MEETING AGENDA
TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE
FIRE STATION NO. 2 TRAINING FACILITY
500 NORTH NEWCOMB
PORTERVILLE CALIFORNIA
WEDNESDAY, JULY 18, 2012, 6:00 P.M.

Roll Call: Committee Members

ORAL COMMUNICATIONS
This is the opportunity for any member of the public to address the Committee.

SCHEDULED MATTERS
1. Minutes of June 4, 2012
2. Reorganization of Committee
3. Review of Adopted FY 2012/2013 Budget
4. Review of Information Relative to Community Service Officer and Public Education Officer Positions Funded by Measure H
5. Review of Tulare County Grand Jury Report – Porterville Measure H

OTHER MATTERS

ADJOURNMENT

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the Committee after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
Meeting Minutes
Transactions and Use Tax Oversight Committee
Police Department Briefing Room
350 North D Street
Porterville, California
Monday, June 4, 2012

Members
Charles Webber       Michael MacDonald
Khris Saleh          Michael Pavone
Dr. Gary Mekeel      John Dennis
Margaret Stinson     Gail Lemmen
Kent Hopper          John Simonich

Call to Order: 6:01 PM (Charles Webber, Vice Chair)

Roll Call: Charles Webber; John Dennis; Mike Pavone; Margaret Stinson;
           John Simonich; Mike MacDonald; Kris Saleh.

Absent: Dr. Gary Mekeel; Kent Hopper; Gail Lemmen

City Staff: Glen Irish; Milt Stowe; Pat Hildreth; Vikki Cervantes; Chris
           Dempsey; Steve Walker; John Lollis.

Oral Communications: 6:02 PM  None

Scheduled Matters: 1. Minutes of the August 18, 2011 Meeting
Motion for approval, as submitted, seconded and approved unanimously 6:06 PM.

2. Reorganization.
   Vice Chairman Webber brought up the subject of reorganization of the “Oversight Committee” due to the loss of several members. It was agreed to defer this conversation to the next meeting as the new replacement members should be on board by then. (6:35 PM)

3. Review of Measure H Expenditures for FY 2011/2012 Budget (a/o 4/30/12)
   Please see the above attached report(s). Discussion deferred to later in the meeting pending Mr. Lollis’s arrival. (6:55 PM)
4. **Review of Proposed FY 2012/2013 Budget**

Please see the above attached report(s). Discussion deferred to later in the meeting pending Mr. Lollis’s arrival. (6:55 PM)

**Other Matters:**

A brief discussion of the new Safety Centers present status took place relative to design and cost estimates. City Staff stated that the City of Roseville was used as a comparison city and that approximately $100,000 had been spent to date on design work. The committee asked if animal control would also be located there and was told that would be a separate facility at a different location. (6:10 PM)

Vikki Cervantes then gave a Library Report. (6:15 PM)

It was agreed to schedule the next meeting for Wednesday, July 18, 2012 at 6 PM at the Fire Training Facility located at 500 N. Newcomb. (6:40 PM)

**Adjournment:**

The Oversight Committee adjourned at 7:23 PM.
PUBLIC SAFETY SALES TAX (MEASURE H) FUND

This fund was established as a result of the voters approval of a one-half cent increase in sales tax on the November 8, 2005 Special Consolidated Election ballot. This fund is used to account for revenues received from this district tax, which are restricted for police and fire protection services and for literacy programs.

Funds in the amount of $1,300,000 are proposed in 2012-2013 for the following capital projects:

<table>
<thead>
<tr>
<th>Appropriation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Station - design</td>
<td>$300,000</td>
</tr>
<tr>
<td>Public Safety Station - construction</td>
<td>900,000</td>
</tr>
<tr>
<td>Library Literacy Center development</td>
<td>100,000</td>
</tr>
<tr>
<td>Total</td>
<td>$1,300,000</td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE
### ANNUAL BUDGET
#### 2012-2013

### PUBLIC SAFETY SALES TAX (MEASURE H) FUND

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Available balance, beginning of year</td>
<td>$3,166,503</td>
<td>$3,196,343</td>
<td>$3,574,229</td>
<td>$3,524,790</td>
</tr>
<tr>
<td></td>
<td>Add:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues from:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sales tax - Measure H</td>
<td>2,627,514</td>
<td>2,600,000</td>
<td>2,600,000</td>
<td>2,869,298</td>
</tr>
<tr>
<td>Interest income</td>
<td>62,509</td>
<td>65,000</td>
<td>65,000</td>
<td>50,000</td>
</tr>
<tr>
<td>Total</td>
<td>2,690,023</td>
<td>2,665,000</td>
<td>2,665,000</td>
<td>2,919,298</td>
</tr>
<tr>
<td></td>
<td>Add:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer from General Fund</td>
<td>3,736</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appropriations for:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police services</td>
<td>1,183,732</td>
<td>1,337,357</td>
<td>1,337,357</td>
<td>1,405,829</td>
</tr>
<tr>
<td>Fire services</td>
<td>795,466</td>
<td>902,082</td>
<td>902,082</td>
<td>958,176</td>
</tr>
<tr>
<td>Library &amp; literacy</td>
<td>306,429</td>
<td>375,000</td>
<td>375,000</td>
<td>408,471</td>
</tr>
<tr>
<td>Total</td>
<td>2,285,627</td>
<td>2,614,439</td>
<td>2,614,439</td>
<td>2,772,476</td>
</tr>
<tr>
<td>Capital projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Safety Station - design</td>
<td>406</td>
<td>400,000</td>
<td>100,000</td>
<td>300,000</td>
</tr>
<tr>
<td>Public Safety Station - construction</td>
<td>-</td>
<td>900,000</td>
<td>-</td>
<td>900,000</td>
</tr>
<tr>
<td>Library literacy center development</td>
<td>-</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
</tr>
<tr>
<td>Total</td>
<td>406</td>
<td>1,400,000</td>
<td>100,000</td>
<td>1,300,000</td>
</tr>
<tr>
<td>Available balance, end of year</td>
<td>$3,574,229</td>
<td>$1,846,904</td>
<td>$3,524,790</td>
<td>$2,371,612</td>
</tr>
</tbody>
</table>
RECERTIFICATION FOR 2012-13 FISCAL YEAR

MEASURE H EXPENDITURE PLAN

Proposed Expenditure Plan for the City of Porterville Public Safety Sales Tax Measure Based on 1/2 Cent Sales Tax availability:

The City Council has evaluated Porterville’s safety needs with input from the public in developing the attached Public Safety Expenditure Plan, which shall be amended from time to time, at the projected/estimated costs shown:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2012-13 Sales Tax Revenues</td>
<td>$2,869,298</td>
</tr>
<tr>
<td>Interest</td>
<td>50,000</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>$2,919,298</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiscal Year 2012-13 Expenditures</td>
<td></td>
</tr>
<tr>
<td>Maintain expanded patrol operations and gang suppression and</td>
<td>$1,348,964</td>
</tr>
<tr>
<td>narcotics operation with 10 sworn and 2 non-sworn Police personnel</td>
<td></td>
</tr>
<tr>
<td>Add the position of Community Service Officer</td>
<td>56,865</td>
</tr>
<tr>
<td>Maintain 8 additional sworn Fire personnel</td>
<td>909,568</td>
</tr>
<tr>
<td>Add the position of Public Education Officer</td>
<td>48,608</td>
</tr>
<tr>
<td>Maintain public library hours and continue expansion of literacy programs as outlined in the library business plan with 3 full-time library assistants, part-time staffing and one third of a parks maintenance worker</td>
<td>408,471</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$2,772,476</td>
</tr>
<tr>
<td>Design and construction of Public Safety Station</td>
<td>$1,200,000</td>
</tr>
<tr>
<td>Development of Library Literacy Center</td>
<td>100,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$4,072,476</td>
</tr>
</tbody>
</table>

John Lollis, City Manager / City Clerk
COMMUNITY SERVICES OFFICER I

DEFINITION
Under general supervision, performs a variety of non-sworn/civilian duties in support of police operations and activities; performs related duties as required.

DISTINGUISHING CHARACTERISTICS
The Community Services Officer I performs the more routine non-sworn/civilian duties assignments. The Community Services Officer II acts with greater independence and has responsibility for more complex assignments such as investigations and coordination of volunteer programs.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by employees of this class. An employee may not be assigned all duties listed and may be assigned duties which are not be listed below. Marginal duties are those which are least likely essential functions for any single position in this class.

1. Drives through the City and is available to assist motorists or citizens in need of non-safety law enforcement related services; provides visibility in the community; writes citations, as directed for violations of Vehicles Code and City Ordinance sections; follows up on bicycle citations; authorizes the impound of vehicles for violations.

2. Takes reports of crimes and accidents from witnesses, victims and other involved parties; conducts searches for owners of found property; assists with the collection and preservation of evidentiary material at a crime scene or in conjunction with follow-up interviews with victims, witnesses or other sources having information; makes referrals to community resources.

3. Performs central reception duties; assists in Records Unit and with public counter traffic, signs off vehicles equipment correction citations; acts as courier in the delivery of materials, supplies and equipment as directed; explains the operations of the department and provides tours of the facility.
EMPLOYMENT STANDARDS

Education and/or Experience
One year of experience working with the public presenting information.

Knowledge of:
Public speaking and public contact techniques; data collection and report writing techniques; a variety of office equipment.

Ability to:
Lean and apply department policies, procedures and regulations; perform civilian patrol duty; write clean, concise and accurate reports; analyze situations and take quick, effective and reasonable action; follow verbal and written directions; establish and maintain effective working relationships with superiors, peers, subordinates and the general public; communicate effectively, both verbally and in writing; make public presentations.

Special Requirements
Possession of or ability to obtain a valid California Driver’s License.

Physical Demands
Strength, stamina, coordination and balance to walk long distances some of which may be on uneven or slippery surfaces, bend and reach to retrieve objects. Dexterity and coordination to handle files and single pieces of paper; occasional lifting of objects weighing up to 25 lbs. such as files, stacks of paper, reference and other materials. Moving from place to place within an office or at crime scenes; some reaching for items above and below desk level. Carry equipment and supplies; vision to see details in low light; manual dexterity to write legibly.

WORKING CONDITIONS
Generally clean work environment with limited exposure to conditions such as dust, fumes, odors, or noise. Periodic contact with angry and upset individuals. Temperature fluctuations due to both seasonal extremes and working in and out of doors. Independent travel throughout the area is required.

Date Adopted: August 6, 1996
PUBLIC EDUCATION OFFICER

DEFINITION
The Porterville Fire Department Public Education Officer is a non-sworn, civilian position that provides fire and life safety education programs that are dedicated to the preservation of life, property, and the environment of the community; coordinates the development and delivery of the fire and life safety education programs and activities of the Porterville Fire Department and those delivered in partnership and collaboration with other organizations, develops and presents educational programs based on identified community risks while managing, directing and overseeing these programs, and performs related duties as required.

REPRESENTATIVE DUTIES
The duties listed below are examples of the work typically performed by the employee of this class. Not all assigned duties may be listed and some assigned duties may not be listed below.

1. Conducts necessary research to identify community risks and associated priorities, goals, objectives, and strategies for public education programs.

2. Develops new programs, modifies, and adapts existing programs to meet the public education needs of the community.

3. Delivers public education programs to various community stakeholder groups.

4. Provides training, educational materials, and oversight to fire departmental personnel assigned to public education activities.

5. Distributes public education information to the community.

6. Responds to questions from the public regarding fire and life safety issues and intervention strategies.

7. Allocates departmental resources assigned to public education in an effective and efficient manner.

8. Prepares and submits grant proposals soliciting funding for public education initiatives.

9. Facilitates and leads collaborative partnerships and coalitions with other organizations involved in fire and life safety initiatives.

10. Schedules, promotes, and coordinates the delivery of public education programs and other related activities.

11. Prepares reports and maintain appropriate documentation regarding public education activities, outcomes, and expenditures.
12. Evaluates the effectiveness of the public education program through data collection and analysis, considering the current and future trends of interest to develop programs capable of addressing community risk needs.

13. Performs other duties as assigned.

EMPLOYMENT STANDARDS

Education and/or Experience
An associate's degree in fire science, education, or related discipline, including formal training in educational methodology, is preferred; a combination of experience in conducting fire service training and education, commensurate with performance expectations and acceptable proficiency levels for this position, is required.

Knowledge of:
The roles of fire and emergency services in the delivery of emergency services and public fire and life safety education; community risk factors and risk reduction strategies; educational methodology, including learning needs and styles, and instructional techniques; local community and media resources; and awareness of fire and life safety issues and trends.

Ability to:
Enact the responsibilities of this position in a knowledgeable, professional, and confident manner that results in positive, successful learning outcomes and enhances the professional image of the fire department; communicate effectively, both verbally and in writing; research, analyze, organize, and prepare and present safety related data and information in a clear and precise manner.

Special Requirements
Possession of a valid Class “C” California Driver’s License at time of appointment; and professional certification as a Public Fire and Life Safety Educator I or Fire Service Instructor I is preferred for this position.

Physical Demands
Strength, stamina and dexterity to drive and walk long distances, some of which may be on uneven or slippery surfaces; frequent and repetitive bending and carrying of educational materials and equipment required for presentations; manual dexterity to write legibly; visual acuity sufficient to read and interpret information; and verbal ability to clearly vocalize necessary information.

WORKING CONDITIONS
Working conditions may vary depending on the location requiring the services of Public Education Officer. The normal work schedule for this position is 8:00 a.m. to 5:00 p.m., Monday through Friday, and frequent evenings and sometimes weekends, in addition to daytime activities.

Date Adopted: October 2, 2011
Prevention Division Activities

Public Education

The Public Education Officer functions in the Fire Prevention Division and is overseen by the Fire Marshal. Personnel are primarily responsible for fire prevention education and outreach services in the City of Porterville.

Preschool Fire Safety Education

Emphasis is placed on specific fire safety knowledge and actions. This program teaches fire safety awareness and skills to children aged 3-5 years in the local pre-schools.

Elementary School Fire Safety Education

Fire Safety at this level is based on the E.D.I.T.H. (Exit Drills in the Home) programs. Behaviors include, but are not limited to: Stop, Drop, and Roll, playing with matches, crawl low under smoke, calling 911, kitchen fire safety and testing and maintaining smoke alarms.

Fire Station Tours

We open our doors to interested groups and schools that want to view our fire stations. An age appropriate fire safety message is included in all fire station tours. Every visitor leaves with a better understanding of fire safety and fire department operations.

Fire Extinguisher Training

Having a fire extinguisher on the wall of your office is a good thing, but do you know how to use it? Is it the right type? Do you know what it's there for? The Public Education staff of the Porterville Fire Department will help provide the answers to these and other important questions about fire extinguishers. Our Fire Extinguisher Training Program is a digital, interactive, hands-on program that's fun, exciting and informative. This hands-on class is also offered to local businesses. Different types of fire are discussed, as well as how to choose the correct fire extinguisher. Using the P.A.S.S. technique (pull, aim, squeeze, sweep), participants are instructed on proper and safe use of extinguishers. Our realistic, self-generating digital flames respond directly to the trainee's actions. The self-contained system can be safely operated where live fire training is not possible.

Public Education Stats 2011:

- Public education presentations: 479
- Community projects: 197
- Children served 2011: 13,649
- Adults served 2011: 13,250
ACKNOWLEDGEMENT OF RECEIPT
OF TULARE COUNTY GRAND JURY REPORT

Report Name: Porterville Measure "H"

Respondent: Porterville City Council

Address: 350 N. D. St, Porterville, CA 93257

ACKNOWLEDGEMENT

Person Receiving Report: Leona Waggie

[Please Print]

[Signature]

Person Delivering Report: Edward Beugling

[Please Print]

[Signature]

Date of Delivering Report: 6-25-2012 Time of Delivery 12:00 pm

INSTRUCTIONS

1. California Penal Code § 933.05(f) instructs that this report be delivered to the respondent at least two days before it is released to the public. The contents of this report cannot be made public until: June 30, 2012.

2. You are required to file your response as follows: PUBLIC AGENCY 90 days; ELECTIVE OFFICER or AGENCY HEADS 60 days.

3. Please refer to California Penal Code § 933.05(a) which describes the form of your response to each finding contained in the report and California Penal Code § 933.05(b) which describes the form of your response to each recommendation of the report.

4. Send your response to each of the following:

The Honorable Judge Lloyd L. Hicks
County Civic Center, Rm 303
221 S. Mooney Blvd
Visalia, CA 93291

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Tulare County Board of Supervisor
2800 W. Burrel Ave.
Visalia, CA 93291

Lino Moran, Foreman 2011-2012 Tulare County Grand Jury
(See Reverse for Provisions of California Penal Code ~ 933.05)
California Penal Code Section 933.05

(a) For purposes of subdivision
(b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.
(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.
(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.
INSTRUCTIONS FOR THE COMPLETION OF RESPONSE TO REPORT OF THE GRAND JURY

FINDINGS: For each finding state whether you AGREE, DISAGREE, or PARTIALLY AGREE and briefly explain the reason.

If you are unable to agree, disagree or partially agree briefly state the reason for being unable to do so.

RECOMMENDATIONS: For each recommendation, state whether it will or has been IMPLEMENTED, NOT IMPLEMENTED or REQUIRES STUDY, and briefly state the reason.

If you are unable to state "implement", "not implemented", or "requires further study" briefly state the reason for being unable to do so.

RESPONSE DUE DATE: Your response must be submitted before the due date indicated as set forth in the ACKNOWLEDGEMENT OF RECEIPT document.

California Penal Code § 933.05 requires a response to be filed to the report of the grand jury. Failure to comply may result in court mandated sanctions.
PORTERVILLE MEASURE “H”

BACKGROUND

The City of Porterville held a general election on November 8, 2005. Measure “H” was on the ballot. This measure was to authorize a special sales tax of one-half cent to fund police, fire, and emergency response for public safety.

Included in Measure “H” was a requirement for a citizen’s oversight committee to be established that would provide independent annual performance and financial audits. The measure required a two-thirds majority of votes to pass.

The measure was approved by the voters and implemented by the City of Porterville.

REASON FOR INVESTIGATION

The 2011-2012 Grand Jury (Grand Jury) received a citizen’s complaint alleging that the City of Porterville spent Measure “H” funds on items not authorized in the ballot measure. The complainant cited several expenditures that were considered beyond those authorized by the measure.

PROCEDURES FOLLOWED

1. Complainant was interviewed.
2. Relevant witnesses were interviewed.
3. Relevant documents were reviewed.

FINDINGS

1. The measure did not provide for a “Sunset Clause” or a date for ending the tax.
2. The measure provides for up to 15 % of the funds to be used for “Literacy Programs.”
3. The measure provides that the Public Safety Expenditure plan may be amended by a majority vote of the City Council.
4. The measure provides that the Oversight Committee members be appointed by the City Council.
5. A new Fire Station was the only capital expense outlined in the ballot measure.
6. The City has reimbursed Measure “H” for items that were determined not to be in the scope of the expenditures authorized.
7. The City Council should have provided a better description of the goals of the measure to allow voters better understanding.
CONCLUSION

1. Based on these findings, the Grand Jury feels that the ballot measure did not provide the public with an accurate description of the provisions in Measure “H.”

RECOMMENDATIONS

1. “Literacy Programs” needs a more specific definition.

2. The “Public Safety Expenditure Plan” should be approved by the Oversight Committee.

3. Large expenditures should have prior review by the Oversight Committee.

4. The City Council justify the funding of a “Public Safety Station” instead of the Fire Station authorized by Measure “H.”

5. The City Council should provide a ballot measure description for future measures that accurately describes the intent especially regarding capital expense.

REQUIRED RESPONSES

Porterville City Council
Porterville City Manager