

**AMENDED BYLAWS  
NORTH RICHMOND WASTE & RECOVERY MITIGATION FEE  
JOINT EXPENDITURE PLANNING COMMITTEE**

With consensus of the North Richmond Waste & Recovery Mitigation Fee Joint Expenditure Planning Committee, these Bylaws were submitted and approved by the Contra Costa County Board of Supervisors and Richmond City Council on April 1, 2008. Amendments proposed by the Committee in June 2017 for consideration and approval.

I. Purpose & Objectives of the Committee

The purpose of the Committee is to provide the City and County with recommended spending plans (Expenditure Plans) describing allowable activities (Strategies) and associated budget allocations to be funded with North Richmond Mitigation Fees during each Expenditure Plan cycle. Each Expenditure Plan shall govern use of funding on a fiscal year cycle (beginning on July 1st and ending on June 30th of each year), providing the City and County with the authority to utilize allocated funding amounts for actual expenditures directly resulting from allowable activities that are performed or conducted during the applicable fiscal year. Committee recommended Expenditure Plans are to be presented to the Contra Costa County Board of Supervisors and the Richmond City Council for final approval. This Expenditure Plan process provides the means for the County and City to jointly administer the Mitigation Fee funding for the benefit of both the unincorporated and incorporated areas of North Richmond.

The Committee's advisory authority and role is based on the Memorandum of Understanding (MOU) between the City and County which was originally approved in 2004. The Committee has been charged with developing suggested allocation of Mitigation Fee funding consistent with the purposes specified in the legally-binding MOU and associated Environmental Impact Report and Use Permits approved by the City and County.

The Committee is only authorized to perform the above-described advisory function designated by the City and County. All actual decision-making authority is retained by the County and the City.

II. Structure and Operations of the Committee

- a) The Committee shall consist of seven (7) voting members: three (3) members of the Richmond City Council, one (1) member representing the Contra Costa County Board of Supervisors, two (2) members of the North Richmond Municipal Advisory Committee appointed by the Contra Costa County Board of Supervisors (both of whom must reside in the unincorporated North Richmond area), and one (1) resident from the incorporated portion of North Richmond appointed by the Richmond City Council. The Committee will be governed by regulations in the

Ralph M. Brown Act as well as the County's Better Government Ordinance, to the extent appropriate and applicable. An alternate, authorized by the representative agency, may attend and vote at meetings in lieu of the appointed member as necessary. Designated alternates shall be named upon the approval of these Bylaws and on an as-needed basis thereafter. Residency requirements applicable to City and County appointees for Committee member seats shall also apply to appointments for corresponding alternates.

- b) Committee members missing three consecutive regular meetings within any consecutive twelve (12) month period without notifying staff or Committee Chair, after due notice by staff, shall be sufficient to constitute an automatic resignation from the Committee. Replacements shall be authorized by the representative agency.
- c) Each appointed Committee member or alternate may be considered for removal from the Committee at any time by his/her respective nominating agency.
- d) The Committee shall establish at least two (2) regularly scheduled dates and times for Committee meetings to occur each year. Meetings may also be called by the Chair, 3 or more members of the Committee or Committee staff as deemed necessary for sufficient cause. Committee staff will advise Committee members no less than two (2) weeks in advance if a regularly scheduled meeting should be cancelled due to lack of issues requiring their consideration or action.
- e) Establishment of standing and ad hoc committees shall be done on an as-needed basis. The establishment of standing and ad hoc committees and selection of members for these committees requires the approval of a majority of the Committee.
- f) The Committee shall elect a Chairperson and Vice-Chairperson for terms of two years.
- g) Unless otherwise authorized by a majority vote of the Committee, the Chairperson and Vice-Chairperson may serve no more than two consecutive full terms in each position.
- h) The Vice-Chairperson shall serve in the absence of the Chairperson.
- i) The Chairperson shall be responsible for:
  - i) Conducting all meetings of the Committee.

- ii) Representing the Committee (or designating a person to represent the Committee) before the Board of Supervisors and Richmond City Council, if needed.
  - iii) Notifying Committee Staff and the Vice-Chairperson of his/her planned absence in advance of each applicable scheduled meeting.
- j) The Committee shall limit the amount of time each person requesting to address the Committee at a public meeting may speak to the Committee about any specific agenda item, including Public Comment, to no more than three (3) minutes each.
- k) Final approvals and recommendations of the Committee shall require a majority vote of the Committee members or their alternates in attendance. Committee may only vote if there is a quorum of members or their alternates in attendance (four seats). When a quorum of the Committee is not present, meetings shall be adjourned without receiving public comment or further considering or discussing of any other items on the agenda. Staff may take recommendations to the Board of Supervisors and City Council in the absence of Committee voting to approve recommendations within the time period required to facilitate timely City and County approval, which may occur if a quorum of Committee members were unable to attend and vote at a scheduled meeting. Staff recommendations shall be submitted to the City Council and Board of Supervisors for final approval if/when necessitated in order to avoid terminating funding for ongoing Strategies resulting in potential gaps in service or to address other critical matters.
- l) The Committee's recommendations shall normally be prepared and presented by Staff and be in the form of letters, resolutions or reports to the Contra Costa County Board of Supervisors and Richmond City Council.
- m) The Committee shall have Staff submit an annual (calendar year) report in December of each year to the Contra Costa County Board of Supervisors which may include, but is not necessarily limited to, the Committee's activities, accomplishments, attendance, and a proposed program for the forthcoming year. The most recent annual report submitted by Staff to the County Board of Supervisors shall be provided to the Committee at the next regularly scheduled Committee meeting following annual report submittal.
- n) The Committee will receive primary staff support from the Contra Costa County Department of Conservation & Development. Additional staff support will also be received from the Richmond City Manager's Office. Staff is responsible for:
- i) Preparing the agenda and agenda materials, distributing the agenda electronically (e-mail), posting agenda materials on the internet ([www.cccounty.us/nr](http://www.cccounty.us/nr)) and physically posting agenda in an area visible to

the public at the meeting location at least 96 hours prior to scheduled meetings unless otherwise allowed by local and state requirements (e.g. emergency meeting).

- ii) Arranging for Committee meetings, including rescheduling meetings when required due to circumstances which include but are not limited to a lack of a quorum or anticipated absence of both the Chair and Vice-Chair.
  - iii) Preparing meeting minutes, reports, recommendations, and resolutions for information and/or approval of the Committee as requested or needed.
  - iv) Representing the Committee with the exception of any instances where the Chair/Vice-Chair does so.
  - v) Being the agent of the Committee to which requests for Committee action, correspondence, information, inquiries, etc., are directed.
  - vi) Providing or coordinating staff services to the Committee.
  - vii) Providing relevant information to the public, the County, the City and the Committee.
  - viii) Forwarding and taking the necessary actions on the adopted recommendations, findings, and actions of the Committee in a timely manner.
- o) Committee members and alternates shall certify compliance with requirements applicable to their Committee appointment upon request.

### III. Amendments to the Bylaws

An Amendment to these bylaws will be made upon approval of the majority of the Committee and then the County Board of Supervisors and Richmond City Council.