

This document is an extract of a larger publication.

civilgrandjury.org is a project of UnGovr.org, a US-based 501(c)(3) nonprofit dedicated to government transparency and public accountability.



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