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# **BOARD OF DIRECTORS POLICY**

## **1.1 PURPOSE OF BOARD POLICIES**

It is the intent of the Board of Directors of the Rodeo Hercules Fire Protection District to maintain a collection of policies which shall include a comprehensive listing of the rules and regulations enacted by the Board from time to time. The policies shall serve as a resource for District Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.

## **1.2 EVENT OF CONFLICT**

If any policy or portion of a policy is in conflict with statutes or regulations having authority over the Rodeo Hercules Fire Protection District, said statutes or regulations shall prevail.

## **1.3 INITIATING NEW POLICIES OR AMENDMENTS**

Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director, or by the Fire Chief. The proposed adoption or amendment is initiated by requesting the item be included for consideration on the agenda of the appropriate regular meeting of the Board of Directors.

Directors shall have the opportunity to review the proposed adoption or amendment. Copies of the proposed policy adoption or amendment shall be included in the agenda information packet for any meeting. The agenda information packets with said copies shall be made available to each Director for review pursuant to meeting procedure and agenda policy.

## **1.4 ADOPTION**

Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require a majority affirmative vote of the entire Board of Directors.

## **1.5 APPLICABILITY**

The following rules of order and procedures of the District shall apply to all regular, adjourned regular and special meetings of the Board of Directors. The purpose of the Meeting Rules and Procedures is to establish protocol that will be convenient for the public and contribute to the orderly conduct of District business.

## **1.6 MEETINGS**

The term “meeting” means the gathering together of three or more members of the Board of Directors or a majority of the total members of the board at the same time and place established by ordinance, resolution or motion for regular or adjourned regular meetings or at such other time and place as authorized by law for special meetings, for the purpose of acting in their official capacity as the legislative body of the District in the case of the Board of Directors, and in their official capacity as a board, to discuss, debate, hear, make decisions, commitments or promises by

a majority of the board, or by actual vote by a majority of the board when sitting as a body or entity upon a motion, proposal, resolution, order or ordinance.

Unless otherwise authorized by law to be held in closed session, all such meetings shall be open and public; provided, however, the Board of Directors may hold closed sessions from which the public may be excluded for the consideration of such matter as are specifically provided by the laws of the state.

Special meetings of the Board may be held at any time upon the call of the Chairperson or in his/her absence or unwillingness to or make such a call, upon the call of a majority of the Board. Notice of any such meeting shall be given in accordance with the Ralph M. Brown Act, Government Code Sections 54950 et. seq., as amended. The definition of a meeting in addition to that set forth above, shall include all legislative or final appellate court definitions.

#### 1.7 ADJOURNMENT

Any meeting may either be terminated or continued to another time, place or date by adjournment, regardless of whether or not all matters on the agenda or under discussion have been completed, acted on or concluded. Notwithstanding the above, no meeting shall be terminated before closing all public hearings which were notified for such meeting, without first continuing such public hearings to another time, place and date. Subject to the above, a motion to adjourn shall always be in order and decided without debate.

No meeting shall be adjourned to a date beyond the next regular meeting. Where a meeting is continued to a future date, if either the time or place, or either of them is not stated in the order of adjournment, it shall be deemed to be at the hour and place specified for regular meetings of the Board.

If less than a quorum of directors appear at a meeting, any member or, if all members are absent, the Fire Chief shall adjourn the meeting to a stated day and hour. The Fire Chief shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived by a member of the Board.

Once adjourned, the meeting may not be reconvened.

#### 1.8 QUORUM AND MAJORITY VOTE

A majority of the total members of the Board shall constitute a quorum and shall be sufficient to transact regular business. Such a quorum shall be required notwithstanding absences or vacancies. A Board member present but abstaining shall be counted for purposes of constituting a quorum. A Board member disqualified from voting by law shall not be counted for purposes of constituting a quorum. The foregoing shall not prevent less than a quorum, otherwise gathered at the time and place and for the purpose of conducting a meeting, from adjourning from time to time in accord with the law until a quorum is present.

## 1.9 OFFICERS AND THEIR DUTIES

Board members are expected to attend all meetings of the District Board. If a Board member fails to attend without permission all regular, adjourned regular or special meetings for sixty days consecutively from the last meeting attended that office becomes vacant and shall be filled as any other vacancy.

Every January, the Board shall select a Chairperson and Vice-Chairperson from the Board members eligible. Terms of office for Chairperson and Vice-Chairperson shall be for one calendar year commencing in January preceding the selection of officers.

## 1.10 DUTIES OF CHAIRPERSON AND VICE-CHAIRPERSON

1.10.1. The Chairperson shall be the presiding officer of the Board. In the absence of the Chairperson of the Board, the Vice-Chairperson shall preside over the Board. In the absence of the Vice-Chairperson, the Fire Chief shall preside over the election of a temporary Chairperson, who will preside until the return of one of the officers. The Chairperson shall have the power, authority, and discretion, without a vote of the majority of the Board to:

1. Open all meetings of the Board at the appointed hour by taking the chair and calling the Board to order.
2. Maintain order and proper decorum.
3. Announce the business before the Board in the order prescribed by these rules.
4. Receive and submit all matters properly brought before the Board, to call for votes upon the same, and to announce the results.
5. Authenticate by signature all acts of the Board as may be required by law.
6. Make known all Rules of Protocol when so requested, and to decide all questions of order, subject to an appeal of the Board.
7. Except as otherwise provided by these Rules, to preside at all closed sessions of the Board.
8. Perform such other duties as may be required by law or as may pertain to such office.
9. Sign all instruments requiring execution or agreement by the Board.
10. Serve as the chief spokesperson and representative for the Board for matters concerning public policy.
11. Delegate by administrative directive any of the duties assigned to the Chairperson to the Fire Chief. This delegation shall exclude the signing of documents when the Fire Chief has not delegated his/her role as Clerk of the Board and is attesting to

said documents. Signatures authenticating Board or District action and attesting to documents shall be by separate individuals.

12. Set time limits on Board discussion on any matter, subject to Board's approval.
13. Set time limits on any communications from members of the public to the Board; in no event shall any individual public communication exceed three minutes without the consent of the Chair and/or the District Board.
14. Declare the opening of public hearings.
15. Rule any motion on a subject not on the agenda as being out of order, in which case the motion shall thereafter be void.
16. Continue or postpone any matter until the next regular, adjourned regular or special meeting whenever the District Counsel advises that there is a question as to the validity or constitutionality of the particular proposed course of action which is the subject matter of such motion subject to the Board's approval.
17. Rule any speaker out of order, terminate any communication with the Board from a member of the public and/or declare a recess in order to establish order at any meeting. The Chairperson may move, second and debate as the Chairperson, subject only to such limitations of debate as are by these rules imposed upon all members. The Chairperson shall not be deprived of any of the rights and privileges of a Board member by reason of being Chairperson or acting as the Chairperson.

1.10.2. It shall be the duty of the Vice-Chairperson:

1. In the absence of Chairperson, the Vice-Chairperson shall exercise the duties and powers of the Chairperson
2. To serve with the Chairperson as spokesperson and representative for the Board.
3. To assist the Chairperson in anticipating issues and problems deserving or in need of special meetings.

#### 1.11 CLERK OF THE BOARD

The Clerk of the Board shall be the Fire Chief or designated by the Fire Chief. The Clerk of the Board shall have power and be required to:

- 1.11.1. Be responsible for the recording and maintaining of a full and true record of all the proceedings of the Board in books that shall bear appropriate titles and be devoted to such purpose, and attend all meetings of the Board either in person or by delegate;
- 1.11.2. Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with state law; keep all books properly indexed and open to public inspection when not in actual use.

- 1.11.3. Maintain separate files, with appropriate indexes thereto, of all contracts the execution of which was specifically authorized by Board action, and of all official bonds of the District.
- 1.11.4. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the District and certify copies of official records.
- 1.11.5. Maintain in appropriate books and files such other records, documents, instruments, and papers as the Board shall provide by ordinance or resolution.
- 1.11.6. Except as may be otherwise provided by ordinance or resolution of the Board the destruction or other disposition of District records, documents, instruments, books, and papers in the custody of the Clerk of the Board shall be governed by the laws of the State regulating the destruction or disposition of the records of a special district and procedures adopted by the District Board.

## 1.12 BOARD ADVISORY COMMITTEES

Standing committees may be created as needed via Motion or Resolution approved by a majority of the Board. The Board Chairperson assigns members to each standing committee when it is created, may adjust a standing committee's membership in advance of its first meeting in each calendar year, and may fill standing committee vacancies whenever they arise.

Standing committees have continuing subject matter jurisdiction as assigned by the Board, meet on a schedule fixed by the Board, and exist until discharged by a majority of the Board.

To allow full participation by Board members at standing committee meetings, each standing committee meeting is noticed as a "Committee of the Whole." In the event that a majority of the Board is present at such a noticed meeting, the standing committee will automatically convert into a Committee of the Whole. Thereafter, if there is no longer a majority of the Board present at such meeting, the Committee of the Whole will automatically convert back into a standing committee. The chair of the standing committee will serve as the chair of the Committee of the Whole.

The Board Chairperson may create and convene temporary advisory committees (also known as "ad hoc committees") of the Board at any time. Ad hoc committees establish their own meeting schedules, dissolve when their purposes have been fulfilled, when their pre-established terms have reached an end or if discharged by a majority of the Board, and do not have continuing subject matter jurisdiction.

Membership of standing and ad hoc committees cannot include a majority of members of the Board. Membership of ad hoc committees also cannot include a majority of members of a standing committee if the ad hoc committee's purview overlaps with the subject matter jurisdiction of the standing committee.

Any item acted upon by a standing committee or Committee of the Whole, and any advice from an ad hoc committee, will require consideration and action by the full Board as a prerequisite to its legal enactment.

## 1.13 VOTING

Every vote taken by the Board shall be by open ballot. There shall be four methods of ascertaining the decision of the Board upon any matter:

1. Voice vote;
2. Call of the roll of the members, except the Chairperson who shall be called last and a record made by the Clerk of the Board of the vote of each member.

#### 1.14 DISCLOSURE OF INTEREST

As to conflict of interest issues, the Board shall comply with State law and all rules, policies, and regulations approved by the Fair Political Practices Commission.

For Financial Conflicts of Interest:

##### Consent Calendar

If the matter on which the Board member has a conflict is on the Consent Calendar:

1. Immediately prior to the Consent Calendar votes, they should:
  - a. Announce that they have a financial conflict of interest on a particular item (or items).
  - b. Describe the conflict(s) in sufficient detail to be understood by the public.
  - c. State that they will not be voting on the item(s).
2. After the announcements have been made, the Board votes on the Consent Calendar. The Board member does not need to step down from the dais during the vote. The vote recorded by the Clerk of the Board will note those items where Board members did not participate due to a conflict.

##### Items not on the Consent Calendar or items pulled from the Consent Calendar

Should a Board member have a conflict of interest on an item that is not on the Consent Calendar (or has been pulled from the Consent Calendar for further discussion):

1. Before the item is discussed, they should:
  - a. Announce that they have a financial conflict of interest on the item (or items).
  - b. Describe the conflict(s) in sufficient detail to be understood by the public.
  - c. State that they will not be voting on the item(s).
  - d. Leave the room until after the discussion, vote and any other disposition of the item has concluded.



### Speaking on Agenda Items

Where a Board member has a conflict of interest, State law allows them to speak on the particular item during the general comment period in their capacity as a citizen, but not as a Board member or representative of a group of people. In those instances, the Board member would return to the meeting location to speak and then leave until after the discussion, vote, and any other disposition of the matter has concluded.

#### 1.15 EFFECT OF NONOBSERVANCE

Failure to observe the rules set forth in this policy shall not invalidate any action taken which is otherwise lawful but defective only for failure to follow the procedure outlined in this policy.

#### 1.16 TIME AND PLACE OF MEETINGS

The District Board shall hold regular meetings at such place as may be determined by the Board. The times and dates of regular District Board meetings shall be determined by resolution of the District Board.

When the day for any meeting falls on a recognized Federal or State holiday, no meeting shall be held on such holiday, but a meeting may be held at the same hour on the following business day that is not a holiday.

Special meetings may be called at any time by the Chairperson or by a majority of the members of the District Board by delivering personally or by email written notice to each Board member and to each local newspaper of general circulation, radio or television station requesting notice at least twenty-four hours before the time of such meeting as specified in the notice and by posting, at least twenty-four hours prior to the special meeting in a location that is freely accessible to members of the public.

- A. The call and notice shall specify the time and place of the special meeting and the business to be transacted.
- B. No other business shall be considered at such meetings.

1.16.2. Written notice may be waived by any Board member who, at or prior to the time the meeting convenes, files with the Clerk of the Board a written waiver of notice.

1.16.3. Such waiver may be given by email or other written documentation.

1.16.4. Such written notice may also be dispensed with as to any Board member who is actually present at the meeting at the time it convenes.

#### 1.17 REQUESTS FOR FUTURE AGENDA ITEMS

Board members wishing to have an agenda item placed on a future agenda shall ask the Fire Chief or his/her designee to include the request under the Request for Future Agenda Items section of the agenda.

At the next regularly scheduled District Board meeting the requested item will be listed on the agenda under Request for Future Agenda Items. The item will identify the Board member making the request and briefly describe the nature of the request. Staff will not spend time on the requested item except to provide assistance to the Board member to frame the issue so that the Board and public clearly understand the request.

When the item is called, the Board member making the request will describe the request and the Board may have a brief discussion of the requested item. Upon the concurrence of a majority of the membership of the District Board that staff time and District resources be spent on the item, it shall be scheduled for a future meeting. Board discussion will be limited to whether staff time and District resources should be spent on the item. They will not take action on the item itself; concurrence that staff time and District resources will be devoted to the item does not signify approval of the item, just that the Board wishes to have it studied further and the Board may, at any time, decide not to pursue the item further.

Members of the public requesting an item be added to a future agenda shall have a Board member sponsor their item. The sponsoring Board member shall follow those procedures listed above.

#### 1.18 AGENDA--ORDER OF BUSINESS

All reports, communications, resolutions, ordinances, contract documents or other matters, including basic fact and matters pertinent thereto, to be submitted to the Board, shall be delivered to the Clerk of the Board not later than 9 a.m. on the Wednesday preceding the meeting. The Clerk of the Board shall thereafter arrange a list of such matters according to the order of business, and will endeavor to furnish each member of the Board with a copy of the list not later than five p.m. on the Friday preceding the regular or adjourned regular meeting. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the Board. All material pertaining to and accompanying the agenda shall be made available to the public when made available to the District Board.

No matters other than those listed on the agenda shall be finally acted upon by the Board provided, however, that matters not on the agenda may be submitted for Board consideration and action pursuant to state law or under any of the following conditions:

- 1.18.1. Upon a determination by a majority vote of the Board that an emergency situation exists, as defined in Government Code Section 54956.5;
- 1.18.2. Upon a determination by a two-thirds vote of the Board, or if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted; or
- 1.18.3. The item was posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

The business of the Board shall, except upon an affirmative vote of the District Board or determination by the Chairperson, be taken up for consideration and disposition at its meeting.

The regular order of business may be changed or suspended for any purpose at any particular meeting by the Chairperson with the consent of a majority of the Board members present.

#### 1.19 MINUTES

Minutes shall consist of a clear and concise statement of each and every Board action including the motions made and the vote thereon. The Clerk of the Board, with consensus of the Board, shall determine the scope and format for all minutes including District Board and committee meetings. The Clerk of the Board shall have exclusive responsibility for preparation of the District Board minutes. If a majority of the District Board members approves a verbatim transcript, the Clerk of the Board or his/her designate shall cause a transcript to be prepared. Minutes may be approved without reading if the Clerk of the Board has previously furnished each Boardmember with a copy.

#### 1.20 VOTING

When any motion is in order for a question before the Board, a vote thereon shall be taken by voice, roll call, or voting device and entered in full upon the record.

A member's vote may be changed only upon a timely request to do so immediately following the announcement of the vote by the Clerk of the Board and prior to the time that the next item in the order of business is addressed.

Ordinances, resolutions and other matters submitted to the Board must be adopted by a majority vote of the total membership of the Board unless a greater number of votes may be required by law. The word "majority" means three votes for the District Board. Where a majority vote cannot be obtained because one or more members of the Board is absent, such matter shall automatically be added to the future agenda of the Board to be considered at least once by the Board with all members who can vote present, unless an exception is required pursuant to the Political Reform Act's conflicts of interest rules.

#### 1.21 PUBLIC HEARINGS

The term "public hearing" includes all public hearings having specific notice requirements by state law or District ordinance, including employee disciplinary proceedings and proceedings for the revocation, suspension, or reinstatement of permits, licenses, and franchises.

Public hearings shall be conducted in the following order:

1. Staff Reports;
2. Questions of staff;
3. Hearing opened by Chairperson;
4. Public testimony;
5. Close hearing by Chairperson;
6. Discussion among District Board; and

7. Action by majority vote.

On the date and at the time and place designated in the notice, the Board shall afford any interested person or his or her authorized representative, or both, the opportunity to present witnesses, to present documentary evidence, to present statements, arguments or contentions orally and/or in writing, subject to the rules on addressing the Board and rules stated in this policy.

All oral statements, documents, exhibits, communications, petitions, maps or displays submitted at the hearing may be considered by the Board as evidence and in such event retained as part of the record. Whenever practicable, a written staff report shall be prepared and presented as part of the staff presentation. Evidence shall not be taken outside the Board chambers and shall not be considered by the Board, except when, during the hearing, the meeting is adjourned to a particular date, place and time for the purpose of taking visual or demonstrative evidence .

In the event a Board member is absent at a meeting where a hearing is held which has been continued to a subsequent meeting, such member may participate in the matter at such subsequent meeting if otherwise qualified upon stating for the minutes that such Board member has reviewed the written minutes of the prior portions of the hearing and is prepared to participate.

Any hearing being held or noticed or ordered to be held by the Board may, by minute action, be continued to any subsequent regular or adjourned regular meeting of the Board in compliance with State law.

1.22 SPEAKING RIGHTS OF BOARDMEMBERS

Every Board member desiring to speak shall address the Chairperson, and upon recognition by the Chairperson shall confine comments to the question under debate.

A member, once recognized, shall not be interrupted when speaking unless it is to call such member to order, or as herein otherwise provided. If called to order while speaking, a member shall cease speaking until the question of order is to be determined, and, if in order, shall be permitted to proceed.

The Board member moving the adoption of an ordinance, resolution or Board action shall have the privilege of closing the debate.

1.23 MOTIONS

No motion may be debated nor voted upon unless it has received a second. Only one motion may be before the Board at any time.

A motion to table takes precedence over all other motions and shall be subject to debate. When a motion to table is passed, the matter shall not again be considered by the Board unless such matter is taken from the table by a majority vote of the Board.

A matter once tabled shall not be placed on the agenda nor discussed unless a member who had voted to table such matter requests the Board to have such matter taken from the table, or requests the Clerk to place such matter on the agenda for the purposes of determining whether or not such matter shall be taken from the table.

## 1.24 RULES OF ORDER

Except as otherwise provided in this policy, proceedings of the Board shall be governed by common sense and professionalism. In the event of a dispute concerning procedural matters not specifically covered in this policy, the majority vote of the Board shall prevail.

Rules adopted to expedite the transaction of business of the Board in an orderly fashion are deemed to be procedural only, and the failure to strictly observe such rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with the law.

## 1.25 ADDRESSING THE BOARD

Any person desiring to address the Board shall first secure the permission of the Chairperson to do so. Notwithstanding this provision, the majority of the District Board may vote to recognize any speaker and determine the length of time allowed to the speaker. In addition, but unless the Chairperson rules otherwise, any person shall have the right to address the Board upon obtaining recognition by the Chairperson to speak subject to the following:

- 1.25.1. Public Hearings. Interested persons or their authorized representatives may address the Board orally or in writing relating to the matters which are then subject to a public hearing,
- 1.25.2. Non-Public Hearing Matters. Interested parties or their authorized representatives may address the Board with regard to matters with which they are concerned and are then the subject of Board discussion. When copies of records are furnished to each Board member present, such written communications shall not be read aloud at the meeting unless so ordered by a majority vote of the Board. Written communications from the administrative staff shall not be read aloud unless requested by any Board member.
- 1.25.3. Public Comments. Any person may address the Board under Public Comment Section of the Board agenda with regard to any matter in which they are concerned. The Board shall not discuss any matter not on the agenda pursuant to state law and this policy nor take any action except to refer such matter to a future agenda.
- 1.25.4. Addressing the Board. Each person addressing the Board shall register their desire by completing and submitting a "Public Comment Speaker Card" to the Clerk of the Board. Persons addressing the Board shall speak into the microphone at the speaker's podium, and are respectfully requested to state his or her name and address in an audible tone of voice for the record, and unless further time is granted by the Chairperson, shall limit the remarks to three minutes. All remarks shall be addressed to the Board as a body, and not to any member thereof. No person other than the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Chairperson.
- 1.25.5. Limitation to Agenda Item. Except under public comments, the Chairperson shall not permit any communication, written or oral to be made or submitted unless such communication addresses the agenda item then under discussion.

- 1.25.6. Consent Required. No person shall address or question a Board member, the staff or any other person without the prior consent of the Chairperson. Notwithstanding this provision, a District Board member may address a question to staff or any other person without the consent of the Chairperson if the majority of the District Board approves the request to speak to staff or person.
- 1.25.7. Permission to Speak. After a motion is made by a Board member, no person shall address the Board without first securing the permission of the Board to do so.
- 1.25.8. Anonymous Communications. Anonymous communications shall not be considered nor placed on the agenda.
- 1.25.9. Group Communications. When any identifiable group of persons, as opposed to the general public at large, wishes to address the Board on the same agenda item, the Chairperson may request that a spokesperson be chosen by said group to address the Board. If additional issues are to be presented at the hearing by any other member of such group, the Chairperson may limit the time periods to address the Board, so as to avoid unnecessary repetition of issues before the Board.
- 1.25.10. Additional Opportunity to Address the Board. Any person, at the discretion of the Chair, may be permitted to address the Board more than once on any particular item. No person shall be allowed to address the Board more than once on an item until all persons present and wishing to address the Board have been provided the opportunity to do so. The Chairperson may limit the time period allowed any person to address the Board on an item more than one time, and shall not permit repetitive testimony from any person.

## 1.26 RULES OF DECORUM-- ENFORCEMENT

While the Board is in session, all persons shall preserve the order and decorum of the session; and a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board nor disturb any member while speaking, or refuse to obey the orders of the Board or its Chairperson, except as otherwise herein provided.

Any person making impertinent remarks, or who becomes boisterous while addressing the Board, which conduct delays or interrupts the due course of the meeting, shall be forthwith barred from further audience before that session of the Board by the Chairperson, unless permission to continue is granted by majority vote of the Board.

While the Board is in session, any person who acts in a disorderly, contemptuous or insolent manner towards the Board or any Board member thereof, or who becomes boisterous while addressing the Board or any Board member thereof, which conduct delays or interrupts the due course of the meeting, or any member of the public in attendance who fails, on demand of the Chairperson, to comply with any order of the Chairperson made in accord with the authority of this policy, is subject to removal from the Board meeting. No person, except District officials and their-representatives, shall be permitted within the area beyond the rostrum which is reserved for staff and Board without the express consent of the Board.

The Fire Chief may designate such appropriate person or persons to act as sergeant at arms to carry out all orders and instructions given by the Chairperson for the purposes of maintaining

order and decorum at the Board meeting. Upon instructions of the Chairperson, it shall be the duty of the sergeant at arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause such person to be prosecuted under provisions of this code, the complaint to be signed by the Chairperson or other appropriate person present.

#### 1.27 CONSIDERATION OF CHAIRPERSON APPOINTMENTS

Action by the Board on requests by the Chairperson for confirmation or approval of an appointee or nominee to a public office, committee or position shall be taken by minute action confirming or not confirming the appointee or nominee.

#### 1.28 PETITIONS

Any person may petition the Board. Petitions shall be in writing, signed by the petitioners or persons presenting them. All petitions shall be made part of the official records kept by the Clerk of the Board and may be referred to committee, as appropriate. The petitions will be retained in accordance with the District's records retention policy.

#### 1.29 RECONSIDERATION

A motion to reconsider any action approved by the Board shall be made by a member of the majority and seconded by any Board member no later than the end of the next public meeting of the Board. It may be either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion. The motion must be approved by a majority of the entire Board of Directors.

If an intent to make a motion for reconsideration is communicated to the Chairperson or Fire Chief by any Boardmember who voted in the majority on a question prior to the state Law deadline for posting the Board of Directors' meeting agenda, then the item shall appear as a possible reconsideration on the posted agenda for the next regular meeting or intervening special meeting. Otherwise, no Board of Directors' discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda. If reconsideration of the action has not been posted on the Board agenda for the meeting at which the motion to reconsider is made, actual reconsideration of the item must be delayed until the next duly noticed regular or special meeting.

Effect of Approval of Motion. Upon approval of a motion to reconsider, and at such time as the matter is heard, the Board shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required. If the motion to reconsider is made and approved at the same meeting at which the initial action was taken but all interested persons are not still present, or if the motion is made and

approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible Board of Director's meeting and shall be re-noticed in accordance with all applicable State law and District policies and procedures. The Clerk of the Board shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

### 1.30 PRIORITY OF BUSINESS

The majority of the entire membership of the Board may, by motion, designate any matter to be a special order of business, which shall take precedence over all other business. A special order of business action is limited to matters properly noticed and placed on the agenda under the Ralph M. Brown Act, Government Code Sections 54950 et. seq.

The Chairperson or a majority of the Board shall decide all questions relating to the priority of business to be acted upon by the Board.

The order of business will be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Presentations, awards; commendations, proclamations, and honorary resolutions (Board quorum not necessary)
5. Announcements
6. Adjourn to Closed Session
7. Adjourn Closed Session and Return to Open Session
8. Report of Closed Session Actions Taken, if any
9. Public Comment
10. Confirmation of Agenda
11. Board Correspondence Received
12. Adopt Consent Calendar Items & Minutes
13. Regular Meeting Agenda Items
14. Fire Chief's Report
15. Staff Report



16. Board member Reports (including reports of meetings or conferences attended on District business where the Board member seeks reimbursement for expenses)
17. Board Committee Reports
18. Local 1230 Report
19. Request to Place Items on a Future Agenda
20. Adjournment

Consent calendar items will be enacted by one motion. There will be no separate discussion of such items unless requested by a Board member. Items pulled for discussion will be considered immediately after the uncontested consent items have been approved. A Board member may vote against or abstain on a particular consent calendar item without pulling it from the Consent Calendar.

### 1.31 NEW RULES AND AMENDMENTS

A rule of the Board may be altered or rescinded and a new rule may be adopted by a resolution approved by an affirmative vote of a majority of the entire membership of the Board at an open meeting. Any amendments would have to be placed on the agenda before the Board may take action to amend them.

### 1.32 POLICIES AND PROTOCOL RELATED TO CONDUCT

#### 1.32.1. Ceremonial Events.

Requests for a District representative at ceremonial events will be handled by District staff. The Chairperson will serve as the designated District representative. If the Chairperson is unavailable, then the Vice Chairperson shall serve as representative and if either the Chairperson or Vice Chairperson are unavailable, District staff will determine if event organizers would like another representative from the Board. If yes, then the Chairperson will recommend which Board member should be asked to serve as a substitute. Invitations received at District offices are presumed to be for official District representation. Invitations addressed to Board members at their homes are presumed to be for unofficial, personal consideration.

#### 1.32.2. Correspondence Signatures.

Board members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Board meetings. District staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Chairperson unless the Chairperson requests that they be signed by another Board member or District staff. If correspondence is addressed only to one Board member, the specific Board member should coordinate with staff the best way to respond to the sender.

#### 1.32.3. Non-agenda Items.

During a designated time period on the agenda, citizens, Board members and staff may bring forth issues or questions that are not on the meeting's agenda. Topics should be legislative

items requiring action by the Chairperson or the Board, study issues for future consideration, and requests for information.

#### 1.32.4. Public Announcements in Board Meetings.

Board members are encouraged to report on their activities and other items of public interest. Board members speak during the Informational Reports portion of the Board meeting. Board members who wish to recognize achievements or promote an event should place the matter on the agenda under “presentations, awards, commendations, proclamations and honorary resolutions.”

#### 1.32.5. Public Hearing Protocol.

Staff shall present the matter to the Board and the Chairperson will determine the length of time allowed for this presentation if appropriate. Speakers representing either pro or con points of view will be allowed to follow. The Chairperson will determine speaker order and the amount of time allowed for each speaker, with three minutes the standard time granted. The Chairperson has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. Board members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. “I think” and “I feel” statements by Board members are not appropriate until after the close of the public hearing. Board members should refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

#### 1.32.6. District Letterhead.

District Board members are prohibited from using District letterhead for personal use or when acting solely in the capacity as a Board member. Any correspondence using District letterhead shall be used only by staff or when the Board has taken action at a regular or special District Board meeting.

### 1.33 BOARD CONDUCT WITH ONE ANOTHER

Boards are composed of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. In all cases, this common goal should be acknowledged even as the Board may “agree to disagree” on contentious issues.

#### 1.33.1. In Public Meetings.

1. Use formal titles. The Board should refer to one another formally during public meetings as Chairperson, Vice Chairperson, Director or Board member followed by the individual’s last name.
2. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Board members to make belligerent, personal, impertinent, slanderous, threatening,

abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

3. Honor the role of the Chairperson in maintaining order. It is the responsibility of the Chairperson to keep the comments of Board members on track during public meetings. Board members should honor efforts by the Chairperson to focus discussion on current agenda items. If there is disagreement about the agenda or the Chairperson's action, those objections should be voiced politely and with reason.
4. Avoid personal comments that could offend other Board members. If a Board member is personally offended by the remarks of another Board member, the offended Board member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Board member to justify or apologize for the language used. The Chairperson will maintain control of a discussions. If the Chairperson is the offending party, the Vice Chairperson shall act in the role of Chairperson.

#### 1.34 BOARD CONDUCT WITH DISTRICT STAFF

1.34.1. The District Board and its members shall deal with the administrative service solely through the Fire Chief. This requires that neither the District Board nor any individual member shall give any direct orders to any of the subordinates of the Fire Chief. However, this is not meant to impede or restrict access by any Board member to District staff for the purpose of collecting information they feel they need to do their job as an elected official. Specific requests for such information should be directed to the Fire Chief.

#### 1.35 GUIDELINES FOR BOARD CONDUCT WITH THE PUBLIC

##### 1.35.1. In Public Meetings.

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Board members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. Be welcoming to speakers and treat them with respect.
2. Be fair and equitable in allocating public hearing time to individual speakers. The Chairperson will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes. If many speakers are anticipated, the Chairperson may shorten the time limit and/or ask speakers to limit themselves, to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Board requests additional clarification later in the process. After the close of the public comment portion, no more public testimony will be accepted unless the Chairperson reopens the public hearing for a limited and specific purpose.

3. Engage in active listening.
4. Ask for clarification, but avoid debate and argument with the public. Only the Chairperson - not individual Board members - can interrupt a speaker during a presentation. However, a Board member can ask the Chairperson for a point of order if the speaker is off the topic or exhibiting behavior or language the Board member finds disturbing. If speakers become flustered or defensive by Board questions, it is the responsibility of the Chairperson to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Board members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Board members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed
5. There shall be no personal attacks of any kind, under any circumstances. Board members should be aware that their body language and tone of voice, as well as the words they use, could appear to be intimidating or aggressive.
6. Follow parliamentary procedure in conducting public meetings. The District Counsel is available to answer questions or interpret situations according to parliamentary procedures. The Chairperson, subject to the appeal of the full Board, makes final rulings on parliamentary procedure.

#### 1.36 BOARD CONDUCT WITH OTHER PUBLIC AGENCIES

Be clear about representing the District or personal interests. If a Board member appears before another governmental agency or organization to give a statement on an issue, the Board member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the District; and 2) whether this is the majority or minority opinion of the Board.

If the Board member is representing the District, the Board member must support and advocate the official District position on an issue, not a personal viewpoint. If the Board member is representing another organization whose position is different from the District, the Board member should withdraw from voting on the issue if it significantly impacts or is detrimental to the District's interest. Board members should be clear about which organizations they represent and inform the Chairperson and Board of their involvement.

Correspondence also should be equally clear about representation. District letterhead may be used when the Board member is representing the District and the District's official position. A copy of official correspondence should be filed in the Board Office as part of the permanent public record.

District letterhead is not to be used for correspondence of Board members representing a personal point of view, or a dissenting point of view from an official Board position.

#### 1.37 BOARD CONDUCT WITH THE MEDIA.

Board members are frequently contacted by the media for background and quotes.

1.37.1. The best advice for dealing with the media is to never go “off the record.” Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

1.37.2. The Chairperson is the official spokesperson for the Board on District policy. The Chairperson is the designated representative of the Board to present and speak on the official District position. If the media contacts an individual Board member, the Board member should refer such inquiries to the Chair.

1.37.3. Choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

## 1.38 SANCTIONS

### Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Board Chambers.

### Board members’ Behavior and Conduct

District Board members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Board, lose committee assignments (both within the District or with inter-governmental agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Board, or permitted by State law, including referral to the District Attorney or grand jury.

## 1.39 INTERNAL DISCIPLINE

### 1.39.100 PREAMBLE

It is the intent of the Board of Directors of the District in enacting this policy to achieve fair, ethical, and accountable local government for the District; to assure that individuals and interest groups in our society have a fair and equal opportunity to participate in government; to embrace clear and unequivocal standards of disclosure and transparency in government; to help reinforce public trust in governmental institutions; and to assure that this policy is vigorously enforced to achieve fair, ethical, and accountable local government for the District. The people of the District expect their public officials to comply with both the letter and the spirit of the laws of the United States of America, the State of California, and established policies of the District affecting the operations of local government. All persons covered by this policy shall aspire to meet the highest ethical standards in the conduct of their responsibility as a public official of the District.

### 1.39.105 APPLICABILITY AND PURPOSE

This Discipline Policy applies to the Board of Directors of the Rodeo Hercules Fire Protection District (“District”) and provides directives for efficient and consistent administration of complaints against individual Board of Directors members by or from members of the public, third

party consultants, District staff, and appointed District officials, and other Board members (together, “Complainants”). It also provides for disciplinary actions for a violation of federal, state, or local law, or any by-law, standing order, or policy of the Board of Directors, including but not limited to the Board of Directors Policy. This policy does not apply to complaints against District employees or third-party consultants acting in a District Department Head or managerial capacity, because such complaints are already addressed by State law, or the District’s employment policies, bulletins, or by contract, or District Departmental policies, or separate policies promulgated by the Fire Chief. This policy must be construed and executed in coordination, and not in conflict with, all applicable State and Federal laws, and all District policies, including all whistleblower statutes, complainant and victim privacy and confidentiality statutes, and the California Public Records Act. Investigations conducted under this policy shall not commence before the completion of, or interfere with, any investigations related to or required for criminal prosecutions, administrative enforcement, or any Government Code claims, litigation, or other civil actions.

#### 1.39.110 PROCEDURE

- (a) Public’s Right to Submit Complaint. Any member of the public who would like to submit facts or allegations pertaining to an alleged violation by a Board member of federal, state, or local law, or District policy, including but not limited to the Board of Directors Policies, shall submit such facts or allegations in a signed letter, with a return receipt, addressed to the District Board of Directors, 1680 Refugio Valley Road, Hercules CA 94547. The statute of limitations for the public’s right to submit a complaint under this policy shall be six months from the date of the alleged violation.
- (b) Consultation with District Counsel. A Board member seeking to submit a request for discipline or to make a statement regarding specific complaints or allegations is advised to meet with the District’s Counsel before doing so.
- (c) Request for Discipline. A request for discipline or censure may be submitted by any Board member in writing to the Fire Chief. Any Board member’s request for discipline or censure is a matter of public record subject to the California Public Records Act’s requirements, including all applicable exemptions. A request for discipline or censure must be submitted within six months of the date of the alleged violation. A Board member seeking to provide information to the Board concerning the specific conduct for which discipline is requested must submit written information to the Fire Chief for distribution to the whole Board. The request must contain the specific charges on which the proposed discipline or censure is based, and sufficiently specific facts and allegations as to the charges. The request may include or append a public complaint referenced in subsection (a) of Section 1.39.110.
- (d) Board Consideration. Upon receipt of a request for discipline or censure, the Fire Chief, or District Administrative Services Officer shall forward the request to the Chair of the Board

of Directors. If the Chair is the subject of the complaint, then it shall be forwarded to the Vice-Chair.

The Chair (or Vice-Chair, depending on if the Chair is the subject of the request for discipline or censure), shall appoint an ad hoc committee to conduct a preliminary review and recommendation on the request for discipline or censure to the full Board for the next regularly scheduled meeting.

1. The District Administrative Services Officer shall deliver a copy of the request for discipline or censure and the charges or complaint to each member of the Board of Directors at least 72 hours prior to the ad hoc committee meeting providing preliminary consideration of the request.
2. Notice of any meeting providing preliminary review of the request shall be provided to the public no less than 72 hours before the meeting. Meetings of the Ad Hoc Committee formed for this purpose shall be subject to the Brown Act and shall be open and public. The public shall be provided with an opportunity to comment on the subject matter of the meeting.
3. The Ad Hoc Committee shall consider the request together with any evidence or testimony submitted by the Board member making the request and the Board member subject to the request and shall determine whether:
  - i. The Board of Directors should authorize further investigation of the charges; or
  - ii. The charges should be brought back for consideration by the full Board for discipline or censure; or
  - iii. No action is required.
4. If the Ad Hoc Committee determines that no further action is required regarding the request, or that the charges should be forwarded to a future meeting for discipline, the Ad Hoc Committee shall make such a report at the earliest opportunity but no later than the time provided in subsection 6. below. The report may be oral or in writing.
5. If the Board determines that further investigation is required, the Board shall authorize an investigation. If the Board of Directors authorizes an investigation, it would be overseen by the Fire Chief for the Board. The Board may coordinate with the Fire Chief on the retention of an independent investigator to conduct the investigation.
6. If, within 45 days of the receipt of the complaint, the Ad Hoc Committee does not make a recommendation that an investigation commence, or that discipline or a censure hearing should be scheduled, or that no further action should be taken, then the matter shall automatically be set on the Board's next regularly scheduled meeting for consideration.

**§ 1.39.115 BOARD CONSIDERATION OF DISCIPLINE SHORT OF CENSURE.**

Upon receipt of the Ad Hoc Committee's report, or at the expiration of the time for the Ad Hoc Committee to report back to the full Board, the District Administrative Services Officer shall place the matter on a Board regular or special meeting agenda for the Board to receive the Ad Hoc Committee's report on no further action, or determine whether further investigation is required, or whether discipline short of censure is warranted, or to move towards censure. Discipline short of censure may be one or a combination of the items in subsections (a) through (d) below. This discussion is a matter of public record and must take place during an open, noticed, and public meeting of the Board of Directors.

- (a) **Consultation with Chair.** At the direction of the Board of Directors, an informal consultation with the Chair may be required of the member who is the subject of the request. If the subject of the request is the Chair, the consultation shall be with the Vice-Chair.
- (b) **Letter of Reprimand from the Board of Directors.** At the direction of the Board of Directors, the Chair, or Vice-Chair if the Chair is the subject of the discipline, shall coordinate with the Fire Chief and/or District Counsel on issuing a letter of reprimand to the subject Board member. The reprimand shall be based on a particular action (or set of actions) that is determined to be in violation of law or District policy but is considered by the Board to be not sufficiently serious to require formal censure. The letter of reprimand may include recommendations for corrective actions or behaviors.
- (c) **Statement of Disapproval.** By a resolution of the Board of Directors, the Board may adopt a statement expressing disapproval or displeasure with the conduct of a Board member including recommendations for corrective action or behavior.
- (d) **Admonition.** By a resolution of the Board of Directors, an admonition may be issued, reminding the member or the whole Board that a particular type of behavior or action may become or is a violation of law or District policy.

#### **§ 1.39.120 CENSURE PROCEDURE.**

If the Board decides to set the matter for censure hearing, it shall schedule the hearing no sooner than two weeks after its determination to hear the matter. The Board shall not schedule the matter during any previously scheduled excused absence of the subject Board member. A Board member who is the subject of an alleged violation shall be ineligible to vote on any matter related to a disciplinary action including, but not limited to, agendaizing the hearing and adopting a resolution of censure. Censure hearings may take place at regular or special Board of Directors meetings and are open to the public.

- (a) **Written Notice.** Written notice of the hearing shall be delivered in person to the Board member subject to the censure hearing at least ten (10) days in advance of the scheduled hearing.
- (b) **Hearing procedures.** At the censure hearing, the Board member who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf and to question his or her accusers. The subject Board member may be represented by a person or persons of his or her choice and may have that representative speak or question witnesses on his or her behalf. The



questioning or cross-questioning of witnesses may be reasonably limited by the Chair, or Vice Chair if the Chair is the subject of the censure. Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not apply to this hearing, and the procedures shall be generally informal.

**§ 1.39.125 CENSURE ACTION.**

If, at the close of the censure hearing, a majority of the Board of Directors finds that the subject member's conduct violates federal, state or local law, or any by-law, standing order, or policy of the Board of Directors, the Board may take one or more of the following measures in addition to or in combination with the actions in subsections (a) through (d) of Section 1.39.115:

- (a) **Direction to Correct.** The direction shall be given to the subject Board member to correct the result of the behavior that violated law or District policy.
- (b) **Direction to Attend Training.** Direction shall be given to the subject Board member to attend training related to the behavior that violated law or District policy. The Board could also find that Board privileges shall be withheld or unavailable until evidence or independent certification is provided by the subject Board member to the Board of Directors that the training was completed.

**Resolution of Censure.** The Board of Directors may adopt a resolution of censure based on clear and convincing facts supporting the allegations of misconduct giving rise to the censure. A resolution of censure may include the imposition of sanctions against the Board member as the Board of Directors deems appropriate. Such sanctions may include removal from internal standing or ad hoc committees, removal from an external committee to which the member had been appointed, and/or restrictions on District-related travel privileges.

It is the intent of the Board of Directors of the District in enacting this policy to achieve fair, ethical, and accountable local government for the District; to assure that individuals and interest groups in our society have a fair and equal opportunity to participate in government; to embrace clear and unequivocal standards of disclosure and transparency in government; to help reinforce public trust in governmental institutions; and to assure that this policy is vigorously enforced to achieve fair, ethical, and accountable local government for the District. The people of the District expect their public officials to comply with both the letter and the spirit of the laws of the United States of America, the State of California, and established policies of the District affecting the operations of local government. All persons covered by this policy shall aspire to meet the highest ethical standards in the conduct of their responsibility as a public official of the District.

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