Borwick and Wahid

5. BROWN ACT TRAINING:

Bianca Rodriguez, Deputy City Clerk, provided an overview training on the Brown Act on the following topics:

- Background
- Purpose
- Key Elements of the Brown Act
  - Legislative Body
  - Meetings
  - Notice & Agenda
  - Closed Session

- Penalties

Hypothetical scenarios were presented to the committee for discussion.

6. REVIEW OF BYLAWS:

New committee members were provided a copy of the bylaws. Budget Officer Hedegard provided a brief overview of the committee's role and asked the new members to review the bylaws and contact him with any questions.

7. MEASURE V PROJECTS UPDATE:

Richard Joaquin, Parks Planning & Development Manager, gave a Power Point presentation on the status of projects receiving Measure V funding:

- Lolly Hansen Center upgrade – Estimated to be completed in the next month. Measure V funding \$950,000 remaining funds from CDBG.
- Legacy Fields, Phase 1C – 72 acres of recreational area, concessions, restroom, plaza areas, and shade structures. Measure V funding \$3.6 million.
- Legacy Fields, Phase 1D – Sports field lighting, security camera system, plaza areas, shade structures. Measure V funding 6.4 million.
- Future projects – Aquatic Center and Multi-generational Center will be brought to the City Council in the future to discuss priorities and further funding.

8. PROVIDE UPDATE ON MEASURE V SALES TAX REVENUE / EXPENDITURES:

Budget Officer Hedegard presented the 2<sup>nd</sup> quarter 2019 revenue information:

- Revenue received for the 2<sup>nd</sup> quarter - \$3,067,286
- Year-to-date - \$5,898,799
- Cumulative (since Measure V began) - \$16,832,434
- Revenue continues to increase each quarter

Actual expenses for the 3<sup>rd</sup> quarter 2019:

- Legacy Fields - \$101,981
- Aquatic Center – 91,161
- Multigenerational Facility - \$5,711
- Other - \$29,694 (personnel cost)

Reviewed expense spreadsheet that displays by project the funds expended to vendors during the reporting period.

Chairman Bazinet requested that an item be placed on the next agenda for the committee to discuss the formatting of the annual report that is presented to Council. Committee member Wahid supported the request.

9. CONFIRM NEXT MEETING DATE:

The next meeting date is scheduled for July 15, 2019, 5:30 p.m., City Hall Conference Room 109.

10. ITEMS FROM THE AUDIENCE:

None

11. ADJOURNMENT

Motion to Adjourn: Committee Member Borwick

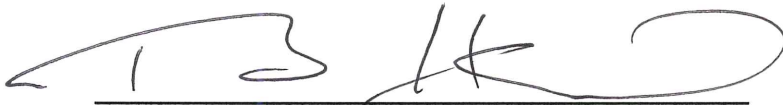
Second: Committee Member Wahid

All in Favor: Chairperson Bazinet, Committee Members Borwick and Wahid

Adjournment: 7:10 p.m.

The above agenda was posted at the Tracy City Hall in accordance with Procedures for Preparation, Posting, and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052. These are the summary and action minutes.

Attest:



Thomas Hedegard, Staff Liaison

# MEASURE V COMMITTEE

## CALIFORNIA'S OPEN MEETING LAW: THE RALPH M. BROWN ACT

Presented by: Bianca Rodriguez, Deputy City  
Attorney  
April 15, 2019



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## Overview of Training

- Background
- Purpose
- Key Elements of the Brown Act
  - Legislative Body
  - Meetings
  - Notice & Agenda
  - Closed Session
- Penalties
- Hypotheticals

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## Background

- In late 1951, San Francisco Chronicle wrote a 10-part series on “Your Secret Government.”
- Modesto Assemblyman Ralph M. Brown carried bill that was signed into law in 1953.

[ 3 ]

## Purpose

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.”

[ 4 ]

## Legislative Body

- Governing body
- Commission or committee
  - Permanent or temporary
  - Created by action of the legislative body
- Exceptions

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## Meetings

- A majority discussing, hearing, or acting on agency business
  - Note: Quorum of Measure V Committee is 3
- Serial meetings
  - Intermediaries
    - Daisy-chain
    - Hub-and-spoke
  - Technological devices (e.g. emails)

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## Meetings - Exceptions

- Individual contacts
- Conferences\*
- Open community meetings\*
- Another body of the agency\*
- Social or ceremonial events\*

\* Provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, agency business.

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## Meetings - Location

- All meeting locations must be accessible to the public, including the disabled
- Inside Agency's Boundaries
- Outside Agency's Boundaries
  - Exceptions

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# Notice and Agenda Requirements

- Agenda must contain a brief general description of each item to be discussed or acted upon at the meeting
  - Typically does not exceed 20 words

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# Notice and Agenda Requirements

- **Regular Meeting**
  - Agenda
    - Posting agenda at least 72 hours before
    - Describe on agenda each distinct action
    - Post on website
  - Public Comment
    - Not required to register name or address
    - Time limits permitted
  - Non-Agendized Matters
    - Came to agency's attention after the agenda was posted
    - Need to take action before next meeting
    - Two-thirds vote required

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# Notice and Agenda Requirements

- **Special Meeting**
  - Agenda
    - Posting agenda at least 24 hours before
- **Emergency Meeting**
  - When prompt action is needed due to the actual or threatened disruption of public facilities. An “emergency situation” exists if the legislative body determines a work stoppage, crippling disaster, or other activity severely impairs public health, safety or both.

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# Notice and Agenda Requirements

- Mail agenda upon written request:
  - To any person who has filed a written request for such materials.
  - A request for notice is valid for one calendar year and renewal requests must be filed January 1 of each year.

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# Closed Session

- Agenda requirements
- “Safe Harbor”
- Open session announcement
- Reportable action vs. action taken
- Who can attend – essential staff

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# Penalties

- Criminal Penalties
  - Action taken
  - Violation of Brown Act
  - Intent
- Civil Penalties
  - Invalidation of action
    - “Cure and Correct”
  - Litigation and attorney’s fees
  - Disclosure of confidential information



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## Hypothetical

The agency's website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly.

Does this scenario present a potential for violation of the Brown Act?

[ 15 ]

## Hypothetical

The entire Measure V Committee intends to travel to Sacramento to offer comment at a Board of Equalization meeting on a proposed amendment to a regulation.

Must this activity be noticed as a meeting of the body?

[ 16 ]

# Hypothetical

A member of the public raises a subject for discussion that is not on the meeting's agenda. Members of the committee ask the individual a few questions and then the committee discusses the subject.

Is this permissible?

[ 17 ]

# Questions?

- Resource:
  - League of California Cities, Open & Public V, Revised April 2016

[ 18 ]

Measure V

2017 Q4	\$	1,911,509
2018 Q1	\$	2,210,429
2018 Q2	\$	2,492,296
2018 Q3	\$	2,200,944
2018 Q4	\$	2,118,457
2019 Q1	\$	2,831,513
2019 Q2	\$	3,067,286
<b>Total:</b>	<b>\$</b>	<b>16,832,434</b>

Measure V: Revenue by Quarter



**MEASURE V REVENUE**

	Actuals - Q2 2019			Forecast	Total Projected	Total Estimate		
	This quarter	Year to date	Cumulative *	(Q3 2019 to FY 2037)		This Period	Prior Period	Change +/-
<b>Total Revenue</b>	\$ 3,067,286	\$ 5,898,799	\$ 16,832,434	\$ 202,326,924	\$ 219,159,358	\$ 219,159,358	\$ 197,532,584	\$ 21,626,774

**COMMITTED MEASURE V FUNDS**

Amenities & Programs	Actuals - Q3 2019			Forecast	Total Projected	Total Budget			Council Mtg	Resolution
	This quarter	Year to date	Cumulative *	(Q4 2019 to FY 2037)		This Period	Prior Period	Change +/-		
<b>Senior Center</b>	\$ -	\$ 739,395	\$ 854,886	\$ 95,114	\$ 950,000	\$ 950,000	\$ 950,000	\$ -		
Senior Center Upgrade (71093/ 78155)	\$ -	\$ 389,395	\$ 504,886	\$ 95,114	\$ 600,000	\$ 600,000	\$ 600,000	\$ -	2/6/2018	2018-021
Senior Center Construction Contract (71093/ 78155)	\$ -	\$ 350,000	\$ 350,000	\$ -	\$ 350,000	\$ 350,000	\$ 350,000	\$ -	7/17/2018	2018-141
<b>Legacy Fields</b>	\$ 101,981	\$ 903,337	\$ 4,102,192	\$ 5,959,876	\$ 10,062,068	\$ 10,062,068	\$ 10,062,068	\$ -		
Legacy Fields 1D Planning (78164)	\$ 101,981	\$ 419,920	\$ 440,124	\$ 1,059,876	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ -	3/6/2018	2018-043
Legacy Fields 1C (78163)	\$ -	\$ 483,417	\$ 3,662,068	\$ -	\$ 3,662,068	\$ 3,662,068	\$ 3,662,068	\$ -	3/6/2018	2018-044
Legacy Fields 1D Construction (78164)	\$ -	\$ -	\$ -	\$ 4,900,000	\$ 4,900,000	\$ 4,900,000	\$ 4,900,000	\$ -	7/17/2018	2018-146
<b>Aquatic Center</b>	\$ 91,161	\$ 624,143	\$ 624,143	\$ 29,375,857	\$ 30,000,000	\$ 30,000,000	\$ 30,000,000	\$ -		
Aquatic Center (78054)	\$ 91,161	\$ 624,143	\$ 624,143	\$ 375,857	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ -	3/6/2018	2018-043
Aquatic Park - Future	\$ -	\$ -	\$ -	\$ 29,000,000	\$ 29,000,000	\$ 29,000,000	\$ 29,000,000	\$ -		
<b>Multigenerational Facility</b>	\$ 5,711	\$ 36,947	\$ 147,003	\$ 39,852,997	\$ 40,000,000	\$ 40,000,000	\$ 40,000,000	\$ -		
Multigenerational Facility Planning (78178)	\$ 5,711	\$ 36,947	\$ 147,003	\$ 3,852,997	\$ 4,000,000	\$ 4,000,000	\$ 4,000,000	\$ -	3/6/2018	2018-043
Multigenerational - Future	\$ -	\$ -	\$ -	\$ 36,000,000	\$ 36,000,000	\$ 36,000,000	\$ 36,000,000	\$ -	3/6/2018	2018-043
<b>Other</b>	\$ 29,694	\$ 86,731	\$ 102,902	\$ 2,958,338	\$ 3,061,240	\$ 5,224,105	\$ 3,061,240	\$ 2,162,865		
1.0 Parks Planning Development Manager (20 Years)	\$ 29,694	\$ 86,731	\$ 102,902	\$ 2,958,338	\$ 3,061,240	\$ 3,061,240	\$ 3,061,240	\$ -	3/6/2018	2018-043
1.0 Senior Maintenance Worker Parks (19 Years)	\$ 4,548	\$ 4,548	\$ 4,548	\$ 2,158,317	\$ 2,162,865	\$ 2,162,865	\$ -	\$ 2,162,865	9/18/2018	2018-197
<b>Total Use of Funds</b>	\$ 228,547	\$ 2,390,553	\$ 5,831,127	\$ 78,242,181	\$ 84,073,308	\$ 86,236,173	\$ 84,073,308	\$ 2,162,865		

**MEASURE V - AVAILABLE FUTURE COMMITMENT**

	Total Estimate		
	This Period	Prior Period	Change +/-
<b>Total Available Future Commitment</b>	\$ 132,923,185	\$ 113,459,276	\$ 19,463,909

\* Since start date of Measure V

Cash: \$ 11,001,307

Total Project	(Multiple Items)	
Row Labels	Sum of JOURNAL AMOUNT	
<b>71093 - Senior Center Upgrade</b>	\$	<b>119,267</b>
	\$	52,819
ABC Imaging of	\$	1,428
Adams Ashby Group In	\$	3,275
BSK Associates	\$	874
Capitol Builders Har	\$	16,000
Diede Construction I	\$	28,879
Federal Express Corp	\$	102
LDA Partners Inc	\$	9,190
Mark King Environmen	\$	700
SNG & Associates Inc	\$	6,000
<b>78054 - Aquatic Center</b>	\$	<b>624,143</b>
	\$	6,000
The Surland Company	\$	618,143
<b>78155 - Senior Center Upgrade</b>	\$	<b>1,790,864</b>
	\$	22,073
ABC Imaging of	\$	732
Adams Ashby Group In	\$	5,043
BSK Associates	\$	7,504
Crawford Integrated	\$	4,920
Diede Construction I	\$	1,639,763
Kleinfelder Inc	\$	530
LDA Partners Inc	\$	82,345
Mark King Environmen	\$	1,647
PG&E Customer Fund M	\$	12,410
Ross Recreation Equi	\$	5,854
US Bank	\$	8,045
<b>78163 - Legacy Fields 1C</b>	\$	<b>6,285,788</b>
	\$	54,028
4Leaf Inc	\$	39,259
ABC Imaging of	\$	2,262
American Reprographi	\$	118
Central Valley Party	\$	322
Development Services	\$	18
Federal Express Corp	\$	41
Goodland Landscape C	\$	6,053,783
Kleinfelder Inc	\$	32,726
Outdoor Creations In	\$	7,336
Paris Printing	\$	346
Southern Bleacher Co	\$	49,270
State Water Resource	\$	1,168
The Public Restroom	\$	15,071
Thomas Ward	\$	129
Tracy Press	\$	390
US Bank	\$	218
Verde Design, Inc.	\$	29,302
<b>78164 - Legacy Fields 1D Planning</b>	\$	<b>440,124</b>
	\$	-
Kleinfelder Inc	\$	20,909
State Water Resource	\$	200
Tracy Press	\$	360
US Bank	\$	1,236
Verde Design, Inc.	\$	417,420
<b>78178 - Multigenerational Facility Planning</b>	\$	<b>147,003</b>
	\$	-
Dahlin Group, Inc.	\$	54,017
Parks & Recreation	\$	39
SNG & Associates Inc	\$	27,359
Tracy Press	\$	1,035
Tracy Unified School	\$	146
US Bank	\$	127
Verde Design, Inc.	\$	64,280
<b>Grand Total</b>	\$	<b>9,407,190</b>