

MONTEREY PENINSULA REGIONAL PARK DISTRICT

Assessment District Citizens Oversight Committee

1. COMMITTEE ESTABLISHED

The Board of Directors (the "Board") of the Monterey Peninsula Regional Park District (the "District") hereby establishes the Assessment District Citizens Oversight Committee (the "Committee"), which shall have the purposes and duties set forth in these guidelines.

2. PURPOSE

The purpose of the Committee is to inform the Board and public at least annually concerning the expenditure of assessment district proceeds approved by the voters July 12, 2004, (the "Assessment District Proceeds") by issuing a written report.

3. DUTIES

To carry out its stated purpose, the Committee shall perform the following duties:

Review Expenditures. The Committee shall review the proposed budget produced by the District to (a) ensure that Assessment District Proceeds are expended only for purposes as set forth in the Assessment District ballot measure; and (b) make recommendations to the Board on all matters pertinent to the acquisitions, improvements and maintenance services funded by the Assessment District.

Annual Report. The Committee shall present to the Board an annual written report (the "Annual Report") which shall include the following:

(a) A statement indicating whether the proposed Assessment District expenditures are in compliance with the requirements as set forth in the Assessment District ballot measure Engineer's Report.

(b) A statement indicating whether the prior fiscal year Assessment District expenditures are in compliance with the requirements as set forth in the Assessment District ballot measure Engineer's Report. Said statement shall include a summary of the prior fiscal year Assessment District expenditures.

4. AUTHORIZED ACTIVITIES

In order to perform the duties set forth, the Committee may engage in the following authorized activities:

(a) Make annual recommendations to the Board on all matters pertinent to the acquisitions, improvements and maintenance services funded by the Assessment District.

(b) Inspect district park facilities and grounds for which Assessment District Proceeds have been or will be expended, in accordance with any access procedure established by the General Manager or designee and report annually to the Board.

Any Committee requests for copies or inspection of District records shall be made in writing to the General Manager or designee.

5. COMMITTEE MEMBERSHIP

Number. The Committee shall consist of at least five members representing specific interests and constituencies related to parks, recreation and open space preservation and/or fiscal oversight.

Qualification Standards.

(a) To be a qualified member of the Committee, a person must:

(1) reside within the District and be at least 18 years of age and a citizen of the state in accordance with Government Code section 1020;

(2) not be an employee or elected official of the District; and

(3) not be a vendor, contractor, or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, such member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in the Section below.

Appointment. The Board shall appoint members to the Committee as necessary. Prior to appointment, the General Manager shall conduct a selection process to ensure that each person appointed meets the qualification standards as set forth herein. The Board President and Vice-President will serve as a Nominating Committee and work in conjunction with the General Manger and community organizations to suggest and consider potential candidates for appointment. All committee appointments will be made by the Board. When an appointment is necessary to fill a vacancy, the General Manager shall convene the Nominating Committee to identify potential appointees for consideration.

Ethics; Conflicts of Interest. By accepting appointment to the Committee, each member agrees to comply with Article 4 (commencing with Section 1090) and 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code and the Political Reform Act (Gov. Code §§ 81000, et seq.), and to complete the Form 700 as required by certain designated employees of the District. Additionally, each member shall comply with the Committee Ethics Policy as herein stated.

Term. Each member of the Committee shall serve for a term of two years and for no more than three consecutive terms. Upon initial formation of the Committee, members shall draw lots to select three members who will automatically serve two, two-year terms.

Removal; Vacancy. The Board may remove any Committee member at its discretion. Upon the removal of a member, his or her seat shall be declared vacant. The Board shall fill any vacancies on the Committee in accordance with the appointment process that has been set forth.

Compensation. The Committee members shall not be compensated for their services, or reimbursed for their expenses.

6. MEETINGS OF THE COMMITTEE

Annual Meetings. The Committee shall establish a schedule for the date and time of its annual meetings. Additional meetings may be scheduled as deemed necessary by the Board.

Location. All meetings shall be held at the administrative offices of the District located at 60 Garden Ct., Suite 325, Monterey, California or at other District facilities.

Procedures. All meetings shall be open and public in accordance with the Ralph M. Brown Act, Government Code Sections 54950, et seq. (the "Brown Act"). Meetings shall be conducted according to such procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business except adjournment.

7. DISTRICT SUPPORT

The District shall provide to the Committee necessary technical and administrative assistance as follows:

- (a) 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;
- (b) provision of a meeting room, including any necessary audio/visual equipment;
- (c) preparation and copies of any documentary meeting materials, such as agendas, minutes, and reports; and
- (d) retention of all Committee records and provide public access to such records.

The District shall not use any Assessment District Proceeds to provide the support set forth in this Section.

8. OFFICERS

The Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent; such positions shall continue for two-year terms. No person shall serve as Chair for more than two consecutive terms. The sole duty of the Chair shall be to moderate the meetings of the Committee to insure an orderly flow of information and ideas.

9. CHANGES TO GUIDELINES

Any changes to these guidelines shall require approval by the Board.

10. TERMINATION

The Committee shall automatically terminate and disband at the earlier of the date when (a) all Assessment District Proceeds are spent, or (b) all projects funded by Assessment District Proceeds are completed.

11. APPLICABILITY OF THE CALIFORNIA LAW

The Committee is established by the District in compliance with the Engineer's Report for the Monterey Peninsula Regional Park District's Parks, Open Space, and Coastal Preservation ballot measure of 2004. Nothing in these guidelines shall be interpreted in a manner that is inconsistent with the provisions of this ballot measure.

**ASSESSMENT DISTRICT CITIZENS OVERSIGHT COMMITTEE
ETHICS POLICY STATEMENT**

This Ethics Policy Statement provides general guidelines for Committee members to follow. The guidelines set forth in this Statement are not exhaustive and do not excuse Committee members from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices and professional conduct. Committee members are expected to adhere strictly to the provisions of this Ethics Policy. All capitalized terms used herein shall have the meanings set forth in the Guidelines of the Committee.

POLICY

• **CONFLICT OF INTEREST.** A Committee member shall not make or influence a District decision related to: (1) any contract funded by Assessment District Proceeds, or (2) any construction and/or land acquisition project which will benefit a Committee member's outside employment, business, or personal finances or benefit an immediate family member.

• **OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any District contract funded by Assessment District Proceeds, or (2) any District construction and/or land acquisition project. A Committee member shall not make or influence a District decision related to any construction and/or land acquisition project involving the interests of a person with whom the member has an agreement concerning current or future employment or remuneration of any kind. For a period of two years after leaving the Committee, a former Committee member may not represent any person or organization for compensation in connection with any matter pending before the District that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of two years after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the District with respect to: (1) bidding on projects funded by the Assessment District Proceeds, and (2) any construction and/or land acquisition project.

• **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 and all other applicable government entities, and the policies, procedures, rules and regulations of the District.

• **COMMITMENT TO DISTRICT.** In carrying out Committee duties, a Committee member shall place the interests of the District above any personal or business interests of the member.