

**MEASURE O CITIZEN’S OVERSIGHT COMMITTEE
BYLAWS
(Approved by the Board July 10, 2019)**

**SECTION I
COMMITTEE ESTABLISHED**

The Rodeo-Hercules Fire Protection District (the “District”) was successful at the election conducted on November 6, 2016, on Measure O, obtaining authorization from the District’s voters to impose a special tax in the amount of \$216 per parcel annually.

Pursuant to Resolution No. 2016-04, the District is obligated to establish a Citizens’ Oversight Committee in order to satisfy the accountability requirements of Measure O. In a resolution adopted on March 13, 2019, the Board of Directors of the Rodeo-Hercules Fire Protection District (“Board”) established the Measure O Citizens’ Oversight Committee, which shall have the duties and rights, set forth in these Bylaws.

**SECTION II
COMMITTEE’S MISSION**

The mission of the Measure O Citizen’s Oversight Committee is to independently review and inform the public and the Board concerning the expenditure of parcel tax revenues and to ensure that such revenues are expended in accordance with the intention of the voters.

**SECTION III
NAME AND LOCATION**

- 3.01 The name of the Committee will be the Measure O Citizens’ Oversight Committee (the “Committee”).
- 3.02 The office of the Committee shall be located at the Rodeo-Hercules Fire Protection District, located at 1680 Refugio Valley Road, Hercules, CA 94547.

**SECTION IV
PURPOSE**

- 4.01 The Committee shall actively review and publicly report on the proper expenditure of the taxpayers’ monies in accordance with the stated purposes of the Measure O Parcel Tax as detailed in Section 4 of the Ordinance enacted by Measure O:

The proceeds of the special tax funding replacement measure imposed by this ordinance shall be placed in a special account or fund to be used solely for any lawful purpose permissible to Fire Districts pursuant to California Health and Safety Code

§13800 et seq., including but not limited to enhancing the level of fire prevention, emergency fire protection and paramedic response services through increasing staffing levels to operate and maintain the District's fire stations, maintaining and when necessary replacing fire protection and lifesaving equipment and apparatus to optimal levels of function and performance, and to fund capital improvements.

- 4.02 The Committee shall convene to oversee through publicly reporting, on the following:
1. That Measure O revenues are deposited into a separate account created by the District.
 2. That Measure O revenues are expended only for the purposes described in section 4.01 above.
- 4.03 Neither the Board nor the Fire Chief shall attempt to interfere with or inappropriately influence the preparation or presentation of the Committee's annual report.
- 4.04 The Fire Chief shall provide the Committee with copies of all public financial documents of the District, as requested by the Committee, including but not limited to annual audits and financial reports.
- 4.05 The Fire Chief shall provide administrative support to the Committee, including obtaining a publicly accessible meeting location for Committee meetings and providing copies of agendas and reports, and performing such other tasks as may be reasonably necessary for the functioning of the Committee.

SECTION V

COMMITTEE ACTIVITIES

- 5.01 The Committee shall engage in any of the following activities in furtherance of its purpose:
1. Actively review and report on the proper expenditure of Measure O revenue.
 2. Advise the Board as to whether the District is in compliance with the requirements of Measure O.
 3. Conduct all business in accordance with the provisions of the Ralph M. Brown Act ("the Brown Act") of the State of California which shall include the posting of notices and agendas of the Committee meetings on the District's website.
 4. Provide communication to and accept communication from the community on Measure O issues.
 - a. The Committee shall issue an Annual Report of its activities to the Board. Each Annual Report shall concern the events of the preceding fiscal year and shall include a summary of the Committee's proceedings and a statement indicating whether the District's Measure O expenditures were in accordance with the stated purpose. The Measure O Oversight Committee annual report shall be

presented to the Board within 60 days of the Committee receiving the independent auditor's annual report and the Fire Chief's annual report required by Measure O, whichever report is received later.

- b. In addition, the Committee may prepare, approve, and distribute other progress reports of its activities, findings, and recommendations to the Fire Chief, the Board, and the public. If in conducting its duties and activities, the Committee finds it necessary to report to the Board on any item it deems to be of immediate concern, the Committee may request that the Board call a special Board meeting in accordance with the provisions of the Brown Act.
- c. The Committee reports shall be posted on the District's website.

- 5. All documents received and reports issued by the Committee shall be made available for public viewing on the District's website.

- 5.02 In furtherance of its purpose, the Committee may engage in any of the following activities:

- 1. Receive and review copies of the District's required annual, independent financial audits.
- 2. Receive and review copies of the District's annual and interim budget reports and presentations.
- 3. Inform the public on Committee activities and encourage membership participation.

- 5.03 The Committee may review any documents related to the expenditure of Measure O proceeds and make recommendations in accordance with its Purpose and Activities, as stated in Sections IV and V of these bylaws, and Measure O. The Board may act on any recommendations as it deems appropriate.

- 5.04 In recognition of the fact that the Committee is charged only with overseeing the expenditure of Measure O proceeds, the Board has not charged the Committee with the following, all of which shall be determined in the Board's sole discretion:

- 1. The establishment of District goals and priorities.
- 2. The selection of personnel to support the Committee.
- 3. The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in its bylaws.
- 4. The appointment or reappointment of qualified applicants to serve on the Committee based on criteria adopted by the Board.

SECTION VI

DISTRICT DUTIES AND SUPPORT

6.01 Either the Board or Fire Chief, as the Board shall determine, shall have the following duties reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

1. Approval of contracts and purchases
2. Handling of all legal matters
3. Approval of personnel assignments
4. Approval of the parcel tax assessments
5. Approval of agreements related to parcel tax assessments

6.02 The District commits to support the oversight process through cooperation with the Committee, by providing the Committee with access to information and with sufficient logistical support so that the Committee may effectively perform its oversight function. Further, the District will insure that with regard to the Committee, all District personnel are committed to open communication, the timely sharing of information, and teamwork.

6.03 The District shall provide necessary administrative and technical support to the Committee as shall be consistent with the Committee's purpose, including but not limited to:

1. Preparation of and posting of public notices as required by the Brown Act, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the Board.
2. Provision of a meeting room, including any necessary audio/visual equipment.
3. Preparation and copies of any document or meeting materials, such as agendas and reports.
4. Retention of all Committee records.

SECTION VII

MEMBERSHIP

7.01 The Committee shall be composed of a minimum of three (3) and a maximum of five (5) members appointed by the Board after an open and public recruitment process. The Board may appoint more than five (5) members provided that any appointments beyond five (5) result in an odd number of active members serving at any one time. Members of the Oversight Committee shall be residents or property owners within the District and registered to vote. Employees, officials, vendors, contractors, or consultants of the District are not eligible for voting or active membership on the Committee. The number of Committee members shall be a balance of residents or property owners that reside in the City of Hercules or the Town of Rodeo located within the County of Contra Costa. Dependent on the number of members on the Committee, a majority shall constitute a quorum of the Committee. Members selected to the Committee shall have a two-year term from

time of appointment, unless sooner terminated by the Board or as otherwise provided herein. Committee members shall serve until their successor is appointed by the Board. Committee members may be re-appointed by the Board.

7.02 The Committee shall include at least:

1. One member shall be a registered voter who is a resident or property owner in Hercules.
2. One member shall be a registered voter who is a resident or property owner in Rodeo.

7.03 A Committee member who no longer serves the group s/he was appointed to represent shall be allowed to complete his/her current term. However, that Committee member shall not be entitled to serve a subsequent term as a representative of that group.

7.04 Committee members may not hold any incompatible office or position during their term of membership, as those terms are defined in Article 4.7 of Division 4, of Title I (commencing with section 1125) of the Government Code, and shall abide by the conflict of interest prohibitions contained in the Political Reform Act (commencing with section 81000), Article 4 of Division 4, of Title I (commencing with section 1090) of the Government Code and with the Ethics Policy attached as Appendix I hereto. Any member shall disclose immediately any possible or potential conflict of interest to the Committee. A Committee member's failure to disclose any possible or potential conflict of interest when known will result in the member's removal from the Committee.

7.05 Committee members are not eligible to apply for contracts with the District until two (2) years after the expiration of the member's term.

7.06 Committee members shall receive no compensation for their service on the Committee.

SECTION VIII

TERMS OF OFFICE

8.01 Committee members are appointed by the Board for a term of two (2) years, except as provided in Section 8.02 or as otherwise provided herein. No member may serve more than three (3) consecutive terms or a maximum of six (6) consecutive years, whichever is less. The terms shall be staggered as set forth in Section 8.02 below. Should a member resign their position before their term matures, the Board will appoint a new member to complete the term. At the discretion of the Board, members serving partial terms may be reappointed to serve three complete terms at the conclusion of the partial term.

8.02 At the Committee's first meeting, members will draw lots in order to stagger the starting initial terms as follows:

1. One or Two of the members will serve an initial two-year (2) term, and,
2. Two or Three of the members will serve an initial three-year (3) term.

**These numbers are dependent on the total number of Committee members*

- 8.03 The members serving the initial three (3) year term will be eligible for reappointment to no more than one additional two (2) year term at the discretion of the Board.
- 8.04 Should the Board increase the number of members on the Committee, the Committee will make the necessary adjustments to terms in order to once again have one-half of the members' terms maturing each year.
- 8.05 Following an absence of one year, any Committee member whose term has expired due to statutory term limits shall be eligible to serve again.

SECTION IX

REMOVAL FROM OFFICE

- 9.01 The Board may remove any Committee member, for cause, including but not limited to failure to attend without reason acceptable to the Committee three (3) consecutive Committee meetings or for failure to comply with the District's or Committee's Ethics Policy. Upon a member's removal, their seat shall be declared vacant. The Board, in accordance with the established appointment process, shall fill any vacancies on the Committee as soon as practicable.

SECTION X

COMMITTEE RULES & PROCEDURES

- 10.01 The Committee will meet at least twice per year and as often as deemed necessary to conduct its business. The date upon which, and the hour and place at which, each such meeting shall be held shall be fixed by the Committee and posted on the District's website. To the extent permitted by the Brown Act, such meetings may be held by teleconference.
- 10.02 Special meetings and established subcommittee meetings may be called in accordance with the provisions of the Brown Act, as amended or supplemented from time to time. To the extent permitted by the Brown Act, such meetings may be held by teleconference.
- 10.03 All meetings of the Committee shall be called, noticed, held and conducted subject to the provisions of the Brown Act. The Committee shall cause minutes of all meetings to be kept and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to District staff for posting on the District's website.
- 10.04 Any person wishing to speak during the Public Comments section of the Committee's

agenda, at the beginning and/or end of each meeting, shall first complete a speaker request card and submit the card to the Committee Secretary prior to the public comments section of the agenda.

1. Individual speakers before the Committee shall have a three-minute time limit per item. The Chairperson may increase this time limit, taking into consideration the total number of additional speakers, length of meeting agenda and other relevant factors.
 2. The Chairperson shall ensure that all persons addressing the Committee confine the subject matter of their remarks to the particular matter before the Committee.
 3. If a member of the audience has addressed the Committee on matters, which are not on the posted agenda for that meeting, members shall refrain from discussing such matters. If the non-agenda matter raised by a member of the public concerns an issue that is within the subject matter jurisdiction of the Committee, any member may request that the Committee vote to place that matter on a future agenda.
 4. Persons addressing the Committee shall address the Committee as a whole and shall not direct comments to individual members of the Committee or to members of the audience.
- 10.05 In the event of disorderly conduct by members of the public, the Committee may order the meeting room cleared pursuant to California Government Code §54957.9.
- 10.06 A majority of the members of the Committee, but in no case less than three (3) members, shall constitute a quorum for the transaction of business.
- 10.07 Each member of the Committee shall be entitled to one vote to be entered in person. Members may not vote by absentee or proxy. No action shall be taken by members present and voting, unless a quorum is present. Recommendations to the Board must be approved by a majority of the members of the Committee.
- 10.08 Members are expected to attend all meetings.
- 10.09 Committee members shall complete and submit to the Fire Chief a California Fair Political Practices Commission Form 700 upon appointment, and annually thereafter. Committee members shall be held to the District's and Committee's Ethics policy and shall attend AB 1234 Ethics training.

SECTION XI

COMMITTEE OFFICERS

- 11.01 The officers of the Committee shall be a Chairperson, Vice Chairperson, and Secretary. The Chairperson shall chair the Committee meetings. The Vice Chairperson shall act as Chairperson only when the Chairperson is absent.
- 11.02 The Chairperson and Vice Chairperson must be members of the Committee, and shall be elected by a majority of the Committee at the organizational meeting, and first meeting of the calendar year each year thereafter. The Chairperson and Vice

Chairperson shall serve for no more than four (4) years in their respective offices. The Secretary shall be appointed by the Committee and need not be a member of the Committee.

11.03 The duties of the Chairperson are to:

1. Preside over Committee meetings.
2. Appear before the Board and other bodies to present and discuss the official actions of the Committee.

11.04 The duties of the Vice Chairperson are to:

1. Preside over Committee meetings in the absence of the Chairperson.
2. Appear before the Board and other bodies to present and discuss the official actions of the Committee in the absence of the Chairperson.

11.05 The duties of the Secretary are to:

1. Record and maintain minutes of all meetings of the Committee.
2. Distribute minutes of all meetings of the Committee to all Committee members, to the Board, and to District staff for posting on the District's website.
3. Review Committee meeting agenda with the Chairperson. Distribute Committee meeting agendas to all Committee members, to all other persons requesting copies of the agenda so that provisions of the Brown Act are followed, and to District staff for posting on the District's website.
4. Distribute all Committee reports to all Committee members, to the Board and to District staff for posting on the District's website.
5. Keep all documents officially received by the Committee in the course of its business, and to forward copies of all such documents to the District staff.
6. Prepare all necessary correspondence of the Committee.
7. Arrange and coordinate meeting locations and teleconferences of the Committee

The Fire Chief may, in his or her discretion, serve as the Secretary or provide an employee of the District to serve as or assist the Secretary with these functions, if staffing and budget allow.

SECTION XII

AMENDMENTS

12.01 These Bylaws shall become effective upon approval of the Board of Directors.

12.02 These Bylaws may be amended, changed, added to, or repealed by the Board. Additional or supplemental operational guidelines or procedures may be adopted by the Committee by a majority vote of all the members of the Committee, provided such additional or supplemental operational guidelines or procedures are not in conflict

with these Bylaws, any Resolution or Ordinance of the Board, or any state law, including but not limited to the provisions of the Brown Act and the California Health & Safety Code.

SECTION XIII

SUSPENSION

- 13.01 The Board shall suspend the Committee upon the Committee's failure to meet its purpose or duties, for a violation of the Brown Act, or the Committee's violation of the District's or Committee's Ethics policies.

APPENDIX I
RODEO-HERCULES FIRE PROTECTION
DISTRICT MEASURE O CITIZENS' OVERSIGHT
COMMITTEE

ETHICS POLICY STATEMENT

This Ethics Policy Statement provides guidelines for committee members to follow in carrying out their roles. Not all ethical issues that committee members face are covered in this statement. However, this statement captures some of the critical areas that help define ethical and professional conduct for committee members. The provisions of this statement were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy, as well as the District's ethics policy, and any Board Policies and Procedures.

POLICY

CONFLICT OF INTEREST A committee member shall not attempt to influence a District decision related to: (1) any contract funded by Measure O proceeds or (2) any District project that will benefit the Committee member's outside employment, business, or personal finances or benefit an immediate family member, such as a spouse, child or parent.

OUTSIDE EMPLOYMENT A Committee member shall not influence a District decision related to any District project involving the interests of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind.

COMMITMENT TO UPHOLD LAW A Committee member shall uphold the federal and California Constitutions, the laws and regulations of the United States and the State of California and all other applicable government entities, and the policies, procedures, rules and regulations of the Rodeo-Hercules Fire Protection District.

COMMITMENT TO DISTRICT A Committee member shall place the interests of the District above any personal or business interests of the member.