

	<b>FIRE</b>	<b>DATE: 09/28/2004</b> <b>REVISED: 11/14/23</b>	<b>NUMBER: 2023-04</b>
	<b>DISTRICT</b>	<b>APPROVED: djs</b>	
	<b>POLICY</b>	<b>TITLE: Policies and Procedures of the Board of Directors</b>	

1. General

The provisions of these Policies and Proposals are to assist the Board of Directors of the Monterey County Regional Fire Protection District as they administer and represent the business and affairs of the Monterey County Regional Fire District “MCRFD”.

2. Purpose

The purpose of Sections 1 through 2.310 is to supplement state law and to provide more specific rules for the actions of the Board of Directors of the MCRFD, by a means which is fair, fiscally conservative and protective of the interests of the people of the MCRFD.

3. Board of Directors

- a) The Board of Directors of MCRFD will be comprised of 5 members who are registered to vote and live within the boundaries of the Fire District.
- b) The individual Directors will be appointed by the Board of Supervisors to 4 year terms of service.

4. Board of Director vacancies

Upon notice of a vacancy within the membership of the Board of Directors, the Fire Chief shall notify the Monterey County Clerk of the Board of Supervisors who will begin the process of filling the vacancy.

5. Officers

The officers of the Board of Directors shall be President and Secretary.

6. Duties of the Directors

- a). Their duties shall be legislative, and they shall formulate and adopt policy for the operation of the Fire District.
- b). They shall exercise sound judgment in the business efforts of the District.
- c). They shall always deal in an ethical, honest, straightforward, open and above board manner with the community, the Fire Chief, and the staff.
- d). They shall take legal action when required by law.
- e). They shall review and approve a budget annually.
- f). They shall employ a competent, professional person as Fire Chief who will administer and supervise the Fire District.
- g). They shall only act collectively, and they will not individually involve themselves in the day-to-day operation of the Fire District.
- h). They shall keep the Fire Chief informed of community reaction to the Fire District’s services and assist in building positive community relations.

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- i). They shall represent the District at public hearings that pertain to the District as required.
  - j). They shall study ways of improving the District and the services the Fire District provides.
  - l). They shall treat each other, District employees, and members of the public with civility and respect at all times, which includes using appropriate language, tone, and nonverbal communication.
7. The California State Health and Safety Code  
The California State Health and Safety Code shall govern the actions of the Board of Directors.
8. Meetings – Time and Place
- a) The regular meetings of the Board of Directors shall be held on the last Tuesday of January, March, May, June, July, September and the second Tuesday in November, commencing at the hour of 4:00 p.m., at the location as designated by the Board at the Board meeting at the beginning of each administrative year. The Board shall provide by resolution, ordinance, or law, the time and place for holding regular meetings.
  - b) If any regular meeting day falls upon a holiday, the regular meeting of the Board of Directors shall be held at the time and place specified by the Board.
  - c) A quorum shall be 3/5 of the total number of the Directors in office.
9. Meetings – Procedures  
The proceedings of the Board shall be governed by the provisions of law applicable thereto and, except as otherwise provided in this chapter by Robert’s Rules of Order, newly revised. Provided further that the failure to follow the Rules of Order of these rules shall not invalidate any action taken.
10. Meetings – Who may attend.  
All meetings are open to the public. However, closed sessions, as that term is defined by the Brown Act, are not conducted in public in accordance with the Brown Act. All action taken by the Board will be conducted in public.
11. Meetings – Special  
Special meetings of the Board may be called in the manner provided by State law. Special meetings in the form of workshops and study sessions may be called to implement policy, study budget, study salaries, or other areas that pertain to the District which are open to the public.
12. Meetings – Attendance  
Each member shall be in his or her respective seat at the hour set for each regular meeting and at the time set for any adjourned or special meeting. Any member not present when the Board is called to order shall be designated in the minutes as absent. If a member arrives after a meeting commences, the Recording Secretary shall note his or her arrival in the minutes.
13. Officer – Election

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Annually at the March Board of Directors meeting, the Board shall elect a President and Secretary to serve for the succeeding 12 months. Upon the occurrence of a vacancy of the President or Secretary, an interim election may be held to fill the vacancy for the remainder of the 12-month term.

14. President – Procedure at Meetings

The President, when present, shall preside at all meetings of the Board, shall take the chair at the hour appointed for every Board meeting, immediately call the members to order, and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed in these rules.

15. President – Powers and Duties

The President shall possess the powers, and perform the duties prescribed as follows:

- a) Have general direction over the Board room and assign seats for the use of the Board members and members of the staff, if required;
- b) Preserve order and decorum; prevent demonstrations; order removed from the Board room any person whose conduct he or she deems objectionable; and order the Board room cleared whenever he or she deems it necessary;
- c) Allocate the length of time for public discussion of any matter in advance of such discussion, with the concurrence of the Board;
- d) Allocate equal time to opposing sides insofar as possible, taking into account the number of persons requesting to be heard on any side;
- e) Limit the amount of time that a person may address the Board during a public discussion period in order to accommodate those persons desiring to speak and to facilitate the business of the Board;
- f) Other powers as may be prescribed by the Board;
- g) The President shall be the official spokesperson for the Board, unless the Board selects another person.

14. President – Control of Disturbances

- a) The President or designee may remove or cause the removal of an individual for disrupting a Board meeting. “Disrupting” as used here means engaging in behavior during a Board meeting that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to either (A) failure to comply with reasonable and lawful Board rules or any other law, or (B) engaging in behavior that constitutes use of force or a true threat of force.
- b) Prior to removing an individual, the President or designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The President or designee may then remove the individual if the individual does not promptly cease their behavior. The duty to warn does not apply if an individual is engaging in behavior that constitutes use of force or a true threat of force.
- c) Any person so removed shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon a motion adopted by a majority vote of the Board.
- d) In the event that any meeting is willfully interrupted by a group of groups or persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by

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the removal of the individuals who are willingly interrupting the meeting, the Board may order the meeting room cleared and continue in session. However, only matters appearing on the agenda may be considered in such a session. Representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

15. Secretary

- a) In the absence of, or inability to act of, the President, the Secretary of the Board shall act as President.
- b) Is responsible for signing all legal documents that require the affixing of the District Seal.
- c) Is responsible for seeing that legal notices are published.
- d) Is responsible for seeing that legal documents are certified and filed.

16. Agenda

The business of each regular meeting of the Board shall be in the following order as printed on the agenda;

- a) Meeting called to Order.
- b) Pledge of Allegiance
- c) Roll Call of Directors
- d) Public Comment prior to Closed Session
- e) Closed Session, if applicable
- f) Consent Agenda
- g) Approval of Minutes
- h) Financial Report
- i) Public Comment
- j) Public Hearing
- k) Regular Agenda
- l) Labor Reports
- m) Chief's Report
- n) Future Agenda Items
- o) Adjournment

17. Expenses of the District

- a) Monthly Bills – The monthly statement of vouchers for the preceding month(s) shall be submitted with the financial report and shall be approved with the financial report.
- b) Emergency Expenses – In an event of sudden extreme emergency, the President and the Fire Chief concurrently may authorize expenditures of funds not specifically budgeted when it is not practical to convene a meeting of the Board in time. Board approval must be obtained at the next regular Board meeting.

18. Hearing Procedure

Procedure at hearings shall be as follows:

- a) Staff presentations/ recommendations;
- b) Questions of the staff by members of the Board;
- c) Individuals speaking in support;
- d) Individuals speaking in opposition;

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- e) Individuals speaking in concern;
- f) Rebuttal (if any);
- g) Close public Hearing;
- h) Board discussion and disposition (vote).

19. Order of Speaking

When any Board member wishes to speak the Board member shall address the President; the President shall name the member who is first to speak; and speakers shall confine their remarks to the questions under debate and avoid personalities. The President may elect not to recognize a Board member to speak again until all other members have had an opportunity to be heard.

20. Motions

Each motion made by any member of the Board shall require a second. Motions and seconds may be made by any member of the Board including the President.

21. Roll Call – Procedure

The roll need not be called in voting upon a motion except where specifically required by law or requested by any Board member. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as “Aye.” In the event a member abstains from voting, his or her vote shall be counted as a vote with the greater number voting for or against a motion, resolution, etc.

22. Notice of absence from meeting

If any member of the Board is to be unable to attend a meeting, that Board member shall, if possible, notify the Board President or the Clerk of the Board prior to the meeting and advise of the reasons therefore.

23. Clerk of the Board

- a) The Clerk of the Board shall be the Administrative Assistant and shall attend each regularly scheduled monthly meeting of the Board and maintain a record of all proceedings there of as required by law.
- b) If the Clerk of the Board cannot attend a meeting, the Fire Chief shall make arrangements to have someone in attendance to properly record the Board’s proceedings.

24. Agenda Preparation and Contents

- a) The Clerk of the Board shall prepare the agenda for regular monthly meetings for delivery no later than the previous Friday.
- b) The agenda shall include those matters, complete with all department papers and reports relating to each matter, addressed to the Board for action.
- c) The agenda shall list the items for Board consideration by number with a brief statement of the subject matter for each of the items. The agenda may include suggested actions or recommendations.
- d) The deadline for receiving agenda items shall be at 5:00 p.m. on the Wednesday before the regular monthly meeting.

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25. Subcommittees

It shall be the responsibility of each member of a subcommittee appointed by the Board to be fully informed concerning the business assigned to it by the Board. Each subcommittee shall promptly perform tasks assigned to it and report to the Board such information and recommendations as shall be necessary or proper.

26. Ordinances and Other Materials – Copies

Distribution of Agendas – Any writings given to a majority, or more of the Board must be made available to the general public so long as those writings are public records. If these writings are distributed to members of the Board before the meeting, such writings must be made available to the public before the meeting. By the same token, any writings distributed to the Board during the course of the meeting must also be made available to the public at that time.

- a) EXCEPTION: The major exception to the obligation to provide the public with access to any writings distributed to members of the Board are those that deal with matters properly discussed in closed session; those are to remain confidential.
- b) FEE: Nothing in this law prevents the Board from charging a fee or deposit for a copy of public records pursuant to Government Code Section 54957.5(d).

27. Legal Form

No ordinance or contract shall be presented to the Board for action which has not been approved to as to form and legality by counsel.

28. Audience Behavior

Unless addressing the Board or entering or leaving the Board room, all persons in the audience shall remain sitting in the seats provided. No person shall stand or sit in the aisles or along the walls nor shall the doorways be blocked.

29. Addressing the Board on non agenda items.

Persons desiring to address the Board on any matter not listed on the agenda shall provide comments during the Public Comment portion of the Board meeting, as long as the matter is of public interest within the jurisdiction of the District.

30. Staff – Required attendance at meetings.

The Clerk of the Board or designee shall attend all regular and special meetings of the Board unless otherwise specified by the Board.

31. Suspension of Rules

Except as otherwise provided by law, any procedural rule contained in Section 1.10 through 2.310 may be suspended by order of the Board.