

RESOLUTION 2019-05

RESOLUTION OF THE BOARD OF DIRECTORS OF THE RODEO HERCULES FIRE PROTECTION DISTRICT ESTABLISHING AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE FOR MEASURE O

WHEREAS, the Board of Directors of the Rodeo Hercules Fire Protection District (the "Board"), previously adopted Resolution No. 2016-04 requesting the Registrar of Voters of the County of Contra Costa to call an election on November 8, 2016, on a measure to authorize a special tax for the continued maintenance of local fire protection and emergency response services (the Parcel Tax Election); and

WHEREAS, on November 8, 2016, the Parcel Tax Election was duly held and conducted for the purpose of voting on a measure, designated as Measure O, to impose a special tax (the "Parcel Tax") of the Rodeo-Hercules Fire Protection District (the "District") in the amount of \$216 per parcel per year; and

WHEREAS, more than two-thirds of the votes cast on Measure O were in favor of issuing the Parcel Tax; and

WHEREAS, Section 4 of Ordinance 2016-001 declares that the Board of Directors shall form and appoint members to an independent 2016 Special Tax Funding Replacement Measure (Parcel Tax) Independent Oversight Committee who shall receive, review, and advise the Board on the Annual Report.

WHEREAS, the Board desires to authorize the establishment of an independent citizens oversight committee as required by Measure O at this time in order to ensure an orderly process for the selection of committee members.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Rodeo-Hercules Fire Protection District, as follows:

Section 1. An Independent Citizens' Oversight Committee (the "Committee") is hereby established in compliance with Measure O for the general purpose of providing oversight as to the expenditure of Measure O parcel tax revenues.

Section 2. The Independent Citizens' Oversight Committee Bylaws (the "Bylaws"), a copy of which is attached hereto as Exhibit A, are hereby approved.

Section 3. The Committee shall have the specific purposes and be operated in the manner required by the Bylaws, and such Bylaws may be amended from time to time in

accordance with their terms. The initial appointment of Committee member shall be undertaken in accordance with the Bylaws.

Section 4. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED THIS 13th day of March 2019, by the following vote:

AYES: Gabriel, Thorpe, Hill, Covington

NOES: Prather

ABSENT: None

ABSTENTIONS: None

BOARD OF DIRECTORS OF THE
RODEO-HERCULES FIRE PROTECTION DISTRICT

By:



Chairman of the Rodeo-Hercules Fire Protection District

Attest:



Clerk of the Board of the
Rodeo-Hercules Fire Protection District

CLERK'S CERTIFICATE

I, Kimberly Corcoran, Clerk of the Board of Directors of the Rodeo-Hercules Fire Protection District, hereby certify as follows:

The foregoing is a full, true, and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District duly and regularly and legally held at the regular meeting place thereof on March 13, ~~2017~~, 2019, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minute of said meeting on file and of record in my office and the foregoing is a full, true, and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified, or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: March 13, 2019

Kimberly Corcoran
Clerk of the Board of the
Rodeo-Hercules Fire Protection District

EXHIBIT A

MEASURE O CITIZEN'S OVERSIGHT COMMITTEE BYLAWS

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 a two-thirds majority vote.

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 purpose of the Committee is to provide oversight and to inform the public and the Board concerning the expenditure of Measure O revenues.

The Committee shall actively review and report on the proper expenditure of the taxpayers' monies in accordance with the stated purposes of the Measure O Parcel Tax:

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 provide oversight for the following:
1. Ensuring that Measure O revenues are deposited into a separate account created by the District.
 2. Ensuring that measure O revenue are expended only for the purposes described in section 4.01 above.

**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 for communication with and from the community on all issues related to Measure O.
 - 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. Each report shall be presented to the Board within 100 days of the end of the reporting period (July 1 to June 30) to which it pertains.
 - 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.

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. However, the Board, in its sole discretion, 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, at its sole discretion, 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 property owners that reside in the City of Hercules, and 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. 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 who is a resident of Hercules.
2. One member who is a resident of Rodeo.

7.03 A single individual may be appointed as a representative of more than one of the above categories if applicable.

7.04 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.

7.05 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 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.

7.06 Committee members are not eligible to apply for contracts with the District until two (2) years after leaving the Committee.

7.07 The Fire Chief, one representative from IAFF Local 1230, one representative from RHPFO, and one Board member may serve as ex-officio members of the Committee. These ex-officio members shall have no voting rights as members of the Committee.

7.08 Committee members shall receive no compensation for their services 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 his/her position before his/her 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 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, his/her 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 shall meet at least twice per year and as often as the Committee deems necessary to conduct its business on dates to be determined by the Committee at its organizational meeting. The date upon which, and the hour and place at which, each such regular 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 Chairman may increase this time limit by no more than ten minutes.
 2. The Chairman 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 active members of the Committee shall constitute a quorum for the transaction of business, except that less than a quorum may convene from time to time.

- 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 to approve or disapprove a project must be approved by a majority of the active 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 meetings shall be held in accordance with the Brown Act (California Government Code section 54950 *et seq.*) 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 Chairman, a Vice Chairman and a Secretary. The Chairman shall chair the Committee meetings. The Vice Chairman shall act as Chairman only when the Chairman is absent.
- 11.02 The Chairman and Vice Chairman must be members of the Committee, and shall be elected by a majority of the Committee at the organizational meeting each year. The Chairman and Vice Chairman 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 Chairman are to:
1. Preside at meetings of the Committee.
 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 Chairman are to:
- I. Preside at Committee meetings in the absence of the Chairman.
 2. Appear before the Board and other bodies to present and discuss the official actions of the Committee in the absence of the Chairman.
- 11.05 The duties of the Secretary are to:
1. Record and maintain minutes of all meetings of the Committees.
 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. 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

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, as deemed necessary. Additional or supplemental operational guidelines or procedures may be adopted by the Committee by a majority vote of all the members of the Committee, providing 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

TERMINATION

13.01 The Committee shall initiate procedures to terminate and disband at the earlier of the date:

1. All Measure O proceeds have been expended, or
2. All Measure O revenues have been collected.

13.02 Once the District informs the Committee that either of the conditions described in 13.01 has occurred, the Committee shall prepare a final report of findings and recommendations to be presented and received by the Board at a regularly scheduled Board meeting.

13.03 Once the final report of findings and recommendations is presented to the Board, the Committee shall automatically terminate and disband. In no event shall the final report be presented to the Board more than 90 days after the Committee has been informed of the occurrence of either of the conditions set forth in section 13.01.

APPENDIX I

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

ETHICS POLICY STATEMENT

This Ethics Policy Statement provides general 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 (particularly the Education Code) 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.

**RODEO - HERCULES FIRE PROTECTION DISTRICT
HERCULES, CALIFORNIA**

MEASURE O REPORT

FOR THE YEAR ENDED JUNE 30, 2018

**Harshwal & Company LLP
Certified Public Accountants
7677 Oakport Street, Suite 460
Oakland, CA 94621
(510) 452-5051**

RODEO - HERCULES FIRE PROTECTION DISTRICT

JUNE 30, 2018

TABLE OF CONTENTS

	<u>Page(s)</u>
Independent Accountant's Report.....	1 - 3

INDEPENDENT ACCOUNTANT'S REPORT
ON APPLYING AGREED-UPON PROCEDURES

To the Board of Directors of the
 Rodeo - Hercules Fire Protection District
 Hercules, California

Report on Financial Statements

We have performed the procedures enumerated below, which were agreed to by the Rodeo - Hercules Fire Protection District' management, on the Rodeo - Hercules Fire Protection District's (the "District") Measure O - Special Tax revenues received and expenditures made by the District for the fiscal year ended June 30, 2018. The District's management is responsible for the receipt of Measure O - Special Tax revenues and deposit of such proceeds into the District's Measure O - Special Tax Revenue Fund and use it solely for any lawful purpose permissible to the District as instructed in Ordinance 2016-1. The sufficiency of these procedures is solely the responsibility of the District's management. Consequently, we make no representation regarding the sufficiency of the procedures enumerated below either for the purpose for which this report has been requested or for any other purpose.

PROCEDURES:

The procedures performed and findings are listed below:

1. We agreed the actual Measure O - Special Tax proceeds collected and expended to the amounts recorded in the District's general ledger and recalculated the mathematical accuracy of the following schedule provided by the District:

Revenues:	
Measure O - Special Tax Revenue	<u>\$ 2,429,757</u>
Expenditures:	
Permanent Salaries	1,311,747
Unfunded Actuarial Accrued Liability Payments	964,124
County Collection Fee	<u>9,795</u>
Total Expenditures	<u>2,285,666</u>
Net Change in Measure O Funds	144,091
Available Measure O Funds, Beginning	<u>-</u>
Available Measure O Funds, Ending	<u><u>\$ 144,091</u></u>

The District received the Measure O Parcel tax funds in October 2017. During fiscal year 2017-18, funds were used as follow:

Permanent Salaries - The District transferred a total of \$1,311,748 from the Measure O Fund to the General Fund through a County Interfund transfer to cover Permanent Salaries through February 7, 2018. Detail of salaries paid through Measure O Fund resources were as follow:

Permanent Salaries Paid through General Fund:	
July 2017	\$ 191,536
August 2017	196,430
September 2017	185,900
October 2017	179,100
November 2017	190,888
December 2017	180,986
January 2018	186,908
	<u>\$ 1,311,748</u>

Unfunded Actuarial Accrued Liability Payments - The District transferred a total of \$964,124 from the Measure O Fund to the General Fund through a County Interfund transfer to cover 7 installments of the District's Unfunded Actuarial Accrued Liability to Contra Costa County Employee's Retirement Association. Detail of payments made using Measure O Fund resources were as follow:

Unfunded Actuarial Accrued Liability Paid through General Fund:	
December 2017	\$ 137,732
January 2018	137,732
February 2018	137,732
March 2018	137,732
April 2018	137,732
May 2018	137,732
June 2018	137,732
	<u>\$ 964,124</u>

County Collection Fees - Contra Costa County assesses fees to levy assessments and taxes. Charges for the Measure O Levy totaled \$9,795, which was paid using Measure O Fund resources.

2. We traced the proceeds of the Measure O tax and reviewed the expenditures made by using those proceeds, as listed in aforementioned schedules, in accordance with Ordinance 2016-1 Section 4 and California Health and Safety Code section 13800 et seq regarding use of tax proceeds.

FINDINGS:

Proceeds of taxes as listed in the schedule presented by the District's management were paid into the District's Measure O Special Revenue Fund and had been used by the District, in compliance with Ordinance 2016-1 Section 4 and California Health and Safety Code section 13800 et seq, with no exceptions.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the District's Measure O - Special Tax revenues received and expenditures made by the District for the fiscal year ended June 30, 2018. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the District's management and is not intended to be and should not be used by anyone other than these specified parties.

Harshwal & Company LLP

Oakland, California
January 30, 2019