

## CITIZEN'S REVENUE MEASURE OVERSIGHT COMMITTEE BYLAWS

1. **Purpose and Intent.** The membership and duties of the **Citizen's Revenue Measure Oversight Committee** (the "Committee") are prescribed in Chapter 3.39 of the San Bruno Municipal Code. These Bylaws set forth the procedural rules for the conduct of Committee meetings.
2. **Meetings.** The Committee shall conduct its business in accordance with Chapter 3.39 of the San Bruno Municipal Code, these Bylaws, the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) and the Code of Conduct adopted by the City Council by way of Resolution No. 01-2604.

- 2.1 **Regular and Special Meetings.** The Committee shall hold at least one regular meeting per calendar year, which shall occur on the second Wednesday of January at **5:30 p.m.**, except that no meeting shall be held if a regular meeting day falls on a legal holiday. Regular meetings shall be held at City Hall. In addition, the Committee shall hold at that least two additional meetings annually to review audit results and/or the staff recommended allocations for future tax revenues in connection with the City's budget process.

Special meetings may be called at any time by the Chair or by a majority of the Committee, by delivering written notice to each member of the Committee (hereinafter "member" or "members") and by posting the notice in the designated posting locations. Such notice may be delivered by any means and must be received at least twenty-four hours before the time of such meeting as specified in the notice, unless notice is waived in writing. The notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be transacted at that meeting other than that contained in the notice.

- 2.2 **Adjourned Meetings.** All meetings may be adjourned to another specified time, place and date, but not beyond the next regular meeting. If all members are absent from any regular or adjourned regular meeting the Secretary may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided in paragraph 2.2 above for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.
- 2.3 **Study Sessions.** The Committee may, from time to time, as part of a regular, adjourned or special meeting, meet in study session to focus on a particular matter within its jurisdiction. Action shall not be taken during a study session but direction may be provided.

**2.4 Public Meetings.** All meetings and study sessions of the Committee shall be open to the public. Closed sessions may be held only when specifically authorized by the Brown Act.

**2.5 Cancellation of Regular Meetings.** The Committee may cancel an upcoming regular meeting for lack of a quorum. Notice of the cancellation shall be posted in lieu of an agenda.

### **3. Organization of the Committee.**

**3.1 Establishment.** There is established a **Citizen’s Revenue Measure Oversight Committee**. The Committee shall consist of five (5) residents of the City who are at least 18 years of age or older; except that the City Council may choose to appoint as one of the five Committee members a youth representative who must be 18 years of age or under at the time of appointment, reside in San Bruno and attend high school. Committee members shall not be current Councilmembers, current members of any other City Board, Committee, or Commission, or current employees of the City. Members shall be appointed by and serve at the pleasure of the Mayor with the majority approval of the City Council, subject to removal at any time by a majority vote of the City Council as specified in Municipal Code Section 3.39.160(B).

**3.2 Term.** The term of office of each member shall be four (4) years with the exception of youth members who shall be appointed for a two (2) year term, subject to the provisions of Section 3.1 above. The terms will be staggered so that a roughly equal number of terms ends every two years, with designated committee members having initial two-year terms where necessary. No committee member shall hold office for longer than two consecutive terms; a two-year term followed by a four-year term shall constitute two consecutive terms. However, an unexpired term of less than one-half of a full term shall not count as a term for the purpose of the term limits in this Section.

**3.3 Compensation.** No person shall receive compensation for service as a member, except for reimbursement of all such expenses necessarily and legitimately incurred and authorized during the performance of official duties for payment for service as a proctor during administration of employment examinations.

**3.4 Officers.** The Committee shall elect from its membership a Chair, who shall preside over meetings. The Committee shall also elect a Vice-Chair, who shall preside in the absence of the Chair. The Chair and Vice-Chair are sometimes referred to herein as the “presiding officer.” The Chair shall have the following powers:

**3.4.1** To call to order the meeting and to conduct the order of business as set forth in the agenda.

- 3.4.2 To adjust the agenda, if needed, at the time of the meeting with the approval of the Committee;
- 3.4.3 To move, second, debate and vote;
- 3.4.4 To rule motions in or out of order;
- 3.4.5 To determine whether a speaker from the audience has exceeded his or her time or is otherwise out of order;
- 3.4.6 To rule on questions of parliamentary procedure based generally on Robert's Rules of Order;
- 3.4.7 To sign all resolutions and other documents necessitating his or her signature;
- 3.4.8 To call a brief recess during a meeting;
- 3.4.9 To appoint members to subcommittees with the approval of the Committee; and
- 3.4.10 To maintain decorum.

The presiding officer's determination as to any of the above matters may be overruled by a majority of the members present.

- 3.5 **Organizational Meeting.** At its first meeting, the members shall elect a Chair and Vice-Chair from among its members.
- 3.6 **Term of the Chair and Vice-Chair.** The term of office of the Chair and Vice Chair shall be one year. A member may serve more than one consecutive term as Chair or Vice-Chair. Nothing shall prevent the Committee from removing and replacing the Chair or Vice-Chair at any time during their respective terms, provided that the item is properly on the agenda of the meeting.
- 3.7 **Vacancy in the Office of Chair or Vice-Chair.** A vacancy in the office of Chair or Vice-Chair shall be filled for the remainder of the unexpired term by election at the next meeting provided the election has been noticed on the agenda.
- 3.8 **Vacancy of a Member's Seat.** A member may resign by submitting his or her resignation in writing to the Chair. The resignation is effective and irrevocable when submitted. In the event of an unscheduled vacancy of any member's seat prior to the expiration of his or her term, the City Council (or in the case of an individual appointment, the applicable Councilmember) may appoint a member to serve the remainder of the

unexpired term. The newly appointed member shall take and subscribe to the oath of office before the next regular meeting after his or her appointment by the City Council.

- 3.9 Quorum.** A majority of the total membership of the Committee shall constitute a quorum for the transaction of business. Where there is not a quorum present, the Secretary of the Committee shall announce that no meeting will be held due to lack of a quorum, and shall announce the date of the next regular or adjourned meeting. When a member is disqualified due to a financial conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Any decision of the Committee shall require a vote of the majority of the members present and qualified to vote.
- 3.10 Subcommittees.** The Committee may from time to time establish either standing or ad hoc subcommittees consisting of any number less than a quorum of its membership for the purposes of studying a specific area of concern. Standing subcommittees (that have a regular meeting schedule or continuing subject matter jurisdiction) are subject to all of the requirements of the Brown Act. The Committee may refer matters to a subcommittee to report back to the full Committee at a future date. The subcommittee report will be considered advisory and its recommendations are subject to action by the full Committee.
- 3.11 Absences from meetings.** If a member of the Committee is absent from three successive regular meetings without being excused by the Committee, or is absent for any reason for more than six regular meetings in any twelve-month period, the office of such member shall be vacated and the Chair shall immediately notify the Secretary, who shall notify the City Council that said office is vacant. Upon such notification, a successor for the remainder of the term of such member shall be appointed as adopted by Council Policy on July 26, 1976. In order to request an excused absence, a member must notify the Chair or the Secretary of the anticipated absence in advance of the meeting and the request must be noted during call of the roll and reflected in the minutes of the meeting, and is subject to denial by the Committee.
- 3.12 Oath of Office.** Newly appointed members shall take and subscribe to the oath of office before assuming their duties. The oath may be given by a City official authorized to do so by State law.

#### **4. Powers and Duties.**

- 4.1** Annually review and provide a summary report to the City Council regarding the City's audit of the revenue collected by the tax and the expenditures made in connection with such revenues.;

- 4.2 Annually, provide feedback to the City Council regarding the staff recommended allocation of the tax revenue as part of the budget process;
- 4.3 Provide other assistance as requested by the City Council or the City Manager.

5. **The Committee Agenda.**

- 5.1 **Preparation of the agenda.** The Secretary of the Committee shall formulate and prepare the agenda for meetings.
- 5.2 **Posting of the agenda.** The City Clerk shall cause to be posted an agenda for each regular meeting in the designated posting locations not less than 72 hours prior to the meeting. Agendas for adjourned meetings shall be posted in the same fashion, unless the business to be undertaken is limited to the items on the agenda of the meeting at which the adjournment occurs and the meeting is adjourned to a date within five days of the adjournment. Agendas of special meetings shall be posted and provided along with the notice of the meeting as provided in paragraph 2.2 above.
- 5.3 **Affidavit of posting.** Immediately following the posting of the agenda, the City Clerk shall cause to be completed an affidavit of posting. The affidavit shall indicate the time and location of posting, and shall be signed under penalty of perjury. The City Clerk shall retain all such affidavits in accordance with the City's records retention policy.
- 5.4 **Order of Business.** Items shall be placed on the agenda substantially according to the following "Order of Business." Upon review of the agenda at the beginning of any meeting, the Committee may change the order of business in order to promote the efficiency of the meeting. The Order of Business for each regular meeting shall be as follows:
  - 1. Call to Order/Roll call
  - 2. Approval of the Order of Items on the Agenda
  - 3. Approval of Minutes (unless approved on the Consent Calendar)
  - 4. Public Comments on Consent Calendar and Matters Not on the Agenda
  - 5. Consent Calendar
  - 6. Conduct of Business
  - 7. Items from Staff
  - 8. Public Comments on Matters Not on the Agenda (remaining comments not heard during previous comment period)
  - 9. Items from Members and Subcommittee Reports
  - 10. Adjournment
- 5.5 **Description of Matters on the Agenda.** All items of business to be transacted shall be described briefly on the agenda in sufficient detail so

that a reasonable person can determine the general nature of the matter under consideration. Not every recommendation or conceivable action or alternative need be listed. Generally, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken.

**5.6 Adding Items of Business to the Agenda.** The Committee shall not discuss or take action on any item of business not listed on the posted agenda except:

**5.6.1** Upon a majority determination of the existence of an “emergency” as that term is defined in the Brown Act.

**5.6.2** Upon a determination by a two-thirds vote of the members present, or if less than two-thirds of the membership is present, upon a unanimous vote, that there is an immediate need to take action and that the need to take action came to the attention of the City subsequent to the posting of the agenda. If the Committee makes this determination, the minutes of the meeting shall reflect what circumstances gave rise to the need to take action after the posting of the agenda.

**5.6.3** Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the Committee occurring not more than five calendar days prior to the date of the meeting at which the item is to be considered, and the item was continued to an adjourned meeting.

**5.7 Adding Items of Business to a Future Agenda.** Any member may during “Items from Members” request that an item of business within the Committee’s subject matter jurisdiction be added to a future agenda. Such requests must be listed on the published agenda and are subject to approval of the Committee.

**5.8 Public Comments.** Members of the public shall be permitted to speak on each item of business on the agenda when the item is taken up and before action is taken on the item by the Committee. Each speaker shall have a three (3) minute period to speak; time cannot be ceded to another speaker. In order to facilitate the conduct of the meeting, the Chair or the Committee may lengthen or shorten the three-minute period for all speakers on a particular agenda item based on the number of persons in attendance wishing to speak or the complexity of the matter under consideration. The "Public Comments" item shall be limited to items on the Consent Calendar (and not pulled therefrom) and matters not on the agenda but within the subject matter jurisdiction of the Committee. An individual may speak only once during “Public Comments,” either at the first or second public comment period.

- 5.9 Notification.** Upon written request on an annual basis and payment of the fee required by the City's fee resolution, the Secretary will mail agendas or agenda packets to any person.
- 6. Minutes.** The minutes of meetings shall be kept by the Secretary in accordance with the following policy:
- 6.1** Minutes shall contain a record of all proceedings, motions, and actions, but shall only contain a summary of the discussion, not a verbatim transcription. The minutes shall accurately reflect what occurred at the meeting, and shall be posted on the City's website once approved.
  - 6.2** All motions, whether carried or not, shall be recorded, disclosing the author of the motion and the second, and the roll call vote.
  - 6.3** Minutes of public hearings shall list when available the names and City of residence of all persons who speak during the hearing, and the position they took on the matter. The minutes need not include detailed or verbatim transcriptions of public comments.
  - 6.4** An audiotape recording of all meetings shall be made and said recording tapes shall be kept for a period not less than thirty days following approval of the minutes, and shall be subject to disclosure during that time.
- 7. Secretary.** The City Manager or applicable Department Director or his/her designee shall serve as the Secretary for the Committee. The Secretary shall:
- 7.1** Keep the minutes of all meetings and transmit approved minutes to the City Clerk;
  - 7.2** Give or serve all notices required by law or by these rules;
  - 7.3** Formulate and prepare the agenda for all meetings;
  - 7.4** Be custodian of Committee records;
  - 7.5** Inform the Committee of correspondence relating to business of the Committee and attend to such correspondence;
  - 7.6** Handle funds allocated to the Committee, as directed by the applicable Department Director, and in accordance with its directives, the law, and City regulations; and
  - 7.7** Sign official documents of the Committee.
- 8. Conduct of Meetings.**

**8.1 Action by the Committee.** The Committee shall proceed by way of motion. Any member, including the Chair, may make a motion and any member may second the motion except that the same person who made the motion cannot second it. A member may make only one motion at a time and a motion or second may be withdrawn by the maker at any time before a vote.

**8.2 Adoption by Majority Vote.** A motion shall be adopted by an affirmative vote of a majority of the members present provided a quorum is determined to exist. Members have a duty to vote "aye", or "nay" on each motion. Abstentions shall be cast only if the member declares:

**8.2.1** The existence of a conflict of interest or other disqualification from voting; or

**8.2.2** A lack of sufficient information upon which to base a vote due to absence from a previous meeting.

Abstentions are not counted in the vote tally.

**8.3. Rules of Decorum.**

**8.3.1 Rules for Members.** Members of the Committee shall conduct themselves in an orderly and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process is maintained at all times. Members shall maintain a polite, respectful and courteous manner when addressing one another, City staff and members of the public during meetings. Members shall speak clearly into the microphone so that they can be heard by the audience.

a. Communication with Members

1) Members should request the floor of the Presiding Officer before speaking.

2) A member who is speaking shall attempt to avoid repetition and shall limit their comments to the subject matter at hand. Members should express their views without engaging in lengthy debates.

3) When one member is speaking, other members shall not interrupt or otherwise disturb the speaker.

b. Communication with Members of the Public Addressing the Committee.

- 1) Members may question a person addressing the Committee at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions shall be directed to the person through the Presiding Officer.
- 2) Members shall not engage the person addressing the Committee in a dialogue with the Committee or City staff, but shall confine communication to a question and answer format conducted through the Presiding Officer.
- 3) If a member of the audience has addressed the Committee on matters that are not on the agenda, members shall refrain from discussion of the matter. If a member so wishes, the member may, if appropriate, during the "Items from Members" portion of the meeting, direct the Secretary to place the matter on the next agenda, subject to the approval of the Committee.

### **8.3.2 Rules for City Staff.**

- a. Decorum. City staff shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Committee, staff shall respond in a polite and respectful manner.
- b. Role of the Secretary. The Secretary's duties during the meetings include keeping a record of concerns raised by the Committee regarding staff matters and directions for future staff action.

### **8.3.3 Rules for the Public**

- a. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the meeting infeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the Committee, be subject to ejection from that meeting.
- b. Persons Addressing the Committee.
  - 1) Any person wishing to speak in connection with any item of business on the agenda shall first be invited to voluntarily complete a speaker request slip and submit the slip to the

Secretary, although completion of the speaker's slip is not required to speak.

- 2) No person shall address the Committee without first being recognized by the Presiding Officer.
- 3) No person addressing the Committee shall make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the Committee, be subject to ejection from that meeting.

#### **8.3.4 Enforcement.**

- a. The Chair shall follow the following procedure to maintain decorum:
  - 1) Warning. The Presiding Officer shall request that a person who is disrupting the meeting cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the meeting. If the person does not leave the meeting, the Presiding Officer may order a law enforcement officer to remove the person from the chambers.
  - 2) Removal. A law enforcement officer shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the law enforcement officer to remove from the meeting any person who is disturbing the proceedings.
  - 3) Motion to Enforce. If the Presiding Officer fails to enforce the rules of order and decorum set forth above, any member of may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the Committee shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the Committee, the majority may designate another member to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.
  - 4) Clearing the Room. If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Presiding Officer or a majority of the

Committee may exercise the authority granted in California Government Code Section 54957.9 by ordering the meeting room cleared and continuing in session in the manner authorized by Section 54957.9 of the Government Code. Members of the press shall be permitted to remain unless they have participated in the disruption.

- 8.4 Adjournment of Meetings.** Meetings shall adjourn not later than 10:30 p.m., or as soon thereafter as the Committee completes the item of business on the table at that hour, in which event items of business not yet addressed shall be continued to the next regular meeting or to an adjourned meeting. The Committee may by majority vote extend the meeting beyond 10:30 p.m. in order to complete more of its agenda.

**9. General**

- 9.1** The Committee and its activities are completely distinct from the Finance Department.
- 9.2** No member shall use any public resources including Finance Department, City, and/or Committee letterhead and paper in any private activity.
- 9.3** The Finance Director, or his or her designee, shall approve and release any and all publicity releases, public information, pamphlets and other public relations. The purpose is to ensure that no release or programs will conflict with policies or programs of the City.
- 10. Robert's Rules of Order.** If a matter arises that is not covered by these rules, the Brown Act or the San Bruno Municipal Code, the procedures of the Committee shall be governed by the latest revised edition of Robert's Rules of Order to the extent not inconsistent with laws governing public agencies.
- 11. Amendments to By-Laws.** These by-laws may not be amended unless the proposed amendment has been presented to and approved by the City Council.