



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460

PHONE 661-821-4428 • FAX 661-821-0180

ADMINISTRATION COMMITTEE AGENDA

October 16, 2019

11:00 am

Chair: Jane Baron; Vice-Chair: Terry Quinn

Staff: Bill Malinen, General Manager; Hamed Jones, Administrative Services Director, Kristy McEwen, Secretary of the Board

Citizen Volunteers: Sharon Groen; Lisa Perez

1. **Approval of Agenda**
2. **Approve Minutes of the August 21, 2019 meeting.**
3. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

4. **Information & Discussion Items:**
 - A. Special District Leadership Foundation Transparency Certificate of Excellence
 - i. Annual Disclosure of Reimbursements & Expenses
 1. Review examples
 2. Recommendations
 - ii. Code of Ethics/Values/Norms or Board Conduct
 1. Review existing policies & examples
 2. Recommendations

5. **Committee Member Comments**

6. **Staff Comments**

7. **Adjournment:** The meeting was adjourned at 12:18 pm. The next regularly scheduled meeting of the Administration Committee is December 18, 2019.

Signed, October 11, 2019

Kristy McEwen

Kristy McEwen, Secretary of the Board



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ADMINISTRATION COMMITTEE AGENDA

August 21, 2019

11:00 am

Chair: Jane Baron; Vice-Chair: Terry Quinn
Staff: Bill Malinen, General Manager; Hamed Jones, Administrative Services Director, Kristy McEwen, Secretary of the Board
Citizen Volunteers: Sharon Groen; Lisa Perez (absent)

1. **Approval of Agenda**

The Agenda was approved unanimously by the Committee.

2. **Approve Minutes of the June 19, 2019 meeting.**

The Minutes were approved unanimously by the Committee.

3. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

- None

4. **Information & Discussion Items:**

A. Personnel Policy Review & Recommendation

i. Review Section X

Committee members reviewed the proposed policies, requesting that staff obtain legal clarification on several points prior to finalization and the correction of a typographical error.

Motion: The Administration Committee recommend the Board of Directors approve the proposed policies, pending legal clarification and correction: Baron.
Second: Groen

Ayes: 3

Noes: 0

Absent: 1 (Perez)

B. Special District Leadership Foundation Certifications

- District of Distinction
- Special District Administrator
- District of Transparency

Mr. Malinen informed the Committee of his intention that District staff pursue the above accreditations from the Special District Leadership Foundation. Director Quinn questions the necessity of expending the effort.

Motion: The Administration Committee recommends that the Board of Directors support staff efforts to obtain District of Distinction, Special District Administrator and District of Transparency Certifications: Groen. Second: Baron

Ayes: 2

Noes: 1 (Quinn)

Absent: 1 (Perez)

C. Related Policy Review & Recommendation

- i. Brown Act Compliance Policy
- ii. Public Records Request Policy

Motion: The Administration Committee recommend the Board of Directors approve the proposed Brown Act Compliance and Public Records Request policies: Baron. Second: Groen

Ayes: 3

Noes: 0

Absent: 1 (Perez)

5. **Committee Member Comments** – None

6. **Staff Comments** – None

7. **Adjournment:** The meeting was adjourned at 12:18 pm. The next regularly scheduled meeting of the Administration Committee is October 16, 2019.

Kristy McEwen

Kristy McEwen, Secretary of the Board

STAFF REPORT

AGENDA ITEM #4A.i
Annual Disclosure of Expenses



MEETING DATE: October 16, 2019

PREPARED BY: Kristy McEwen, Assistant to the General Manager

AGENDA TITLE: Annual Disclosure of Reimbursements & Expenses

RECOMMENDATION

After review of the attached documents, the Administration Committee recommend a method for complying with Californian Government Code Section 53065.5.

BACKGROUND

In researching the requirements for the SDLF District Transparency Certificate of Excellence, staff was made aware of Californian Government Code Section 53065.5, which requires special districts to disclose, “at least annually...any reimbursement paid by the district...of at least \$100.”

ANALYSIS

Further research on how other special districts address this requirement revealed three different methods of compliance:

1. Prepare and publish an annual notice
2. Prepare and publish an annual notice and adopt a resolution to that effect
3. Prepare and publish an annual notice in accordance with a formally adopted policy

We are requesting the committee to discuss compliance options and recommend their preferred method to staff for implementation.

FISCAL IMPACT

None, aside from staff time.

RECOMMENDED MOTION

“I move that the Administration Committee recommend the _____ method for use in compliance with Government Code 53065.5.”

Attachments:

State of California

GOVERNMENT CODE

Section 53065.5

53065.5. Each special district, as defined by subdivision (a) of Section 56036, shall, at least annually, disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received. "Individual charge" includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee or member of the governing body of the district. The disclosure requirement shall be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by that district and shall be made available for public inspection.

(Amended by Stats. 1995, Ch. 529, Sec. 4. Effective October 4, 1995.)

**Twain Harte Community Services District
Reimbursement Disclosure Report
July 1, 2017 - June 30, 2018**

| Date | Employee/Board Member | Total | Description |
|-------------|------------------------------|--------------|----------------------------|
| 11/16/2017 | Doug Hay | \$ 123.72 | Training/Mileage |
| 12/08/2017 | Zeffrum Nathaniel | \$ 800.64 | Fire Station T.V. |
| 12/08/2017 | Zeffrum Nathaniel | \$ 445.83 | Training Hotel & Mileage |
| 03/30/2018 | Gary Sipperley | \$ 147.15 | Conference Mileage |
| 05/25/2018 | Gary Sipperley | \$ 568.63 | Conference Hotel & Mileage |
| 05/29/2018 | Bill McManus | \$ 403.35 | Conference Hotel |
| | | | |

This report was prepared pursuant to California Govt Code Section 53065.5



RESOLUTION No. 2019-04
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

ANNUAL DISCLOSURE OF REIMBURSEMENT
TO EMPLOYEES AND DIRECTORS

BE IT RESOLVED that the Board of Directors of the Nevada Irrigation District does hereby adopt the following resolution:

Disclosure, pursuant to Government Code Section 53065 .5, of the amounts of reimbursement to employees and Directors shall occur once a year in January of each year following the end of the calendar year for the preceding calendar year. The statement of reimbursement shall be accumulated by the establishment of a file with the title "Reimbursements, Name of Employee or Director," and periodically records shall be inserted in regard to the amounts of reimbursement. Annually a form shall be completed and filed with the Board by the accounting department and an item included on the January Agenda making it clear that those records are available for public review and are being rendered to the Board at its January meeting for its review.

ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting of said Board held on the 23rd day of January, 2019 by the following vote of said Board:

President of the Board of Directors

AYES: Directors
NOES: Directors
ABSENT: Directors
ABSTAINS: Directors

Board Secretary

**NEVADA IRRIGATION DISTRICT EMPLOYEE REIMBURSEMENTS
FOR FISCAL YEAR 2018**

| WARRANT NO. | EMPLOYEE NAME | PURPOSE | AMOUNT |
|-------------|------------------------------------|--|-------------------|
| 10449 | ADRIAN SCHNEIDER | FAA LICENSE EXAM FEE-UNMANNED AIRCRAFT | \$150.00 |
| | ADRIAN SCHNEIDER TOTAL | | \$150.00 |
| 84919 | ANDY ADAMS | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | ANDY ADAMS TOTAL | | \$100.00 |
| 10260 | ANDY BROWNING | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | ANDY BROWNING TOTAL | | \$100.00 |
| 10451 | CHIP CLOSE | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2018 | \$461.16 |
| 84122 | CHIP CLOSE | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2017 | \$500.00 |
| | CHIP CLOSE TOTAL | | \$961.16 |
| 10261 | ASHLEY VANDER MEER | MILEAGE-CALIFORNIA COOPERATIVE SNOW SURVEY-64TH ANNUAL MEETING KINGS BEACH, CA | \$106.17 |
| | ASHLEY VANDER MEER TOTAL | | \$106.17 |
| 85344 | CHRISTINA KONKLE | SIERRA COLLEGE JAN-MAY 2018 SEMESTER ELEMENTARY STATISTICS/INTRO TO COMPOSITION COURSES | \$357.00 |
| | CHRISTINA KONKLE TOTAL | | \$357.00 |
| 88960 | COBY MCCOY | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D4 EXAM FEE | \$130.00 |
| | COBY MCCOY TOTAL | | \$130.00 |
| 88717 | DANNY GRANHOLM | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | DANNY GRANHOLM TOTAL | | \$100.00 |
| 10729 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE ORGANIZATIONAL BEHAVIOR FOR MANAGERS -11/13/18-12/17/2018 | \$597.00 |
| 85355 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE CONTEMPORARY AUDITING I-1/16/18-2/19/18 | \$1,245.00 |
| 85355 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE CONTEMPORARY AUDITING I-MATERIALS | \$140.00 |
| 85571 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE CONTEMPORARY AUDITING II-2/20/18-3/26/18 | \$1,194.00 |
| 85571 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE CONTEMPORARY AUDITING II-MATERIALS | \$170.00 |
| 86303 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE CRITICAL THINKING & DECISIONS MAKING IN BUSINESS-4/7/18-5/21/18 | \$597.00 |
| 86986 | DESIREE INCE | UNIVERSITY OF PHOENIX-BACHELOR OF SCIENCE IN ACCT-COURSE ETHICAL & LEGAL TOPICS IN BUSINESS-5/22/18-6/25/18 | \$597.00 |
| | DESIREE INCE TOTAL | | \$4,540.00 |
| 10474 | ERIC MORGAN | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | ERIC MORGAN TOTAL | | \$100.00 |
| 10481 | GARY KING | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2018 | \$423.49 |
| | GARY KING TOTAL | | \$423.49 |
| 10486 | GREG JONES | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2018 | \$458.03 |
| 84157 | GREG JONES | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2017 | \$500.00 |
| 87215 | GREG JONES | LODGING GENERAL MANAGER SUMMIT CONFERENCE SQUAW VALLEY-6/24/18-6/25/18 | \$394.34 |
| | GREG JONES TOTAL | | \$1,352.37 |
| 87013 | JOSEPH A GOBERT JR | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE EXAM FEE-WT2 AND WT3 | \$100.00 |
| | JOSEPH A GOBERT JR TOTAL | | \$100.00 |
| 84505 | JOSEPH P. INTERSIMONE | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE EXAM FEE-WT3 | \$100.00 |
| | JOSEPH P. INTERSIMONE TOTAL | | \$100.00 |
| 86392 | JOSHUA W. HYNIE | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| 86392 | JOSHUA W. HYNIE | CA STATE UNIVERSITY OFFICE OF WATER PROG-WTPO1 COURSE FEE | \$115.55 |
| | JOSHUA W. HYNIE TOTAL | | \$215.55 |
| 87781 | KASANDRA STRONG | AMERICAN WATER WORKS ASSOCIATION CA-NV SECTION-GD1 WATER USE EFFICIENCY-EXAM FEE | \$135.00 |
| | KASANDRA STRONG TOTAL | | \$135.00 |
| 10503 | KEANE SOMMERS | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2018 | \$500.00 |
| | KEANE SOMMERS TOTAL | | \$500.00 |
| 87443 | KENNETH R. HUGG | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | KENNETH R. HUGG TOTAL | | \$100.00 |
| 86551 | KRIS STEPANIAN | PROFESSIONAL DEVELOPMENT FUNDS FOR MANAGERS 2018 | \$500.00 |
| | KRIS STEPANIAN TOTAL | | \$500.00 |
| 87015 | KRISS BUTCHER | SIERRA COLLEGE 1/22/18-5/19/18-COURSE PROGRAMMING CONCEPT/METHODS I LAB | \$171.00 |
| 87015 | KRISS BUTCHER | SIERRA COLLEGE 1/22/18-5/19/18-COURSE PROGRAMMING CONCEPT/METHODS I LAB-BOOK | \$101.85 |
| | KRISS BUTCHER TOTAL | | \$272.85 |
| 84629 | MARYANN BAILEY | SIERRA COLLEGE 1/22/18-5/19/18-COURSE ELEMENTARY ALGEBRA | \$184.00 |
| 87343 | MARYANN BAILEY | SIERRA COLLEGE 5/21/18-8/4/18-INTRODUCTION TO EARTH SCIENCE COURSE & FOOD, SOCIETY & ENVIROMENT-COURSE FEES | \$276.00 |

**NEVADA IRRIGATION DISTRICT EMPLOYEE REIMBURSEMENTS
FOR FISCAL YEAR 2018**

| WARRANT NO. | EMPLOYEE NAME | PURPOSE | AMOUNT |
|--------------------|---------------------------------|---|-----------------|
| 87343 | MARYANN BAILEY | SIERRA COLLEGE 8/20-12/8/18- GPS FOR GIS INTRO TO GIS THE ENVIROMENT & HUMAN IMPACT-COURSE FEES | \$368.00 |
| | MARYANN BAILEY TOTAL | | \$828.00 |
| 10510 | NAOMI SCHMITT | CALPELRA CONFERENCE MILEAGE TO MONTEREY FROM GRASS VALLEY-12/4/2018 | \$141.16 |
| 10510 | NAOMI SCHMITT | CALPELRA CONFERENCE MILEAGE FROM MONTEREY TO GRASS VALLEY-12/7/2018 | \$141.16 |
| | NAOMI SCHMITT TOTAL | | \$282.32 |
| 86929 | ROBERT FOGLEMAN | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | ROBERT FOGLEMAN TOTAL | | \$100.00 |
| 86341 | ROBERT JACKSON | CA STATE UNIVERSITY OFFICE OF WATER PROG-SMALL WATER SYSTEMS OPERATION & MAINTENANCE ED 5-EXAM FEES | \$120.55 |
| 86341 | ROBERT JACKSON | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D4 EXAM FEE | \$130.00 |
| | ROBERT JACKSON TOTAL | | \$250.55 |
| 86697 | SETH E. MINER-GANN | DEPARTMENT OF PESTICIDE REGULATION QAC LICENSE EXAM FEE | \$190.00 |
| | SETH E. MINER-GANN TOTAL | | \$190.00 |
| 86854 | SHAD CHITTOCK | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE T5 ORAL EXAMINATION FEE | \$120.00 |
| | SHAD CHITTOCK TOTAL | | \$120.00 |
| 86279 | STEVEN HAACK | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D4 EXAM FEE | \$130.00 |
| 86345 | STEVEN HAACK | WATER BOARDS DRINKING WATER CONTROL BOARD GRADE D3 EXAM FEE | \$100.00 |
| | STEVEN HAACK TOTAL | | \$230.00 |
| 10696 | WALTER S MILLER | CSDA CONFERENCE NAPA MILEAGE | \$130.80 |
| | WALTER S MILLER TOTAL | | \$130.80 |
| 87498 | WILLIAM WINKLE | CALPERS 6/1/16-8/31/16 MEDICAL PREMIUM COSTS | \$1,318.58 |



Board Policy

Director and Employee Reimbursement and Annual Disclosure Policy

Purpose: to prescribe the manner in which Directors and Staff may be reimbursed for expenditures related to District business. Members of the Peninsula Health Care District Board of Directors and District Staff shall be reimbursed for all legitimate expenses incurred in attending any meetings, or in making any trips on official business of the Board. This shall include but not be limited to seminars, meetings, meals and traveling expenses associated with official District business.

Procedure:

1. All requests must be submitted to the CEO using the PHCD Expense Reimbursement Form attached to this policy as appendix A.
2. Each individual line item on the Expense Reimbursement Form must be supported by appropriate documentation. Examples include:
 - a. Itemized hotel bills
 - b. Stated purpose of meeting, trip, meal, etc.
 - c. Restaurant receipts that include the purpose of the meal/meeting and those in attendance, if reimbursement is covering other participants.
 - d. Google, Map Quest or other documents confirming the mileage between points of travel for business purposes.
 - e. Confirmation of registration at Association or educational programs
 - f. Receipts are not required for line items of <\$25
3. The CEO will review and approve the reimbursement request [Except the CEO's] and forward to the PHCD Accountant who will provide a second review before preparing the check. The CEO signs the check; the Executive Assistant makes a copy of the check, authorized Expense Form, and all support documentation for the District file and delivers the check to the requestor.
4. CEO reimbursement requests are reviewed and authorized by either the Board Chair or Treasurer. The Accountant prepares the check and presents it to the Board Treasurer for signature if the Chair authorized the expense or to the Board Chair for signature if the Treasurer authorized payment. The Executive Assistant makes a copy of the check, Expense Reimbursement Form and all supportive documentation for the District file.

5. All expenses must be reasonable and necessary, and Directors are encouraged to exercise prudence in all expenditures.
6. The District shall reimburse Directors and administrative staff for actual necessary traveling and incidental expense incurred in the performance of official duties as members of the District board, or District staff, subject to the requirements of these Policies and Procedures.
7. The following types of occurrences qualify for reimbursement if attending in the performance of official duties as members of the PHCD Board and District staff:
 - a. Training and workshops, seminars and conferences
 - b. Educational workshops, seminars and conferences
 - c. Meetings sponsored by ACHD (The Association of California Health Care Districts), by CSDA (The California Special Districts Association), and by other state or national organizations relevant to the purposes of the District.
 - d. Meetings of local governmental entities and bodies, and committees thereof
 - e. Meetings of local nonprofit organizations
 - f. Meetings of community or civic groups or organizations
 - g. Meetings of advisory groups and committees organized or conducted by District staff
 - h. Meetings with District consultants, advisors and other professionals
 - i. Any other activity approved by the Board in advance of attendance, whether the request for attendance was initiated by the Board or by a board member
8. The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available.
9. Reimbursement for travel, meals, lodging and other actual and necessary expense shall be at the Internal Revenue Service rates established in Publication 463 or successor.
10. Directors shall receive no fee or compensation for carrying out the duties of their office.
11. To ensure compliance with Government Code Section 53065.5, a document disclosing reimbursement paid by the District to any employee or member of the governing body of the District of at least one hundred dollars (\$100) for each "individual charge" will be prepared annually within 60 days of the close of each fiscal year and presented to all Board members.
12. The said document will be made available for public inspection in accordance with the Public Records Request Policy.

STAFF REPORT

AGENDA ITEM #4A.ii
Board Policies & Procedures



MEETING DATE: October 16, 2019
PREPARED BY: Kristy McEwen, Assistant to the General Manager
AGENDA TITLE: Board Policy & Procedure Manual

RECOMMENDATION

After review of the attached documents, the Administration Committee recommend that staff move forward to create a consolidated Policy & Procedure Manual for the Board of Directors.

BACKGROUND

Over the years, the Board of Directors has adopted various policies applicable to the Board of Directors:

- 2007 – Ethics Policy of the Board of Directors
- 2011 – Expense Reimbursement Policy for District Officials and Employees
- 2015 – Meeting Conduct Policy (emphasizing public conduct)
- 2018 – Meeting Procedures and Rules of Order

Some of these policies could use updating (Ethics Policy) and others have been partially superseded (Expense Reimbursement Policy). In addition, because various policies may be adopted over a course of many years, staffing and Board changes may result in the loss of knowledge, leading to unintentional oversights and non-compliance. Many agencies address this concern by integrating all Board related polices into one Policy & Procedure Manual for the Board of Directors.

ANALYSIS

Staff would like to propose a process similar to that which is now underway for updating the District's Personnel Manual: current Board policies will be researched, reviewed and updated as necessary, new policies will be drafted and implemented as required, and all will be consolidated in a single document for ease of use and future revisions.

Creation of the document will also address one of the requirements for the SDLF District Transparency Certificate of Excellence – that the District have current policies addressing “Code of Ethics/Values/Norms or Board Conduct”.

FISCAL IMPACT

None, aside from staff time.

RECOMMENDED MOTION

“I move that the Administration Committee approve staff's proposal to create a Policy and Procedure Manual for the Board of Directors.”

ETHICS POLICY OF THE BOARD OF DIRECTORS

IT IS THE POLICY OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT (“BVCS D”) BOARD OF DIRECTORS TO: Promote ethical behavior in the conduct of district business.

Purpose and Scope

The proper operation of BVCS D requires that Board members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the BVCS D Board of Directors.

This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board members’ conduct and in achievement of the BVCS D mission. It references relevant polices, practices, and procedures that provide the legal framework and operational guidelines for addressing ethical issues.

Responsibilities of Public Office

BVCS D Board members are dedicated to the concepts of effective and democratic government by responsible elected officials. They:

- Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and the local government agencies.
- Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws.

(Government Code Section 1360; Article 20, Section 3 of the California Constitution.)

Fair and Open Processes Involving the Public

BVCS D Board members promote fair and open public processes. Board members, and persons elected but who have not yet assumed office as members of the Board, fully comply with California’s open meeting law for public agencies.(the Brown Act).

(Government Code Sections 54950 and following; and 54952.1 and 54959.)

Fair and Equal Treatment

BVCS D Board members promote diversity and equality in personnel matters and in contracting, consistent with state and federal laws.

- Board members, in performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability.
- Board members will not grant any special consideration, treatment, or advantage to persons or groups beyond that available to every other person or group in similar circumstances.
- Board members will cooperate in achieving the equal opportunity objectives of BVCS D.

(See, e.g. Article I, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; California Labor Code Section 1102.)

Proper Use and Safeguarding of BVCS D Property and Resources

BVCS D Board members exercise responsible financial management in the conduct of District business.

- A Board member will not bribe or coerce a BVCS D employee to perform services for the personal benefit or profit of a Board member or employee.
- Each Board member will protect and properly use any BVCS D asset within his or her control, including information recorded on paper or in electronic form.

(Article 16, Section 6 of the California Constitution; and Penal Code Section 424.)

Use of Confidential Information

Board members will safeguard confidential information.

Board members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board of Directors. This includes information that (1) has been received for, or during, a closed session Board meeting, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not disclosable under the California Public Records Act.

A Board member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to district attorney or grand jury necessary to establish the alleged illegality of a District action.

(California Government Code Section 54963; Government Code Section 1098.)

Conflict of Interest

Board members must avoid both actual conflicts of interest and the appearance of conflicts of interest with the District.

- A Board member will not have a financial interest in a contract with the District, nor be purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.
- A Board member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.
- A board member will not accept gifts or honoraria that exceed the limitations specified in California law. Board member will report all gifts, honoraria campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.
- A Board member will not recommend the employment of their dependent children to the District or to any person known by the Board member to be bidding for or negotiating a contract with the District.

(Government Code sections 87100 and following; California Government Code Sections 1090 and following; 81000 and following; and 87105; and Penal Code 68 and 70.)

Soliciting Political Contributions

Board member will not solicit political funds or contributions of in-kind services at BVCS D facilities.

- A Board member will not accept, solicit, or direct a political contribution or in-kind services from District officers, employees, consultants, contractors, or vendors.
- A Board member will not use BVCS D's seal, logo, stationery, or other indicia of BVCS D's identity or facsimile thereof in any solicitation for political contributions.

(California Government Code Section 3205 and California Code of Regulations, Title 2, Section 18901.)

Incompatible Offices

Except as expressly permitted by law, Board members appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the first entity, will resign from the former Board.

(See, generally, 73 CA Op. Atty. Gen. 357 (1990). See also Government Code Section 53227, under which a special district employee may not be sworn into office as an elected or appointed member of the same special district unless he or she resigns as an employee.)

Board Member-General Manager Relationship

The Board sets District policy and the General Manager is responsible for execution of policy.

- The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.
- Members of the Board deal with matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.

(Government Code Sections 61240-21245, BVCS D Code Section 2-2-4.)

Exercise Responsible Financial Management

The Board ensures the District exercises responsible financial management.

- The Board ensures that BVCS D maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.
- The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The auditor will meet with the Board's Finance/Administration Committee at the conclusion of the audit each year to review the audit results and recommendations.

Improper Activities and the Reporting Such Activities; Protection of Whistleblowers

The Board ensures that BVCS D maintains a healthy work environment.

- A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or District employee.

(Labor Code section 1102.5 and following; and Government Code Section 53298 and 53298.5)

Directors' Compensation and Expense Reimbursement

BVCSD Board members receive a monthly stipend for their public service based upon the number of meetings attended or days of service to the District. BVCSD reimburses Board members for actual reasonable and necessary expenses incurred in the performance of duties authorized or requested by the Board.

- Each Board member is encouraged to participate in outside activities and organizations that further the interests of the District. Board members do not receive compensation for attendance at non-District activities. Expenses incurred by Board members in connection with such activities are reimbursable, where authorized in advance or subsequently ratified by the Board President. No personal gain or loss to a Board member is intended. The following rules apply:
 - a) All expenses must be reasonable and necessary and Board members will exercise prudence in all expenditures, including transportation, food, lodging, telephone, and fax charges.
 - b) BVCSD does not provide credit cards to Board members. Upon incurring expenses, Board members will submit a reimbursement request, accompanied by evidence of payment of such expenses that will meet the District's requirements.

(Government Code Section 61207.)

Candidate's Statement

A board member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

(Elections Code Section 13313.)

RESOLUTION NO. 11 -1422

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF BEAR VALLEY COMMUNITY SERVICES DISTRICT
ESTABLISHING A POLICY FOR REIMBURSEMENT OF EXPENSES
FOR DISTRICT OFFICIALS AND EMPLOYEES**

WHEREAS, Bear Valley Community Services District takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, public resources should only be used when there is a substantial benefit to the District; and

WHEREAS, such benefits include:

- The opportunity to discuss the community's concerns with state and federal officials;
- Participating in regional, state and national organizations whose activities affect the district;
- Attending educational seminars designed to improve officials' skill and information levels; and
- Promoting public service and morale by recognizing such service; and

WHEREAS, 1) legislative and other regional, state and federal agency business is frequently conducted over meals; 2) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the district's policy concerns; and 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and such meals sometimes include alcohol which is included in the price of the event and which is provided without being ordered by individual participants; and

WHEREAS, this policy provides guidance to elected and appointed officials on the use and expenditure of district resources, as well as the standards against which those expenditures will be measured; and

WHEREAS, this policy satisfies the requirements of Government Code sections 53232.2 and 53232.3; and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources; and

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and

WHEREAS, this policy also applies to any charges made to a district credit card, cash advances or other line of credit;

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Bear Valley Community Services District as follows:

1. Rescind Resolution

Bear Valley Community Services district Resolution 06-1206 is hereby rescinded in its entirety.

2. Authorized Expenses

District funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized District business. Expenses require prior Board approval. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- Communicating with representatives of regional, state and national government on District-adopted policy positions;
- Attending educational seminars designed to improve officials' skill and information levels;
- Participating in regional, state and national organizations whose activities affect the District's interests;
- Recognizing service to the District (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
- Representing the District at public events;
- Meetings for which a meeting stipend is expressly authorized under CSD law.

Examples of personal expenses that the District will not reimburse include, but are not limited to:

- The personal portion of any trip;
- Political or charitable contributions or events;
- Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
- Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses),

or other cultural events;

- Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- Personal losses incurred while on District business. Any questions regarding the propriety of a particular type of expense should be resolved by the Board of Directors before the expense is incurred.

3. Cost Control

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within the guidelines.

a. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed under this provision if a District official is attending an out of town conference, and it is determined that using a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.

(1) Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

(2) Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (*see* www.irs.gov). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

(3) Car Rental. Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.

(4) Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

b. Lodging

Lodging expenses will be reimbursed or paid for when travel on official District business reasonably requires an overnight stay.

(1) Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

(2) Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area, or \$150 per night, whichever is higher, are presumed reasonable and hence reimbursable.

The \$150 per night limit will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for Urban Wage Earners and Clerical Workers for the Los Angeles-Riverside-Orange County Metropolitan Area. (The annual adjustment will be based on this area whether travel is within the area or not.)

c. Meals

Reimbursable meal expenses and associated gratuities will not exceed the following rates per person:

| | |
|-----------|------|
| Breakfast | \$12 |
| Lunch | \$18 |
| Dinner | \$35 |

Such amounts will be annually adjusted to reflect changes in the cost of living as described in section b(2) above.

The District will not pay for alcohol/personal bar expenses. Reimbursement requests for alcoholic beverages consumed with a meal will not be honored. Meals which are incidental to meetings/conferences and which include alcohol not ordered by individual participants will be reimbursed at full cost.

d. Telephone/Fax/Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business. For cellular calls when the official has a particular number of minutes included in the

official's plan, the official can identify the percentage of calls made on public business.

e. Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for District-related business.

f. Airport Parking

Long-term parking must be used for travel exceeding 24-hours.

g. Other

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which District officials receive reimbursement from another agency are not reimbursable.

h. Cash Advance Policy

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the District's behalf. Such request for an advance should be submitted to the Treasurer at least 15 days prior to the need for the advance with the following information:

- The purpose of the expenditure(s);
- The benefits of such expenditure to the residents of the District;
- The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
- The dates of the expenditure(s).

Any unused advance must be returned to the District treasury within five business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the Treasurer is uncertain as to whether a request complies with this policy, the Treasurer must seek resolution from the Board of Directors.

4. Credit Card Use Policy

Bear Valley Community Services District does not issue credit cards to individual office holders but does have agency credit cards for selected District expenses. District office holders may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the District credit card and compliance with this policy must be submitted within five business days of use.

District credit cards may not be used for personal expenses, even if the official

subsequently reimburses the District.

5. Expense Report Content and Submission Deadline

All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the District. This form shall include the following advisory:

All expenses reported on this form must comply with the District's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the District's policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities.

Officials must submit their expense reports within 60 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

6. Audits of Expense Reports

All expenses are subject to verification that they comply with this policy.

7. Reports to Governing Board

At the following Board of Directors' meeting, each official shall briefly report on meetings attended at District expense. If multiple officials attended, a joint report may be made.

8. Compliance with Laws

District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

9. Violation of This Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a demand for restitution to the District, 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

10. Exceptions to This Policy

This policy shall also apply to District employees with the following exceptions:

- a. Expenses incurred by District employees need not be approved by the Board of Directors in advance and may be approved by the General Manager.
- b. Employees of the police department who attend training for which the State of California Commission on Peace Officer Standards and Training (POST) provides a per-diem reimbursement shall be paid the full amount of the POST per-diem reimbursement in-lieu of reimbursement of actual and necessary expenses.

PASSED, APPROVED AND ADOPTED this 11th day of August, 2011 by the following vote:

AYES: ZANUTTO, ROMANO, MASON, MORGAN, SHEA

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Rick Zanutto,
Acting President, Board of Directors

ATTEST:

Sandra L. Janzen, District Secretary
Assistant General Manager

RESOLUTION 2014/15-15

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT ESTABLISHING RULES OF PUBLIC CONDUCT AND PARTICIPATION AT BOARD MEETINGS.

The Board of Directors of the Bear Valley Community Services District resolves as follows:

1. Findings. The Board finds as follows:

A. Civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.

B. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.

C. In an effort to preserve the intent of open government and maintain a positive environment for citizen input and Board of Directors' decision-making, the Board desires to establish a rules regarding public participation and conduct at meetings..

2. Adoption of Public Conduct and Participation Rules for Board Meetings. The Board adopts the following rules regarding public conduct and participation at Board meetings:

A. Addressing the Board. The following provisions apply to any member of the public that desires to address the Board concerning any item on the agenda of a regular or special meeting, or to address the Board at a regular meeting on any subject that is not on the agenda but that lies within the jurisdiction of the Board:

1. Any person wishing to address the Board should complete a speaker card and return it to the Board Clerk prior to the agenda item that the person wants to speak on.

2. Speakers should address the Board from the podium when called by the Clerk.

3. Three minutes will be allotted to each speaker unless the President, with the consent of the Board, imposes a shorter or longer time period depending on the nature of the specific agenda item and the number of persons desiring to speak.

4. Comments should not be directed at any one individual Board Member, but the Board should be addressed as a whole.

5. All discourse is to be civil and respectful. No boisterous conduct will be permitted. Persistence in boisterous conduct and the willful disruption of a meeting is grounds for summary termination by the President of that person's privilege to address the Board as well as the potential removal of the individual from the Board meeting room.

B. Willful Disruptions Not Permitted. Willful disruption of a meeting of the Board of Directors is not permitted. If the President finds that there is in fact willful disruption of any meeting of the Board and that order cannot be restored by the removal of individuals who are willfully disrupting the

meeting, the President may order the room cleared and subsequently conduct the Board's business without the audience present. In such event, the following rules will apply:

1. Only matters appearing on the agenda may be considered in such a session.
2. After clearing the room, the President may permit those persons who, in the President's opinion, were not responsible for the willful disruption to re-enter the meeting room.
3. Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, may also be admitted to the remainder of the meeting.

PASSED, APPROVED AND ADOPTED on February 26, 2015, by the following vote:

AYES: GRACE; BARON; RITCHIE, ZANUTTO; LACLAIRE

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Charlene LaClaire, President
Board of Directors

I hereby certify that the above Resolution 14/15-15 was duly introduced, read and adopted by the District at a regularly noticed meeting held on February 26, 2015.

Kristy McEwen
Clerk of the Board of Directors



BVCSD MEETING PROCEDURES AND RULES OF ORDER



Adopted: February 8, 2018

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Introduction

These meeting procedures and rules of order were adapted from Judge David Rosenberg's *Rosenberg's Rules of Order* (2011 Revised Edition).¹

Establishing a Quorum

The starting point for a meeting of the Board is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The quorum for the Board is three members. When the Board has three members present, it can legally transact business. If the Board has less than a quorum of members present, it cannot legally transact business. And even if the Board has a quorum to begin the meeting, the Board can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs, the Board loses its ability to transact business until a quorum is reestablished.

The Role of the Chair

The chair of the Board is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. The chair, in consultation with the General Counsel, makes the final ruling on the rules. All decisions by the chair are final unless overruled by the Board itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the Board. This does not mean that the chair should not participate in the debate or discussion. The chair has the full right to participate in the debate, discussion and decision-making of the Board. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the Board will do so at that point in time.

The Basic Format for Agenda Item Discussion

Meetings of the Board must have a published agenda under the Ralph M. Brown Act. The agenda constitutes the Board's agreed-upon roadmap for the meeting. Each agenda item should be handled by the chair in the following basic format:

1. The chair should clearly announce the agenda item number and subject. The chair should then announce the format (which follows) that will be followed in considering the agenda item.
2. The chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the Board, a staff person, or a committee chair charged with providing input on the agenda item.

¹ The original text of *Rosenberg's Rules of Order* is available at <http://www.ca-ilg.org/document/parliamentary-procedure-simplified>.

3. The chair should ask members of the Board if they have any technical questions for clarification. At this point, members of the Board may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

4. The chair should invite public comments, or if required, open the public hearing on the item. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

5. The chair should invite general discussion or deliberation on the item by the Board.

6. After discussion among all members, the chair should invite a motion. The chair should announce the name of the member of the Board who makes the motion.

7. The chair should determine if any member of the Board wishes to second the motion. The chair should announce the name of the member of the Board who seconds the motion.

8. If the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the Board to repeat the motion.

9. The chair should invite specific discussion of the motion by the Board. If there is no desired discussion, or after the discussion has ended, the chair should announce that the Board will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

10. The chair calls for a vote. Voting on most substantive matters must be by a "roll call vote" where each member's name is called and they speak or electronically input their vote. If members of the Board do not vote, then they "abstain." Unless the rules of the Board provide otherwise (or unless a super majority is required as provided in these rules), then a simple majority (as defined in law or the rules of the Board as provided in these rules) determines whether the motion passes or is defeated.

11. The chair (or secretary) should announce the result of the vote and what action (if any) the Board has taken. In announcing the result, the names of the members of the Board, if any, who voted in the minority on the motion should be indicated. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting."

Motions in General

Motions are the vehicles for decision making by a Board. Motions are made in a simple two-step process. First, the chair should recognize the member of the Board. Second, the member of the Board makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair may initiate the motion in one of three ways:

1. Inviting the members of the Board to make a motion: "A motion at this time would be in order."
2. Suggesting a motion to the members of the Board: "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. Making the motion. As noted, the chair has every right as a member of the Board to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the Board is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three common types of motions:

Basic Motion. The basic motion is the one that puts forward a decision for the Board's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

Motion to Amend. If a member wants to change a basic motion that is before the Board, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the Board and seeks to change it in some way.

Substitute Motion. If a member wants to completely do away with the basic motion that is before the Board, and put a new motion before the Board, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

Friendly Amendment. A “friendly amendment” is a practical tool that saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending accepts the friendly amendment, that now becomes the pending motion. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Board

There can be up to three motions pending at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are pending and has resolved them. This rule has practical value because more than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions pending (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made.

Debatable and Non-Debatable Motions

The basic rule of motions is that they are subject to discussion and debate. The debate can continue as long as members of the Board wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Board to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the Board without debate on the motion):

Motion to Adjourn. This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to Recess. This motion, if passed, requires the Board to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to Fix the Time to Adjourn. This motion, if passed, requires the Board to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to Table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the Board. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Board will have to be taken at a future meeting. A motion to table an item (or to bring it back to the Board) requires a simple majority vote.

Motion to Limit Debate. The most common form of this motion is to say, “I move the question” or “I call the question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the Board, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the Board makes such a motion (“I move the question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the Board.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the Board.

Majority and Super Majority Votes

Generally, a *simple majority* vote determines a question. A tie vote means the motion fails. All motions require a simple majority, but there are a few exceptions. The exceptions come up when the Board is taking an action which effectively cuts off the ability of a minority of the Board to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a *super majority*) to pass:

Motion to Limit Debate. Whether a member says, “I move the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to Close Nominations. When choosing officers of the Board (such as the chair), nominations are in order either from a nominating committee or from the floor of the Board. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a Board do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a *simple majority* vote is needed to pass a motion, then one vote more than 50 percent of the Board is required (e.g., 3 votes).

If a *two-thirds majority* vote is needed to pass a motion, then four affirmative votes are required for a five-member Board.

In the event of a **tie vote**, the motion always fails since an affirmative vote is required to pass any motion.

When a member votes “**abstain**,” the member who abstains is counted for purposes of determining quorum (they are “present”), but you treat the abstention vote on the motion as if the vote did not exist, and so the abstention vote acts just like a “no” vote.

The Motion to Reconsider

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is generally untimely. (The Board, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Board — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the Board again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the Board and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the Board to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the Board. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the Board.

Members of the Board should address all remarks through the chair and should endeavor to refrain from disturbing other members of the Board during deliberations.

Can a member of the Board interrupt a speaker? The general rule is “no.” There are, however, exceptions. **A speaker may be interrupted for the following reasons:**

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the Board disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Return to the agenda. If a member believes that the Board has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the Board to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion, at any time, may interrupt a speaker to withdraw his or her motion from consideration. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Participation

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember four special rules that apply to each agenda item:

Rule One: *Tell the public what the Board will be doing.*

Rule Two: *Keep the public informed while the Board is doing it.*

Rule Three: *Allow the public the opportunity to comment on the item.*

Rule Four: *When the Board has acted, tell the public what the Board did.*

Outline of Meeting Procedures and Rules of Order

1. **Quorum** – the minimum number of members of the body who must be present at a meeting for business to be legally transacted.
 - a. Default: 1 more than half the body.
 - b. Exception: Specific rules of the body that require a different number to meet a quorum.
2. **Basic Format of Agenda Item Discussion**
 - a. **Agenda** – the basic roadmap for the meeting.
 - i. Note: generally may not discuss or act on items that are off-agenda.
 - b. **Item called**
 - i. Chair should announce agenda item number and clearly state the subject.
 - ii. Chair should announce the format to be followed in considering the item.
 - c. **Presentation - Report on Item**
 - i. Chair should invite appropriate person to report on and present an overview of the item.
 - ii. Report should include any recommendation to approve/deny item.
 - d. **Technical Questions for Clarification**
 - i. Members of the body may ask technical questions of clarification to the person who reported on the item.
 - ii. Person who reported should have time to respond.
 - e. **Public Comment**
 - i. Chair should invite public comments.
 - ii. Notes:

1. Chair may limit time for speakers depending on the number wishing to speak (2-3 minutes generally acceptable).
 2. May provide public with tips on how to frame comments to be most effective.
 3. At the end, Chair should announce formal closing of public comment period or public hearing and disallow any further public comments.
- f. **Deliberation**
- i. Chair should invite general discussion or deliberation of the item.
- g. **Invite a motion**
- i. Chair should invite a motion and announce the name of the member of the body who makes the motion.
- h. **Second for the motion**
- i. Chair should determine if any member of the body wishes to second the motion. If yes, announce name of member who seconds the motion.
- i. **Understand the motion**
- i. Ensure all members of the body understand the motion to be discussed and voted on.
 - ii. Can be done 3 ways:
 1. Chair can ask maker of motion to repeat it.
 2. Chair can repeat the motion.
 3. Chair can ask secretary or clerk of the body to repeat the motion.
- j. **Discussion and debate on motion**
- i. Invite discussion of the motion by the body.
 1. If no desired discussion or after discussion has ended, Chair should announce that body will vote on the motion.

2. If there is substantial discussion, Chair should repeat motion to ensure everyone understands it before voting.

ii. Notes:

1. Rules of the body may limit members' discussion:
 - (i) Each member may discuss for ____ minutes of time.
 - (ii) Each member may only speak 2 times on an agenda item.
 - (iii) Before anyone may speak a second time, all members who want to speak must have had opportunity to speak at least once.

k. **Vote**

- i. Ask for "yes" or "no".
- ii. Members of the body may "abstain".
- iii. General rule: simple majority is required for any motion to pass.
 1. Exception – rules of body provide otherwise.
 2. Exception – supermajority required.

l. **Announcement**

- i. Chair should announce the result of the vote, and what action (if any) the body has taken.
- ii. Chair or secretary should indicate which members of the body voted in the minority on the motion.

3. **Motions – 3 types**

- a. **Basic Motion** – puts forward a decision for body's consideration.
- b. **Motion to Amend** – changes or alters a basic motion.
- c. **Substitute Motion** – replaces the basic motion with a completely new motion.

4. Multiple Motions before the Body.

- a. Up to 3 motions may be on the floor at the same time – Chair can reject a fourth motion until Chair has dealt with 3 motions on the floor.
- b. Vote on the motions should proceed first on the last motion that is made.

5. To Debate or Not to Debate

- a. General rule: all motions are subject to discussion and debate.
- b. Exceptions: (no debate is allowed on the following motions – once it's made, go straight to a vote).
 - i. Motion to adjourn
 - ii. Motion to recess
 - iii. Motion to fix the time to adjourn
 - iv. Motion to table
 - v. Motion to limit debate

6. Majority and Supermajority Votes

- a. General rule: all motions require a simple majority to pass.
- b. Exceptions: (require a super majority – each NO requires 2 YES votes)
 - i. Motion to limit debate
 - ii. Motion to close nominations
 - iii. Motion to object to the consideration of a question
 - iv. Motion to suspend the rules

7. Counting Votes

- a. Simple majority: one vote more than 50% of the body.
- b. Two-thirds majority: one NO vote requires two YES votes.
- c. Tie votes: motion always fails.
- d. Abstention

- i. General/default rule: “present and voting” system – abstain votes do not count at all.
- ii. If rules of body say: “count votes of those present” – abstain votes count as NO votes.

8. **Motion to Reconsider**

- a. After a matter is closed, it may only be reopened if a proper motion to reconsider is made and passed.
- b. Requires majority vote to pass.
- c. Motion to reconsider must generally be made at the meeting where item was first voted upon.
 - i. Later motions to reconsider are generally untimely unless the rules permit such a motion or the body votes to suspend the rules.
- d. Motion to reconsider must be made by a member who voted in the majority on the original motion. Any other member may second the motion to reconsider.
- e. If motion to reconsider passes, original matter is back before the body, and a new original motion is required.

9. **Courtesy and Decorum**

- a. One person at a time may speak.
- b. Chair has the right to cut off discussion that is too personal, too loud, or too crude.
- c. Chair may limit amount of time for speakers, including members of the body.
- d. Members of the body should address remarks through the Chair and refrain from disturbing other members during deliberations.
- e. Speaker may be interrupted only for the following reasons:
 - i. **Point of privilege** – anything that would interfere with normal comfort of the meeting (i.e. fan interfering with person’s ability to hear).

- ii. **Point of order** – anything that would not be considered appropriate conduct of the meeting (i.e., Chair moved to vote on motion that permits debate without allowing the debate).
- iii. **Appeal** – when Chair makes ruling that member of body disagrees with, member may appeal Chair’s ruling. If motion is seconded, and after debate it passes by simple majority, Chair’s ruling is reversed.
- iv. **Return to agenda** – calling for a return to topics on the agenda.
- v. **Withdraw a motion** – maker of the motion may withdraw motion at any time, except after discussion and restatement of the motion just before taking a vote.

10. **Public Participation**

- a. Tell the public what the body will be doing.
- b. Keep the public informed while the body is doing it.
- c. Allow opportunity for public comment.
- d. When the body has acted, tell the public what the body did.

Policies & Procedures Manual of the Board of Directors



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Duties of the Board and Board Members B-10

PURPOSE: This policy establishes the responsibilities, duties and limitations of the Board and individual Board members.

B-10-10 Policy Role. The primary responsibility of the Board shall be the formulation and evaluation of policy. Routine operation of the District shall be delegated to the General Manager and to other members of the District staff, as appropriate. The Board and individual Board Members shall have no authority over day-to-day operations of the District.

B-10-20 Limits on Commitments. Individual Board Members or a group of Board Members representing less than a quorum of the Board shall not imply or express any commitment of the Board or the District.

B-10-30 Obtaining Information. Board Members may obtain information from other Board Members or the General Manager in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926). In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should ordinarily be referred directly to the General Manager for access to legal counsel.

B-10-40 Personal Conduct. Board Members shall conduct themselves with dignity, shall treat other Board Members and District Staff with courtesy, shall respect the rights of other Board Members to give opinions, shall listen attentively and respond appropriately in a professional manner, give first priority to the needs and best interests of the District, and emphasize the positive. Differing viewpoints are healthy in the decision-making process. Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole. Once the Board of Directors takes action, Directors should commit to supporting the collective Board action and not to create barriers to the implementation of said action. Board members should use the District Strategic Plan as a general basis and focus when developing and considering future policy. When a Director believes he/she may have a conflict of interest, the California Fair Political Practices Commission or District Legal Counsel, as applicable, shall be requested to make a determination as to its existence.

B-10-50 Focus on Issues. Board Members shall focus on issues and not personalities, respect differing points of view, disagree without being disagreeable, and once the Board has acted, support the action of the Board.

B-10-60 Complaints. The needs of the District's constituents should be the priority of the Board of Directors. Board Members shall refer customer complaints directly to the General Manager, report public health and safety concerns immediately to the General Manager, and seek clarification and information from the General Manager on such issues as policy, personnel, legal action, land acquisition and development, finances, and other matters related to the operation of the District in accordance with the District's Complaint Policy.

B-10-70 Interactions with District Personnel. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.

B-10-80 Meeting Attendance. Members of the Board of Directors are expected to attend all regular and special meetings of the Board unless there is good cause for absence.

Conflict of Interest B-20

PURPOSE: This policy establishes the rules for disclosure of financial interest and sets forth provisions to avoid conflict of interest.

B-20-10 Statements. Board Members shall file statements of economic interest as required by the Fair Political Practices Commission's regulation, 2 California Code of Regulations §18730.

B-20-20 State Regulations. The terms of Title 2, California Code of Regulations §18730 and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference.

B-20-30 Compliance Requirements. Board Members shall comply with all terms and conditions of the conflict of interest code.

B-20-40 Abstaining from Voting. Where a conflict of interest exists, Board Members shall abstain from discussion and voting, and leave the Board Room for any agenda item involving a personal or financial conflict of interest. Unless a conflict of interest exists, Board members should ordinarily not abstain from the Board's decision-making responsibilities.

Board Member Compensation B-30

PURPOSE: This policy establishes compensation for Board Members to attend meetings.

B-30-10 Limit on Meetings. Directors of Indian Valley Community Services District shall not be compensated for their attendance to Board Meetings.

B-30-20 Compensation Statutes. Board Member's compensation is regulated by California Government Code.

B-30-30 Reimbursement for Expenses. Subject to adoption of a resolution or ordinance, Board Members may be compensated for all reasonable and legitimate expenses incurred in attending meetings or taking trips on behalf of the District that have been authorized by the Board. Expense reports shall be submitted within 30 days of attendance at the meeting. Any disputes shall be settled by majority vote of the Board.

B-30-40 Prevailing District Mileage Rate. Reimbursement for travel by private car shall be at the prevailing IRS mileage rate.

*** California Government Code Section 53232.1 (b) provides “A local agency may pay compensation for attendance at occurrences (other than meetings) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.”**

Board Member Benefits B-40

PURPOSE: This policy establishes the rules for benefits for Board Members.
Left Blank Intentionally

Board Meetings B-50

PURPOSE: This policy sets forth the rules for the conduct of Board meetings.

B-50-10 Regular Meetings. District Board meetings are held the second Wednesday of each month at 6:30 PM at the Greenville Community Town Hall at 120 Bidwell St, Greenville, CA. Meetings are opened to the Public.

B-50-20 Special Meetings. A special meeting of the Board may be called as needed by the Board Chair or by a majority of the Board. A written notice of the special meeting, specifying the time and place of the meeting and the business to be transacted or discussed, shall be posted and delivered at least 24 hours prior to the meeting to Board Members. Newspapers of general circulation in the District, radio stations and television stations, organizations, citizens and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act, California Government Code §54950 et seq., shall be notified. Those requesting notification of special meetings must file said requests annually in January. Only business set forth in the notice shall be considered or discussed at special meetings.

B-50-30 Emergency Meeting. In the case of an emergency situation requiring prompt action due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement for a special meeting. “Emergency situation” means any of the following:
(a) Work stoppage or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the Board.
(b) Crippling disaster that severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

Each local newspaper of general circulation and radio or television station which has requested notice of special meetings shall be notified one (1) hour prior to the emergency meeting utilizing all practical means. In the event that telephone services are not functioning, the notice requirements shall be deemed waived, and the District shall notify those who requested notifications of the holding of the emergency meeting, the purpose, and any action taken at the meeting as soon after the meeting as possible.

The Board shall not meet in closed session during an emergency meeting. All special meeting requirements are applicable to emergency meetings except the 24-hour notice

requirement. The minutes of emergency meetings, a list of persons the District notified or attempted to notify, a copy of the roll call vote, and any actions shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

B-50-40 Closed Sessions. Closed sessions of the Board of Directors shall be held only in cases where the business of the Board of Directors meets the criteria set forth in the Ralph M. Brown Act (California Government Code §54950 through §54926). Customary closed session matters include litigation or potential litigation, labor negotiations, real estate negotiations, or matters relating to the employment status of public employees. No business other than that announced on the public agenda may be discussed in the closed session. These meetings are strictly confidential.

B-50-50 Public Comment. The Board shall take public comment at regular and special meetings of the Board on matters that are not on the agenda, but the Board shall not discuss or take action on such matters at that meeting except in the following circumstances:

- 1) An emergency situation is declared by the majority vote of the Board.
- 2) A need to take immediate action on a matter that arises after the agenda is posted is declared by a two-thirds vote of the Board, or unanimous if less than two-thirds of the Board is present.
- 3) An item on a posted agenda is continued from a Regular Board meeting held not more than five (5) days prior. The General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate. There is a five-minute time limit on public comment, subject to reasonable modification by the Board Chairperson.

B-50-60 Rules of Order. Board meetings shall be conducted by the Board Chair in a manner consistent with Board policies and the Ralph M. Brown Act (California Government Code §54950 through §54926).

B-50-70 Agenda. Board meetings shall begin at the time stated on the agenda and shall be guided by the agenda. The Board Chair shall have the authority to change the order of the agenda.

B-50-80 Quorum Required. Individual Board Members or a group of Board Members representing less than a quorum of the Board shall not take any action or make any representation that results in 1) budgeting or expending of District funds, 2) establishing of any procedures or making policy, or 3) taking of any action on behalf of the Board, without first obtaining the Board's approval at a legal meeting of the Board.

B-50-90 Majority Vote. Action can only be taken by a majority vote of the Board. Three (3) Board Members constitute a quorum required to conduct business. When only a quorum is present, to take action, all votes must be unanimous.

B-50-100 Abstentions. A Board member abstaining in a vote will be so noted in the minutes under "Abstaining". Thus, an abstention when only a quorum is present prevents the Board from taking action. Similarly, two abstentions with all Board Members present on matters requiring a two-thirds vote automatically defeats the motion.

B-50-110 Rules for Speakers. The public shall be allowed to address the Board regarding agenda items and any other matter within the jurisdiction of the District. The Board Chair shall determine the appropriate place or places in the agenda for such public comment and shall have the authority to set equal time limits on speakers.

B-50-120 Maintaining Order. No person shall be allowed to disrupt the meeting. The Board Chair shall have the authority to bar disruptive persons from giving public comments or to order their removal from the Board Room. Any necessary and reasonable actions may be taken by the Board Chair to maintain order and allow the meeting to continue.

B-50-130 Preparation. Board Members shall thoroughly prepare themselves to discuss agenda items. All materials pertaining to the Board shall be provided to the General Manager for distribution to all Board members.

B-50-140 Action Items. Board actions shall include, but are not limited to, adoption or rejection of regulations or policies, resolutions, ordinances, contracts or expenditures, any proposal that commits District funds or facilities, matters that require or may require the District or its employees to take action and /or provide services.

B-50-150 Action by Consensus. The Board by consensus and without formal action may give directions or instructions to the General Manager. The Board Chair shall determine if a Board consensus has been reached and note consensus direction to the Board Secretary. Should any two Board Members challenge the Board Chair's determination of consensus, a voice vote shall be taken. A formal motion may be made to place a disputed directive on a future Board agenda or to take some other action, such as referring the matter to the General Manager for review and recommendation.

B-50-160 Limits on Consensus. Informal action by consensus constitutes Board action and shall only be taken on agenda items.

B-50-170 Open-Meeting Law. Under provisions of California's Ralph M. Brown Act (California Government Code §54950 through §54926) open-meeting law, all meetings of the Board are open to the public except for closed sessions. A majority of the board shall not discuss nor reach consensus on any matter under the jurisdiction of the District except at a legal meeting of the Board. The Board fully supports the letter and spirit of the open-meeting law and the public's right to view the public's business in open session.

B-50-180 Recording Vote. Except where action is by unanimous vote of all members present and voting, the ayes and nays shall be taken and recorded on all actions.

Election and Duties of Officers B-60

PURPOSE: This policy establishes the rules for election of Board officers and sets forth the duties of the officers.

B-60-10 Annual Organizational Meeting. The Board shall hold an annual organizational meeting at a regular meeting in December each year during which the officers of the Board shall be established or reconfirmed. At this meeting the Board shall elect officers of the Board including Board Chair and Vice-Board Chair. Officers assume their duties at the following Regular Board meeting.

B-60-20 Term of office. The term of office for Board Chair shall be one year. The term of office for Vice-Board Chair shall be one year.

B-60-30 Office of Board Chair. The Board Chair shall serve as chairperson at all Board meetings and shall have the same rights as the other Board Members in voting; introducing motions, resolutions and ordinances; and participating in discussions.

B-60-40 Chairperson. The Board Chair of the Board shall serve as Chairperson for meetings of the Board. In the absence of the Board Chair, the Vice Chair shall serve as chairperson. If both the Board Chair and Vice Chair are absent, the chairperson shall be determined by reference to Section B-100-30 and shall be the chair of the first committee listed who is available to serve. That person shall also serve as Board Chair until the Board Chair or Vice Chair is available to serve.

B-60-50 Executing Documents. Where otherwise required, the Board Chair shall execute District documents on behalf of the Board unless such authority has been delegated to the General Manager.

B-60-60 Assuring Integrity. As presiding officer at Board meetings, the Board Chair shall assure the integrity of the Board process, including the effectiveness of meetings and the Board's adherence to Board policy. The Board Chair shall recognize speakers and makers of motions, call for public participation, rule on the passage or failure of motions, ensure that all Board Members have an equal opportunity to speak during discussions, appoint standing and ad hoc committee members and chairpersons, and may set the time and place for special meetings and emergency meetings.

B-60-70 Public Ceremonies. The Board Chair shall represent the District in public ceremonies unless otherwise designated by the Board of Directors.

Appointment in Event of Board Vacancy B-70

PURPOSE: This policy determines when a Board vacancy occurs and sets forth procedures to fill the vacancy.

B-70-10 How a Vacancy Occurs. A vacancy on the Board exists when a Board Member resigns, is impeached or recalled, dies or, without excuse, fails to discharge the duties of office for three consecutive months without specific action of the Board to extend.

B-70-20 Applications. After a vacancy exists, the Board shall request applications from the public and announce a schedule for the application period and a date when applicants will be interviewed by the Board in open public session.

B-70-30 Resumes. Applicants shall complete a District form and may attach a resume and submit it to the Secretary of the Board within the specified application period.

B-70-40 Majority Vote. The appointment to fill the vacancy shall be by majority vote.

B-70-50 Election. If the vacancy is not filled by appointment, the Board shall call an election within 60 days of the vacancy in concurrence with the County Registrar of Voters.

B-70-60 Board of Supervisors. If the Board fails to fill the vacancy by appointment and fails to call an election within 60 days of the vacancy occurring, the District shall turn the matter over to the Plumas County Board of Supervisors for a decision on an appointment or the calling of an election to fill the vacancy.

Agenda of Board Meetings B-80

PURPOSE: This policy establishes the procedures to prepare Board agendas.

B-80-10 Preparation of Agenda. The General Manager, in consultation with the Board Members and department heads, shall prepare the agenda for all regular, adjourned, special and emergency meetings of the Board in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926).

B-80-20 Form and Order. The agenda form and order shall be at the discretion of the General Manager. The General Manager consults with the Board Members and may consult with legal counsel prior to issuing the agenda.

B-80-30 Additional Items. Board members may request to add agenda items at a Board meeting or may submit a request to the General Manager. Absent an emergency, any matter to be included in the agenda shall be provided, along with written support material, to the Board Secretary at least eight (8) business days preceding the meeting. Requests to add an agenda item will be routinely respected unless there is a compelling reason to deny or delay such a request in the judgment of the General Manager in consultation with the Board Chair and/or Legal Counsel.

B-80-40 Public Requests. A request from the public for the addition of an agenda item for a regularly scheduled meeting of the Board shall be made in writing to the General Manager and shall be “a matter directly related to the District business.” Such requests will be routinely respected unless there is a compelling reason to deny or delay such a request in the judgment of the General Manager in consultation with the Board Chair and/or Legal Counsel. The General Manager shall consult with the Board Chair regarding the request. If the request is honored, the matter shall be considered by the Board at a future regular meeting.

B-80-50 Attachments. All agenda reports that have attachments shall be included in the Board packet when delivered. If an attachment is not included in the Board packet, the item shall be provided to the Board in a timely manner and shall be made available to the public as required by law.

B-80-60 Matters Not on the Agenda. The Board may take public comment on matters not on the agenda at any meetings, but the Board shall not discuss nor take action on the matters until placed on an agenda.

B-80-70 Special Circumstances. Only matters listed on the agenda may be discussed and acted upon by the Board, except in accordance with applicable law.

B-80-80 Public Review of Agendas. Agendas for regularly scheduled meetings of the Board shall be posted in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) at least seventy-two (72) hours prior to the meeting. Agendas for special meetings shall be posted similarly at least twenty-four (24 hours) prior to the meeting.

Minutes of Board Meetings B-90

PURPOSE: This policy establishes the rules for preparation of minutes, what items may be included and procedures to approve or amend the minutes.

B-90-10 Preparation of Minutes. With the assistance of the General Manager, the Secretary of the Board of Directors shall provide “action” written minutes of all meetings of the Board from meeting notes and the meeting audio/video recordings, if needed. The audio/video recordings will be kept for at least 1-year following the meeting date which generated the recording. The written minutes shall be considered the formal minutes of the District.

B-90-20 Contents. The written minutes shall contain all actions taken by the Board and the names of who voted, each yea, nay, abstention and recusal with names of members of the public who spoke, and the substance of their comments, and any relevant restrictions/amplifying remarks from staff, legal counsel, or consultants.

B-90-30 Required Details. The written minutes shall also include date, time, place, and type of meeting; roll call; notation of late-arriving or early-departing Board Members and any absences when votes are taken; notices of special meetings; and time of adjournment. A record of those present and serving the District as contractors and consultants will also be recorded.

B-90-40 Individual Items. The types of agenda items that shall be included in the written minutes are including but not limited to the approval of written minutes of prior meetings; resolutions; ordinances; contracts; bid proceedings; warrants; budgets; reports by staff, legal counsel and consultants; important correspondence; appearances by delegations and special guests; and policy and procedure issues. Other items may be included in the written minutes at the discretion of the General Manager. The written minutes shall not include anything discussed in a closed session but shall include any report out from a closed session.

B-90-50 Approval Procedure. The Board shall consider written minutes for approval in a timely manner. Approval will be by motion. A majority vote of the Board is required to approve any corrections. If corrections are approved by a majority of the Board, the written minutes as corrected will then be approved by motion.

Board Committees B-100

PURPOSE: This policy establishes rules for standing and ad hoc committees and study sessions (workshops).

B-100-10 Appointment of Committees. The Board Chair shall establish and/or confirm the members of the standing committees for the ensuing year no later than the Board's regular meeting in January, as he/she deems necessary with the cooperation of the other Board Members. Additionally, he/she shall appoint ad hoc committees as needed at any time throughout the year.

B-100-10-1 Specific Purpose. Standing and ad hoc committees are created for specific purposes. Standing committees duties are outlined in B-100-40. The duties of ad hoc committees shall be determined at the time of formation along with an associated timeline for the committee. For ad hoc committees, the committee will be deemed dissolved after its final report is made to the Board.

B-100-10-2 Appointment of Chairperson. The Board Chair, in cooperation with the other Board Members, shall designate the committee chairperson, who shall schedule the next committee meeting date,/time, and place at the preceding month's regular board meeting. The chairperson shall make periodic reports to the Board on the committee's progress.

B-100-10-3 Scope of Responsibility. The committee shall gather information, explore alternatives, examine implications, and offer recommendations to the full Board. The committee may meet with staff and/or District consultants, but shall not interfere with their duties as determined by the Board.

B-100-10-4 Limits on Authority. Except where formally, expressly authorized by Board action, the committee shall not speak or act on behalf of the Board, shall not conflict with authority delegated to staff by the Board, and shall not attempt to exercise authority over staff.

B-100-20 Periodic Study Sessions. The Board, by majority vote, may call for a Board study session as deemed necessary and appropriate. A study session may be held separate from the regular meeting of the Board at a time and place to be determined by majority vote of the Board. The study session may be an adjourned regular or special meeting. The General Manager in

consultation with the Board Chair shall recommend appropriate items to be discussed at the study session. The agenda will be prepared and posted in the same manner as other Board meeting as is set forth in Policy B-80.

B-100-20-1 Study Sessions and Action Plans. Study sessions shall generally be conducted to identify or determine key issues facing the District and provide the opportunity to develop plans of action that addresses those issues with specific actions, along with a timeline and responsibilities for carrying out the action plan to achieve District goals.

B-100-30 The following shall be standing committees of the Board:

B-100-30-1 Personnel and Planning Committee;

B-100-30-2 Ordinance Committee;

B-100-30-3 Public Relations Committee; and,

B-100-30-4 Finance Committee;

B-100-40 Duties of the Standing Committees. Upon direction of the Board, standing committees meet* and review District functions, activities, and/or operations pertaining to their respective areas of concern as set for the below.

B-100-40-1 The Personnel and Planning Committee shall be concerned with the planning, operation, maintenance, staffing, materials, billing and administration of the District.

B-100-40-2 The Ordinance Committee shall be concerned with the ongoing review and update of the District's regulations and Policy.

B-100-40-3 The Public Relations Committee shall be concerned with complaints lodged by customers and the quick and fair resolution of each situation. They shall make recommendations to the Board on any issues that require a Board decision.

B-100-40-4 The Finance Committee shall be concerned with reviewing the expenditures and income of the District and establishing a budget for each fiscal year.

*** All meetings of standing committees shall conform to the open meeting laws that pertain to meeting of the Board of Directors.**

Authority over Personnel B-110

PURPOSE: This policy delegates to the General Manager general authority over personnel matters and authority to administer the District.

B-110-10 Administration. The Board delegates to the General Manager, as Executive Officer of the District and for the Board, the authority to administer the District with exclusive management and control of the operations and works of the District, subject to approval of the Board, and to provide day-to-day leadership of the District. The General Manager also has general charge, responsibility, and control over all property of the District.

B-110-20 Personnel Matters. The Board delegates to the General Manager general authority over personnel matters involving District staff, including, evaluating, disciplining, and discharging employees.

B-110-30 Non-Interference. Individual Board members shall not interfere with the General Manager in District personnel matters.

B-110-40 Discipline. Subject to IVCS Policy, including references therein and amendments thereto, the General Manager may suspend, demote, reduce in pay, or discharge any regular employee, and will inform the Board after taking such actions as soon as practical.

B-110-50 Wage Increases. The General Manager shall report to the Board when delaying, or not granting a regular or special wage step increase.

B-110-60 Employee Evaluations. Individual employee performance evaluations are privileged and confidential.

B-110-70 Other Duties. The General Manager shall have authority to carry out other duties specified in the District's Ordinances or official job description for the position.

Board Member Interaction with Staff B-120

PURPOSE: This policy establishes procedures for Board Member communication with the General Manager and District Staff.

B-120-10 Communication Path. The general path of communication shall be Board to General Manager then General Manager to staff. The General Manager may delegate the communication directly to a Board member or staff member for particular issues only.

B-120-20 Non-Interference with Staff. Individual Board Members shall not interfere with or direct District staff nor use District facilities in such a way that the action is unreasonable or interferes with the operation of the District.

B-120-30 Simple Information Requests. Individual Board members may make simple information requests of staff, through the General Manager. A simple information request is one

that would take the General Manager, District Staff or Counsel two (2) hours or less to complete in the view of the General Manager.

B-120-40 Substantial Information Requests. A substantial information request is made through the General Manager and one that would take the General Manager, District Staff or Counsel more than two (2) hours to complete in the view of the General Manager. Individual Board members may place a substantial information request item on any future agenda to request substantial or to add an item on a future agenda. The request shall be made as a motion under the Board Request section of the agenda. A majority affirmative vote is necessary to approve the action.

Board Member Training/ Conferences/ Seminars/ Travel B-130

PURPOSE: This policy establishes the general rules for attendance at training, conferences, seminars and other travel. Board members will limit expenses being borne by the District to be within the allowed limits.

B-130-10 Attendance Encouraged, but Annual Limit on Number of Conferences/ Seminars/ Trainings. Board Members are encouraged to attend educational training, conferences and seminars, and serve as representatives of the District at professional meetings that clearly benefit to the District and are directly related to improving the operation of the District. Since trips and travel expenses for training, conferences and seminars are being paid for with public funds, it shall be the responsibility of the official undertaking the trip to make every effort to attend the entire conference and/or as many sessions as possible to attain maximum benefit. Absent unusual circumstances, prior Board authorization must be received in order to receive financial reimbursement. As a general rule, there shall be a limit of four (4) conferences or seminars per fiscal year for each Board Member. The District will pay expenses in accordance with the approved usual and reasonable travel related reimbursement schedule found in District policy. For multi-day conferences, compensation shall be at a maximum of one meeting per day. Further specificity is set forth in District Policy; Compensation for Meetings and Travel.

B-130-20 Usual and Reasonable Costs (Cost Control). The District will pay all usual and reasonable costs (Ref: District Policy, Compensation for Meetings and Travel), associated with authorized attendance at approved training, conferences, seminars, and other travel, including, but not limited to, registration, lodging, personal automobile mileage, meals, ground transportation and travel. A meal expense will not be allowed when the meal is provided as part of the registration cost of the attended function. Board members must submit their Expense Report form within 30 days of the expense being incurred, accompanied by receipts documenting each expense.

B-130-30 Report to Board. Any and all Board members who attend a conference/seminar/etc. for which the District has expended funds shall briefly report orally or in writing at the following District governing body regular meeting. If multiple officials attended, a joint report may be made.

Electronic Communication to and from the Board B-140

PURPOSE: This policy establishes the proper procedures for communication with Board Members.

B-140-10 Primary Communication. Routine communication between the District Office and Board Members at home shall be by fax, e-mail or other agreed and effective means. In general, it is expected that Board members shall communicate with the District via email when out of the District office. Board members should refrain from using any communication method that may result in a serial meeting. When replying to District email, **do not use the “Reply All”** button. Simply reply to the one sending the email communication.

B-140-20 Provision for Communications. The District may provide appropriate and necessary equipment and/or services to allow for reasonable communications with the District by Board members.

Memberships B-150

PURPOSE: This policy sets forth the rules for membership in associations and establishes who may represent the District.

B-150-10 Appropriate Memberships. To take advantage of in-service training opportunities, the District may hold membership in Industry related associations. Board members and staff may attend meetings of national, state, and local associations directly related to the purposes and operations of the District. Decisions to continue, discontinue or add new memberships shall occur through the annual budget process.

B-150-20 Appointment of Representatives. The Board Chair shall appoint Board Members as representatives and alternates, as appropriate, to serve as contacts between the District, stakeholder groups, associations and others. The representatives and alternates shall report to the Board in a timely manner on their activities involving these associations. In some cases members may be allowed certain expenses for travel and membership in such associations. This shall be determined and approved by the full Board.

B-150-30 General Manager Memberships. The Board Chair may designate the General Manager as the appropriate representative or alternate in connection with memberships in any association. The General Manager may designate those associations or industry specific organizations with which his/her association is necessary or desired.

Legal Counsel B-160

PURPOSE: This policy establishes the process to select and hire a Legal Counsel for the District, and sets forth:

- The duties of the Legal Counsel.**
- The policy for correspondence between individual Board members and District Legal Counsel.**
- The process for authorizing Legal Counsel charges.**

B-160-10 Method. The Board by resolution shall employ by contract or other appropriate means an attorney to serve as Legal Counsel for the District.

B-160-20 Selection Process. The process to select a Legal Counsel may include, but not be limited to, the following: 1) issuance by the Board of a Request for Proposals, 2) appointment by the Board Chair of an ad hoc Board committee, which may include the Board Chair, to review the proposals in cooperation with the General Manager, 3) selection by the committee of leading candidates to be interviewed by the Board in, 4) background check of the leading candidate or candidates, and 5) selection of a Legal Counsel by the Board in open session. A fee schedule and other conditions of employment, including provisions for evaluation and termination, shall be negotiated between the Board and the legal counsel in and approved by the Board in open session.

B-160-30 Annual Review. The District Counsel's evaluation will be prepared by the General Manager for the Board's consideration. After the Board's consideration and concurrence the evaluation will be presented to District Counsel in closed session. This performance evaluation should occur in properly noticed closed session at the Regular Board Meeting in October of each year.

B-160-40 Adviser. The Legal Counsel shall advise the Board and General Manager concerning their respective legal responsibilities for full compliance with all laws pertaining to the governing, administering, and operating of the District. The Legal Counsel shall review and comment on all appropriate District matters that come before the Board or other District matters as requested by the General Manager

B-160-50 Duties. Specific duties of the Legal Counsel shall include, but not be limited to, preparing and reviewing contracts, leases, deeds, agreements, and other legal documents; handling legal aspects of land and right-of-way actions; preparing and processing petitions and other documents involved in annexations; handling legislative matters of interest to or affecting the District; making all necessary preparations for Board elections and reviewing election procedures and returns; bringing to the Board's attention matters of interest or concern; advising the Board on labor-law requirements; performing other tasks as requested by the Board.

B-160-60 Attendance. The Legal Counsel shall attend meetings as needed. Meeting attendance may not be necessary as determined by the General Manager.

B-160-70 Relationship to General Manager. The Legal Counsel shall advise the General Manager on appropriate legal matters and shall perform other duties as requested by the General Manager.

B-160-80 Correspondence between individual Board Members and Legal Counsel.

Individual Board Members shall not contact Legal Counsel unless such has been pre-authorized via formal Board action. If Board pre-authorization is infeasible (e.g. due to time constraints associated with conducting a Board meeting), individual Board Members are required to obtain authorization from the Board Chair (Vice-Chair when the Board Chair is unavailable). The individual Board Member must also notify the General Manager that the individual Board Member has obtained authority to contact Legal Counsel. If the authority for the individual Board Member to contact Legal Counsel does not come from Board action, the authorization for consultation with Legal Counsel is expressly limited to one (1) billable hour.

General Manager Performance Evaluation B-170

Purpose: This policy establishes the methodology and schedule for evaluating the performance of the General Manager.

B-170-10 The General Manager of the District is retained and serves at the will of the Board of Directors and has general authority over personnel matters and authority to administer the District. The Board of Directors shall review the performance of the General Manager after the initial six months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.

B-170-20 The performance evaluations should occur in properly noticed closed session at the Regular Board Meeting in April, May and June of each year (see **District Policy 2009**). The Board secretary shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.

B-170-30 The Board of Directors has agreed upon a three step evaluation methodology (Goal Setting, Evaluation and Presentation) and form to be employed.

B-170-40 At a minimum, during a scheduled closed session(s), the Board should meet as a group with the General Manager to verbally discuss the components of the performance evaluation and receive feedback from the General Manager relative to his/her assessment. The Board of Directors and General Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period. These goals and objectives should include expectation that coincide with the Vision/Strategic Plan deliverables for a given year. If requested by the Board and/or the General Manager, the District's Legal Counsel, and/or organizational consultant may attend the evaluation session. Following the meeting with the General Manager, the Board shall meet and determine an overall evaluation of the General Manager's performance for the past review period and provide written notification to the General Manager of the assessment and any recommended compensation adjustment, as appropriate. A copy of this written assessment should be provided to the General Manager and a copy kept in

the General Manager's personnel file. The performance evaluation shall be held strictly confidential. Any decision on a change in compensation shall be made at a public meeting following the closed session evaluation meeting.

Engineer B-180

PURPOSE: This policy establishes the process to select and hire a consulting civil engineer, and sets forth the duties of the Engineer.

B-180-10 Method. The Board may employ by contract or other appropriate means an engineer to provide special project consulting, design, design review, etc.

B-180-20 Selection Process. The process to select the Engineer may include, but not be limited to, the following: 1) issuance by the Board of a Request for Proposals, 2) appointment by the Board Chair of an Ad hoc Board committee, which may include the Board Chair, to review the proposals in cooperation with the General Manager, 3) selection by the committee of leading candidates to be interviewed by the Board in closed personnel session, 4) background check of the leading candidate or candidates, and 5) selection of the Engineer by the Board in open session. A fee schedule and other conditions of employment, including provisions for evaluation and termination, shall be negotiated between the Board and the legal counsel in closed personnel session and approved by the Board in open session.

B-180-30 Adviser. The Engineer shall review, comment and advise the Board and General Manager concerning all engineering matters as requested by the General Manager

B-180-40 Duties. Specific duties of the Engineer shall may include, but not be limited to the following services: reviewing contracts, leases, deeds, agreements, annexations, ordinances and other legal documents with the District's Legal Counsel; reviewing applications for service and plans and specifications for proposed extensions of the District's infrastructure; reviewing planning and or environmental documents forwarded by the County planning departments for potential impacts on the District and reporting these to the General Manager and the Board; performing land surveys and preparing and establishing legal descriptions and plot maps as requested by the General Manager or the Board; preparing and establishing Standard Specifications and Details for additions to or for the rehabilitation of the District's infrastructure; updating maintaining maps of the District's infrastructure; assisting the General Manager and District staff with the maintenance of the District's Geographical Information System (GIS); preparing plans, specifications and estimates for improvements to the District's infrastructure when requested by the General Manager or the Board; assisting with the General Manager with the engagement and coordination of the services of other professional consulting engineers retained by the District to study or design improvements to the District's wastewater pumping, treatment and disposal systems; coordinating, soliciting and obtaining and assisting the General Manager and the Board with public bids for Contract's for improvements to District facilities; assisting the General Manager and Staff with the preparation and maintenance of the District's Sewer System Management Plan (SSMP) for maintenance of the collection system; assisting the General Manager and Staff with the reports to the regulatory oversight entities; assisting the General Manager and Staff with the preparation and implementation of an annual budget, with the District's Long Range and 5-Year Capital Improvement Plans and other financial matters;

assisting the General Manager, Staff and the Board with the establishment and collection of fees, assessments and taxes, or by other means; assisting the General Manager and Staff with source control and pollution prevention measures; attending public meetings and representing the District before public agencies and the community when requested by the General Manager or the Board; preparing staff reports and assisting the General Manager with scheduling matters to be brought before the Board; and performing other tasks as may be requested by the General Manager or the Board.

B-180-50 Attendance. The Engineer shall attend meetings as needed. Meeting attendance may not be necessary as determined by the General Manager.

B-180-60 Relationship to General Manager. The Engineer shall advise the General Manager on appropriate engineering matters and shall perform other duties as requested by the General Manager.

Sexual Harassment B-190

Purpose: Acts of sexual harassment by anyone affiliated with the District, including Board Members, are strictly prohibited and are subject to sanctions and disciplinary measures.

B-190-10 Definition. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

B-190-10-1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

B-190-10-2 Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

B-190-10-3 Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

B-190-20 Prohibited Acts. Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions, subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment are:

B-190-20-1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

B-190-20-2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person, or propositions of a sexual nature.

B-190-30 Complaint Process. Any employee who believes he/she is the victim of sexual harassment may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

B-190-30-1 An informal complaint is made verbally by the employee to the immediate supervisor. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee. If the complaint is about the General Manager or the Resource Coordinator/District Clerk, the employee may file the complaint by contacting IVCS Legal Counsel with the assistance and cooperation from the Board Chair.

B-190-30-2 A formal complaint is made in writing. Written complaint should be submitted by the employee to the General Manager or if the complaint is about the General Manager or the Resource Coordinator/District Clerk, the employee may file the complaint by contacting IVCS Legal Counsel with the assistance and cooperation from the Board Chair.

B-190-30-3 Within 24 hours of the filing with the General Manager, the General Manager (or Board Chair/Legal Counsel ask described above) shall inform, in total confidentiality, the Board Chair of the Board of Directors, or the entire Board, depending on circumstances.

B-190-30-4 All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

B-190-30-5 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

B-190-40 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found, including legal actions where appropriate.

B-190-40-1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

B-190-40-2 Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims.

B-190-40-3 Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

B-190-40-4 Employees complaining of sexual harassment against the General Manager shall be reported to the Board Chair and go to the Board in Closed Session with or without representation.

Check Signing B-200

Purpose: To define the responsibility of Board Members to pick up and/or sign checks for the District in order to pay outstanding bills.

B-200-10 The District requires that all checks issued for paying bills of the District be signed by two Board Members.

B-200-20 In order to keep payments of outstanding bills paid in a timely manner, it is necessary that Board Members stop into the office at least once a week so that two signatures may be secured.

B-200-30 Back up documentation must accompany each check so that the Board Member can evaluate the bill to be paid.

B-200-40 If a Board Member is in the Quincy area, it would be to the District's benefit if the Member could stop by the Bookkeeper's office and pick up the checks to be signed and deliver them to the District Office.