

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

I. PURPOSE

The purpose of these By-Laws is to facilitate compliance with applicable laws, encourage public participation, provide guidance on decorum, and enhance effective and efficient management of Board meetings.

II. GENERAL

These By-Laws are intended to expedite the transaction of business of the Board of Directors in an orderly fashion, and are deemed to be procedural only. The failure to strictly observe application of the 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. Except as otherwise provided by law, these rules, or any one of them, may be suspended by a majority of the Board.

III. MEETINGS

A. Regular Meetings and Annual Calendar

Regular meetings shall generally be held on the fourth Wednesday of every other month commencing June of 2019. Generally, regular meetings will begin at 9:00 a.m., unless a regular meeting is specifically scheduled and noticed in the evening, or unless a Closed Session item is agendized. If there is a Closed Session scheduled and noticed, the Board will immediately convene to Closed Session.

Regular meetings shall be held at Angels Camp Fire 1404 Vallecito Rd., Angels Camp, CA, California, unless the time, date and location are changed and so noticed.

The Clerk will prepare and distribute, at least 72 hours before the time of the Regular Meeting, written notice to each Agency, Board Member, Alternate Member, the Authority's website, and the meeting location. An annual calendar of meetings shall be adopted by the Board at their first meeting in January. The calendar will include all known regular meetings. The annual calendar may be amended at any time during the year and/or any regular meeting may be added or canceled by a majority vote of the Board.

B. Special Meetings, Workshops and Planning Meetings

Special meetings may be called at any time by the Chair, or by a majority of the members. Upon the call of a special meeting, the Clerk will prepare and distribute, at least 24 hours before the time of the special meeting, written notice to each Agency, Board Member, Alternate Member the Authority's website, and the meeting location. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings.

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

Workshops, Study Sessions and Planning Meetings may be called by the Chair or by a majority of the Board at times and locations in accordance with the law and specified notice provisions.

C. Emergency Meetings

Emergency meetings may be called by the Chair or by a majority of the Board, in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. Upon the call of an emergency meeting, the Clerk shall give notice of the meeting to each Agency, Board Member, Alternate Member the Authority's website, and the meeting location.

D. Closed Sessions

Closed sessions of the Board can be called by the Chair or by a majority of the Board, for those purposes allowed by law.

Prior to holding any closed session, the Chair shall announce the session in an open meeting, and shall provide an opportunity for public comment on items on the closed session agenda. During the closed session the Board may consider only those items on the agenda. At the conclusion of the closed session the Board shall report, in an open meeting any reportable action taken, as required by law.

IV. ELECTIONS, POWERS, AND DUTIES OF THE CHAIR, VICE-CHAIR, AND CHAIR PRO-TEMPORE

A. Annual Selection of Chair, Vice Chair

At its first regular meeting, after January 1 of each year, the Board shall nominate and elect from its membership a Chair and Vice Chair. The Chair shall call the meeting to order and the first order of business shall be the election of officers for the ensuing calendar year. The Chair and Vice Chair, shall serve until the election of their successors.

B. Powers of Chair and Vice-Chair

The Chair shall serve as presiding officer of the Board, run the meeting, rule on questions of procedure, and execute official Board records and documents presented by the Clerk / Treasurer. The Chair shall prepare the agenda and shall include any items timely requested by any Board Member or Member Agency. Any decision delegated to the Chair pursuant to these Rules, upon the immediate objection of a Board member, may be overruled by a majority of the Board. The nature of any appeal shall be briefly stated and the Chair shall have the right to state the reason for his or her decision. Unless overruled, the decision of the

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

Chair shall be final.

In the absence or unavailability of the Chair, the Vice-Chair shall call the meeting to order and serve as presiding officer. The Vice-Chair shall have and exercise all the powers and duties of the Chair for meetings over which he or she is called to preside and at ceremonial and official functions, which the Chair cannot attend.

V. AGENDAS AND AGENDA MATERIALS

At least 72 hours before a regular meeting, the Clerk shall cause the agenda to be posted. The agenda shall consist of a brief statement of each item to be considered by the Board. The agenda shall indicate the time and location of the meeting and shall be posted as required by law.

VI. CONDUCT OF BUSINESS

A. Order of Business

The Board shall conduct business in the order specified in the posted agenda or as modified at the discretion of the Chair. Without amending these Rules, the Board may modify or amend the Order of Business for Regular meetings.

B. Board Member; Alternates; Notification of Absence

In the event a Board member or alternate is unable to attend a meeting, all reasonable efforts shall be made to notify the Chair and Clerk as soon as possible to ensure there are sufficient members present to consider all agenda items.

C. Quorum and Action

Fifty percent plus one of the attending members of the Authority Board shall constitute a quorum sufficient to transact business. In the absence of a quorum, the remaining members or the Clerk may adjourn the meeting to another date and time and shall post a Notice of Adjournment.

D. Matters Not on the Agenda/Emergency Items

No action shall be taken on any item not appearing on the posted agenda except:

- a) Upon a majority vote of the Board that an emergency situation exists as defined in Government Code §54956.5;
- b) Upon a determination by a four-fifths (4/5) vote of the Board, or if less than four-fifths (4/5) of the members are present, a unanimous vote of those members present, that 1) there is a need to take immediate action, and 2) the issue arose subsequent to the agenda being posted;
- c) If an item appeared on the agenda of, and was continued from, a meeting held

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

not more than five (5) calendar days earlier. (Government Code §54954.2(b))

Any requests to hear a matter not on the agenda or emergency item shall be communicated to the Chair, and the Clerk as soon as the need becomes known.

E. Consent/Regular Agenda Items

Agenda items on the Consent Agenda are routine in nature, consistent with adopted Board policy, and do not require individual consideration. The Consent Agenda will be enacted by one motion for approval of the recommended actions. There will be no separate discussion of these items prior to the time the Board votes on the motion unless any member of the Board, staff or the Public requests removal of a specific item from the Consent Agenda for separate discussion and action. Any Board member may ask the Clerk to record a “no” or “abstention” vote on any Consent Calendar item.

Members of the public are invited to comment on items on the Consent Agenda and generally will be provided up to three (3) minutes for their comments. Time limits are at the discretion of the Chair, and may be reduced or extended.

Agenda items on the Regular Agenda require separate discussion and/or action and may include, but are not limited to changes in policy, items that require the Board to consider options and provide direction, requests for new or unbudgeted positions, introductions or adoption of a proposed Ordinance, Public Hearings, and other matters as required by law.

Members of the public are invited to comment on items on the Regular Agenda and generally will be provided up to three (3) minutes per item for their comments. Time limits are at the discretion of the Chair, and may be reduced or extended.

VII. PROCEDURE AND VOTING

A. Order and Decorum

The Chair shall preserve order and decorum and shall decide questions of order and procedure subject to an appeal to the Board. The nature of any appeal shall be briefly stated and the Chair shall have the right to state the reason for his or her decision.

A Board member wishing to speak shall refrain until he or she has been recognized by the Chair. While a member is speaking, members shall be respectful and shall not engage in or entertain private discussions.

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

Consistent with the purpose of the Rules, members are encouraged to use a formal style, including appropriate titles, in addressing the public, staff and each other. All members shall lead by example and are encouraged to refrain from the use of profanity, emotional outbursts, and personal attacks on one another, staff, and the public.

B. Point of Order

A point of order may only be made by a Board member or County staff member and shall be limited to identifying an infraction of the rules, or improper decorum in speaking. It must be raised immediately after the error is made and the Chair has the authority to uphold or deny the point of order. Points of order shall not be used to create a public nuisance and/or disrupt the proceedings.

C. Commitment to Civility

To assure civility in its public meetings, staff and the public are also encouraged to engage in respectful dialog that supports freedom of speech and values diversity of opinion. To achieve compliance with these Rules, elected officials, County staff, and the public are encouraged to:

- Foster an atmosphere of respect and civility where ideas and views are freely expressed;
- Maintain a cordial and respectful atmosphere during discussions;
- Foster meaningful dialogue;
- Listen with an open mind to all information, including dissenting points of view;
- Recognize it is sometimes difficult to speak at Board meetings, and out of respect for each person's feelings, allow them to have their say without comment.
- Adhere to speaking time limits

D. Motions – General

Any motion for action shall require a second before being acknowledged by the Chair. The Clerk shall enter into the minutes the motion and the names of the moving and seconding members. After a motion is stated by the Chair, it shall be open for debate but may be withdrawn by the maker at any time before a decision is made or an amendment adopted. A motion may be amended with the consent of the moving and seconding members at any time before a decision is made or an amendment adopted unless another motion is pending. The Chair should not make or

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

second a motion unless the Chair is convinced that no other member of the Board will do so at that point in time.

The Clerk shall enter into the minutes the vote of each member on each motion.

E. Voting

It shall take a majority vote of the member agencies present to pass any motion, except where supermajority four-fifths (4/5) votes or unanimous votes are required by law.

F. Abstention Votes

A Board member may abstain from voting on any matter at any time. If an abstention vote is based on a stated conflict of interest, the voting Board member shall not be counted as part of the quorum voting on the issue. If an abstention vote is not based on a stated conflict of interest, the voting Board member shall be counted as part of the quorum, but the vote shall not be counted in tallying the vote negatively or positively. An abstention from voting on the merits of any matter shall be announced audibly and shall be recorded only as an "abstain" vote.

G. Roll Call Votes

The roll need not be called in voting upon a motion except where specifically required by law or requested by a Board member or the Chair. Each roll call vote shall be made in an order determined by the Clerk or directed by the Chair but generally shall first include: the maker of the motion; the member who seconded the motion; the balance of the members present in order of District, with the Chair called last, unless the Chair made, or seconded, the motion.

H. Conflict of Interest

Any member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

- a) Publicly state the nature of the conflict in sufficient detail to be understood by the public;
- b) Recuse himself/herself from discussing and voting on item; and
- c) Leave the room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar.

The member may be allowed to address the Board as a member of the public. Disclosure of a conflict shall be noted in the official Board

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

minutes. The member must also comply with all other applicable conflicts of interest laws.

Members may not have a financial interest in a contract approved or considered by the Board. In these cases disclosure and recusal does not remove the conflict and such a contract is considered void (Government Code §1090).

I. Motion to Reconsider

Any Board member who votes in the majority on a question, as well as any Board member who was absent, is eligible to make a motion to reconsider. A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place, provided members of the public in attendance during the original action are still present in the Board chamber. In all other cases, motions for reconsideration must be placed on a future agenda for action. A motion to reconsider shall require a majority vote.

J. Substitute Motion

A substitute motion is an amendment where a recommended action or resolution is rejected and another is inserted in its place. The motion to substitute, if adopted by majority vote, does away entirely with the original motion. The vote shall then be taken on the motion that was substituted. A substitute motion is appropriate if amendments become involved or a recommended action requires considerable changes. A substitute motion may not be made when an amendment is pending.

VIII. DUTIES OF STAFF DURING BOARD MEETINGS

At the first regular meeting, after January 1 of each year, the Board shall appoint a Clerk, who shall act as Secretary and Treasurer. These appointments shall be made from the staff of the Member agencies.

The Clerk shall be present during all meetings for the purpose of taking and maintaining the minutes of the meeting; presenting and receiving correspondence, records, documents, claims, reports, or petitions; preserving all records; marking or attesting all resolutions and ordinances; imparting information on Board documents of public record; and otherwise fulfilling all duties imposed by law or required by the Board. The Clerk will provide electronic copies of draft minutes of the previous Board meeting to Board members and Alternate Board Members 72 hours

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

in advance of Regular meetings and shall provide electronic copies of approved Minutes within 72 hours of their adoption. In the absence of the Clerk, the Chair will appoint an alternate staff member to assume the responsibilities of the Clerk. As Treasurer, the Clerk shall maintain the financial records of the Authority and shall provide a status report on the Authority's finances at each Regular Meeting.

IX. COMMITTEES

A. Board Committees/Assignments and Reporting Requirements

The Clerk shall maintain a list of Board Committees and Assignments. The list of appointments shall be adopted by the Board in January.

All members who are assigned to special projects, committees, and separate boards or commissions shall provide regular reports to the full Board regarding their activity in connection with the special projects, committees, and separate boards or commissions.

Committee members shall call board committee meetings as needed provided they are held in conformance with the law.

B. Standing Committees

Standing committees are those which have continuing jurisdiction over a particular subject matter or whose meeting schedule is fixed by resolution or action of the Board. Even if comprised of less than a quorum of the Board, a standing committee is subject to the Brown Act.

The Board shall appoint members to each standing committee. Generally, appointments shall occur at the Board's first regular meeting in January. All standing committees shall be appointed for the calendar year, and the members shall continue as committee members until their successors have been appointed.

C. Ad-Hoc Committees

Ad-Hoc committees are not subject to the Brown Act. They may be formed by Board action, shall be solely composed of members of the Board, less than a quorum of the Board, shall serve a limited or single purpose, for a limited time, and shall be dissolved once the specific task assigned is completed.

Ad-Hoc Committees are encouraged to conclude their business at the end

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

of each calendar year. The Clerk will maintain a current index of Ad-Hoc Committees and their purpose.

X. PARTICIPATION OF THE PUBLIC

A. Public Comment / Time Limits

Members of the public have the right to address the Board on any item within the subject matter jurisdiction of the Board. Members of the public shall direct their comments to the Chair who may, at his or her discretion, request a response from staff. Time limitations are at the discretion of the Chair, and may be reduced or extended.

Public comments for items on the agenda will be heard during the discussion of the specific item, but prior to the Board taking action on the item.

Under the General Public Comments portion of the meeting, members of the public will be allowed to address the Board regarding any item **not on the agenda**, but within the subject matter jurisdiction of the Board. No action may be taken on items not on the agenda unless authorized by law.

Special meeting agendas may, but are not required to provide the public an opportunity to speak on items **not on the agenda**.

B. Written Comments

In the event that anyone desiring to comment before the Board wants to present more information to the Board than may be accomplished within the time limits established, such person shall be permitted to present the information to the Board in writing on or before the time of hearings unless there are other statutory time periods for providing written comments applicable due to the nature of the hearing. Written comments shall be submitted to the Clerk.

C. Orderly Conduct

The Chair may determine when orderly conduct of a meeting is not feasible due to disruptive behavior by person(s) in attendance. The Chair may request that person(s) disrupting the meeting leave the Board Chambers. If order cannot be restored, the Chair may order the Chambers cleared and continue in session. Members of the news media, except those participating in the disturbance, shall be allowed to remain. The Chair may re-admit any person(s) provided their re-admission will not disrupt the continued orderly conduct of business. The Chair may also call

BYLAWS OF THE CALAVERAS COUNTY FIRE JOINT POWERS AUTHORITY

a recess and reconvene when order has been restored.

D. Security and Prohibition of Banners/Signs or other Hazardous Objects

The Chair and/or the Board has the power to implement security measures in the Board Chambers and in alternate locations where the Board may meet. Signs, posters, or banners in excess of 18x24 inches are prohibited in the Chambers. Any other large object/container or hazardous object(s) which could impair the safety of individuals in the event of an emergency may be prohibited by the Chair. All allowable signs, posters, banners and/or any other permitted items shall be placed in a designated area identified by and at the direction of the Chair or the Chair's designee.