



# Agenda

Board of Directors  
Kensington Police Protection  
and Community Service District

**Special and Regular Meetings**  
**Thursday, December 9, 2021**  
Via Teleconference

[www.kppcsd.org/2021-12-09-kppcsd-board-meeting](http://www.kppcsd.org/2021-12-09-kppcsd-board-meeting)

The page at the URL above will have instructions on how to join the online meetings.

*On September 16, 2021, the Governor signed into law AB 361. AB 361 added Section 54953(e) to the California Open Meetings Act, California Government Code 54950 et seq. (“The Brown Act”). Section 54953(e) allows District’s legislative body, the Board of Directors, to hold meetings by teleconferences during a proclaimed state of emergency subject to the Board making findings specified in Section 54953(e)(2). The Board may continue to hold teleconferenced meetings during the state of emergency so long as at least every 30 days, the Board reconsiders the state of emergency to determine if remote meetings are warranted under Section 54953(e)(3). When holding teleconferenced meetings, the Board must comply with the notice, access, public comment and other procedure requirements of Section 54953(e)(2).*

**Special Meeting – 6:00 p.m.**

## Call to Order

## Roll Call

### Special Meeting Agenda Item Public Comments

*Individuals wishing to address the Board of Directors concerning any Special Meeting agenda items or on matters not already on the agenda are invited to make oral comments of up to three minutes. Please raise your hand via Zoom. When you are called on by the Board President, you will be unmuted and you can address the Board of Directors. Please state your name clearly for the audio recording. You are requested to address your comments to the President and Board of Directors and not to staff and/or the audience. By state law, the Board is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Board, please mail or email it to the Clerk of the Board at 917 Arlington Ave., Kensington, CA 94707 or [llewis@kppcsd.org](mailto:llewis@kppcsd.org).*

### 1. **Teleconference Meetings During State of Emergency**

Recommended Action: Adopt Resolution Determining That Current Circumstances Continue To Warrant Holding Meetings By Teleconference.

Contact: Ann Danforth, General Counsel, [adanforth8@outlook.com](mailto:adanforth8@outlook.com)

### **Adjournment to Closed Session**

2. **Conference with Real Property Negotiators** (Government Code § 54956.8)  
Consider matters related to properties: 217 Arlington Avenue and 303 Arlington Avenue  
Agency negotiator: Interim General Manager Richard J. Benson  
Under negotiation: price, terms of payment, space available.  
Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)
3. **Recruitment of Permanent General Manager** (Government Code § 54957(b))  
Recommended Action: Receive and discuss a presentation by CPS HR Consulting.  
Contact: Richard J. Benson, Interim General Manager, [rbenson@kppcsd.org](mailto:rbenson@kppcsd.org)

## **Regular Meeting - 7:00 p.m.**

### **Call to Order**

### **Announcement from Closed Session**

### **Roll Call**

### **Public & Consent Calendar Comments**

*All matters on the Consent Calendar are considered routine and are approved by one motion and vote, unless Board Member or General Manager first requests that a matter be removed for separate discussion and action. Individuals wishing to address the Board of Directors concerning Consent Calendar items or on matters not already on the agenda are invited to make oral comments of up to three minutes. Please raise your hand via Zoom. When you are called on by the Board President you will be unmuted and can address the Board of Directors. Please state your name clearly for the audio recording. You are requested to address your comments to the President and Board of Directors, and not to staff and/or the audience. By state law, the Board is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Board, please mail or email it to the Clerk of the Board at 917 Arlington Ave., Kensington, CA 94707 or [llewis@kppcsd.org](mailto:llewis@kppcsd.org).*

### **Consent Calendar**

1. **Meeting Minutes for the November 11, 2021 Special and Regular Meetings**  
Recommended Action: Approve meeting minutes.  
Contact: Lynelle Lewis, District Clerk, [llewis@kppcsd.org](mailto:llewis@kppcsd.org)
2. **October 2021 Financial Reports**  
Recommended Action: Receive and accept financial reports.  
Contact: Lisa Mundis, Finance Director, [lmundis@kppcsd.org](mailto:lmundis@kppcsd.org)

### **Discussion and Action**

#### **3. Policy & Procedure Manual**

Recommended Action: Approve Resolution No. 2021-17 Adopting a New Policies and Procedures Manual.

Contact: Ann Danforth, General Counsel, [adanforth8@outlook.com](mailto:adanforth8@outlook.com)

#### **4. Board Elections**

Recommended Action: Elect President and Vice-President of the Kensington Police Protection and Community Services District Board of Directors for the Terms of Office to Commence January 1, 2022.

Contact: Sylvia Hacaj, President of the Board, [shacaj@kppcsd.org](mailto:shacaj@kppcsd.org)

### **Director Comments & Reports**

#### **6. Director Comments**

#### **7. General Manager Comments**

### **Adjournment**

The next regular meeting will be held on January 13, 2022.

### **General Information**

- All proceedings of the Open Session will be audio and video recorded if possible.
- Upon request, the Kensington Police Protection and Community Services District will provide written agenda materials in appropriate alternative formats or disability-related modification of disabilities to participate in public meeting. Please send written request, including your name, mailing address, phone number, and a brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two days before the meeting. Requests should be sent to Kensington Police Protection & Community Service District, 217 Arlington Ave, Kensington, CA 94707.
- To be added to the Board Agenda Mailing List, complete and submit the form at <https://www.kppcsd.org/agenda-mailing-list> or by notifying the Clerk of the Board at [llewis@kppcsd.org](mailto:llewis@kppcsd.org).

### **Posted Agenda**

Public Safety Building – Colusa Food – Arlington Kiosk and at [www.kppcsd.org](http://www.kppcsd.org). Complete agenda packets are available at the Public Safety Building at 217 Arlington Avenue, Kensington, CA 94707.

All public records that relate to an open session item of a meeting of the Kensington Police Protection & Community Service District that are distributed to a majority of the Board less than 72 hours before the meeting, excluding records that are exempt from disclosure pursuant to the California Public Records Act, will be available for inspection at the **District offices, 217 Arlington Ave, Kensington, CA 94707** at the same time that those records are distributed or made available to a majority of the Board.



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Date: December 9, 2021  
To: Board of Directors  
From: Ann Danforth, General Counsel  
Subject: Resolution for the Board to Continue Holding Remote Meetings

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**Recommendation:**

Review, discuss, amend (as necessary) and adopt the attached Resolution.

**Rationale for Recommendation:**

The State has adopted Assembly Bill 361, which amends the Brown Act (also known as the California Open Meetings Law) with respect to conducting remote meetings by teleconferencing. Staff believes that the present circumstances meet the criteria for continuing teleconferencing meetings. Adoption of the resolution will authorize the Board of Directors to continue that practice.

**Background, Discussion and Analysis:**

AB 361, codified as Government Code Section 54953(e)(1), authorizes teleconferenced meetings during a proclaimed state of emergency under the circumstances and criteria discussed at the Board's special meeting on September 28, 2021.<sup>1</sup> At that meeting, the Board determined that the then-current circumstances met those requirements, adopting Resolution 2021-19.

Section 54953(e)(3) limits the duration of each such determination to 30 days. If the state of emergency remains active or state or local officials have imposed or recommended measures to promote social distancing, the Board must reconsider the circumstances of the state of emergency within 30 days and determine either that the state of emergency continues to directly impact the ability of the members to meeting safely in person or that state or local officials have imposed or recommended measures to promote social distancing. Accordingly, on October 14, 2021, the Board re-considered the circumstances of the state of emergency and adopted Resolution No. 2021-20, deciding to continue to hold meetings remotely. The Board came to a similar decision on November 11, 2021, adopting Resolution 2021-21.

The Board adopted Resolution 2021-21 less than 30 days ago. However, the Board typically meets only once a month. To continue holding teleconferenced meetings during the Covid 19 threat without calling special meetings when the interval between regular meetings exceeds once a month, the Board

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<sup>1</sup> As also discussed at that meeting, the Brown Act also allows teleconferencing under Section 54954(b), but the restrictions are significantly more burdensome.

must regularly reconsider its decision to meet remotely. The attached draft Resolution 2021-22 will authorize continued teleconferenced meetings.

The current circumstances differ little from those prevailing on when the Board adopted its previous AB 361 resolutions. Governor Newsom's 2020 declaration of a state of emergency remains in effect. The Center for Disease Control has recommended booster shots for groups considered more vulnerable to Covid, or more likely to be exposed, evincing the on-going danger of the virus. Even vaccinated persons are vulnerable to Covid's Delta variant and can spread the infection to others, although they tend to be less likely to become ill and are infectious for a shorter period of time (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>). Moreover, as of the writing of this report, the Center for Disease control continues to recommend social distancing for unvaccinated persons and masks in some circumstances (see <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html> as does Contra Costa County (see, e.g., <https://www.coronavirus.cchealth.org/prevention>, <https://www.coronavirus.cchealth.org/safer-social-interactions>). One important new fact further supports continuing remote meetings: the emergence of a new variant that appears to be even more contagious than Delta.

The Bay Area generally enjoys a strong vaccination rate. However, the District cannot assume that all meeting attendees are vaccinated. We do know that many Board meeting attendees are over 65 and therefore considered more vulnerable to Covid.

**Fiscal Impact:**

There is no fiscal impact from approving the Resolution.

**Exhibits**

Resolution No. 2021-22, Making Findings and Electing to Continue to Meet Remotely

**RESOLUTION NO. 2021-22**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
KENSINGTON POLICE PROTECTION AND COMMUNITY  
SERVICES DISTRICT MAKING FINDINGS AND DETERMINING A  
NEED TO CONTINUE HOLDING REMOTE MEETINGS BY  
TELECONFERENCE**

**WHEREAS**, the Board of Directors of the Kensington Police Protection and Community Services District (“District”) is committed to preserving public access and participation in Board of Directors’ meetings; and

**WHEREAS**, all meetings of the District’s Board are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the Board conduct its business; and

**WHEREAS**, Government Code section 54953(e)(1) of the Brown Act, allows a legislative body to hold a teleconference meeting, without compliance with the requirements of Government Code section 54953(b)(3), under any of the following conditions:

- A. State or local officials have imposed or recommended measures to promote social distancing.
- B. The meeting is for the purpose of determining, by majority vote, whether because of the emergency, meeting in person would present imminent risks to the health or safety of attendees
- C. The legislative body has determined, by majority vote, that, because of the emergency, meeting in person would present imminent risks to the health or safety of attendees;

and

**WHEREAS**, to meet by teleconference under Government Code section 54953(e), the Governor must have proclaimed a state of emergency under the California Emergency Services Act (Govt. Code § 8625 *et. seq.*); the legislative body must reconsider the circumstances of the state of emergency every thirty days; and the legislative body must find that the state of emergency continues to directly impact the ability of the members to meet safely in person and/or state or local officials continue to impose or recommend measures to promote social distancing; and

**WHEREAS**, if the legislative body does not make the above findings every thirty days, it must again determine whether the conditions specified in Government Code section 54953(e)(1) still pertain before holding further teleconferenced meetings under that subsection; and

**WHEREAS**, on September 28, 2021, October 14 and November 11, 2021, the Board held a special meetings in which it found that then-current circumstances met the criteria of Government Code Section 54953(e)(1)(A) and (C); and

**WHEREAS**, on December 9, 2021, the Board reviewed the evidence in the records and determined the following by majority vote:

- A. The state of emergency proclaimed by Governor Newsom on March 4, 2020, continues to exist;

- B. State or local officials continue to impose or recommend measures to promote social distancing.
- C. Because of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- D. The state of emergency continues to directly impact the ability of the members to meet safely in person

**WHEREAS**, many persons who regularly attend Board meetings are over the age of 65 and therefore considered particularly vulnerable to COVID-19; and

**WHEREAS**, the District provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to address their local officials and to participate in public meetings, and posts this information on the District’s website, including instructions on how to access the public meeting remotely.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors has reconsidered the circumstances of the state of emergency; and be it

**FURTHER RESOLVED**, that the Board finds that State or local officials continue to impose or recommend measures to promote social distancing and that State of Emergency declared by Governor Newsom on March 4, 2020, continues to directly impact the ability of Board members, staff, and the public to meet safely in person; and, be it

**FURTHER RESOLVED**, that the Board finds that because of the aforesaid declared State of Emergency, meeting in person would present an imminent risk to the health or safety of meeting attendees; and be it

**FURTHER RESOLVED**, that the Board authorizes and directs the General Manager to place on the Board’s agenda, at least once monthly, reconsideration of the State of Emergency to determine whether circumstances warrant continuing to meet by teleconference under Government Code section 54953(e)(3); and be it

**FURTHER RESOLVED**, that the Board authorizes and directs the General Manager to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

**PASSED AND ADOPTED** by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by \_\_\_\_\_, seconded by Director \_\_\_\_\_, on Thursday, the 9<sup>th</sup> day of December, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:



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Sylvia Hacaj  
President, Board of Directors

HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the special meeting of said Board held on Thursday, the 9<sup>th</sup> day of December, 2021.

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Lynelle M. Lewis  
District Clerk of the Board

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Richard J. Benson  
Interim General Manger

**KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT**

**BOARD OF DIRECTORS MEETING MINUTES  
Thursday, November 11, 2021  
Via Teleconference**

**Draft**

**Special Closed Session Meeting**

**Call to Order** [[TS 4:35](#)]

President Hacaj called the meeting to order at 6:08 p.m.

**Roll Call** [[TS 4:54](#)]

Director Chris Deppe, Director Mike Logan, Vice-President Eileen Nottoli, Director Rachelle Sherris-Watt and President Sylvia Hacaj were present.

Staff present included Interim General Manager Richard Benson and General Counsel Ann Danforth.

**Public Comment** [[TS 5:27](#)]

None.

**1. Teleconference Meetings During State of Emergency** [[TS 5:53](#)]

General Counsel Danforth presented the recommended action and rationale for adopting the resolution.

- Motion by President Hacaj, seconded by Vice-President Nottoli, to adopt the resolution determining that current circumstances continue to warrant holding meetings by teleconference, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

**Resolution No. 2021-21** – A Resolution Of The Board Of Directors Of The Kensington Police Protection And Community Services District Making Findings And Determining A Need To Continue Holding Remote Meetings By Teleconference.

**Adjournment to Closed Session** [[TS 7:57](#)]

The Board adjourned to Closed Session to consider two items.

**Regular Meeting**

**Call to Order** [[TS 2:19:44](#)]

President Hacaj called the meeting to order at 7:10 p.m.

**Announcement from Closed Session** [[TS 1:15:50](#)]

President Hacaj announced that the Board gave direction to its lead negotiator.

**Roll Call** [[TS 1:11:40](#)]

Director Chris Deppe, Director Mike Logan, Vice-President Eileen Nottoli, Director Rachelle Sherris-Watt, and President Sylvia Hacaj were present.

Staff present included Interim General Manager Richard Benson, General Counsel Ann Danforth, Police Chief Mike Gancasz, Finance Director Lisa Mundis, and Clerk of the Board Lynelle M. Lewis.

**Public & Consent Calendar Comments** [[TS 1:11:57](#)]

- The following persons addressed the Board: 1) Anthony Knight asked if Kensington Fire Protection District (KFPD) Board members were present on the teleconference; 2) Steve Simirin asked about the contract for stair repairs; and 3) Larry Nagel, KFPD Director, asked about the announcement from closed session.

**Consent Calendar** [[TS 1:16:26](#)]

- Motion by President Hacaj, seconded by Director Sherris-Watt, to adopt Items 1-3 on the Consent Calendar, carried unanimously (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

**1. Contract with FJ&I Engineering for Stair Repairs**

Approved entering into a contract with FJ & I Engineering in the amount not to exceed \$19,000 and authorized the Interim Manager to sign the contract contingent upon approval by District Counsel.

**2. Meeting Minutes for October 14, 2021 Special and Regular Meeting and for October 26, 2021 Special Meeting**

Approved meeting minutes as presented.

**3. September 2021 Financial Reports**

Received and accepted financial reports.

## **Discussion and Action**

### **4. Policy & Procedure Manual [\[TS 1:17:24\]](#)**

General Counsel Ann Danforth introduced the item and highlighted changes to policies. There was Board discussion on the proposed changes. Following discussion, there was general consensus to table action until the December meeting.

### **5. Police Officer Retention Bonus [\[TS 1:30:35\]](#)**

Interim General Manager Richard J. Benson presented the recommended action to approve a retention bonus for officers continuing to serve in the Kensington Police Department (KPD). Chief of Police Mike Gancasz supported the proposal.

- The following person addressed the Board: 1) David Bergen asked which officers recently left the District.
- Motion by Director Logan, seconded by Director Sherris-Watt, to approve the retention bonus for officers continuing to serve in the KPD as outlined in the staff report, carried unanimously (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

### **6. Amendment to Bay View Refuse Agreement [\[TS 1:38:13\]](#)**

Interim General Manager Richard J. Benson presented the recommended action to approve the proposed amendment to the Franchise Agreement with Bay View Refuse and Recycling, Inc. The proposed amendment would allow the Kensington community to comply with SB 1383 by diverting organic waste away from landfills.

- The following persons addressed the Board: 1) Julie Stein, KFPD Board Member, asked for clarification on recycling changes; 2) Anthony Knight asked for clarification on compostables; 3) Janet Parks supported the amendment and asked if residents would have access to the compost; 4) Katie Brohawn encouraged the Board to adopt the amended agreement; 5) Cara Gillen supported approving the amended agreement; 6) Kevin Niparko encouraged the Board to approve the amendment; 7) A. Stevens Delk asked about providing food waste collection service for commercial businesses; 8) Kristel Rietsel supported the amended agreement; 9) Linea Du asked about green waste; 10) Ingrid Behrsin supported approval of the agreement; 11) Amy Draemel encouraged the Board to pass the amended agreement; and 12) Len Welsh, former KPPCSD Board Member, thanked the Board for moving forward, thanked Bayview for providing excellent service, and urged approval of the agreement.
- Motion by President Hacaj, seconded by Director Logan, to approve the proposed amendment to the franchise agreement with Bay View Refuse & Recycling Services and authorize the signature of that agreement by the Board President, carried (5-0) by the following roll call vote: (AYES) Directors Deppe, Logan, Nottoli, Sherris-Watt and Hacaj.

## **Director Comments & Reports**

### **1. Director Comments** [[TS 2:13:28](#)]

- Director Sherris-Watt thanked and congratulated Police Chief Gancasz for achieving an 100% vaccination rate with the Police Department and staff.
- President Hacaj reported that the “Shred and Meds” collection event advertised for November 13<sup>th</sup> will be only for shredding. The medication collection will be rescheduled for another date.

### **2. General Manager Comments** [[TS 2:15:05](#)]

- Interim General Manager Benson provided an update on the recruitment of police officers. Next, he reported that recent heavy rains caused water leaks at the Community Center and repairs would be underway soon. He also reported that activities are proceeding to get the Community Center back open for use. In concluding, Mr. Benson reported that a new part-time Administrative Assistant had been hired.

## **Adjournment** [[2:19:05](#)]

President Hacaj adjourned the meeting at 8:39 p.m.

The next regular meeting is scheduled for Thursday, December 9, 2021.

SUBMITTED BY:

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Lynelle M. Lewis, District Clerk of the Board

APPROVED: December 9, 2021

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Richard J. Benson, Interim General Manager

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Sylvia Hacaj, President of the Board



KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS MEETING**

**December 9, 2021**

**ITEM 2**

**FINANCIAL REPORTS FOR THE MONTH OF OCTOBER 2021**

**SUMMARY OF RECOMMENDATION**

Receive financial reports for the month ending October 2021.

**ATTACHMENTS**

1. Summary Balance Sheet as of October 31, 2021
2. Budget vs. Actual Snapshot through October 31, 2021
3. Revenue and Expense Report Detail through October 31, 2021

**SUBMITTED BY:**

A handwritten signature in blue ink, which appears to read 'Lisa Mundis', is written over the printed name.

Lisa Mundis

Finance Director

Kensington Police Protection & Community Services District  
 Income & Expense Report - Detailed

October 2021

	Oct 21
Ordinary Income/Expense	
Expense	
500 · Police Sal & Ben	61,060.70
502 · Salary - Officers	5,046.80
506 · Overtime	499.98
516 · Uniform Allowance	5,960.33
521-A · Medical/Vision/Dental-Active	14,810.54
521-R · Medical/Vision/Dental-Retired	575.26
522 · Insurance - Police	931.57
523 · SocialSecurity/Medicare-Police	10,800.50
527 · PERS - District Portion	99,685.68
Total 500 · Police Sal & Ben	99,685.68
550 · Other Police Expenses	
560 · Crossing Guard	1,925.84
561 · Vehicle Fuel	1,027.37
562 · Vehicle Operation	176.00
563 · Vehicle Lease	3,309.54
571 · Records	1,470.00
572 · Hiring	118.00
580 · Utilities - Police	840.11
587 · IT Contract	2,352.00
588 · Telephone	3,340.50
590 · Janitorial	567.34
595 · Legal/Consulting - Police	236.25
Total 550 · Other Police Expenses	15,362.95

Kensington Police Protection & Community Services District  
Income & Expense Report - Detailed

October 2021

	Oct 21
635 · Park/Recreation Expenses	
640 · Community Center Expenses	
642 · Utilities-Community Center	1,026.25
646 · Community Center Repairs	150.00
Total 640 · Community Center Expenses	1,176.25
650 · Park	
651 · General Maintenance	2,076.00
Total 650 · Park	2,076.00
Total 635 · Park/Recreation Expenses	3,252.25
800 · District Expenses	
807 · Salaries	21,908.11
808 · Payroll Taxes	1,675.98
810 · IT Contract	3,916.71
815 · Admin Communications	214.99
817 · Postage	9.20
820 · Copier Contract	390.03
830 · Legal (District/Personnel)	5,315.63
840 · Accounting	3,775.00
865 · Police Bldg. Lease	3,050.25
891 · COVID	149.90
898 · Misc. Expenses	285.00
Total 800 · District Expenses	40,690.80
Total Expense	158,991.68
Net Ordinary Income	(158,991.68)
Net Income	(158,991.68)



# Kensington Police Protection & Community Services District

## Budget to Actual Snapshot

July through October 2021

	Jul - Oct 21	Budget	\$ Over Budget	% of Budget	Annual Budget
<b>Ordinary Income/Expense</b>					
Income					
400 · Police Activities Revenue	1,955,582.96	3,366,040.36	(1,410,457.40)	58.1%	3,539,457.08
420 · Park/Rec Activities Revenue	497.10	42,850.68	(42,353.58)	1.16%	74,184.04
440 · District Activities Revenue	12,305.17	133,200.67	(120,895.50)	9.24%	401,252.01
<b>Total Income</b>	<b>1,968,385.23</b>	<b>3,542,091.71</b>	<b>(1,573,706.48)</b>	<b>55.57%</b>	<b>4,014,893.13</b>
Gross Profit	1,968,385.23	3,542,091.71	(1,573,706.48)	55.57%	4,014,893.13
Expense					
500 · Police Sal & Ben	576,086.51	599,137.32	(23,050.81)	96.15%	2,043,196.96
550 · Other Police Expenses	240,937.06	254,806.96	(13,869.90)	94.56%	470,747.52
600 · Park/Rec Sal & Ben	2,550.00	0.00	2,550.00	100.0%	0.00
635 · Park/Recreation Expenses	86,130.28	96,581.44	(10,451.16)	89.18%	257,852.16
800 · District Expenses	202,437.48	263,937.76	(61,500.28)	76.7%	710,489.28
950 · Capital Outlay	20,462.39	84,814.12	(64,351.73)	24.13%	285,059.36
<b>Total Expense</b>	<b>1,128,603.72</b>	<b>1,299,277.60</b>	<b>(170,673.88)</b>	<b>86.86%</b>	<b>3,767,345.28</b>
<b>Net Ordinary Income</b>	<b>839,781.51</b>	<b>2,242,814.11</b>	<b>(1,403,032.60)</b>	<b>37.44%</b>	<b>247,547.85</b>
Other Income/Expense					
Other Expense					
700 · Bond Issue Expenses	(75.30)	0.00	(75.30)	100.0%	0.00
<b>Total Other Expense</b>	<b>(75.30)</b>	<b>0.00</b>	<b>(75.30)</b>	<b>100.0%</b>	<b>0.00</b>
<b>Net Other Income</b>	<b>75.30</b>	<b>0.00</b>	<b>75.30</b>	<b>100.0%</b>	<b>0.00</b>
<b>Net Income</b>	<b>839,856.81</b>	<b>2,242,814.11</b>	<b>(1,402,957.30)</b>	<b>37.45%</b>	<b>247,547.85</b>

Kensington Police Protection & Community Services District  
 Summary Balance Sheet  
 As of October 31, 2021

	Oct 31, 21
ASSETS	
Current Assets	
Checking/Savings	951,915.17
Accounts Receivable	1,976,582.37
Other Current Assets	146,074.01
Total Current Assets	3,074,571.55
Fixed Assets	5,404,780.39
Other Assets	5,643,638.28
TOTAL ASSETS	14,122,990.22
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	(144.00)
Credit Cards	804.56
Other Current Liabilities	8,863.22
Total Current Liabilities	9,523.78
Long Term Liabilities	11,919,369.13
Total Liabilities	11,928,892.91
Equity	2,194,097.31
TOTAL LIABILITIES & EQUITY	14,122,990.22



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Date: December 9, 2021  
To: Board of Directors  
From: Rick Benson, Interim General Manager  
Ann Danforth, General Counsel  
Subject: Policies & Procedures Manual

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**Recommendation:**

Review, discuss, amend (as necessary) and approve the attached Policies & Procedures ('Manual').  
The Board

**Rationale for Recommendation:**

The District's policies & procedures currently consist of individual policies that the Board has adopted to replace the District's old Policy and Procedures Manual, many of whose policies date back to 2003 ("2003 PPM"). These policies will be more accessible when they are consolidated into a single document, a new Policy and Procedures Manual.

**Background:**

In 2017, the California Special District Association published a model Policies and Procedures Manual ("CSDA Model Manual"). At that time, the District Board had already discussed the need to revise the old Manual. A Board committee consisting of Eileen Nottoli and Rachelle Sherris-Watt worked with staff and a consultant to develop updated policies that would reflect modern requirements and best practices. The Board has since replaced most of the policies in the 2003 PPM.

Staff consolidated the new policies in a single document and brought it to the Board for adoption on August 12, 2021. Board members requested several changes and clarifications and continued the item.

The staff report from August 12, 2021 is attached as Exhibit 1. This report focuses on changes made after that meeting in response to Director comments and questions.

**Discussion and Analysis:**

During the August 12, 2021, meeting, the Board raised the following issues:

1. Section 3200 – Sick, Vacation and Holiday pay: Several directors asked how these provisions apply to the Chief of Police. Chief Gancasz's compensation is governed by the offer of employment dated April 28, 2021, signed by both the Chief and then-General Manager Marti

Brown (see Policy 3010). This document provides that the Chief shall accrue paid leave at the same rate as provided by the MOU for members of the KPOA. This leaves open the question of the Lieutenant's accrual of paid leave. Absent explicit Board action, the Lieutenant would only receive the benefits that the PPM provides for unrepresented District employees, as follows:

- Full holiday pay
- One hour of paid sick leave for every 30 hours worked up to 160 hours or 69 hours
- No vacation pay

Under the MOU, represented offices accrue ten hours of sick leave for each calendar month worked or 120 hours per year, with no cap; they also accrue between 99 and 208 hours of paid vacation leave per year, depending on length of service; the MOU caps paid vacation leave at 240 hours. This discrepancy in benefits between the Chief and the rank and file is highly unusual. I recommend that the Board consider adding the following new section 3200.2.9, which reflects standard practice:

**Paid Vacation and Sick Leave, Chief of Police.** Notwithstanding anything in this Policy 3200 to the contrary, police officers that are not represented by the Kensington Police Officers Associate ("KPOA") shall accrue paid vacation and sick leave at the rate provided for represented employees in the then-current Memorandum of Understanding between the District and the KPOA ("MOU"), subject to the same maximum accrual limits if any.

2. The Board also asked for clarification as to how Section 3200's holiday provisions would apply to part-time employees. We have modified these sections to specify that payment would be proportionate to normal hours worked.

### **Other Proposed Changes**

Director Sherris-Watt requested several modifications, included in the attached draft. The more substantive changes include the following:

1. Policy 1020: Under "Role of the Board," the specific examples of impermissible behaviors has been deleted.
2. Policy 1020.5: The rule against public criticism of the General Manager has been deleted.
3. Policy 3110.1: A new instance of "prohibited conduct," has been added, which provides for unauthorized entry into District offices to be reported to law enforcement.

In addition, Director Sherris-Watt questioned the last sentence of Policy 3180.1, which provides as follows:

Tattoos and any piercing that is not on the head must be covered at all times.

The inclusion or deletion of this language is a Board decision.

### **Future Policy Actions**

**Policy 2040.3 Using Reserve Funds**

While no revisions to this policy were made in the draft Manual, staff recommends reconsidering the use of the following Reserve Funds: Vehicle Fleet, Technology, Designated Project/Special Use, Capital Improvements, and Economic Uncertainty and Emergency. First, these Reserve Funds were not established in prior fiscal years in the budget (although they have been identified in the Manual). The District needs and uses all General Fund Reserves as cash flow throughout the fiscal year. Since the District has little unassigned funds, staff recommends focusing on maintaining an overall General Fund Reserve and not a series of Reserves for accounting ease and cash flow purposes.

**Fiscal Impact:**

There is no fiscal impact by approving the updated Policies & Procedures Manual.

**Exhibits**

1. Staff Report of August 12, 2021 (without Exhibits)
2. Policy and Procedures Manual, Redlined against Previously Adopted Policies
3. Resolution Adopting Policy and Procedures Manual, with clean draft of the Manual



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Date: August 12, 2021  
To: Board of Directors  
From: Marti Brown, General Manager  
Ann Danforth, General Counsel  
Subject: Policies & Procedures Manual

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**Recommendation:**

Review, discuss, amend (as necessary) and approve the attached Policies & Procedures Manual ('Manual').

**Rationale for Recommendation:**

The District's policies & procedures currently consist of individual policies that the Board has adopted to replace the District's old Policy and Procedures Manual, many of whose policies date back to 2003 ("2003 PPM"). These policies will be more accessible when they are consolidated into a single document, a new Policy and Procedures Manual.

**Background:**

In 2017, the California Special District Association published a model Policies and Procedures Manual ("CSDA Model Manual"). At that time, the District Board had already discussed the need to revise the old Manual. A Board committee consisting of Eileen Nottoli and Rachelle Sherris-Watt worked with staff and a consultant to develop updated policies that would reflect modern requirements and best practices.

The Board has since replaced most of the policies in the 2003 PPM. The sole exception was the 2003 PPM's Policy 3000, Operations, which was temporarily renumbered as Policy 6000 until it could be replaced. The new Policy and Procedures Manual now proposed for adoption includes the policies previously adopted by the Board with some relatively minor changes and several new provisions in the Operations section, renumbered Policy 2000 to replace Policy 6000.

**Discussion and Analysis:**

In general, the attached draft Manual consists of policies that the Board has adopted since 2019. However, staff has performed some general language and grammatical clean up, ensuring consistent policies throughout the document, removed some redundancies and added some new language.

Exhibit 1 to this report is a redlined draft of all changes and additions from previously adopted policies except for typographical and formatting corrections.

The following sections of the Manual have particularly noteworthy changes and/or are new and have been added to the draft Manual, as described below.

**Policy 1020: Board/Staff Communications**

This section includes language clean up, and removal of redundancies and/or contradictions that may confuse or undermine the chain of command (e.g., consistently stating that the Board gives direction to the GM and not using “GM” and staff interchangeably).

**Policy 2000: District Operations**

The Board adopted a reserve policy (then-numbered 5040, renumbered as 2040 in the current draft) on August 13, 2020 and the District’s budget policy (renumbered as Policy 2030 in the current raft) on January 14, 2021. The Board has not previously modified the other District Operations policies (found in Policy 3000 of the 2003 Manual). The proposed draft includes the following significant changes:

- The draft substantially revises District policy regarding work related injuries, illnesses, or death by removing inapplicable or unusable sections and replacing them with a process similar to that found in the Kensington Police Department Manual (see Policy 2010); and
- The draft adds an investment policy, which staff derived from the CSDA Model Manual.

**Policy 3200.2.3: Limits on Accrual**

We recommend increasing sick leave cap from 48 to 160 hours. Most public agencies offer substantially more than 48 hours or the equivalent of six business days as a sick leave cap. We advise that the sick leave cap be increased to be more consistent with other public agencies and especially in light of the current pandemic.

**Policy 4060.2.1: Travel Cost Reimbursement**

We recommend that the District use the United States General Services Agency’s (GSA) per diem reimbursement rate per region of travel rather than codifying a specific dollar amount in the Manual when these amounts typically change from year to year. By referring in the Manual to the GSA’s per diem reimbursement rate, the Manual will not have to be updated and re-approved by the Board every year.

**Policy 4100.2.3: Board Action and Decisions**

We recommend removing this policy as there is no such thing as “informal” action. There is simply action of the Board of Directors. Since there is no difference between “formal” and “informal action,” it is not necessary to state it in this policy.

**Policy 4140.1.5: Minutes of Board Meetings**

We recommend that the District follow a standard action minute format that has been adopted and is promoted by the International Institute of Municipal Clerks. The shorter, factual format avoids summarizing the comments of Board Directors, the public and/or staff. Since public meetings are now either recorded and/or videotaped, action minutes have become the

acceptable public sector standard for recording the actions taken at public governmental meetings.

### **Future Policy Changes**

Staff recommends that the Board consider making the following substantive changes at a future meeting:

#### **Policy 2040.3 Using Reserve Funds**

While no revisions to this policy were made in the draft Manual, staff recommends reconsidering the use of the following Reserve Funds: Vehicle Fleet, Technology, Designated Project/Special Use, Capital Improvements, and Economic Uncertainty and Emergency. First, these Reserve Funds were not established in prior fiscal years in the budget (although they have been identified in the Manual). The District needs and uses all General Fund Reserves as cash flow throughout the fiscal year. Since the District has little unassigned funds, staff recommends focusing on maintaining an overall General Fund Reserve and not a series of Reserves for accounting ease and cash flow purposes.

#### **Policy 3200.1.2: Holiday Pay**

While not included in changes to the draft Manual, the Board of Directors may wish to consider changing “Columbus Day” to “Indigenous People’s Day” or “First People’s Day”, as well as adding “Cesar Chavez Day” and the employee’s birthday as additional holidays.

#### **Policy 3200.2.3: Limits on Accrual**

We recommend increasing sick leave cap from 48 to 160 hours. Most public agencies offer substantially more than 48 hours or the equivalent of six business days as a sick leave cap. It is advised that the sick leave cap be increased to be more consistent with other public agencies and especially in light of the current pandemic.

#### **Fiscal Impact:**

There is no fiscal impact by approving the updated Policies & Procedures Manual.

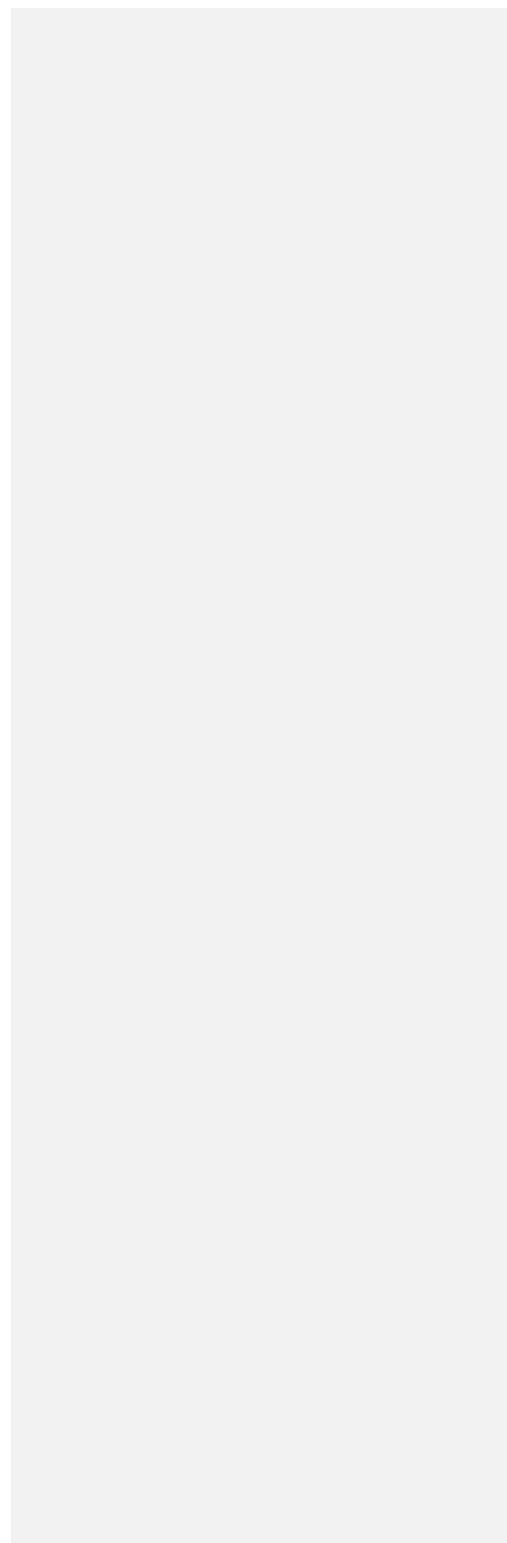
### **Exhibits**

1. Redlined Policy and Procedures Manual
2. Resolution Adopting Policy and Procedures Manual, with clean draft of the Manual



**KENSINGTON POLICE PROTECTION AND  
COMMUNITY SERVICE DISTRICT**

**POLICY AND  
PROCEDURE MANUAL**



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## INTRODUCTION

The Kensington Police Protection and Community Services District is a special district as defined by California Government Code Section 56036. Thus, it is an agency of the state formed for the local performance of governmental and proprietary functions within limited boundaries. Statutory authority is provided by the Community Services District Law (California Government Code 61000 *et seq.*). The District is governed by five members of the Board of Directors who are charged with establishing policies and exercising oversight for the operations of the District.

## SCOPE OF AUTHORITY

### *Police Services – Govt. Code Sec. 61100(i)*

The District is responsible for providing police protection and law enforcement services by operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code. The Police Department provides a full range of police services to the community. The Department is staffed with one (1) Chief of Police and adequate staff to ensure public order.

**Deleted:** establishing and

### *Recreational Services – Govt. Code Sec. 61100(e)*

The District is responsible for providing recreational services to the community. The District owns, maintains, and manages ongoing improvements to a Community Center, a Community Center Annex, a Recreation Building, and the Kensington Park. The park and recreational services are managed by the General Manager and staff.

**Deleted:** /Chief of Police and the Park Administrator. Recreation programs in the park are managed by the Kensington Community Council, a non-profit volunteer organization

### *Solid Waste Collection – Govt. Code Sec. 61100(c)*

The District oversees the solid waste and recycling programs in Kensington and is responsible for rate setting and ensuring the District meets State and Local mandates.

**Deleted:** It currently operates under a Memorandum of Understanding with Contra Costa County and a long-term franchise agreement with Bay View Refuse and Recycling.

# **POLICIES 1000**

## **GENERAL**

**Policy 1000: Adoption/Amendment of Policies**

**1000.1** Any Director or the General Manager may initiate consideration of a new policy, or amendment to an existing policy (“Policy Change”). The official requesting the Policy Change shall submit a written draft including a written rationale to the Board President and the General Manager, with a request that the item be included on the agenda of the next appropriate regular meeting of the Board of Directors. A Director may also request the General Manager to initiate a Policy Change at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

**1000.2** The Board of Directors shall consider for adoption any Policy Change at a regular meeting in accordance with then-prevailing state law. Any policy can be amended by three votes of the Board of Directors.

**Policy 1005: Association Memberships**

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

**1005.1 Appropriate Memberships.** To take advantage of training opportunities, networking opportunities, learn from professionals, and keep informed of most current information and best practices, the District may become members of industry related professional 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 or mid-year budgeting process.

**1005.2 Appointment of Representatives.** The President 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, in accordance with section 2080.

**1005.3 District General Manager Memberships.** With the exception of the Local Agency Formation Commission (LAFCO), whose representative is a Board Director, the Board may designate the District General Manager as the appropriate representative or alternate in connection with memberships in any association. The District General Manager may designate those associations or industry specific organizations with which an association is necessary or adds value to the District. The General Manager may send staff to appropriate meetings with direct connection to District projects and procedures.

Deleted: President

**Policy 1010: Basis of Authority**

**1010.1** The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director.

Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

**1010.2** 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. The operational aspects of the District are delegated to District staff.

**Policy 1015: General Manager**

**1015.1** State law requires that the District appoint a General Manager to its staff. The General Manager is the administrative head of the District and its staff and has discretion to assign responsibilities between subordinate staff. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with the Board's short and long range goals, policy statements, and directives. Because the District employs a limited staff, the General Manager may ask the Board President to appoint an individual director to assist with particular tasks on a volunteer basis.

**1015.4 Duties of the General Manager.** General Manager of the District Board of Directors or the General Manager's designee shall have the following duties:

- Implement the policy direction of the Board of Directors, including advising and making recommendations;
- Coordinate all projects and arrange for assistance depending on workload, expertise and priority. In the event that regular staff are not available to perform tasks as stipulated by the District's policies, designate personnel to perform those tasks. This shall not apply to tasks assigned to the General Counsel.
- Oversee and coordinate all District operations through appropriate staff including, without limitation, the Police Chief, Finance and Business Manager, Clerk of the Board, and others to effect operational efficiency;
- Be responsible for the District's finances, including, without limitation, arranging for an annual audit as required by law; prepare, present and promulgate the budget; and multi-year financial planning.
- Attend and participate in District Board meetings, prepare and present reports as necessary, represent the District before external organizations including other agencies, governmental and regulatory entities, business and community groups as directed by the Board;
- Advise on organizational changes to improve efficiency and effectiveness;
- Certify or attest to actions taken by the Board when required;
- Sign the minutes of the Board meeting following their approval;



- Sign the documents as directed by the Board on behalf of the District, and sign all other items which require the signature of the General Manager;
- Except for the District's General Counsel, the General Manager shall recruit, appoint, train, evaluate performance, supervise, discipline, and dismiss the District's employees, consistent with the employment policies established by the Board of Directors. These functions may be delegated to direct supervisors;
- Oversee the District's facilities and services;
- Perform any other duties assigned by the Board;
- Shall have discretion to appoint a Board Clerk; and
- Perform any other duties required under law.

#### **1015.5 Responsibilities of the Board Clerk**

The duties of the Clerk, subject to the direction of the General Manager, are:

- Respond to routine correspondence;
- Prepare for Board meetings, including preparing the agenda and providing public notice of Board meetings in accordance with state law;
- Act as secretary to the Board of Directors and the General Manager; schedule appointments, arrange travel and accommodations for training and conferences, perform tasks as requested that assist Board Members in their functioning to perform their functions and represent the community.
- Organize and manage all District files and records.
- Prepare minutes for the Board of Directors meetings in accordance with Board policy. The minutes shall include sufficient detail to record all actions and direction of the Board of Directors (Policy 4140). The Board of Directors, in consultation with the General Manager, shall include cost effectiveness, availability of staff resources, and operational efficiency in determining the proper scope and format of the minutes.
- Maintain Board records and other documents and reports as required by law.
- Disseminate correspondence to Directors addressed to them.
- Respond to and coordinate response to Public Records Act (PRA) requests.
- Other duties as assigned by the General Manager.

The General Manager shall have the discretion to assign some or all of the above to duties to other staff.

**Policy 1020: Board/Staff Communications**

**Objectives:** Effective governance of the District relies on the cooperative efforts of the elected Board, who set policy and priorities, and the District’s staff members, who analyze problems and issues, make appropriate recommendations, and implement and administer Board policies.

District staff is responsible to ensure Board members have access to timely and professional information and to ensure such information is communicated completely to support the policy and decision-making processes. However, the District’s resources are limited and the General Manager has sole discretion regarding the allocation of staff time.

Board members should avoid intrusion into those areas that are the responsibility of the General Manager and other District staff. Individual Board members shall not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing District priorities without the prior knowledge and approval of the General Manager.

The General Manager is entirely responsible to recruit, evaluate, select, discipline and fire staff.

Except as assigned by the Board of Directors or for minor tasks as approved by the General Manager, no Board Member will assign projects to staff or alter work assignments at their personal discretion. This is to ensure all Board members are treated equally. It is also necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities set by management and the Board without fear of reprisal.

**Role of the Board:** As the legislative body for the agency, the Board is responsible for all policy direction of the District, approving the District’s budget, setting policy goals and objectives and adopting strategic plans. Individual Board Members cannot assign staff projects or change staff priorities without the approval of the General Manager. Only the General Manager may direct changes in staff assignments. The primary functions of the General Manager and other District staff include: to execute Board policy and other Board actions, and to keep the Board well informed in order to assist in their policy making and priority setting, which are basic responsibilities of the Board of Directors.

Directors should treat their fellow directors, the General Manager and other District staff with respect and courtesy in all communications. Any disrespectful or intimidating behavior can be subject to disciplinary proceedings as authorized by the District policies and procedures.

Individual Directors, as well as the Board as a whole, are permitted freedom of access to any public information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or General Counsel will pass critical information to all Board members.

There may be restrictions related to information which cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete. In addition, there are legal restrictions on the agency’s ability to release certain personnel information even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information should be discussed with the General Counsel for clarification.

**Deleted:** If a Director believes that a matter is urgent and cannot wait until the next meeting, that Director may ask the Board President to discuss with the General Manager whether the matter should be given a higher priority.

**Deleted:** Directors also have a responsibility to be prepared and informed. Directors should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues.

**Deleted:** Directors may request additional information from the General Manager, if necessary. The General Manager will balance these requests with the other demands on staff

**Deleted:** Examples of behaviors by directors that are not permissible include, without limitation: insults, demeaning comments, harassment, behavior that contributes to a toxic work environment, continuous dunning, threats, intimidation, and accusations. ...

**Policies:** There shall be mutual respect from both staff and Directors of their respective roles and responsibilities at all times. Staff and Directors should promote teamwork and cooperation to complete the business of the District.

**Deleted:** There is a need for access to staff by Directors but at the same time, unlimited access could result in work priority conflicts for staff....

**Purpose:** The purpose of the policies listed below is to establish a structure for Board/staff communications consistent with these principles.

**1020.1** The Board will direct all requests for information or questions to the General Manager and shall include the desired time and date for receiving the information. The General Manager, or her/his designee, will estimate the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with the notation indicating which Board member requested the information.

**Deleted:** Staff

**1020.1.1** From time to time, staff may require information from individual Directors. However, Directors may be bound by rules of law or procedure that do not permit Directors to discuss certain matters with staff. In the event that this arises, and staff believes that the information is necessary, staff will consult with the General Manager to resolve the issue.

**1020.2** Individual Directors cannot give policy direction to the General Manager or other staff. Individual Directors may request information and/or updates on District projects. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

**Deleted:** directly assign work

**Deleted:** or requests for information to the General Manager or other staff members except as part of authorized committee work.

- At the discretion of the General Manager, specific employees can be designated as “Confidential Employees” and consistent with Section 3120.4.2. These employees will have access to all records, investigations and legal documents and will not divulge any contents to any person except as required by law. Any violation shall be cause for discipline including termination.

**Deleted:** <#>Directors should clear all short-term requests of staff with the General Manager prior to contacting individual members of the staff and, in most cases, the General Manager should direct and handle the request for the Director.¶

**1020.3** At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. The Board of Directors, as the decision maker, is free to reject or modify a staff recommendation and the Board’s wishes will be implemented by staff even if contrary to a staff recommendation.

**Deleted:** <#>If an individual director believes that information or other work is required before that director can request it from the Board at a properly noticed meeting, that director may request the Board President to work with the General Manager to accommodate the request as appropriate in light of the District’s resources and the Board’s priorities.¶

**1020.4** Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction

with staff. Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

**1020.5** Board members should not make public comments critical of the performance of an individual District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to General Counsel or during a closed session evaluation of the General Manager's performance.

**Deleted:** including the General Manager

**1020.6** If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to either request that the Director speak directly with the General Manager about the subject matter presented or report the violation to the General Manager, without any fear of reprisal. If a staff member violates any policy, they can be subject to disciplinary action.

**1020.7** In addition, a Director who violates these policies repeatedly, regarding communications may be subject to Censure, as provided in section 1030.14. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee.

**Policy 1025: Claims against the District Purpose:**

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests, property damage claims and personal injury claims against the District in accordance with the Government Claims Act, Section 801 *et seq.* of the California Government Code. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

**1025.1 General.** All claims for money or damages against a district are governed by Division 3.6 of Title 1, Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of the California Government Code ("Claims Act"). In the event that the Claims Act is amended so as to conflict with this Policy 1025, this Policy shall be deemed amended to comply with said changes to the Claims Act.

**1025.2 Claim Requirements.** The District shall maintain official claims forms at its office. Any officer, official or employee upon receiving notice of potential claim for damage to person or property from a claimant or person acting on their behalf, shall provide said claimant or person with the District's official claim form, requesting its return at their earliest convenience. A person filing a claim shall use the form, which shall be designed to enable the claim to meet the requirements of Government Code Sections 910 and 910.2. The form shall require the claimant or person acting on their behalf to show all of the following:

- (a) The name and post office address of the claimant.
- (b) The post office address to which the person presenting the claim desires notices to be sent.

- (c) The date, place and other circumstances of the occurrence or transaction that gave rise to the claim asserted.
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.
- (g) The claim shall be signed by the claimant or by some person on his behalf.

If General Manager or legal counsel determines that the filed claim does not meet the above requirements, the District shall, within 20 days of receipt, send a letter to the claimant informing them of this fact and stating with particularity the defects or omissions therein. The letter to the claimant shall be personally delivered or mailed. There will be no action on the claim until at least 15 days after notice to claimant.

**1025.3 Time for Presentation of Claim.** All claims for personal injury, personal property or growing crops must be filed within six months of the accrual of the cause of action. All claims for any other type of injury must be filed within one year of the accrual of the cause of action.

If General Manager or legal counsel determines that a claim for personal injury, personal property or growing crops has been filed more than six months of the accrual of the cause of action, and the claimant did not include an application to file a late claim, the District shall return the claim within 45 days. The returned claim shall be accompanied by written notice that the claim is being returned as untimely and that the claimant's only recourse is to file an application for leave to present a late claim. The notice should read in substance as follows:

The claim you presented to the Kensington Police Protection and Community Services District ("District") on \_\_\_ (**indicate date**) is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the California Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the District for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**1025.4 Application to Present Late Claim.** An application to file a late claim must be filed within a reasonable time not to exceed one year from the accrual of the cause of action. This one-year limit shall be tolled only as required by the Claims Act. The Board shall consider the application under the Claims Act in closed session. If the Board determines to deny the application, the applicant/claimant should be so advised in writing within 45 days of the application to the Board unless the District and the Claimant have agreed to extend the consideration period. Notwithstanding the foregoing, if the Board has failed to approve or otherwise act on the application, it shall be deemed denied on the 45th day after submission to the Board or after the end of any extension agreed to between the District and the applicant/claimant.

The claimant must have good cause for not filing a claim on time. The Board will consider: the circumstances that kept the claimant from filing on time.

**1025.5 Action on Claim.** All claims shall be immediately forwarded to the General Manager, General Counsel and the District's risk manager (the Special District Risk Management Agency or successor agency). All officers, officials and staff shall cooperate with the claims investigation process.

The Board shall act on a sufficient and timely claim within 45 days of presentation. The claimant and District, acting through the General Manager, may agree to extend this deadline. In the absence of such an agreement, the District should reject the claim before the 45th day to preserve its right under the Government Claims Act statute of limitations. If the Board does not act on a claim within 45 days, it shall be deemed rejected unless there is an extension agreement in which case, the claim will be deemed rejected on the last day of the period specified in the extension agreement.

The Board shall evaluate the claim in closed session with advice of legal counsel and the risk manager. The Board shall consider the relevant facts and law and may decide to accept the claim, reject the claim, compromise the claim or reject the claim in part and accept the claim in part. As part any settlement agreement or agreement to pay damages, the Board may require a release of the full claim and of any future claims arising from the same or related facts.

**1025.6 Manner of Providing Notice.**

- (a) The District shall give the notices required under this Police 1025 by either of the following methods:
  - (1) Personally delivering the notice to the person presenting the claim or making the application.
  - (2) Mailing the notice to the address, if any, stated in the claim or application as the address to which the person presenting the claim or making the application desires notices to be sent or, if no such address is stated in the claim or application, by

mailing the notice to the address, if any, of the claimant as stated in the claim or application.

- (b) No notice need be given where the claim or application fails to state either an address to which the person presenting the claim or making the application desires notices to be sent or an address of the claimant.

**1025.7 Challenge to Action on Claim.** No suit challenging the District’s action on any claim may be brought against the District unless the claim was first timely presented to the District in compliance with this Policy 1025.

Any suit challenging the District’s action on any claim must be brought within the limitations periods set forth Section 945.6 of the Claims Act or any successor statute.

**Policy 1030: Code of Ethics**

**1030.1 Background information.** Kensington Police Protection and Community Service District (KPPCSD) designed its Code of Ethics & Values (the “Code”) to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today’s complex and diverse society.

**1030.2 Goals of the code of ethics & values**

- To make KPPCSD a better District built on mutual respect and trust.
- To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District’s Board. All elected and appointed officials, officers, employees, members of advisory committees, volunteers of the District, herein called “Officials” for the purposes of this policy. “Officials” shall also include contractors acting in a significant advisory role to the Board and/or General Manager.
- The Code is a touchstone for Officials in fulfilling their roles and responsibilities.

**1030.3 Preamble**

- The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The KPPCSD has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District’s government.
- All Officials shall subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because the District seeks public confidence in the District’s services and public trust of its decision-makers,

Officials' decisions and work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

**1030.4**      **Applicability.** This Code shall apply to all Officials as defined in 1030.2.

**1030.5**      **Core Values.** Officials must subscribe to the following Core Values:

**1030.6**      As representatives of the District, Officials shall be ethical in both appearance and in fact. In practice, this value looks like:

- Officials will be trustworthy and truthful, acting with the utmost integrity and moral courage. Officials will do what they say they will do. Officials will be dependable.
- Officials will make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair their independence of judgment or action.
- Officials will be fair, distributing benefits and burdens according to consistent and equitable criteria.
- Officials will extend equal opportunities and due process to all parties in matters under consideration. If Officials engage in unilateral meetings and discussions, they do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
- Officials will show respect for persons, confidences, and information designated as "confidential."
- Officials will use their title(s) only when conducting official District business for information purposes or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.
- Officials will avoid actions that might cause the public or others to question their independent judgment.
- Officials will maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.
- Officials will comply with this Policy and Procedures Manual as the Board may amend it from time to time.

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**1030.7**      As a representative of the District, Officials will be professional. In practice, this value looks like:

- Officials will apply their knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of their job in a consistent, confident, competent and productive manner.



- Officials will approach their job and work-related relationships with a positive, collaborative attitude.
- Officials will keep their professional education, knowledge, and skills current and growing.
- Officials will recognize that the District does not provide office space for Board Directors.
- Officials will realize that staff time is limited and do not prevent employees from accomplishing tasks by occupying the Public Safety Building for lengthy periods of time and by keeping conversations with employees directed towards work-related, District business.

**1030.8** As a Representative of KPPCSD, Officials will be service-oriented. In practice, this value looks like:

- Officials will provide friendly, receptive, courteous service to everyone.
- Officials will attune to and care about the needs and issues of citizens, public Officials and District workers.
- In their interactions with constituents, Officials will be interested, engaged and responsive.
- In making decisions, Officials will consider the interests of the entire community.

**1030.9** As a representative of KPPCSD, Officials will be fiscally responsible. In practice, this value looks like:

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- Officials will make decisions after prudent consideration of their financial impact, considering the long-term financial needs of the District, especially its financial sustainability.
- Officials will demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- Officials will make good financial decisions that seek to preserve programs and services for District residents.
- Officials will have knowledge of and adhere to the District's Financial Management Policies.

**1030.10** As a representative of KPPCSD, Officials will be organized. In practice, this value looks like:

- Officials will act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.

- Officials will follow through in a responsible way, keeping others informed and responding in a timely fashion.
- Officials will ~~be~~ respectful of established District processes and guidelines.

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**1030.11** As a representative of KPPCSD, Officials will be communicative. In practice, this value looks like:

- Officials will positively convey the District’s care for and commitment to its citizens.
- Officials will communicate in various ways, that ~~they are~~, approachable, open-minded, and willing to participate in dialog.
- Officials will engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.

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**1030.12** As a representative of KPPCSD, Officials will be collaborative. In practice, this value looks like:

- Officials will act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- Officials will understand that, whatever their personal beliefs, the District Board sets District policies and priorities. Officials will work to promote those policies and priorities unless and until the Board votes to change them.
- Officials will work towards consensus building and gain value from diverse opinions.
- Officials will maintain civil discourse and a professional tone in their interactions.
- Officials will accomplish the goals and responsibilities of their individual position, while respecting ~~their~~ role as a member of a team.
- Officials will consider the broader regional and statewide implications of the District’s decisions and issues.

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**1030.13** As a representative of the District, Officials will be progressive. In practice, this value looks like:

- Officials will exhibit a proactive, innovative approach to setting goals and conducting the District’s business.
- Officials will display a style that maintains consistent standards; but is also sensitive to the need for compromise, “thinking outside ~~of~~ the box” and improving existing paradigms when necessary.
- Officials will promote intelligent and thoughtful innovation in order to forward the District’s policy agenda and District services.

**1030.14 Enforcement**

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If a Director violates this Code during a Board meeting in a manner that disrupts the Board’s proceedings, the Board President shall have the authority to eject said Director after a minimum of two warnings.

**1030.14.1** A Director found to be in violation of this Code may be subject to Censure by the District Board. Censure is a formal resolution officially reprimanding a Director or Directors. A censure motion shall specifically identify the Code sections violated and the Director’s actions that constituted the violation. The Board will not censure a Director for exercise of First Amendment rights but only for a violation of adopted Board policy. The Board shall only consider a censure motion at an agendaized public meeting and the Director who is liable to be censured shall be allotted a reasonable time to explain the alleged violation.

**1030.14.2** Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

**Policy 1035: Conflict of Interest Code**

**1035.1** The Political Reform Act, Government Code § 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code (“Conflict of Interest Code”). This Conflict of Interest Code is incorporated by reference as may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act.

The Board approved and adopted the Conflict of Interest Code on December 12, 2019. Therefore, the Conflict of Interest Code as amended is hereby incorporated by reference as if full set forth herein.

**1035.2** The Conflict of Interest Code requires that the Board designate officials and employees required to file public statements of economic interest and the disclosure category for each designated position. Appendix A to this Policy 1000 contains these designations. Designated officials and employees shall file statements of economic interests according to their category with the Clerk of the County of Contra Costa

**1035.2.1** In the event the FPPC duly adopts an amendment to its regulations that requires an amendment to this Policy 1035, this Policy shall be deemed amended to comply with the new or amended regulations.

**Policy 1040: Correspondence to the Board and Staff**

**1040.1** All written correspondence addressed to the Board of Directors shall be sent to the District office. District staff shall distribute said written correspondence to the addressee and written responses, if any, to each member of the Board at regular intervals as the General Manager shall determine. Electronic correspondence should be sent to staff or Board members at District email addresses. If sent to staff, staff shall forward to all Directors as appropriate.

Individual Board members may receive correspondence addressed to him or her in his or her official capacity. Board members are not permitted to use agency resources for sending or receiving personal correspondence. Correspondence to the District, whether mailed or electronic, will be handled independent of the Board Agenda.

**1040.1.1** Notwithstanding the above, any correspondence that contains confidential or privileged matters, such as documents related to personnel or medical information, shall be referred to the General Manager or confidential employee for handling. If said correspondence is not plainly marked as privileged and/or confidential, staff discovering the contents shall forward the transmission as soon as practicable. This Policy 1040.1 does not apply to correspondence to the Police Department.

**1040.2** All written or electronic correspondence addressed to the Board or District employees in their official capacity shall be maintained on file in the District offices as required by the Records Retention Act and shall be available to the public for review as required by the Public Records Act. If the correspondence may be exempt from the Public Records Act, the General Manager shall determine appropriate handling in consultation with the General Counsel. District employees are not permitted to use agency resources for sending or receiving personal correspondence.

**1040.3** All written or electronic correspondence sent to or from the Board of Directors or District employees in their official capacity shall be considered public records even if maintained on personal devices. These records shall be maintained at the District offices, or storage location designated by the General Manager, in compliance applicable Records Retention regulations.

Unless exempt from disclosure, these records are subject to disclosure until they are subject to destruction.

**Policy 1045: General Counsel**

**1045.1** The Board of Directors shall appoint a General Counsel to assist the Board and District in all applicable issues and activities.

**1045.2** The General Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and staff. The General Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; representing the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; supervising outside counsel and keeping the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District.

**1045.3** The General Counsel shall review and approve as to form District legal documents, i.e., contracts, agreements, etc. The General Counsel shall present and report to the Board legal issues, such as actual and anticipated litigation and other closed session items as appropriate. The General Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

**1045.4** The General Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The General Counsel shall be available to the General Manager for consultation on applicable issues and activities.

**Policy 1055: Records Management**

To be useful, District records must be available at the right time, in the right place and to the right person or persons. This means that the records must be well organized and accessible. All records shall be maintained in accordance with federal, state and local laws, contract requirements and commonsense business practices.

**1055.1** This policy has the following goals:

- Provide certainty that no record is destroyed prematurely, and that valuable and legally required records are retained in compliance with legal retention requirements and with standard organizational practices for the retention and destruction of records.
- Enable authorized employees to destroy with confidence records no longer of value.
- Provide faster and more efficient retrieval of files as a result of the elimination of obsolete records and better organization of retained records.
- Improve productivity through faster access to information.

**1055.2** Vital and important records, regardless of recording media, are those having on-going legal, financial, operational, or historical value to the District. As provided by state law, the District shall retain and not destroy records of the following unless otherwise specifically allowed by this Policy:

- Formation, change of organization, or reorganization of the district.
- A District ordinance adopted by the district. However, if the District Board has repealed an ordinance or the ordinance is otherwise invalid or unenforceable, it may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
- Minutes of any the District Board meeting.

Any pending claim or litigation or any settlement or other disposition of any claim or litigation within the past two years.

- Documents responsive to any pending request made pursuant to the California Public Records Act (Chapter 3.5 of the California Government Code (commencing with Section 6250) of Division 7 of Title 1), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have

elapsed since the district provided written notice to the requester that the request has been denied.

- Any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.
- Any non-discharged debt of the District.
- Title to real property in which the District has an interest.
- Any non-discharged contract to which the District is a party.
- Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.
- Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
- Specifies the amount of compensation paid to district employees or officers or to independent contractors providing personal or professional services to the District, or relates to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

Appendix **B** provides a definition of terms and Appendix **C** sets forth a Records Retention Schedule.

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**1055.3** The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below, after consultation with the General Counsel. The General Manager is also responsible for ensuring all records are safely maintained, accessible and adequately controlled by District staff.

**1055.3.1** District records should be maintained at the District offices or such other premises as may be controlled by the District or a records storage facility under contract to the District. The District shall maintain indices of any records located off-site to enable their easy retrieval.

**1055.4** Pursuant to the provisions of Government Code §§ 60200 through 60203, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

**1055.4.1** Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

**1055.4.2** Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media except for permanent records of the District as defined in this Policy.

**1055.4.3** In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

**1055.4.4** Records, papers or documents which are not expressly required by State law to be filed and preserved, including records listed in Section 1055.2 of this Policy, may be destroyed if all of the following conditions are met:

**1055.4.4.1** The record, paper or document is preserved by photograph, microphotograph, electronically recorded video image on magnetic surfaces, recording in the electronic data processing system, recording on optical disk, reproduction on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Section 12168.7 of the California Government Code for recording of permanent records or non-records.

**1055.4.4.2** The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; that does not permit additions, deletions, or changes to the original document images; and satisfies the requirements of Section 12168.7 of the California Government Code.

**1055.4.4.3** The photographs, micro-photographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

**1055.4.5** Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

**1055.4.5.1** There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc.;

**1055.4.5.2** There exists in a permanent file, an audit report or reports covering the inclusive period of said record;

**1055.4.5.3** Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;

**1055.4.5.4** Said audit or audits contain the expression of an unqualified opinion.

**1055.4.6** Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction

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five years from the end of the fiscal period to which it applies. The following may be destroyed at any time without Board authorization or consultation with the General Counsel:

- 1055.4.6.1** Duplicated (original-subject to the aforementioned requirements).
- 1055.4.6.2** Rough drafts, notes or working papers (except audit).
- 1055.4.6.3** Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

**1055.4.7** All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years' retention, provided said records have been microfilmed and qualify for destruction section under 1055.4.4, above. Payroll and personnel records include the following:

- 1055.4.7.1** Accident reports, injury claims and settlements.
- 1055.4.7.2** Medical histories.
- 1055.4.7.3** Injury frequency charts.
- 1055.4.7.4** Applications, changes and terminations of employees.
- 1055.4.7.5** Insurance records of employees.
- 1055.4.7.6** Time cards.
- 1055.4.7.7** Classification specifications (job descriptions).
- 1055.4.7.8** Performance evaluation forms.
- 1055.4.7.9** Earning records and summaries.
- 1055.4.7.10** Retirements.

**1055.4.8** Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than 10 years if microfilmed as provided for in Policy 1055.4.4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for 10 years.

**1055.5** Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon the General Manager's authorization, be destroyed if they are preserved in another format as provided in Policy 1055.4.4, above. Recording tapes (or other media) of Board meetings will be kept for a period of five years from the date of the recorded meeting, after which they will be destroyed.

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**1055.5.1** Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant, and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

**1055.5.2** Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work that is more than two years old may be destroyed.

**1055.5.3** Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

**Policy 1056: Electronic Document Management Policy**

This Policy governs the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of District business.

**1056.1 Definitions**

- Email Message: An electronic communication sent and received via web mail or email client.
- Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including, without limitation, Facebook, Twitter, Instagram, Snap-chat, and LinkedIn.
- Text Message: An electronic, written communication sent and received via telephone or Internet connection.
- Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

**1056.2 Text Messages, Voicemail Messages, and Social Media**

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). Directors and District staff are not required to retain these electronic documents. Business done on behalf of the District that requires the creation and preservation of records should be conducted in other media.

**1056.3 Email Messages**

- The District will manage email messages sent or received by the District's computer systems in accordance with Policies 1040 and 1055.

- Directors and District staff shall use (or copy to an address on) the District's computer systems for all email messages regarding District business. Directors and staff should forward any email messages not received by the District's computer systems nor copied to its staff or to an email address designated for that purpose, so they can be preserved in the District's email retention system, relieving individual Directors of any duty to preserve such email messages or make them available for public inspection.
- This policy applies only to the conduct of District business that is subject to the Public Records Act. It does not apply to communications to or from Directors in their other public and private capacities or communications to or from District staff that are personal, private or otherwise not kept in the normal course of District business.
- Any email message whose retention is necessary and appropriate for on-going District business shall be placed in a subject matter file so as to facilitate its easy retrieval. Any other email shall be considered ephemeral in nature and not a public record. For example, emails whose purpose is to coordinate meeting dates and times or other matters that are solely short-term and non-substantive are not considered public records and should be deleted as soon as they are no longer relevant to District business.
- All electronic messages of the District will be deleted after two years unless Policy 1055 expressly requires retention for a longer period.

**Policy 1057: California Public Records Act Response Procedures**

The California Public Records Act (Government Code, section 6250 *et seq.*) grants California residents important rights to obtain access to records held by public agencies. The District adopts this policy to clarify how it will respond to requests for records under the Public Records Act.

**1057.1** District staff will encourage Public Records Act request to be submitted in writing on the form attached to this policy. However, if the request is to review an agenda, agenda reports, or minutes of the Board or ordinances or resolutions of the Board or any of its committees, or any other record that is publicly available on the District's website, staff will assist the requestor to locate the records in question.

**1057.2** Staff will respond to all requests as soon as possible after they are received, but not later than the 10-day period, to advise the requester whether records will be disclosed. Staff may extend the ten-day preliminary response period for an additional 14 days when the request requires staff to collect the records from field facilities or other outside establishment or where the request requires staff to search for, collect or examine a voluminous amount of records.

- a) Staff shall review each request and determine whether it seeks identifiable records and, if not, staff shall help the requestor identify records responsive to the request.
- b) Staff shall request all Directors who may have the records requested to search their files and report whether they have the records and, if so, when the records can be made available to the requestor.

- c) Staff shall respond to the requestor, advising him or her in writing of the availability of the documents, a description of the medium (paper, electronic format, etc.) and location of the records, and whether any are exempt from disclosure under the Public Records Act. As the Public Records Act requires, to the extent feasible, staff will provide suggestions to overcome any practical basis for denying access to the records sought.
- d) If a request is made for copies of records, staff shall also advise the requestor of the estimated copying cost.
- e) The person requesting the copies shall pay the charges for the requested copies established by the Board. At present those are: [\$1.00 for the first page, \$.05 each additional page, \$.10 per page for Political Reform Act materials, CD's-\$5.00, DVD's \$10.00]. Staff shall not make the requested copies until a deposit of the estimated copying cost is received and shall not release the copies until the actual copying cost is paid.

**1057.3** In accordance with the Public Records Act, the administrative staff will provide specific, identifiable records but will not research records for particular types of information or analyze information which may be contained in public records.

**1057.4** Administrative staff will respond to requests for public records in accordance with the Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.

# **POLICIES 2000 OPERATIONS**

**Policy 2000: District Operations**

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**2010: Work-Related Injuries, Illness and/or Death**

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2010.1 All employees are covered for Workers' Compensation, effective the first day of employment. Workers' Compensation provides employees and/or their beneficiaries with certain benefits in the event of a work-related illness, injury, or accidental death. The District pays the full cost of this coverage, whether through a self-insurance mechanism or an insurance product.

2010.2 If an employee sustains a work-related illness or injury, he or she must report the illness or injury to the General Manager or that person's designee ("Designated Claims/Loss Prevention Manager") as soon as practicable, but within 24 hours. Failure to do so could result in a delay of benefits.

2010.3 Upon learning of a work-related illness or injury, the Designated Claims/Loss Prevention Manager injury should ensure the member receives medical care as appropriate. Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Districtwide disease- or injury-reporting protocol shall also be followed.

2010.4 All payments for lost wages or salary due to a work-related illness or injury, medical treatment, and any other benefits will be made by the workers' compensation claims administrator or insurance carrier as required by law. Workers' Compensation benefit payments may be coordinated with any accrued sick leave or vacation leave as part of a medical or disability leave of absence. For more information about Workers' Compensation benefits, the injured employee should contact the Designated Claims/Loss Prevention Manager or their supervisor.

2010.5 Any supervisor who learns that an employee has incurred a work-related illness or injury shall provide that employee with written notice of his or her right to seek workers' compensation benefits shall promptly report doing so to the Designated Claims/Loss Prevention Manager.

2010.6 Notices of workers compensation benefits shall be posted annually as required by California law by or at the direction of the Designated Claims/Loss Prevention Manager. A form for such notices is available at: <https://www.dir.ca.gov/dwc/NoticePoster.pdf>.

**2020: Investment Policy**

**2020.10 Regulations:**

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a) The State Legislature has declared the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (Government Code (GC) § 53600.6 and § 53630.1); and,

Deleted: - The General Manager shall be the Executive Officer of the Kensington Police Protection and Community Services District and for the Board of Directors.¶

b) Government Code Sections 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,

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c) The fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (GC § 53646(a)).

d) For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds.

2020.10.1 Scope:

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual audited financial statements of the District and include:

- a) Demand Accounts
- b) Investments
- c) General Fund
- d) Local Agency Investment Fund [others]
- e) Operation and Maintenance Fund
- f) Enterprise Funds [others]

2020.10.2 Prudence:

The Board and persons authorized to make investment decisions subject to these policies are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in the next issued quarterly treasury report and appropriate action are taken to control adverse developments. When a deviation poses a significant risk to the District's financial position, the Board shall be notified immediately.

2020.10.3 Objectives:

As specified in GC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives of the investment activities, in priority order, shall be:

- a) Safety: Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the whole portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

**2030: Budget Preparation:**

2030.1 An annual budget proposal shall be prepared by the General Manager or that person's designee.

2030.2 Before review by the Board of Directors, the Board President shall meet with the General Manager or that person's designee to review the annual budget proposal.

2030.3 The proposed annual budget shall review by the Board at a public meeting by the end of May to the extent reasonably feasible.

2030.4 The Board shall adopt the budget at separate meeting from the review required by Section 2030.3 of this policy. The Board shall adopt the annual budget, with any appropriate amendments, at a regular meeting by the end of June.

**Policy 2040: Reserve and Fund Balance Policy**

2040.1 Purpose: The District shall maintain reserve funds from existing unrestricted funds as designated by the District's Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- Maintain minimal operational sustainability in periods of economic uncertainty or unanticipated events.

Fund replacement and major repairs for the District's physical assets; The General Manager may recommend additional reserves and funds or alter reserves with the approval of the Board of Directors.

- Maintain operational sustainability in periods of economic uncertainty or unanticipated events.
- Fund repairs and replacement of park facilities and equipment.
- Fund park grounds maintenance.
- Fund regular replacement of computer hardware and software;

- Fund replacement and major repairs for the District’s fleet and equipment;
- Fund capital improvements; and

The District shall account for reserves as required by Governmental Accounting Standards Board Statement No. 54, which distinguishes reserves as among these classes: non-spendable, restricted, committed, assigned and unassigned. The reserves stated by this policy, unless otherwise required by law, contract, or District policy shall be deemed “assigned” reserves.

2040.2 Policy: Use of District Reserves is limited to available “Unrestricted” Funds (not obligated by law, contract or agreement). All reservations or use of these funds will be designated by formal action of the Board of Directors.

2040.3 Using Reserve Funds:

- Vehicle Fleet Reserve: Vehicle Fleet Reserves will be set aside and used exclusively for the purchase of new vehicles to support District operations, or to make major repairs to existing vehicles.
- Technology Reserve: Technology Reserves will be set aside and used to purchase hardware and software in support of District operations, with the intent of maintaining modern technology for employees and their service delivery.
- Designated Project/Special Use Reserve: Projects, programs or special uses will be identified by the General Manager and/or the Board of Directors and approved by the Board. Uses must further the mission of the District and will be evaluated for designation according to value to the District and the people it serves.
- Capital Improvements Reserve: Capital Improvements Reserves shall be limited to costs related to making changes to improve capital assets, increase their useful life, or add to the value of these assets.
- Economic Uncertainty and Emergency Reserve: After addressing the desired reserve levels for the above bullet points, the District will seek to maintain a reserve level that is 25 percent of the budgeted operating expenditures for the year.

2040.4 Monitoring Reserve Levels: The General Manager shall perform a reserve status analysis annually, to be provided to the Board of Directors’ annual deliberation/approval of Budget and Reserve Funds.

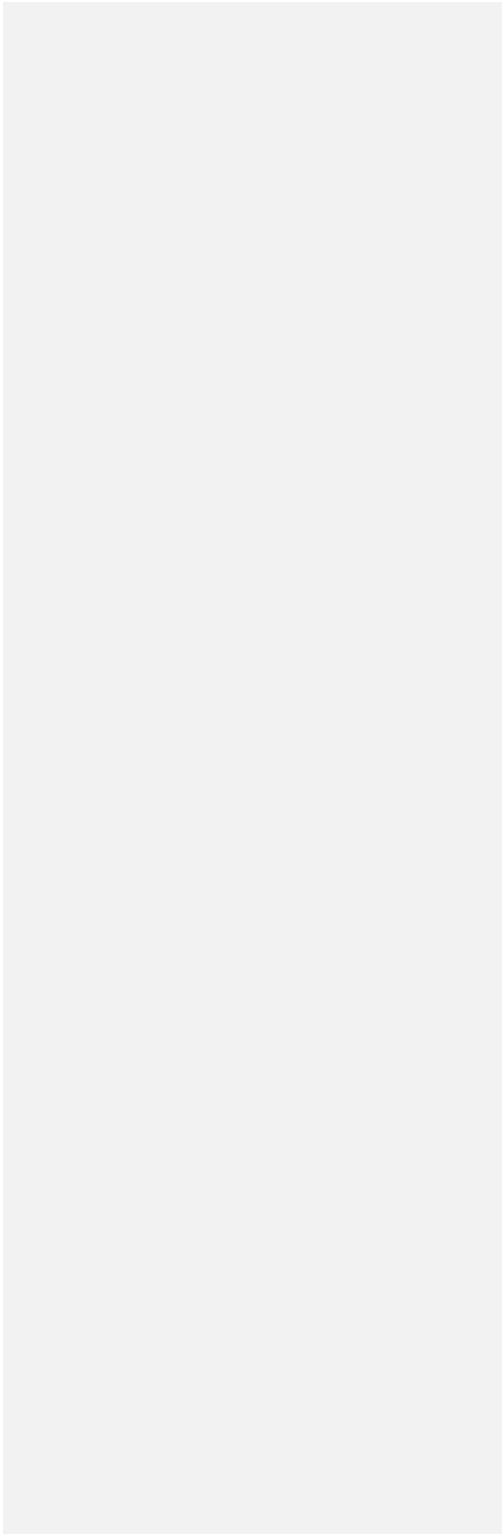
Additional information may be provided to the Board of Directors when a major change in conditions threatens the reserve levels established by this policy or calls into question the effectiveness of this policy;

**Deleted:** , in collaboration with the Fiscal and Business Manager,

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Upon General Manager and/or Board request. The General Manager may recommend changes to this section, that the Board of Directors can consider, as economic conditions and District finances change.



# **POLICIES 3000 PERSONNEL MANAGEMENT**

**Policy 3000: Personnel Management**

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**Policy 3010: Introduction and Applicability**

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These Personnel Policies, Rules and Regulations (hereinafter referred to as the "Rules") are applicable to all District employees that are not part of a collective bargaining unit, except to the extent that it is inconsistent with any existing employment agreement,

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Deleted: Chief of Police and all non-sworn employees of the District and the Chief of Police.

None of the information contained in these Rules is intended in any way to create, or shall be construed as creating, an express or implied contract of employment nor does it guarantee any employee continued employment with the District. Employment with the District is "at-will," which means the District retains the right at any time to terminate any employee from employment with the District for any or no reason and without notice.

The General Manager reserves and retains the rights and responsibilities to administer, manage, direct and control the activities and work forces of the District, including, but not limited to, the right to: reassign and relocate personnel within the District; determine the size and composition of the workforce; hire and terminate employees; and determine the nature and extent of services to be performed and provided. The foregoing rights, together with the right to determine the methods, processes and manner of performing work, are vested exclusively with the General Manager.

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No conduct, exception or variation of or from these Rules shall constitute, be deemed to be, or become an amendment, practice, interpretation, modification, repeal or suspension of any of these Rules.

Concurrently with signing a District at-will employment acknowledgement, or following adoption by the Board of these Rules, each employee shall be given a copy of these Rules and shall sign the acknowledgment in Appendix 3000 A. Each employee is responsible for reading these Rules and shall agree to be bound by and comply with these Rules.

In the event of an emergency, any part or all of these Rules may be temporarily suspended by order of the General Manager and such suspension shall remain in effect until the General Manager's order is withdrawn.

**Policy 3110: Disciplinary Action**

**3110.1 Prohibited Conduct.** The following conduct is prohibited and will not be tolerated by the District. The types of misconduct identified below are merely examples of conduct that may lead to disciplinary action. They do not constitute a complete list of all types of conduct that can result in disciplinary action, up to and including discharge. Neither this list of prohibited conduct, nor the disciplinary action referenced, below alters the at-will employment relationship.

1. Unlawful harassment.
2. Stealing or removing, without permission, the District property or property of another employee, director, contractor, or member of the public.

3. Engaging in acts of violence or threats of violence toward any employee, director, contractor, or member of the public.
4. Causing, creating, or participating in a disruption of any kind during working hours on District property.
5. Participating in horseplay or practical jokes on agency time or on agency premises.
6. Violating any of the District professional, safety or health rules.
7. Possession or use of alcoholic beverages, or possession or use of illegal drugs, or being under the influence of alcohol or illegal drugs on District premises.
8. Falsification, failure to submit or the intentional destruction or intentional loss of employment records, employment information, or other the District records including but not limited to changes of relationship, child or family assessments, time sheets or scans, and mileage sheets.
9. Engaging in acts of theft or sabotage of equipment, facilities, the District time, documents or any other District proprietary information or documents.
10. Unauthorized use of the District equipment, time, materials, or facilities.
11. Giving the District's property away free of charge or at a discount to any person or in violation of District's policies.
12. Deliberate destruction or damage to any District property or the property of any other person on District property.
13. Bringing or possessing firearms, weapons, or any other hazardous or dangerous devices on the District property except for the Chief of Police.
14. Neglect or carelessness that results in damage or destruction of customer or the District property or endangers the life or health of any person.
15. Breach of confidentiality
16. Pleading guilty to or being convicted of a crime that indicates the employee is unfit for the job or poses a threat to the safety or well-being of the District or any person.
17. Failure to observe OSHA or Cal OSHA regulations.
18. Any deliberate action that is harmful to any person or the District and/or is detrimental to the District's efforts to operate effectively.
19. Insubordination, including, but not limited to, failure or refusal to obey the instructions of a supervisor or the use of abusive or threatening language or behavior toward a supervisor.

- 20. Violations of any nondisclosure (secrecy) agreement or failure to maintain the confidentiality of the District's proprietary or confidential information.
- 21. Unsafe handling of equipment and/or hazardous materials/chemicals.
- 22. Unsatisfactory job performance.
- 23. Unauthorized use of a District credit card, petty cash or other funds and/or use of District funds for personal purposes.
- 24. Failure to comply with observe working schedules, including lunch and break periods.
- 25. Any action that involves unsafe conduct.
- 26. Reporting working time, mileage, expense reports or other documents inaccurately.
- 27. Working unauthorized overtime or refusing to work assigned overtime.
- 28. Repeated tardiness.
- 29. Unreported absence of two (2) consecutive scheduled workdays.
- 30. Failure to obtain permission to leave work for any reason during normal working hours.
- 31. Failure to notify supervisor or other appropriate staff when unable to report to work.
- 32. Sleeping on the job.
- 33. Inappropriate appearance or grooming as defined by District in memos, procedures or other communication.
- 34. Failure to promptly report to a supervisor the loss of or known malfunctioning of keys, tools, vehicles, identification badges, credit cards, or equipment, electrical or mechanical.
- 35. Convictions for serious traffic violations or driving under the influence of alcohol or drugs while performing the District business and/or in a District vehicle.
- 36. Reckless or negligent use of and/or damage to a District vehicle.
- 37. Failure to provide a physician's certificate when requested or required to do so.
- 38. Committing a fraudulent act or a breach of trust under any circumstances.
- 39. Engaging in any conduct that is not in the best interest of the District.
- 40. Unauthorized access to personnel files.
- 41. Unauthorized copying or distribution of confidential documents to anyone or any organization without the advance approval of the General Manager.

**Deleted:** Smoking, including the use any electronic smoking devices (e.g., e-cigarettes), in restricted areas or where "No Smoking" signs are posted. All District facilities are nonsmoking, including parking lots and outdoor areas that are part of the facility.

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42. ~~Unauthorized representation by an employee of the District's position on any matter.~~

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43. While on duty, District staff shall not unilaterally obtain information, conduct research, or make statements at public meetings without the approval of the General Manager nor shall they use their position with the District in conducting such activities. Staff can attend meetings as private citizens on their own time and express personal opinions after publicly identifying themselves and indicating that they are stating a personal opinion.

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44. ~~Employees or former employees who enter District offices without authorization will be reported to law enforcement.~~

Note: With at-will employment, either the employee or the District can terminate the employment relationship without any cause, without any reason or notice, and in the absence of employee misconduct.

**3110.2 Discipline.** If a supervisor or the General Manager is concerned about an employee's job performance, or if the employee is not meeting job expectations, the supervisor may take further action to communicate this concern. Appropriate discipline for performance is not considered harassment.

#### **Policy 3120: Employment Status**

**3120.1 At-will Employment.** Employment by the District is at-will, meaning that either the District or the employee may terminate the employment relationship at any time for any lawful reason. No District employee has any authority to make any agreement or representation contrary to District's policy of at-will employment, except that the Board or the General Manager may occasionally enter into severance agreements in the business interest of District and in accordance with the law.

As a condition of employment, each employee must execute an At-Will Employment Agreement prior to beginning employment with the District. Employees may be required to re-sign the acknowledgement in Appendix 3000 A at other points during employment with District, for example, when these Rules are updated.

#### **3120.2 Regular Employees**

**3120.2.1 Full-Time Employees.** Regular full-time employees are those whose normal workweek is at least forty (40) hours per week. Full-time employees may be paid on an hourly basis or a salaried basis at the District's discretion. Full-time employees are eligible for all District-sponsored benefits on the first day of hire. ~~However, the District will only provide such benefits as specifically approved by the Board.~~

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**3120.2.2 Part-Time Employees.** Regular part-time employees are those whose normal workweek is fewer than forty (40) hours per week.

**3120.3 Temporary Employees.** Temporary employees are those whose services are intended to be of limited duration. Temporary employees may be full-time or part-time. An employee's status will not change from temporary to regular unless the employee is advised of

such a change in writing by the General Manager (or [her or his](#) designee). Temporary employees are not eligible for any District-sponsored benefits except as set forth in these Rules and to the extent mandated by state and federal law.

#### **3120.4 Exempt & Non-Exempt Employment Status**

**3120.4.1 Exempt Employees.** Exempt employees are those employees, including executive, professional, and administrative employees, who are excluded (or “exempt”) from the overtime provisions of federal and state wage and hour law and are therefore not entitled to overtime pay.

**3120.4.2 Non-Exempt Employees.** Nonexempt employees are those employees who are covered by the overtime provisions of federal and state wage and hour law and are entitled to overtime pay in accordance with Section 3150.5 (Overtime).

**3120.4.3 Designation of Confidential Employees.** The General Manager may designate any Regular Employee as a “Confidential Employee.” Confidential Employees can access personnel files (except those of sworn personnel) and have limited access to attorney-client privileged documents with the prior authorization and approval of the General Manager.

#### **Policy 3130: Equal Employment Opportunity**

The District affords equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

#### **3130.1 Policy Against Discrimination, Harassment, and Retaliation**

**3130.1.1 Purpose.** The purpose of this policy is to establish a strong commitment to prohibiting harassment, discrimination, and retaliation in employment; to define discrimination, harassment, and retaliation; and to set forth a procedure for investigating and resolving such complaints.

The District is committed to providing a work environment that is free of discrimination and harassment. In keeping with this policy, the District strictly prohibits discrimination and harassment of any kind, including discrimination and harassment on the basis of race, color, religion, sexual orientation, sex (including harassment and discrimination based on pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws.

The law prohibits any District employee, supervisor or manager, intern, or volunteer, with whom the employee comes into contact, from engaging in unlawful discriminatory, harassing, or retaliatory conduct.

As a condition of employment, each employee must execute an acknowledgment and agreement regarding the District's policy prohibiting discrimination, harassment and retaliation form as found in Appendix 3000 B.

**3130.1.2 Discrimination:**

**3130.1.2.1 Policy Against Discrimination.** The District prohibits and will not tolerate discrimination on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other basis protected by federal, state or local law ("Protected Status"). Violations of this policy may result in disciplinary action, up to and including termination of employment.

**3130.1.2.2 Definition of Discrimination.** Discriminatory actions may include treating a person differently or subjecting a person to different treatment due to a person's actual or perceived Protected Status in a way that adversely affects the person's employment. Such treatment may include but is not limited to: refusing to hire or employ a person; discharging a person from employment; refusing to select for or discharging a person from a training program leading to employment; or treating a person differently in compensation or with regard to other terms, conditions, or privileges of employment.

**3130.1.3 Harassment:**

**3130.1.3.1 Policy Against Harassment.** The District prohibits and will not tolerate harassment on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other basis protected by federal, state or local law ("Protected Status").

The District prohibits any and all conduct that may reasonably be interpreted as harassment as defined below, whether or not such conduct is severe or pervasive enough to meet the legal definition of harassment. Violations of this policy may result in disciplinary action, up to and including termination of employment.

**3130.1.3.2 Types of Harassment.** Harassment may include:

- Verbal harassment – such as jokes, epithets, slurs, negative stereotyping, and unwelcome remarks about an individual's body, color, physical characteristics, or appearance, questions about a person's sexual practices, or gossiping about sexual relations;
- Physical harassment – such as physical interference with normal work, impeding or blocking movement, assault, unwelcome physical contact, leering at a person's body, and threatening, intimidating, or hostile acts that relate to a Protected Status;



- Visual harassment – such as offensive or obscene photographs, calendars, posters, cards, cartoons, e-mails, drawings, and gestures, display of sexually suggestive or lewd objects, unwelcome notes or letters, and any other written or graphic material that denigrates or shows hostility or aversion toward an individual, because of a Protected Status, that is placed or displayed on walls, bulletin boards, computers or elsewhere on the employer’s premises or circulated in the workplace.

**3130.1.3.3 Sexual Harassment.** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexually harassing conduct need not be motivated by sexual desire and may include nonsexual conduct motivated by the harasser’s hostility toward the victim’s gender, or toward the victim’s nonconformity with gender stereotypes.

Examples of sexual harassment may include, but are not limited to:

- Physical conduct including unwelcome touching, intentionally blocking normal movement, pinching, patting, or coerced sexual conduct;
- Verbal conduct including making derogatory comments, sexually explicit jokes, slurs, sexual innuendo and insults, or comments about an individual’s body or dress;
- Visual conduct including leering or displaying sexually oriented posters, photography, cartoons, drawings, emails, or gestures;
- Offering employment benefits in exchange for sexual favors; and
- Taking or threatening reprisals after a negative response to sexual advances.

**3130.1.3.4 Harassment Based on Other Protected Status.** Harassment on the basis of other Protected Status is also prohibited. Such harassment includes physical, verbal, and visual conduct when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

#### **3130.1.4 Retaliation**

**3130.1.4.1 Policy Against Retaliation.** The District prohibits employees and officers from taking any Adverse Action (as that term is defined below) against an employee because he/she in good faith engaged in a Protected Activity (as that term is defined below).

Retaliation is strictly prohibited, and complaints of retaliation will be promptly and thoroughly investigated in accordance with the District’s investigation procedures. Violations of this policy may result in disciplinary action, up to and including termination of employment.

**3130.1.4.2 Definition of Protected Activity.** “Protected Activity” may include, but is not limited to, any of the following:

- Reporting any incidents of harassment or discrimination, or perceived harassment or discrimination;
- Participating in any investigation relating to a complaint of harassment or discrimination;
- Filing a complaint with a federal or state agency;
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the District regarding alleged unlawful activity;
- Testifying as a party or witness regarding alleged unlawful activity;
- Associating with another employee who is engaged in a Protected Activity;
- Making or filing a complaint regarding alleged unlawful activity;
- Calling a governmental agency’s “Whistleblower hotline;” and
- Reporting suspected fraud, in good faith.

**3130.1.4.3 Definition of Adverse Action.** “Adverse Action” may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing;
- Refusing to hire an individual because of Protected Activity;
- Denying promotion to an individual because of Protected Activity;
- Taking any form of disciplinary action because of Protected Activity; [and](#)
- Altering work schedules or work assignments because of Protected Activity.

## **3130.2 Complaint Process**

**3130.2.1 Reporting a Complaint.** The District encourages the reporting of all incidents of prohibited harassment, discrimination, or retaliation, regardless of the identity of the offender. If you believe you have been subject to harassment, discrimination, or retaliation by a District employee, supervisor, manager, or a third party, or have been denied an equal employment opportunity, you must bring the matter to the attention of the General Manager or General

Counsel as soon as possible. If, for any reason, you do not feel comfortable discussing the matter with the General Manager, you should bring the matter to the attention the General Counsel. Reports must be made promptly so that any concerns can be investigated and addressed appropriately.

Any District employee with supervisory responsibilities who has knowledge that an employee, other supervisor, manager, intern, volunteer, or other person has been subject to conduct in violation of District policy prohibiting discrimination, harassment, and retaliation should immediately inform the General Manager so that prompt action can be taken to resolve the matter.

**3130.2.2 Investigation.** Complaints will go through a two-stage process. Initially, the General Manager, in consultation with the General Counsel, will complete an informal review of the merits of the complaint to determine future steps, if any. If the complaint involves the General Manager, the General Counsel will make the determination in consultation with the Board President. If the complaint involves the General Counsel, the General Manager will make the determination in consultation with the Board President. Baseless and frivolous complaints will not be further processed. Those complaints requiring further processing will be investigated. These complaints will be promptly and thoroughly investigated by an impartial and qualified person in a confidential manner, to the extent possible, appropriate and allowable under the circumstances and by law. As appropriate, informal reviews and investigations will include documentation and proper tracking to ensure reasonable progress and provide all parties appropriate due process and reach reasonable conclusions based on the evidence collected. Every employee who brings forth a complaint is entitled to a timely response and a timely closure.

All employees and supervisors have a duty to cooperate in the investigation of alleged harassment, discrimination or retaliation. Failing to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, up to and including termination of employment.

**3130.2.3 Remedial Action.** At the conclusion of the investigation, if it is determined that a violation of policy has occurred, the District will take effective remedial action commensurate with the severity of the offense.

This action may include disciplinary action against the accused party, up to and including termination. Steps will be taken, as reasonable and necessary, to prevent any further violations of policy.

In addition to District's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of harassment, discrimination, and retaliation in employment.

Information about the EEOC complaint procedure can be found on its website ([www.eeoc.gov](http://www.eeoc.gov)). You may also contact the EEOC may be contacted at:

1-800-669-4000 (English)

1-800-669-6820 (TTY)

Information about the DFEH can be found on its website ([www.dfeh.ca.gov](http://www.dfeh.ca.gov)). You may also contact the DFEH at the following numbers if you are calling within California:

1-800-884-1684 (English)

1-800-700-2320 (TTY)

This policy can be modified unilaterally by the District at any time without notice. Modification may be necessary to maintain compliance with local, state, and federal laws and/or accommodate organizational changes within the District.

**Policy 3140: Grievance Policy**

A grievance is defined as any complaint about the application of District [policies and procedures]. At some time, current employees may have a complaint about their job, their working conditions, or the treatment they are receiving. Current employees' good-faith complaints are of concern to the District. When a current employee has a job-related concern or complaint, the District encourages them to take the following steps:

- Step 1: Within a week of the events that gave rise to the grievance, bring the situation to the attention of your direct supervisor who will then investigate, as necessary, and provide a resolution or explanation. The District emphasizes that an employee is not required to bring their grievance first to their direct supervisor if the grievance is against the supervisor. The employee may then take their grievance directly to the General Manager (or designee). A supervisor cannot investigate a grievance brought to him/her by his/her staff if the complaint is directed at an employee who is the equivalent or higher in terms of position to the supervisor. All such grievance must be directed to the General Manager (or designee). If the complaint is not addressed to your satisfaction then proceed to Step 2.
- Step 2: If the problem persists, you may submit a written request to the General Counsel within ten (10) business days of the outcome of the initial investigation, which will then investigate, as necessary, and provide a resolution or explanation. It is recommended that you bring the matter to the District General Counsel as soon as possible after you believe that your immediate supervisor and/or the General Manager has failed to resolve the matter.

This procedure, which we believe is important for both you and District, may not necessarily result in every problem being resolved to your satisfaction.

If the grievance is against the General Counsel, it should be submitted to the General Manager. If it involves the General Manager, the employee may submit the complaint with the General Counsel. In either event, the receiving party will consult with the Board President.

Nothing contained herein affords, or is intended to afford, a terminated employee any right to appeal his or her discharge or to receive a hearing in connection with a discharge. Moreover, nothing in this Grievance Policy eliminates or modifies employees' at-will status.

**Policy 3150: Work Hours and Compensation**

**3150.1 Punctuality and Attendance.** Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided whenever possible. Abuse of late arrival, early departure or other unscheduled absences is grounds for disciplinary action, up to and including termination.

If you know in advance that you are going to be absent, you must schedule the absence with your supervisor at least one (1) week in advance.

If you are unable to report for work on any particular day, you must call and speak directly with a supervisor at least one (1) hour before the time you are scheduled to begin working for that day. If you call less than one (1) hour before your scheduled time to begin work, you will be considered tardy for that day.

If you are absent for ~~two~~ (2) consecutive scheduled workdays without contacting your supervisor, you will be considered to have voluntarily terminated your employment as provided in Section 9.3 (Job Abandonment).

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Excessive absences, abuse of the District's sick leave policy, failure to report absences on time, and excessive tardiness may lead to discipline, up to and including termination. Absences are excessive if they occur frequently, or if they show a pattern. Tardiness is excessive if you are frequently or unnecessarily late, or if you demonstrate a pattern of tardiness.

**3150.2 Work Hours.** The District's administrative office is normally open for business between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. These hours can change depending on staff availability and work priorities. Public accessibility is an important service of the District. These hours can be altered depending on the volume of public inquires and public needs. Additionally, some services are scheduled around the needs of District's clients and may fall outside the above listed hours. The General Manager (or [her or his](#) designee) will assign your individual work schedule and/or satellite office hours. Your hours are subject to change according to District's needs.

**3150.3 Breaks**

**3150.3.1 Meal Period.** Nonexempt employees scheduled to work more than five (5) hours are entitled and must take an unpaid, off-duty meal period of at least thirty (30) minutes. This meal period should be taken prior to the end of the fifth hour of work. A second meal period is required after ten hours of work.

If an employee is unable to take his/her meal break or take it in a timely manner, the employee must notify his/her supervisor before or at the time the employee is unable to take the meal

break. The failure to take off-duty meal periods or to follow this notification requirement is a violation of policy. If an employee does not take a full meal break, or fails to take it in a timely manner, and fails to notify his/her supervisor, it will be presumed that the employee voluntarily waived the meal break.

Finally, if the employee works between five and six hours, the meal period can be waived by written mutual consent in accordance with applicable law.

**3150.3.2 Rest Period.** Nonexempt employees must take a ten (10) minute paid rest period for every four hours of work or major portion thereof. Employees are entitled to these breaks as a matter of law and cannot be required to work through these breaks. If at any time you feel that you are being coerced into working through your breaks, you should immediately bring your concern to the General Manager or General Counsel.

**Deleted:** All 10-minute breaks must be taken on District premises.

**3150.3.3 Lactation Accommodation.** District will provide all employees who wish to express breast milk at work with a reasonable amount of break time. The break time will be required to run concurrently, if possible, with any paid break time already provided. Unless it runs concurrently with paid break time, break time for expressing milk is unpaid.

District will provide all employees desiring to express breast milk at work with reasonable accommodations. The employee will be provided with use of a room, or other location, other than a toilet stall, in close proximity to the employee's work area. The employee's normal work area may be used if it allows the employee to express milk in private.

**3150.4 Timekeeping Requirements.** All employees (exempt and nonexempt) are required to record their hours worked in a manner determined and approved by the District. Hourly employees must document the beginning and end of their shifts and time taken for meal breaks. Ten-minute breaks need not be documented.

All employees must prepare a time sheet for each pay period. Time sheets must be submitted to your supervisor for approval by the deadline specified on the time sheet. Part-time or temporary employees must submit time sheets to their supervisor according to the schedule assigned to them. Failure to document your time with a time sheet that also matches travel, calendar and other materials is considered insubordination. A time sheet is a legal document and must be completed accurately and should not be tampered with. Completing the time sheet of a fellow employee or falsifying your own time sheet is dishonest and may lead to discipline, up to and including termination.

**3150.5 Overtime.** Non-exempt employees are entitled to receive overtime pay at the rate of one and one-half (1 ½) times the employee's regular rate for actual time worked in excess of forty (40) hours per workweek. An employee must obtain advance written permission from his or her supervisor to work overtime, except in the case of an emergency. Working overtime without permission is grounds for discipline, up to and including termination. The District provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal law.

**3150.6 Payment of Wages**

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**3150.6.1 Pay Periods and Payday.** There are two pay periods per month. Employees are paid on the fifteenth (15th) day and last day of the month for work performed during the previous pay period. If a regular payday falls on a holiday, employees will be paid on the preceding workday. The District does not permit advances against paychecks or against non-accrued vacation. The District highly encourages all employees to participate in the direct deposit of pay into their checking accounts.

**3150.6.2 Payroll Deductions.** Federal and state laws require that the District withhold a portion of employees' wages for state and federal income taxes, Social Security and Medicare, and California State Disability Insurance. Employees wishing to change their number of claimed exemptions or their marital status for tax purposes should contact the General Manager (or designee). The District will take other deductions from your wages as required by law.

**3150.6.3 Paid Family Leave Insurance and Wage Replacement.** The State of California provides several wage replacement insurance programs for employees who have a wage loss due to a statutory or approved leave of absence. For more information, contact the General Manager (or designee) or Section 3210.

**Policy 3160: Performance Evaluations, Personnel Records**

**3160.1 Performance Evaluations.** To the extent possible, employees will receive periodic performance reviews. Generally, a new employee will receive a mid-introductory informal performance review after the first three (3) months of employment followed by a performance review after the first six (6) of employment. After that, the reviews will be conducted approximately every twelve (12) months, on or about the performance evaluation date for the District. However, the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations may include factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude, review of past goals, measurable performance objectives, job description duties and relationships with internal and external stakeholders. The performance evaluation should create awareness of progress and areas for improvement. After the review, each employee will be required to sign the evaluation report to acknowledge that it has been presented and discussed with the employee's supervisor and that the employee is aware of its contents.

A good performance evaluation does not guarantee a pay raise, because pay increases may not occur every year, nor is it a promise of continued employment. Employment at the District is expressly at the will of the employee and the District. Either the employee or the District may terminate the employment relationship with or without cause and with or without notice at any time. Nothing in the performance evaluation alters an employee's at-will employment.

**3160.2 Personnel Records.** Employees have the right to inspect and receive a copy of their personnel files and records that relate to the employee's performance or to any grievance concerning the employee, at reasonable times and at reasonable intervals, but no later than 30 calendar days from the date the District receives a written request. Employees also have the

right to inspect and/or copy their own payroll records; the District shall comply with reasonable requests for inspection and/or copying as soon as practicable, but no later than 21 calendar days from the request.

The employee should contact the General Manager (or designee) to set up an appointment if you wish to see or copy certain papers in his/her personnel file. The **employee must** review **the file in** the District's main office with employee supervision.

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To ensure that the files are kept up to date, employees should inform their supervisors of any personnel changes such as changes to address, phone number, marital status, or in the number of dependents.

Although the District makes reasonable efforts to protect the privacy of personally identifiable information (such as the addresses and telephone numbers of current and former employees), the District at times may be required to produce such personally identifiable information to third parties pursuant to, and in accordance with, directions from legal authorities.

**3160.3 Employee References.** All requests for references must be directed to the General Manager (or [her or his](#) designee). The District's policy as to references for employees who have left the District is to disclose only the dates of employment and the title of the last position held. No other information will be provided.

**Policy 3170: Hiring, Transfer, Resignation, Job Abandonment, Layoff**

**3170.1 District Hiring.** The existing District positions and position descriptions may be abolished or amended by the Board. In addition, new positions and position descriptions may only be added or amended by the Board.

**3170.1.1 New Positions and Vacancies.** New positions, as approved by the Board, and vacancies of existing positions may be filled by reinstatement, transfer, demotion, or as deemed appropriate within the discretion of the General Manager based on the best interest of the District.

In case of emergencies or otherwise to protect the District's interests, the General Manager may appoint, on a temporary basis, any person available and qualified to assist with the emergency situation. Emergency appointments may be terminated as soon as the emergency situation is alleviated.

**3170.1.2 Recruitment & Hiring Process.** It is the District's desire to recruit the best qualified applicants for District positions. The District will make efforts to promote qualified persons already employed by the District and will endeavor to give reasonable notice to all of its employees concerning the District's employment opportunities.

Each candidate for District employment shall complete all application forms required by the District. An applicant's failure to provide complete and accurate information on all application materials shall result in immediate disqualification in the application process and may result in dismissal from employment. Once submitted to the District, applications shall not be returned.



Applications must be received, or USPS postmarked on or before the filing deadline stated in the job announcement. Applications received, postmarked after the deadline, or sent with franking meter postage will be disqualified.

As part of the pre-employment procedure, applicants may be required to supply references, and submit to a thorough background check by the District. In addition, all employees must be physically and mentally capable of performing the essential functions of their jobs with or without reasonable accommodation.

The District shall have the right to conduct a complete and exhaustive background investigation on all applicants seeking employment, including, but not limited to a financial, DMV, and criminal background check, where applicable, and a medical and/or psychological examination by District-retained medical practitioners, where deemed appropriate by the District. However, any medical or psychological examination shall be conducted only after a conditional job offer has been made, in accordance with applicable law.

**Disqualification or Rejection of Application.** The District may reject any application. No applicant has the right to grieve or appeal any such actions by the District.

The District, at its discretion, may screen applications and invite only those applicants who best meet the District's needs and requirements to test further in the process. There is no obligation to interview or test all applicants.

**Selection and Examination/Assessment Process.** All hiring, including promotions, shall be made according to merit and fitness. The District may utilize any objective method to determine the qualifications of applicants, including without limitation, written tests, physical agility tests, oral examinations, panel interviews, assessment centers and oral interviews.

The General Manager is the only District employee authorized to hire any District employee. All candidates recommended for a position are to be interviewed by the General Manager prior to being offered employment. This includes full-time, part-time, extra-help, temporary, and promotional appointments.

The types of positions in District employment shall be Temporary, Regular, Extra-help and Emergency. Employees in each class shall be subject to the conditions and limitations set forth in these Rules.

**3170.1.3 Verification of Identity and Right to Work.** In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States and to complete the required employment eligibility verification document form upon hire.

**3170.1.4 Employee Clearance.** If the District is notified by a government agency that an employee has engaged in an activity that causes him or her to lose employment eligibility, that employee will immediately be placed on an unpaid suspension from employment until he or she receives a clearance or exemption from the California Department of Justice. Offers of employment may be conditioned upon verification of necessary licensing and clearances.

**3170.1.5 Promotions.** When deemed appropriate by the General Manager, vacancies may be filled by promotion of employees. Such promotion shall be based on a competitive selection process, taking into consideration of the employees' performance evaluations and past District service, and any other reasonable assessment criteria as determined by the General Manager or designee.

The promotion of an employee from one position to another having a higher pay range shall take place only upon approval by the General Manager. Such promotion shall be based upon a judgment of qualifications for the position.

**3170.2 Employee Transfer Policy.** Employees who would like to request a location transfer must contact their direct supervisor or the General Manager. The District also reserves the right to transfer employees to another location for any reason, at any time.

**3170.3 Resignation.** Employees may voluntarily resign their employment at any time by notifying their supervisor or the General Manager in writing. The District requests (but does not require) that employees provide two weeks' advance notice of resignation. All District-owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon separation from employment.

**3170.4 Job Abandonment.** An employee who fails to report to work for ~~two (2)~~ consecutively scheduled workdays without notice to or approval by his/her supervisor will be considered to have voluntarily terminated employment with the District unless the employee can show reasonable cause for the absence that is in accordance with state and federal law. All District-owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon termination of employment.

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**3170.5 Layoff.** From time to time, the District may need to lay off staff due to cuts in funding, to achieve better utilization of agency resources, or to address changes in programs, mission, philosophy, or any other business changes. Layoffs do not provide priority for other open positions, nor are layoffs required to be conducted by seniority or any other factor. Layoffs can be based on any business reason that is not prohibited by law.

#### **Policy 3180: Miscellaneous Policies**

**3180.1 Appearance and Dress.** Employees are required to use their common sense and good judgment with regard to their dress and appearance and are expected to project a professional image. Employees must dress in a manner that is consistent with their responsibilities. Attention should be paid to safety, District's image, customer interaction, and District's anti-harassment policy. If there are any questions as to what constitutes proper attire within a given department, the supervisor or General Manager should be consulted. In order to properly present the professionalism of the District, all employees must observe good habits of grooming and personal hygiene.

Clothing or jewelry must not be worn if it communicates a message that is harassing or against the District's business interest. Tattoos and any piercing that is not on the head must be covered at all times.

**3180.2 Outside Employment.** The following types of outside employment are strictly prohibited:

1. Employment that conflicts with an employee's work schedule, duties and responsibilities;
2. Employment that creates a conflict of interest or is incompatible with the employee's employment with the District;
3. Employment that interferes with the protection of the District's proprietary or confidential information;
4. Employment that impairs or has a detrimental effect on the employee's work performance with the District;
5. Employment that requires the employee to conduct work or related activities for outside employment on the District's property during the employee's working hours or using the District's facilities and/or equipment in relation to the employee's outside employment; and
6. Employment that directly or indirectly competes with the business or the interests of the District.

Employees who wish to engage in outside employment must submit a written request to the General Manager explaining the details of the outside employment. If the outside employment is authorized, the District assumes no responsibility for the outside employment. No work related to an employee's outside employment may be performed during District time, with District property or equipment, or on District premises. The District shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

**3180.3 Telecommuting.** Telecommuting may be allowed if it is in the best interest of the District. Telecommuting is at the discretion of the supervisor and requires the approval of the General Manager.

**3180.4 Travel**

**3180.4.1 Authorization.** All travel outside of areas in which the District provides services must be authorized in advance by the General Manager and must be supported by properly approved invoices and receipts covering both travel and per diem expenses. The District shall reimburse all pre-approved travel costs including lodging, private vehicle (as noted below), taxi or similar service, shuttle, and bus, train, and/or air fare. All other expenses, including meals and incidental expenses will be reimbursed at the [GSA approved](#) per diem rate [or prorated for a partial day](#) adjusted annually with the Consumer Price Index for San Francisco-Oakland-San Jose unless the conference sponsor provides meals in which case only actual reasonable expenses will be reimbursed. All reasonable effort should be made to reserve lodging at conference rates or find comparable rooms at nearby locations. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines.

**Deleted:** While employed by the District, employees are expected to devote their full attention and energy to their jobs with the District. For this reason, second jobs are discouraged.

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**3180.4.2 Driving Requirements.** Employees whose driving records are not approved by either the District’s insurance company are prohibited from driving on District’s behalf and receiving mileage reimbursement.

**3180.4.3 Reimbursement.** The District will only reimburse costs incurred for travel in accordance with either District policy or the Internal Revenue Service, whichever is less. Mileage costs for use of privately owned automobiles used for authorized District business shall be reimbursed at a set rate except where District contracts require a lower limitation.

**3180.5 Gifts.** No employee may accept or extend a gift or gratuity valued in excess of \$50.00 from or to any customer, vendor, supplier, or other person doing business with the District. Please discuss expenses paid or extended to such persons for business meals or trips with the General Manager in advance. In no event may a gift, gratuity, or expense payment influence (or appear to influence) a business decision, transaction, or service.

**3180.6 Employment of Relatives.** Relatives of employees may be eligible for employment with the District only if the individuals involved do not work in a direct managerial relationship or in job positions in which a conflict of interest could arise. “Relatives” is defined to include spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Current employees who marry or register as domestic partners will be permitted to continue working in the position held only if they do not work in positions as noted above. If employees who marry or register as domestic partners do work in a direct supervisory relationship with one another, the District will attempt to reassign one of the employees to another position for which he or she is qualified, provided such a position is available. If no such position is available, then one of the employees will be required to leave the District. The decision as to which individual will leave District is left solely to the two employees. The General Manager or ~~that person’s~~ designee may prohibit all employment of relatives if it is in the best interest of the agency.

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**3180.7 Employer Property.** All District property must be maintained according to District rules and regulations. The District reserves the right to inspect all District property or premises to ensure compliance with its rules and regulations.

Prior authorization must be obtained from the General Manager before any District property may be removed from the premises. In order to ensure compliance with District rules and regulations, employees may be asked to cooperate in inspections of their work areas and/or personal property, including but not limited to lockers, packages, purses, backpacks and other personal property brought onto District premises. Inspections may be conducted at District’s discretion.

Employees refusing to cooperate in such inspections may be subject to discipline.

**3180.8 Off-Duty Use of Facilities.** Employees are expressly prohibited from being in District’s facilities while off duty and from using District facilities or District equipment for personal use and/or while off duty without prior authorization from the General Manager or ~~that person’s~~ designee. Past employees are prohibited from entering District offices unless provided permission by the General Manager or ~~that person’s~~ designee.

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**3180.9 Outside Activities.** The District employees are prohibited from selling products for profit or gain on District property during the District's business hours. Fundraising activities are permitted, and materials can be left in an open area for employees, so they can choose whether they want to participate. Employees seeking fundraising may not directly approach any employee with pressure to purchase a fundraising item, except if the fundraising is on behalf of the District. Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on District property.

Employees' personal advocacy and political activities must be done on their own time and not on District property. No political contributions to candidates for public office may be reimbursed by the District. The District will not discriminate against employees based on their lawful political activity engaged in outside of work. Any employee with any question as to the application of these rules should consult with his or her supervisor or General Manager immediately.

**Policy 3190: Internet, E-Mail and Electronic Communications**

**3190.1 Telephone and Device Use Policy.** Excessive use of personal phones while at work and excessive use of the District's phone for personal use disrupts the work of other employees and limits employees' ability to complete District business. As such, employees should limit personal telephone communication, email, texting or other usage during work hours to emergency and/or brief communications.

The District is committed to keeping its employees safe at all times while on District business. Employees are required to comply with all state and local laws regarding the use of wireless phones while driving, including applicable laws prohibiting text messaging while driving. All employees must use a hands-free device while driving. Whenever possible, employees should not make or receive telephone calls while driving, and employees may not send work-related email messages or text messages while driving. Under no circumstances should employees use wireless phones during adverse weather or difficult traffic conditions. Under no circumstances is an employee required to answer the phone to conduct District business while driving. Any employee who violates this policy will be considered to be operating outside the course and scope of their employment. The District takes its phone and device use policy seriously. Any violations of this policy will subject employees to disciplinary action, up to and including termination of employment.

**3190.2 Technology Systems.** The District provides an e-mail system, voicemail system, access to the Internet, and other technology systems to assist employees in conducting the District business. All information, data, and messages created, received, sent, or stored in these systems are, at all times, the property of the District. During working time (which does not include meal and rest breaks), the foregoing systems are to be used solely for business-related purposes and employees have no reasonable expectation of privacy in such systems. All existing District policies apply to employee conduct on the Internet and use of all technology systems, including, but not limited to, District policies regarding intellectual property, misuse of District property, discrimination, harassment, sexual harassment, information and data security, and confidentiality.

**3190.2.1 Prohibited Uses of Technology Systems.** The District does not allow these systems to be used in creating, receiving, sending, or storing data that may reasonably be considered to be offensive, defamatory, obscene, discriminatory or harassing. Such data includes, but is not limited to, sexual images and comments, racial and gender-based slurs, or anything that would reasonably be expected to offend someone based on their disability, age, gender, religion, marital status, sexual orientation, national origin, culture, or any other status protected by law. Any such use would violate this policy and may also violate the District's policy against harassment. In particular, the display of any kind of sexually explicit image or document on any District system is a violation of the District's policy on sexual harassment. Employees who are aware of the misuse of these systems by other employees shall report the misuse to a supervisor or to the General Manager (or designee) immediately.

Unauthorized use of District information, emails, District intellectual or other property is prohibited for current and former employees. Nothing in this policy is intended to limit or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

Please refer to the District's Electronic Resources Policy for additional guidance.

**3190.2.2 Monitoring and Recording of Technology.** All employees should be aware that the District has software and systems in place that are capable of monitoring and recording all network traffic to and from any computer employees may use. The District reserves the right to access, review, copy, and delete any of the unauthorized software, copyrighted material, information, data, or messages accessed through these systems with or without notice to the employee and/or in the employee's absence. This includes, but is not limited to, all email messages sent or received, all website visits, all chat sessions, all news group activity (including groups visited, messages read, and employee postings), and all file transfers into and out of the District's internal networks. The District further reserves the right to retrieve previously deleted messages from email or voicemail and monitor usage of the Internet, including websites visited and any information employees have downloaded. In addition, the District may review Internet and technology systems activity and analyze usage patterns and may choose to publicize this data to assure that technology systems are devoted to legitimate business purposes. Accordingly, no employee should have any expectation of privacy as to his or her Internet or technology systems usage and should not use these systems for information they wish to keep private.

The District reserves the right to inspect, without notice to the employee, any and all files stored in all areas of the District's network, including those files assigned to individual employees, and those stored on any District computer, or storage device, or any storage device connected to a District computer in order to assure compliance with this and other District policies.

**3190.3 Social Media.** The District uses social media in certain circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people and companies online. The District expects employees to understand and comply with the [District policies governing social media](#). If employees have specific questions about which programs the District deems to be social media, employees should consult with their supervisor or the General Manager. Employees' use of social media is subject to District's policies against discrimination, harassment, retaliation, disclosure of confidential information,

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and prohibited uses of technology systems. Nothing in this policy is intended to limit or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the Meyers-Milias-Brown Act.

**Policy 3200: Holiday, Vacation, & Sick Leave**

**3200.1 Holidays**

**3200.1.1 Eligibility.** Full-time and part-time salaried exempt employees are eligible for holiday pay. To be eligible for holiday pay, an employee must be regularly scheduled to work on the day on which the holiday is observed and must work their regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by the General Manager or that person's designee.

**3200.1.2 Holiday Pay.** Eligible employees are entitled to twelve (12) paid holidays per year. Part-time salaried employees will receive pro-rated pay proportionate for the twelve (12) days based on the employee's regularly assigned work hours.

Holidays shall be determined by the General Manager or that person's designee in accordance with the District's needs. Current holidays are:

- New Year's Day
- Martin Luther King, Jr.
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day
- Veterans' Day
- Thanksgiving
- Day After Thanksgiving
- Christmas

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday is observed

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during an employee's scheduled vacation, the employee will receive holiday pay instead of vacation time.

## 3200.2 Sick Leave

**3200.2.1 Eligibility.** All employees, including part-time and temporary employees, who work thirty (30) or more days in a year are entitled to paid sick leave. Employees begin to accrue paid sick leave on their first day of employment.

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**3200.2.2 Accrual Rate.** All employees accrue sick leave at a rate of one (1) hour per thirty hours worked unless otherwise provided herein or by contract.

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**3200.2.2.1 Accrual Rate – Non-Salaried Employees.** All non-salaried employees, full and part time, accrue one (1) hour per thirty hours worked.

Moved up [1]: Employees begin to accrue paid sick leave on their first day of employment.

**3200.2.3 Limits on Accrual.** Full time employees (i.e., employees working forty (40) hours per week) may accrue up to one hundred sixty (160) hours of sick time. Part time employees are subject to an accrual cap that bears the same proportion to one hundred sixty (160) hours as does the hours that their regularly-assigned weekly work hours to forty (40) hours. When an employee's accrued sick leave hours has reached their cap, the employee will cease accruing additional sick leave until the employee's sick leave balance falls below that cap, at which time the employee will begin accruing sick leave again. In the event that the employee had accrued hours in excess of their cap on the date that this Policy took effect, the employee's leave shall be capped at their then-current level and the employee shall not begin accruing more leave until their hours fall below the cap. There is no retroactive grant of sick compensation for the period of time the accrued sick compensation was at the cap. Sick leave does not accrue during an unpaid leave.

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**3200.2.4 Limits on Use.** Employees may use up to 160 hours of paid sick leave per year. Accrued, unused sick leave carries over from year to year.

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**3200.2.5 Permitted Uses of Sick Leave.** Sick leave may be used for the following purposes:

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1. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee.
2. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee's family member.
3. For an employee who is a victim of domestic violence, sexual assault, or stalking, any of the following purposes related to the domestic violence, sexual assault, or stalking: to obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief; to seek medical attention for injuries; to obtain services from a shelter, program, or crisis center; to obtain psychological counseling; or to participate in safety planning and take other actions to increase safety, including temporary or permanent relocation.



For the purposes of sick leave, a “family member” is any of the following: a child (biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stands in loco parentis, regardless of age or dependency status); parent (biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); spouse or registered domestic partner; grandparent; grandchild; or sibling.

Abuse of the District’s sick leave policy is dishonest and may lead to discipline, up to and including termination.

**3200.2.6 Requesting Sick Leave.** If the need for sick leave is foreseeable, employees must give reasonable advance notice. Employees who request sick leave are required to communicate with their supervisor at least one (1) hour before the beginning of the employee’s shift. If requests for sick leave are not made within this time frame, approval for sick leave usage will not be granted unless there is an unusual circumstance (i.e., earlier notice was not practicable). Communication may be by telephone, email, or in person. The District reserves the right to ask for proof of illness as permitted under the law.

Employees are permitted to take sick leave in increments of two hours.

**3200.2.7 Certification of Need for Leave.** Employees may be required to provide documentation from a state recognized medical practitioner certifying the need for leave upon request by the employee’s supervisor or General Manager. If an employee is absent for three (3) or more days with an illness or injury, a doctor’s release is required before being allowed to return to work.

**3200.2.8 Disability Insurance for Leave Exceeding Seven Days.** Employees who are hospitalized or out sick for more than seven (7) calendar days for an injury or illness that is not work-related, may apply for State Disability Insurance (“SDI”) benefits.

The General Manager (or designee) can supply the SDI application form, but it is the employee’s responsibility to apply. Also, employees must send their Notice of Disability Benefits Received to the General Manager (or designee).

#### **Policy 3210: Other Protected Leaves**

**3210.1 Military Leave.** All employees are entitled to take time off to serve in the uniformed services on a voluntary or involuntary basis, including absences to attend a fitness examination. “Uniformed services” refers to the U.S. Armed Services, including the Coast Guard; the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; and the commissioned corps of the Public Health Service.

With certain exceptions, Military Leave may be granted for a total of up to five (5) years. When the need for military leave is foreseeable, you must notify your manager as far in advance as possible, so arrangements can be made to cover your duties. If you have written authorization from your military branch for your leave, you should provide it when you request leave.

Generally, a military leave of absence is unpaid, although employees may utilize available leave to provide continued compensation during the leave.

Upon completion of duties, employees will be reinstated into their former position or into another position of equal pay and status, consistent with applicable laws.

In order to be eligible for reemployment, employees must:

1. Give advance notice (written or oral) of his or her military service, unless such notice is impossible or unreasonable under the circumstances;
2. Be absent for fewer than five (5) years, not including inactive duty training or involuntary recall to or retention on active duty;
3. Have separated from military service under honorable conditions; and
4. Report for reemployment within the following time periods:
  - a. Employees performing military service for fewer than thirty-one (31) days must report for reemployment no later than the first regularly scheduled workday that occurs after a reasonable time for the employee to return to his or her residence, plus eight (8) hours.
  - b. Employees serving more than thirty (30) but fewer than one hundred eighty-one (181) days must submit an application for reemployment within fourteen (14) days after the completion of military duty.
  - c. Employees serving more than one hundred eighty (180) days must submit an application for reemployment within ninety (90) days after the completion of military duty.
  - d. Military leave can be extended for an additional two (2) years or longer if the employee is hospitalized or recovering from an illness or injury incurred or aggravated during military service or if reporting or reapplying to work is unreasonable or impossible.

The District is not required to reemploy individuals under the following circumstances: (1) where the District's circumstances have changed so that reemployment of the person would be impossible or unreasonable, such as when there has been a reduction-in-force that would have included the person on leave; (2) where efforts to qualify returning service members or accommodate individuals with service-connected disabilities would be of such difficulty or expense as to cause undue hardship to the District; or (3) where the pre-service position was for a brief or non-recurrent period and there was no reasonable expectation that employment would continue indefinitely or for a significant period.

Reemployed service members are entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed.

If an employee's health plan coverage would terminate because of an absence due to military service, the employee may elect to continue the health plan coverage for up to twenty-four (24) months after the absence begins or for the period of service (plus the time allowed to apply for reemployment), whichever period is shorter. Employees will be required to pay the employee portion, if any, of any funded benefit to the extent that other employees on a leave of absence are so required.

**3210.2 Leave for Military Spouse/Domestic Partner.** An eligible employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard, or Reserves who has been deployed during a period of military conflict is entitled to take up to ten (10) days of unpaid leave while the servicemember is on leave from deployment. In order to be eligible for leave under this section, an employee must: work for the District for an average of twenty (20) or more hours per week; notify his/her supervisor of the employee's intention to take the leave within two (2) days of receiving notice of the servicemember's leave from deployment; and submit written documentation to the General Manager certifying that the servicemember will be on leave from deployment during the employee's requested leave.

**3210.3 Bereavement Leave.** With the approval of the employee's supervisor, regular full-time employees may take up to five (5) consecutive days of unpaid leave in the event of a death in the immediate family. "Immediate family" for the purposes of this section means the employee's current spouse or registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son-, or daughter-in-law.

**3210.4 Time Off to Vote.** In the event that an employee does not have sufficient time outside of working hours to vote in a statewide or federal election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances, an employee will be allowed a maximum of two (2) hours on the Election Day without loss of pay. Deductions will not be made from the salary of an exempt employee for time taken off for voting. Where possible, the employee shall give his or her manager at least two (2) days' notice that time off to vote is needed.

**3210.5 Jury Duty and Court Appearances.** Employees are entitled to take time off to serve on jury duty. Employees should notify their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. An employee may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, employees will be expected to return to work for the remainder of the employee's scheduled work hours.

In addition, every employee, including but not limited to an employee who is a victim of a crime, is entitled to take time off to comply with a subpoena or other court order to appear as a witness in any judicial proceeding.

Leave under this section is paid up to eight (8) hours with documentation. After the initial eight hours, the employee may take unpaid leave or other applicable accrued time off.

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**3210.6 Leave Without Pay.** A supervisor may grant a leave of absence without pay for up to three (3) days, provided that such absence does not negatively impact the District's business interests, including the safety and care of children. Leaves of absence exceeding three (3) days may be granted at the discretion of the General Manager or that person's designee upon the written request of an employee and the approval of the employee's supervisor. No leave without pay shall be granted for more than one (1) month.

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An employee will be required to use all of his/her applicable accrued leave before requesting an unpaid leave of absence. The only exception is the unpaid days off during any District closure between Christmas and New Year (if applicable to the District).

Employees on unpaid leave status do not accrue additional benefits, including sick leave.

The District will attempt to hold an employee's position for the duration of the unpaid leave of absence unless otherwise required by federal, state or local law. If the position cannot be held, the employee will be eligible to reapply should a position become available in the future.

**3210.7 Paid Family Leave Program.** The District offers a Paid Family Leave Program pursuant to state law.

#### **Policy 3220: Health and Safety**

**3220.1 Safe Workplace Policy.** Every employee is responsible for the safety of himself or herself as well as the safety of others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety-conscious at all times.

**3220.2 Security.** The security of facilities and the welfare of our employees require that every individual be constantly aware of potential security risks. Employees should immediately notify their supervisor when persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are lost or misplaced.

Visitors, upon entering the site, must be greeted immediately. The District may from time to time and at different locations install surveillance monitoring by video or audio for purposes of protecting District property and programs only. This surveillance system is in no way intended to provide employees with personal security.

**3220.3 Workplace Violence.** The District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously and will lead to appropriate discipline, up to and including termination.

A threat includes, but is not limited to, any indication of intent to harm a person or damage property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Each employee is expected and encouraged to report to a supervisor or senior staff all actual or perceived threatening and/or violent incidents. The District is committed to thoroughly investigating all reports of workplace violence and will take immediate, appropriate action commensurate with the offense. Depending on the circumstance,

the District may choose to place an individual on leave while it investigates a complaint. Anyone with questions about the application of this policy should contact the General Manager (or designee) or the District's Police Chief.

Employees must notify the General Manager (or designee) when District keys or security cards are lost or misplaced. Employees must secure all doors upon the closure of the facility, set any alarms, and report to General Manager (or designee) if any outside lighting that is not working. Employees will not be sanctioned or otherwise suffer any Adverse Action for calling the police.

**3220.4 Drug and Alcohol Abuse.** The District is concerned about the use of alcohol, illegal drugs, and controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can adversely affect an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and children we serve and exposes the District to the risks of property loss or damage, injury to other persons and adverse publicity. Conviction for violation of drug laws, illegal alcohol use, crimes of violence or abuse or neglect of a child on or off duty shall not be tolerated because such conduct reflects adversely on the District.

Employees may not smoke or use any electronic smoking devices (e.g., e-cigarettes) on any property owned, operated, used by the District including automobiles. Smoking is not permitted in the presence of staff, families or children or the public during work time.

As a condition of employment, the District requires each employee to abide by the terms of this Drug and Alcohol Abuse policy and notify the District of any criminal drug or alcohol statute conviction for a violation occurring in the workplace within five (5) days of such conviction. In receiving a copy of these Rules, each employee is provided a copy of this policy and will be required to sign the acknowledgment in Appendix 3000 C. All employees covered by this policy should be aware that violation of the policy may result in discipline, up to and including termination.

**3220.4.1 Policy.** The term "drug" or "drugs" whenever used in this policy means any controlled substance that is not legally obtainable under State or Federal law, a prescription drug obtained or used without benefit of a valid prescription by a medical provider licensed to prescribe medications, and marijuana even if prescribed by a medical provider licensed to prescribe medications.

**3220.4.2 Standards of Conduct.** The following rules and standards of conduct apply to all employees either on the District property or during the workday (including meals and rest periods). The following are strictly prohibited by the District:

1. Possession or use of alcohol, or being under the influence of alcohol while on the job;
2. Employees shall not be impaired by alcohol or drugs, nor possess alcohol or drugs at the assigned worksite;
3. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this policy to intentionally misuse and/or abuse prescription medications;

4. Driving a District vehicle while under the influence of alcohol or drugs;
5. Distribution, dispensation, sale, or purchase of an illegal or controlled substance while on the job; and
6. Unlawful manufacture, possession, or use of a controlled substance, or being under the influence of an illegal or controlled substance while on the job.

Violation of the above rules and standards of conduct shall result in disciplinary action, up to and including termination. The District also may bring the matter to the attention of appropriate law enforcement authorities.

The District is dedicated to educating its employees of the dangers and consequences of workplace drug abuse. In this vein, District has developed a comprehensive Drug-Free Awareness program. The District's program will be an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The Drug-Free Awareness program will inform employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the District's policy of maintaining a drug-free workplace; (3) the availability of drug and/or alcohol counseling for employees who voluntarily seek such assistance; and (4) the penalties that the District will impose for alcohol and drug abuse violations.

**3220.4.3 Enforcement.** In order to enforce this policy as well as other District policies, and to ensure the safety of the District's employees and clients, the District reserves the right to conduct searches of all portions of District's property or premises for drugs, alcohol or other contraband. All employees, contractors and visitors may be asked to cooperate in inspections of their persons, work areas and/or their personal property, including but not limited to lockers, packages, purses, backpacks and other personal property brought onto District premises that might conceal drugs, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge. The District also reserves the right to implement other measures necessary to deter and detect abuse consistent with this policy.

An employee may be required to submit to a fitness-for-duty examination where there is a reasonable and objective belief that an employee may be impaired by prescription or over-the-counter medications that the employee is taking. The purpose of the fitness-for-duty examination will be limited to determining whether the employee can safely perform the essential functions of the job with or without accommodation. Such fitness-for-duty examinations will be conducted in compliance with the limitations set forth under state and federal law.

In addition, the District must keep people who sell or possess controlled substances off District's premises in order to keep the controlled substances themselves off the premises. Therefore, District reserves the right to take appropriate disciplinary action for such convictions.

Employees who are convicted of such crimes are required to report the conviction to the General Manager (or [her or his](#) designee) prior to returning to work. Failure to comply with this policy may result in discipline, up to and including termination.

An employee is subject to disciplinary action, up to and including termination, if the employee works while impaired by a prescription or over-the-counter drug and that impairment affects the employee's ability to safely perform the job or affects the safety or well-being of others.

Notwithstanding the foregoing, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability, unless undue hardship for the District would result or no accommodation is available which would enable the employee to safely perform his or her job.

**3220.4.4 Treatment and Rehabilitation.** Consistent with federal and state laws, the District will encourage and reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on the District. However, the District is not prohibited from refusing to hire, or discharging an employee who, because of the employee's current use of alcohol or drugs, is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health or safety or the health or safety of others.

The District shall make reasonable efforts to safeguard the privacy of an employee as to the fact that he or she has enrolled in an alcohol or drug rehabilitation program.

Leave under this section is unpaid, except that an employee may use sick leave to which he or she is entitled for the purpose of entering and participating in an alcohol or drug rehabilitation program. An employee with a chemical dependency who is not voluntarily seeking treatment is not qualified as a disabled individual under applicable state and federal law and may be subject to discipline as a result of job performance impaired by drug or alcohol use.

**3220.5 No Smoking Policy.** California law prohibits smoking at any facility used to provide children's services. The District prohibits smoking (including the use of electronic smoking devices, e.g., e-cigarettes) on any property owned, operated, used by the District including offices, employee break areas, locker rooms, parking lots, bathrooms, vehicles and other the District facilities.

**3220.6 Off-Duty Activities.** The District or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

#### **Policy 3230: Reasonable Accommodation Policy**

**3230.1 Policy.** The District provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

**3230.2 Qualifying Disability.** A "disability" means a physical or mental disorder or condition that limits one or more major life activities, a record of having such a disorder or condition, or being regarded as having such a disorder or condition.

**3230.3 Procedure for Obtaining Reasonable Accommodation.** An employee or applicant with a qualifying disability who needs reasonable accommodation in the application process or to perform essential job functions should make a request to the General Manager. After the General Manager receives or is made aware of the request, the General Manager or that person's designee may require the employee or applicant to submit additional information in writing, including medical certification from a health care provider supporting the need for accommodation.

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Once it is determined that the employee or applicant has a qualifying disability, the District will hold a discussion with the employee or applicant to determine if and how reasonable accommodation can be made. The purpose of this discussion is to timely communicate in good faith in order to understand restrictions or limitations on an employee's ability to perform essential job functions, or an applicant's ability to participate in the application process, and to fully consider all potential reasonable accommodations. The refusal or failure of an employee or applicant to participate or cooperate in this discussion may result in denial of accommodation.

Any information relating to the employee's or applicant's request for accommodation shall be kept confidential to the extent required by law and shall be kept in a file separate from applicant and personnel files.

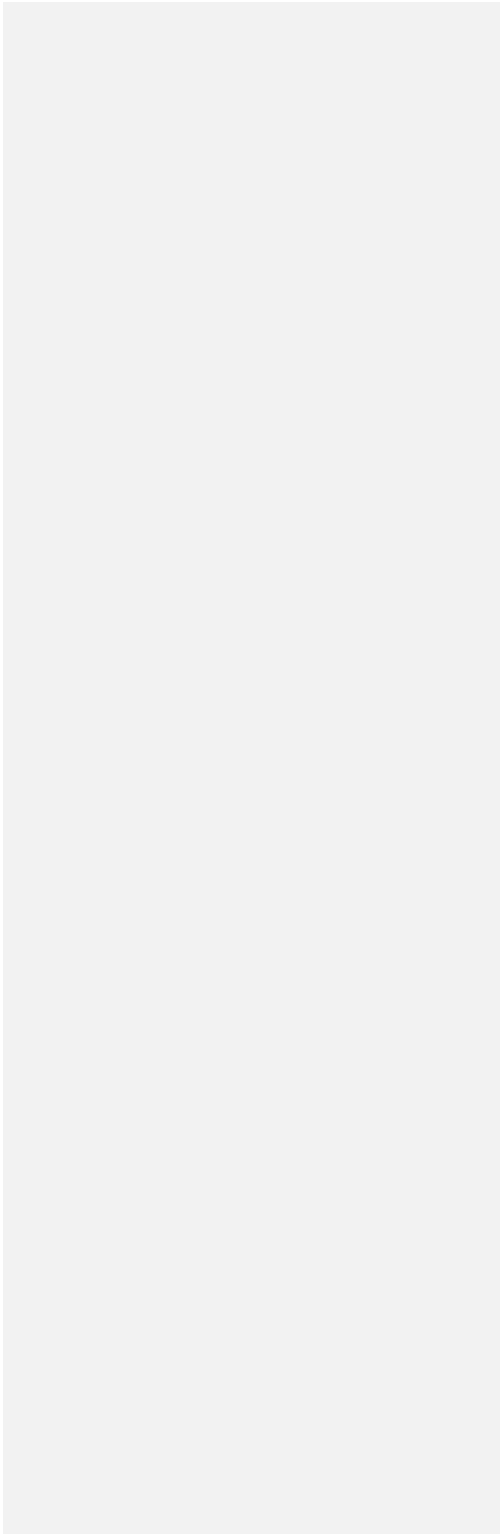
The District determines, in its sole discretion, whether reasonable accommodation(s) can be made and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship upon the District's finances or operations, endanger the health or safety of the employee or others, or eliminate an essential job function.

The District will inform the employee or applicant of its decision as to reasonable accommodation(s) in writing.

**3230.4 Fitness for Duty Examination.** The General Manager (or her or his designee) may require a fitness for duty examination to determine whether an employee can perform the essential functions of the job with or without accommodation, if the examination is job-related and consistent with business necessity. The General Manager (or her or his designee) may require that a District-approved physician conduct the examination. The District will pay for fitness for duty examinations that it initiates.



**Personnel Management Section 3000 - ACKNOWLEDGMENTS AND AGREEMENTS**



**Appendix 3000A**

**ACKNOWLEDGMENT AND AGREEMENT REGARDING RECEIPT OF DISTRICT'S EMPLOYEE RULES AND AT-WILL EMPLOYMENT STATUS**

This is to acknowledge that I have received a copy of the District's Rules and understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities, and obligations of employment with the District. I understand and agree that it is my responsibility to read and familiarize myself with the provisions of the Rules and to abide by the rules, policies, and standards set forth in the Rules, including any updates to the Rules.

I acknowledge that I have received, read, and understood:

- District's Discrimination, Harassment and Retaliation Policies;
- District's Alcohol and Drug Abuse Policy;

I also acknowledge that my employment with the District is at will, not for a specified period of time, and can be terminated at any time for any reason, with or without cause, by me or by the District. I acknowledge that no statements or representations regarding my employment can alter the foregoing. As to the circumstances under which employment may be terminated, this is the entire Policy between the District and me; there are no oral or collateral agreements of any kind.

I agree to abide by the terms of the At-Will Employment (Section 3120) policy as executed by me and the District.

Employee's Name and Initials Date

**Appendix 3000B**

**ACKNOWLEDGMENT AND AGREEMENT REGARDING DISTRICT'S POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION**

This is to acknowledge that I have received a copy of District's policy prohibiting discrimination, harassment, and retaliation, and understand District's policy that there be no discrimination or harassment against any employee or applicant for employment on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws.

I understand that District is committed to a work environment free of harassment and discrimination, and that District specifically prohibits retaliation whenever an employee or applicant makes a good-faith complaint that they have been subjected to harassment or discrimination. Accordingly, I specifically agree that to the extent I am the subject of any conduct that I view to constitute harassment, discrimination, or retaliation or which is otherwise in violation of District's policy prohibiting discrimination, harassment, and retaliation, I will immediately report such conduct to my supervisor or to a management-level employee with whom I feel comfortable.

I understand and agree that to the extent I do not use the grievance procedures outlined herein or in District's policy prohibiting discrimination, harassment, and retaliation, District shall have the right to presume that I have not been subjected to any harassment, discrimination, or retaliation.

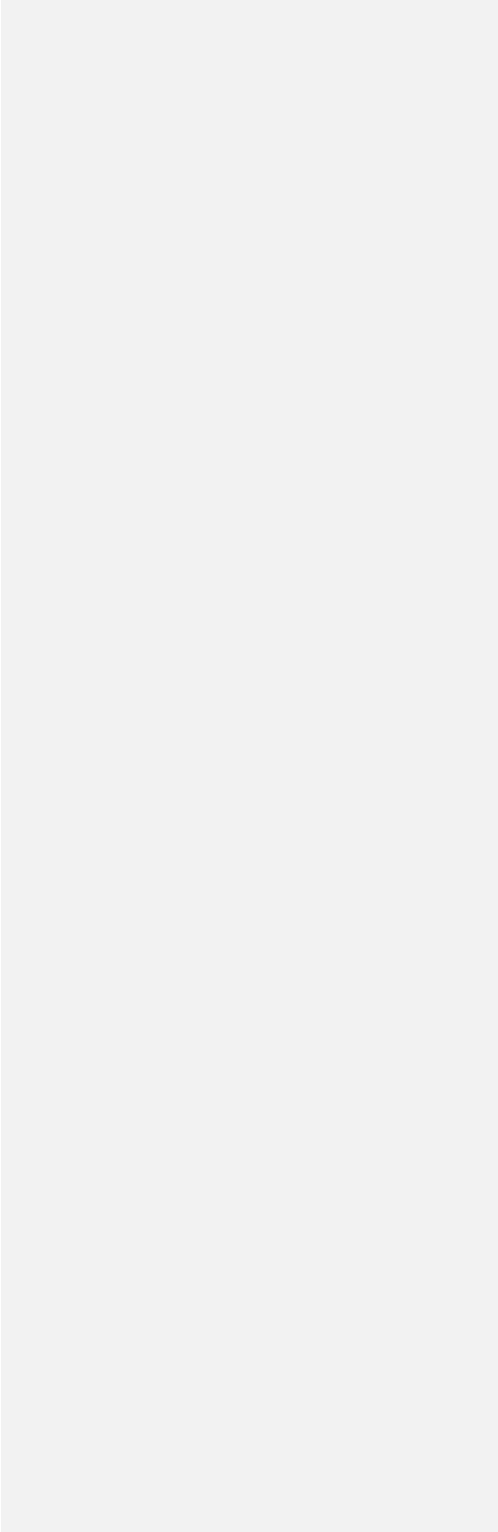
Employee's Name and Initials    Date

**Appendix 3000C**

**ACKNOWLEDGMENT AND AGREEMENT REGARDING DISTRICT'S ALCOHOL AND DRUG ABUSE POLICY**

I have carefully and thoroughly read District's Alcohol and Drug Abuse Policy (3220.4). I agree, without reservation, to abide by the terms of that policy. I further agree to notify District of any conviction for any criminal drug or alcohol statute violation occurring in the workplace no later than five (5) days after such conviction. I understand that abiding by the terms of the Alcohol and Drug Abuse Policy and notifying District of workplace-related drug and alcohol convictions are conditions of my employment. I understand that any violation of the policy will result in disciplinary action, up to and including immediate termination.

Employee's Name and Initials Date



# **POLICIES 4000**

## **BOARD OF**

### **DIRECTORS**

**Policy 4000: Board Responsibility**

**4000.1** Each Board member is elected by and responsible to the electorate of the entire District. Directors do not represent any fractional segment of the community.

**Policy 4010: Attendance at Meetings**

**4010.1** Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting. If a Board Member participates in a meeting by telephone or electronic device, their attendance by these methods will be noted in the minutes and they shall be counted as present for the duration of their participation.

Good cause for excusable absence, include late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the President of the Board is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity. The minutes of the meeting shall note that the Board Member is excused from the meeting under the circumstances noted in this section.

A Board Member who will be absent for good cause may notify the President by electronic transmission (email), telephone, or letter. The President shall notify the General Manager and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, or six (6) in a twelve-month period, except as otherwise provided for by law or as authorized by the Board.

**Policy 4020: Committees of the Board of Directors**

**4020.1 Temporary Advisory Committees.** The Board President shall appoint any such temporary advisory committees as may be deemed necessary or advisable by the President or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

**4020.1.1 Optional Committees.** The Board shall have the authority to activate or deactivate any other committees at any time. Two Directors may ask for the activation of an Optional Committee. This request should be made in writing and its formation dependent on a majority vote by the Board of Directors.

Committees may be deactivated at any time if it is deemed to be in the best interest of the District, if there are limited objectives of the committee or there is insufficient need for the committee. There is no obligation to activate any committees.

**4020.2 Board Coordinators.**

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From time to time, the Board may decide that specific District services would benefit from a Board Coordinator. Within ten days of this decision, the Board President shall appoint and publicly announce the Coordinator or Coordinators.

**Policy 4030: Duties of the Board President**

**4030.1 Presiding Officer.** The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

The presiding officer shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The presiding officer may move, second, debate, and vote from the chair.

**4030.2 Duties Regarding Meetings.** The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- Call the meeting to order at the appointed time;
- Announce the business to come before the Board in its proper order;
- Enforce the Board’s policies in relation to the order of business and the conduct of meetings;
- Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- Explain what the effect of a motion would be if it is not clear to every member [or direct the General Manager to explain it](#);
- Restrict discussion to the question when a motion is before the Board;
- Rule on meeting procedure;
- [Submit](#) motions to a vote, and state clearly the results of the vote; and

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- Preserve order and decorum.

**4030.3 Responsibilities.** Responsibilities of the President include, but are not limited to, the following:

- Sign all instruments, act, and carry out stated requirements and the will of the Board;
- Sign the minutes of the Board meeting following their approval;
- Appoint and disband all committees, subject to Board ratification
- Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- Coordinate the preparation of meeting agendas with the General Manager;
- Confer with the General Manager or [her or his](#) designee on crucial matters that may occur between Board of Directors meetings;
- Be responsible for the orderly conduct of all Board meetings;
- Be the spokesperson for the Board and [preside over all ceremonial events unless otherwise appointed; and](#)
- Perform other duties as authorized by the Board.

In the absence or disability of the President, the [Vice-President shall](#) temporarily carry out these responsibilities until such time as the President is able to resume his or her responsibilities.

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In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

**Policy 4040: Ethics Training**

**4040.1** All Directors, General Manager, Chief of Police, [District employees](#) and members of all committees that are subject to the Brown Act shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the [Board of Directors](#) and at least once every two years thereafter, pursuant to Government Code Sections 53234 *et seq.* as may be amended from time to time.

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**4040.1.1** All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

**4040.1.2** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person, or online.



**4040.1.3** Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.

**4040.1.3.1** District staff shall maintain records indicating both the dates that attendees completed the ethics training and the name of the provider that provided the training. These records shall be maintained for at least five years after the date of training and may be public records subject to disclosure under the California Public Records Act.

**4040.1.4** District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy once every year.

**Policy 4050: Members of the Board of Directors**

**4050.1** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors.

**4050.1.1** District staff is responsible to ensure Board members have access to timely and professional information and to ensure such information is communicated completely to support the policy and decision-making processes. However, the District's resources are limited and the General Manager has sole discretion regarding the allocation of staff time. Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

**4050.1.2** The General Manager shall be responsible for providing the requested information and shall make all information equally available to all Directors. Information development and distribution is subject to staff availability.

**4050.1.3** If writings are distributed to a majority of the Board in connection with an open meeting agenda item, those writings shall be made available to the public in the manner required by law. This shall not apply to materials exempt from disclosure under the Public Records Act, Section 6250 et seq. of the California Government Code.

**4050.2 Meeting Decorum**

**4050.2.1** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

**4050.2.2** Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

**4050.3 Abstentions and Failure to Vote.** Directors should not abstain from the Board's decision-making responsibilities unless a personal or financial conflict of interest exists. Directors abstaining due to a disqualifying conflict of interest will not be counted as part of a quorum and will be considered absent for the purposes of determining the outcome of a vote on the matter. Directors who fail to vote in the absence of a declared conflict of interest will be counted as part of a quorum and in effect consent that a majority of the quorum will determine the outcome of a vote on the matter.

**Policy 4060: Training, Education and Conferences**

**4060.1** Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the members of a body do not discuss issues related to their local agency’s business. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District. Directors shall not attend or engage in any travel for pleasure at public expense (e.g. “junkets” or other such events that are not beneficial to the District).

**4060.2** The General Manager (or her or his designee) may use District funds to pay tuition, registration, travel and/or lodging expenses for educational conferences, seminars, trainings, and/or professional meetings for Members of the Board of Directors. These prepaid expenses must be listed on an itemized sheet, supported with receipts and submitted to the District no later than ninety (90) days following the conclusion of training.

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**4060.2.1** The District shall reimburse all pre-approved travel costs including lodging, private vehicle (as noted below), taxi or similar service, shuttle, bus and train and/or air fare. All other expenses, including meals and incidental expenses will be reimbursed at the GSA approved per diem rate or prorated for a partial day adjusted annually with the Consumer Price Index for San Francisco-Oakland-San Jose unless the conference sponsor provides meals in which case only actual reasonable expenses will be reimbursed. All reasonable effort should be made to reserve lodging at conference rates or find comparable rooms at nearby locations. It is recognized that some reservation will be made later and not qualify for conference rates. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines. Directors so reimbursed shall present a brief report on the meeting attended at the soonest possible regular Board meeting.

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**Deleted:** All other expenses, including meals and incidental expenses will be reimbursed at the per diem rate of \$90/day (partial or full day) adjusted annually with the Consumer Price Index for San Francisco-Oakland-San Jose

**4060.2.2** Costs for attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences shall be included in the operating budget prior to the District incurring any reimbursable costs.

**4060.2.3.3** Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates. Other hotels can be utilized if sponsor hotels are booked and are not available. It is recognized that scheduling may not allow early registration and it is acceptable to register and attend, even if late, in recognition of the networking opportunities, informal gatherings and educational value to the District of attending these sessions. Attendance at annual conferences and education sessions is encouraged.

**4060.3** A Director shall not be reimbursed for expenses incurred at any educational conference, seminar, training, or professional meeting event if such event occurs after the District has announced that Director’s pending resignation, or if such event occurs after an election in which it has been determined that the Director will not retain his or her seat on the Board.

**Policy 4100: Board Actions and Decisions**

**4100.1** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

**4100.1.1** A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

**4100.1.1.1 Example.** If three of five Directors are present at a meeting, a quorum exists, and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast “aye” votes, no action is taken because a “majority of the Board” did not vote in favor of the action.

**4100.1.1.2 Example.** If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

**4100.1.1.3 Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved

**4100.2** The Board may give directions that are not formal actions and do not require formal procedural process. Such directions include the Board’s directives and instructions to the General Manager.

**4100.2.1** The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

**4100.2.2** A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

**4100.2.3** Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

**Deleted:** Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

**Policy 4110: Board Meeting Agenda - General**

**4110.1 Agenda Preparation.** The General Manager, in coordination with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda 2 weeks prior to the closing of the agenda for the next meeting date, providing a staff report by said date. Items submitted after the deadline shall be evaluated and considered by the Board President and General Manager.

**4110.2 Agenda Items.** If the General Manager decides an item is not germane to the current work of the Board, two collaborating Directors may place an item on the next regular

meeting agenda by written request. However, the General Manager shall have the discretion to allocate District resources to said item as practicable given the Board's then-current priorities.

**4110.3 Agenda Descriptions.** All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items, discussion items and action items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

**4110.4 Agenda Posting.** Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting.

The posting must occur in a place that is freely accessible to the public and on the District's website. On or before January 1, 2019, the internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format by that date.

**4110.5 Agenda Packages.** When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time.

Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

**4110.5.1** The agenda package is not a public forum. District staff should include in the package only materials relevant to items on the Board agenda.

**4110.6.1** At each regular meeting the Board shall provide the public with an opportunity for up to twenty (20) minutes to address any item within the subject matter jurisdiction of the District not on the agenda and before each the agenda. Each person shall have up to three (3) minutes and no person may speak more than once during a public comment period. Every regular meeting agenda shall include this opportunity as part of the meeting.

**4110.6.2** For special meetings, the Board shall provide the public with an opportunity of up to twenty (20) minutes to address any item on the agenda. Each person shall have up to three (3) minutes.

**4110.7 Closed Sessions.** The Brown Act allows the Board to conduct a closed session during a noticed meeting for certain matters. Major reasons for permissible closed sessions, as authorized by the Brown Act, include [potential and/or real property transactions](#), [personnel matters including labor negotiations](#), and pending [or real](#) litigation. The Board shall allow public comment on any closed session item before [starting](#) closed session.

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**4110.8 Items not on the Agenda.** The Board shall not discuss or take action on any item that does not appear on the posted agenda except in cases of permitted by the Brown Act, including, without limitation, in case of emergency or urgent need for action. The Board may also briefly respond to public comments, direct staff to follow-up on matters that arise during public comments and make announcements.

4110.9 The General Manager (or [her or his](#) designee) shall ensure that physical facilities and related equipment for said meetings are functional and appropriate.

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4110.10 The Board President shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

**Policy 4120: Board Meeting Conduct**

**4120.1 Rules of Order.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 4160, “Rules of Order for Board and Committee Meetings,” shall be used as a general guideline for meeting protocol.

**4120.2 Agenda Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

**4120.3 Conduct of Meetings.** The following concepts shall be applied to Board meetings:

**4120.3.1** The meetings shall be conducted in an open and fair manner.

**4120.3.2** The public shall be given ample opportunity to participate in the meetings, as set forth in section 4120.4 of this Policy.

**4120.3.3** Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.

**4120.3.4** The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve the problems.

**4120.3.5** The Board may receive, consider and take any needed action with respect to reports of District operations.

**4120.3.6** Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

**4120.3.7** The Board may weigh and determine the credibility of evidence and public comment.

**4120.4 Public Comment.** Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as followed:

**4120.4.1** Each member of the public present at a meeting shall be allowed to speak once in connection with each item on the agenda for that meeting. Speakers are not allowed to give or allot their time to another speaker. Time reading statements from others, will be considered towards the speaker’s three-minute allotment.

**4120.4.2** Members of the public should address the Board. Speakers should refrain from beginning their remarks until they are at the podium or called upon via Zoom, able to use any provided amplification and are recognized by the Board President.

**4120.4.3** Each speaker shall be allotted a maximum of three (3) minutes per item and may speak only once on during a public comment session. Each subject matter shall be allotted a maximum of twenty (20) minutes for comment. These are general guidelines. The Board President may shorten the time for each speaker to accommodate an unusual number of persons wishing to speak and/or may extend the allotted time per subject where the subject matter requires.

**4120.4.4** The Board President cannot refuse to recognize members of the Board, or the public, whose behavior is within the standards of conduct and when time allows.

**4120.5** **Disruption of Meetings.** Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

**4120.5.1** Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

**4120.5.2** If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.

**4120.5.3** In cases of extreme disruption, the Board President may clear the room of all members of the public and conduct the Board's business without them present.

**4120.5.4** Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

#### **Policy 4130: Brown Act Compliance – Open Meeting Requirements**

**4130.1** **The Brown Act.** The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964. The Brown Act is contained in Government Code section 54950 *et seq.* The Brown Act is broadly construed, and compliance is constitutionally mandated. This Policy 4130 is intended to facilitate compliance with the Brown Act. It is not a complete listing of Brown Act requirements. In the event of a conflict between this Policy and the Brown Act, the latter shall prevail. In the event of an amendment or addition to the Brown Act that conflicts with this Policy, this Policy shall be deemed amended to conform with said amended or addition.

**4130.2** All meetings of the Board of Directors shall comply with the Brown Act. The Brown Act mandates advance notice of meetings on a published agenda (see Policy 4110), opportunities for public comment (see Policy 4120.4) and preparation of minutes memorializing the meeting (see Policy 4140). There is no obligation of the District to apply the Brown Act to meetings not covered by this Act. There is also no obligation of the District to exceed any requirements of the Brown Act.

**4130.2.1** Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

**4130.2.2** Members of the Board include newly elected and appointed officials prior to assuming office.

**4130.2.3** All Board meetings shall be open and freely accessible to the public, including those with disabilities.

**4130.2.4** Meetings through the use of intermediaries, serial communications, or emails are prohibited.

**4130.2.5** The Board shall only take action during a properly noticed meeting.

**4130.3** **Committees.** Standing committees created by formal action of the Board shall comply with the Brown Act

**Policy 4140: Minutes of Board Meetings**

**4140.1** **Duty to Keep Minutes.** The General Manager (or his or her designee) shall keep minutes of all regular and special meetings of the Board.

**4140.2** The General Manager shall ensure that accurate Minutes of each Board meeting are prepared, maintained and stored in accordance with state law.

**4140.3** The minutes, presented in action format, shall include sufficient detail to record all direction and actions of the Board of Directors. See 4140.1.5

**4140.1.1** Copies of a meeting’s minutes shall be distributed to Directors as part of an information packet for a regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be properly saved and protected, and posted on the District’s webpage.

**4140.1.2** A video tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a locked cabinet for a minimum of ninety (90) days or until the minutes are approved by the Board.

**4140.1.3** In addition to the written minutes, whenever possible, an audio recording and/or video recording will be made of each special or regular meeting and posted to the District website for a period of no less than sixty (60) months.

**4140.1.3** Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

**4140.1.4** All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year.

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**Deleted:** Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

**4140.1.5** Meeting minutes shall follow a standard Action Meeting Minutes format, and shall include the following items:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Title of agenda items, staff recommendations and any and all Board action taken on said agenda items, including a verbatim transcript of any changes that the Board made to draft documents prior to approval.
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Time of meeting's adjournment.

**Deleted:** In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

**Deleted:** Summary record of any staff reports;

**Deleted:** Summary record of public comment regarding matters not on the agenda, including names of commentators if provided;  
Approval of the minutes or modified minutes of preceding meetings;  
Approval of financial reports;  
Information as to each subject of the Board's deliberation

**Policy 4150: Review of Administrative Board Decisions**

**4150.1** **Code of Civil Procedure § 1094.6.** The provisions of California Code of Civil Procedure § 1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of § 1094.5 of said code. The provisions of § 1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

**4150.1.1** In accordance with § 1094.6, the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final.

**4150.1.2** No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

**4150.1.3** No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

**Deleted:** Summary record of Board member comments on resolutions, ordinances, and contracts;  
Resolutions and ordinances described as to their substantive content and sequential numbering;  
Record of all contracts and agreements, and their amendment, approved by the Board;  
Approval of the annual budget;  
Approval of all polices, rules and/or regulations;  
Approval of all dispositions of District assets;  
Approval of all purchases of District assets; and



**4150.2 Applicability.** This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard has been provided.

**4150.3 Purpose.** The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

**4150.4 Claims.** Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

**Policy 4160: Rules of Order for Conduct of Board and Committee Meetings**

**4160.1 General**

**4160.1.1** The Board and Board Committees will consider action items by motion in accordance with this Policy, which the Board President and Committee Chair should apply with flexibility. In the event that a Board or committee member raises a point of order that is not addressed by that this Policy or elsewhere in this Manual, the Board President or Committee Chair should consult with the General Counsel and the most recent edition of Rosenberg's Rules of Order for guidance, a copy of which is available in the District offices.

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**4160.1.1.1** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

**4160.2 Obtaining the Floor**

**4160.2.1** Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

**4160.3 Motions**

**4160.3.1** Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

**4160.3.1.1** A Director makes a motion; another Director seconds the motion; and the President states the motion.

**4160.3.2** Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

**4160.3.2.1** If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

**4160.4 Secondary Motions.** Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

**4160.4.1 Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

**4160.4.2 Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

**4160.4.3 Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

**4160.4.4 Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

**4160.4.5 Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.

**4160.4.6 Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

#### **4160.5 Decorum**

**4160.5.1** The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.

**4160.5.2** The President may also declare a short recess during any meeting. 4160.6 Time Limit for Board Meetings:

**4160.6.1** All meetings of the Board of Directors must be adjourned by 10:00 pm. Meetings can be extended by a four-fifths vote of the Board, or if less than four-fifths of the Directors is present, a unanimous vote of those Directors that are present.

**4160.6.2** If the meeting is still in session at 9:45 pm, the Board President (or whoever is chairing the meeting) shall stop the progress of the meeting and suggest which of the remaining items on the agenda will be addressed in the remaining fifteen minutes of said meeting. As an alternative, the Board President will entertain a motion to consider whether to extend the meeting as described in Policy 4160.6.1.

#### **4160.6 Amendment of Rules of Order**

**4160.6.1** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: (a) temporarily suspend these rules in whole or in part; (b) amend these rules in whole or in part; ~~or~~ (c) both.

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**Policy 4170: Types of Board Meetings**

**4170.1 Regular Meetings.** The purpose of meetings is to conduct the business of the District requiring action by the Board of Directors. Regular meetings of the Board of Directors shall be held on the second Thursday of each calendar month, at 7:00 PM in the Community Center, 59 Arlington Avenue in Kensington, CA or if the Community Center is unavailable, at a temporary location within Kensington, if possible or via Zoom. The date, time and place of regular Board meetings may be reconsidered as the Board may determine due to a change in District needs and circumstances.

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**4170.1.1** The Board may choose to reschedule meetings at any time, for any time and location, with a majority vote to accommodate special circumstances that may arise between regular meetings. Any meeting can be cancelled by the General Manager in consultation with the Board President. For example, if no action, no motion, or no direction is required of the Board, there would not be a need to hold a meeting and the meeting can be cancelled. There shall be at least twelve (12) meetings per year.

**4170.1.2** The General Manager may also reschedule meetings after consulting with the Board President, or if unavailable, the Vice-President to accommodate special circumstances that may arise between regular meetings.

**4170.2 Special Meetings (Non-Emergency).** Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

**4170.2.1** All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.

**4170.2.2** An agenda shall be prepared and posted at least 24 hours before the meeting, as specified in Policies 4110 and 4130 and shall be delivered with the notice of the special meeting to the Board of Directors.

**4170.2.3** Notice of the meeting shall be provided to any local newspaper or any other media outlet that has requested to receive notices of meetings (consistent with the Brown Act) by serving a copy of the agenda at least 24 hours before the meeting.

**4170.2.4** Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

**4170.3 Emergency Meetings.** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster that severely impairs public health, safety, or both, as determined by the General Manager after consulting with the Board President, or in their absence, the Vice-President.

**4170.3.1** When possible, notice shall be provided to the local newspaper, any other media outlet by telephone at least one hour before the meeting.

**4170.3.2** Actions taken during an emergency meeting shall be by roll call vote.

**4170.3.3** The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

**4170.3.4** Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in the District office.

**4170.3.5 Workshops.** The Board President may schedule a workshop to discuss the status of projects and any items of general information. If no actions or direction is given by the Board of Directors at the workshop no minutes will be prepared. Minutes must be taken at any workshop where priorities are discussed, where votes are taken, or where direction is given to staff.

**4170.4 Adjourned Meetings.** A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or General Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

**4170.5 Annual Workshop.** The Board of Directors shall hold an annual organizational and goal setting workshop.

**4170.6 Annual Elections.** The Board will elect a President and Vice President among its members at the regular December meeting or the first meeting following certification of an election. The President and Vice President serve during the coming calendar year from January 1st to December 31st.

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**BOARD MEETINGS**

**Policy 5010: Board Meetings**

**5010.10** Regular meetings of the Board of Directors shall be held on the second Thursday of each calendar month at 7:30 PM in the Community Center, 59 Arlington Avenue, p.Kr-Kensington. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organizational meeting of the Board.

**5010.11** The Board may choose to reschedule meetings at any time by a four fifths vote by the Board, or if less than four-fifths of the Directors are present, a unanimous vote of those Directors that are present.

**5010.12** To accommodate special circumstances that may arise between regular meetings, the General Manager may reschedule the date, time, and place of the next regular meeting after consultation with the Board President, or if the President is not available, the Board Vice President.

**5010.20** Special meetings (non-emergency) of the Board of Directors may be called by the Board President.

**5010.21** All Directors, the General Manager, District Counsel and other desired staff shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, delivered to them at least twenty-four (24) hours prior to the meeting.

**5010.22** Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code § 54950 through § 54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

**5010.23** An agenda shall be prepared as specified for regular Board meetings in Policy #5020 and shall be delivered with the notice of the special meeting to those specified above.

**5010.24** Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

**5010.30 Special Meetings (Emergency).** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the twenty-four (24) hour notice required in 5010.21, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the General Manager, Board President or Vice President in the President's absence.

**5010.31** Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code § 54950 through § 54926) shall be notified by at least one (1) hour prior to the emergency special meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the General Manager, or his/her designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.

**5010.32** No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the twenty-four (24) hour notice. The minutes of the emergency special meeting, a list of persons the General Manager or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten (10) days in the District office as soon after the meeting as possible.

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**RESOLUTION NO. 2021-17**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
KENSINGTON POLICE PROTECTION AND COMMUNITY  
SERVICES DISTRICT ADOPTING A NEW POLICIES AND  
PROCEDURES MANUAL**

The Board of Directors of the Kensington Police Protection and Community Services District (hereafter referred to as the “Board of Directors”) does find as follows:

*WHEREAS*, the Board of Directors has adopted a series of new policies to govern the Kensington Police Protection and Community Services District (“District”), beginning in 2019, with the goal of completely replacing the policies in the former Policy and Procedures Manual (“2003 Manual”); and

*WHEREAS*, as the Board adopted new policies, it has repealed and or renumbered policies from the 2003 Manual such that, at this time, most of the former manual’s policies have been replaced or significantly revised; and

*WHEREAS*, the Board now is prepared to amend and expand its operational policies; and

*WHEREAS*, the Board now wishes to adopt a new Policies and Procedures Manual, which consolidates the previously adopted policies, with clarifications, corrections and additions depicted in Exhibit 1 to the staff reports for this matter dated August 12, 2021 and November 11, 2021 (“2021 Policy and Procedures Manual”); and

*WHEREAS*, on July 21, 2021, District staff distributed two draft 2021 Policy and Procedures Manual to each member of the Board of Directors, including a redlined draft showing changes from the policies that the Board had previously adopted; and

*WHEREAS*, on August 12, 2021, the District Board discussed the draft 2021 Policy and Procedures Manual, requested changes and clarifications and continued the item; and

*WHEREAS*, on November 7, 2021, the General Counsel distributed a revised redlined draft 2021 Policy and Procedures Manual, which draft was posted to the District website on November 8, 2021 as part of the agenda packet for the Board meeting of November 11, 2021; and

*WHEREAS*, at its regular meeting of November 11, 2021, the Board discussed the draft 2021 Policy and Procedures Manual and decided to continue the item; and

WHEREAS, at its regular meeting of December 9, 2021, the Board considered the draft 2021 Policy and Procedures Manual, took public testimony and decided to approve the Manual.

NOW, THEREFORE, THE BOARD OF DIRECTORS DOES RESOLVE AS FOLLOWS:

1. The Board repeals all policies previously adopted as part of the Policy and Procedures Manual; and
2. The Board hereby adopts the 2021 Policy and Procedures Manual, which is attached as an Exhibit to this resolution and incorporated herein by this reference.
3. PASSED AND ADOPTED by the Board of Directors of the Kensington Police Protection and Community Services District upon motion by \_\_\_\_\_, seconded by Director \_\_\_\_\_, on Thursday, the 11<sup>th</sup> day of November, 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

---

Sylvia Hacaj  
President, Board of Directors

HEREBY CERTIFY the foregoing resolution was duly and regularly adopted by the Board of Directors of the Kensington Police Protection and Community Services District at the special meeting of said Board held on Thursday, the 11<sup>th</sup> day of November, 2021.

---

Lynelle M. Lewis  
District Clerk of the Board

---

Richard J. Benson  
Interim General Manger

**KENSINGTON POLICE PROTECTION AND  
COMMUNITY SERVICE DISTRICT**

**POLICY AND  
PROCEDURE MANUAL**



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## **INTRODUCTION**

The Kensington Police Protection and Community Services District is a special district as defined by California Government Code Section 56036. Thus, it is an agency of the state formed for the local performance of governmental and proprietary functions within limited boundaries. Statutory authority is provided by the Community Services District Law (California Government Code 61000 *et seq.*). The District is governed by five members of the Board of Directors who are charged with establishing policies and exercising oversight for the operations of the District.

## **SCOPE OF AUTHORITY**

### *Police Services – Govt. Code Sec. 61100(i)*

The District is responsible for providing police protection and law enforcement services by operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code. The Police Department provides a full range of police services to the community. The Department is staffed with one (1) Chief of Police and adequate staff to ensure public order.

### *Recreational Services – Govt. Code Sec. 61100(e)*

The District is responsible for providing recreational services to the community. The District owns, maintains, and manages ongoing improvements to a Community Center, a Community Center Annex, a Recreation Building, and the Kensington Park. The park and recreational services are managed by the General Manager and staff.

### *Solid Waste Collection – Govt. Code Sec. 61100(c)*

The District oversees the solid waste and recycling programs in Kensington and is responsible for rate setting and ensuring the District meets State and Local mandates.

# **POLICIES 1000**

## **GENERAL**

## **Policy 1000: Adoption/Amendment of Policies**

**1000.1** Any Director or the General Manager may initiate consideration of a new policy, or amendment to an existing policy (“Policy Change”). The official requesting the Policy Change shall submit a written draft including a written rationale to the Board President and the General Manager, with a request that the item be included on the agenda of the next appropriate regular meeting of the Board of Directors. A Director may also request the General Manager to initiate a Policy Change at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

**1000.2** The Board of Directors shall consider for adoption any Policy Change at a regular meeting in accordance with then-prevailing state law. Any policy can be amended by three votes of the Board of Directors.

## **Policy 1005: Association Memberships**

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

**1005.1 Appropriate Memberships.** To take advantage of training opportunities, networking opportunities, learn from professionals, and keep informed of most current information and best practices, the District may become members of industry related professional 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 or mid-year budgeting process.

**1005.2 Appointment of Representatives.** The President 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, in accordance with section 2080.

**1005.3 District General Manager Memberships.** With the exception of the Local Agency Formation Commission (LAFCO), whose representative is a Board Director, the Board may designate the District General Manager as the appropriate representative or alternate in connection with memberships in any association. The District General Manager may designate those associations or industry specific organizations with which an association is necessary or adds value to the District. The General Manager may send staff to appropriate meetings with direct connection to District projects and procedures.

## **Policy 1010: Basis of Authority**

**1010.1** The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director.

Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

**1010.2** 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. The operational aspects of the District are delegated to District staff.

**Policy 1015: General Manager**

**1015.1** State law requires that the District appoint a General Manager to its staff. The General Manager is the administrative head of the District and its staff and has discretion to assign responsibilities between subordinate staff. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with the Board's short and long range goals, policy statements, and directives. Because the District employs a limited staff, the General Manager may ask the Board President to appoint an individual director to assist with particular tasks on a volunteer basis.

**1015.4** **Duties of the General Manager.** General Manager of the District Board of Directors or the General Manager's designee shall have the following duties:

- Implement the policy direction of the Board of Directors, including advising and making recommendations;
- Coordinate all projects and arrange for assistance depending on workload, expertise and priority. In the event that regular staff are not available to perform tasks as stipulated by the District's policies, designate personnel to perform those tasks. This shall not apply to tasks assigned to the General Counsel.
- Oversee and coordinate all District operations through appropriate staff including, without limitation, the Police Chief, Finance and Business Manager, Clerk of the Board, and others to effect operational efficiency;
- Be responsible for the District's finances, including, without limitation, arranging for an annual audit as required by law; prepare, present and promulgate the budget; and multi-year financial planning.
- Attend and participate in District Board meetings, prepare and present reports as necessary, represent the District before external organizations including other agencies, governmental and regulatory entities, business and community groups as directed by the Board;
- Advise on organizational changes to improve efficiency and effectiveness;
- Certify or attest to actions taken by the Board when required;
- Sign the minutes of the Board meeting following their approval;

- Sign the documents as directed by the Board on behalf of the District, and sign all other items which require the signature of the General Manager;
- Except for the District's General Counsel, the General Manager shall recruit, appoint, train, evaluate performance, supervise, discipline, and dismiss the District's employees, consistent with the employment policies established by the Board of Directors. These functions may be delegated to direct supervisors;
- Oversee the District's facilities and services;
- Perform any other duties assigned by the Board;
- Shall have discretion to appoint a Board Clerk; and
- Perform any other duties required under law.

#### **1015.5 Responsibilities of the Board Clerk**

The duties of the Clerk, subject to the direction of the General Manager, are:

- Respond to routine correspondence;
- Prepare for Board meetings, including preparing the agenda and providing public notice of Board meetings in accordance with state law;
- Act as secretary to the Board of Directors and the General Manager; schedule appointments, arrange travel and accommodations for training and conferences, perform tasks as requested that assist Board Members in their functioning to perform their functions and represent the community.
- Organize and manage all District files and records.
- Prepare minutes for the Board of Directors meetings in accordance with Board policy. The minutes shall include sufficient detail to record all actions and direction of the Board of Directors (Policy 4140). The Board of Directors, in consultation with the General Manager, shall include cost effectiveness, availability of staff resources, and operational efficiency in determining the proper scope and format of the minutes.
- Maintain Board records and other documents and reports as required by law.
- Disseminate correspondence to Directors addressed to them.
- Respond to and coordinate response to Public Records Act (PRA) requests.
- Other duties as assigned by the General Manager.

The General Manager shall have the discretion to assign some or all of the above to duties to other staff.



## **Policy 1020: Board/Staff Communications**

**Objectives:** Effective governance of the District relies on the cooperative efforts of the elected Board, who set policy and priorities, and the District's staff members, who analyze problems and issues, make appropriate recommendations, and implement and administer Board policies.

District staff is responsible to ensure Board members have access to timely and professional information and to ensure such information is communicated completely to support the policy and decision-making processes. However, the District's resources are limited and the General Manager has sole discretion regarding the allocation of staff time.

Board members should avoid intrusion into those areas that are the responsibility of the General Manager and other District staff. Individual Board members shall not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing District priorities without the prior knowledge and approval of the General Manager.

The General Manager is entirely responsible to recruit, evaluate, select, discipline and fire staff.

Except as assigned by the Board of Directors or for minor tasks as approved by the General Manager, no Board Member will assign projects to staff or alter work assignments at their personal discretion. This is to ensure all Board members are treated equally. It is also necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities set by management and the Board without fear of reprisal.

**Role of the Board:** As the legislative body for the agency, the Board is responsible for all policy direction of the District, approving the District's budget, setting policy goals and objectives and adopting strategic plans. Individual Board Members cannot assign staff projects or change staff priorities without the approval of the General Manager. Only the General Manager may direct changes in staff assignments. The primary functions of the General Manager and other District staff include: to execute Board policy and other Board actions, and to keep the Board well informed in order to assist in their policy making and priority setting, which are basic responsibilities of the Board of Directors.

Directors should treat their fellow directors, the General Manager and other District staff with respect and courtesy in all communications. Any disrespectful or intimidating behavior can be subject to disciplinary proceedings as authorized by the District policies and procedures.

Individual Directors, as well as the Board as a whole, are permitted freedom of access to any public information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or General Counsel will pass critical information to all Board members.

There may be restrictions related to information which cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete. In addition, there are legal restrictions on the agency's ability to release certain personnel information even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information should be discussed with the General Counsel for clarification.

**Policies:** There shall be mutual respect from both staff and Directors of their respective roles and responsibilities at all times. Staff and Directors should promote teamwork and cooperation to complete the business of the District.

**Purpose:** The purpose of the policies listed below is to establish a structure for Board/staff communications consistent with these principles.

**1020.1** The Board will direct all requests for information or questions to the General Manager and shall include the desired time and date for receiving the information. The General Manager, or her/his designee, will estimate the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with the notation indicating which Board member requested the information.

**1020.1.1** From time to time, staff may require information from individual Directors. However, Directors may be bound by rules of law or procedure that do not permit Directors to discuss certain matters with staff. In the event that this arises, and staff believes that the information is necessary, staff will consult with the General Manager to resolve the issue.

**1020.2** Individual Directors cannot give policy direction to the General Manager or other staff. Individual Directors may request information and/or updates on District projects. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- At the discretion of the General Manager, specific employees can be designated as “Confidential Employees” and consistent with Section 3120.4.2. These employees will have access to all records, investigations and legal documents and will not divulge any contents to any person except as required by law. Any violation shall be cause for discipline including termination.

**1020.3** At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. The Board of Directors, as the decision maker, is free to reject or modify a staff recommendation and the Board’s wishes will be implemented by staff even if contrary to a staff recommendation.

**1020.4** Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction

with staff. Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

**1020.5** Board members should not make public comments critical of the performance of an individual District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to General Counsel or during a closed session evaluation of the General Manager's performance.

**1020.6** If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to either request that the Director speak directly with the General Manager about the subject matter presented or report the violation to the General Manager, without any fear of reprisal. If a staff member violates any policy, they can be subject to disciplinary action.

**1020.7** In addition, a Director who violates these policies repeatedly, regarding communications may be subject to Censure, as provided in section 1030.14. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee.

**Policy 1025: Claims against the District Purpose:**

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests, property damage claims and personal injury claims against the District in accordance with the Government Claims Act, Section 801 *et seq.* of the California Government Code. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

**1025.1 General.** All claims for money or damages against a district are governed by Division 3.6 of Title 1, Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of the California Government Code ("Claims Act"). In the event that the Claims Act is amended so as to conflict with this Policy 1025, this Policy shall be deemed amended to comply with said changes to the Claims Act.

**1025.2 Claim Requirements.** The District shall maintain official claims forms at its office. Any officer, official or employee upon receiving notice of potential claim for damage to person or property from a claimant or person acting on their behalf, shall provide said claimant or person with the District's official claim form, requesting its return at their earliest convenience. A person filing a claim shall use the form, which shall be designed to enable the claim to meet the requirements of Government Code Sections 910 and 910.2. The form shall require the claimant or person acting on their behalf to show all of the following:

- (a) The name and post office address of the claimant.
- (b) The post office address to which the person presenting the claim desires notices to be sent.

- (c) The date, place and other circumstances of the occurrence or transaction that gave rise to the claim asserted.
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known.
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.
- (g) The claim shall be signed by the claimant or by some person on his behalf.

If General Manager or legal counsel determines that the filed claim does not meet the above requirements, the District shall, within 20 days of receipt, send a letter to the claimant informing them of this fact and stating with particularity the defects or omissions therein. The letter to the claimant shall be personally delivered or mailed. There will be no action on the claim until at least 15 days after notice to claimant.

**1025.3 Time for Presentation of Claim.** All claims for personal injury, personal property or growing crops must be filed within six months of the accrual of the cause of action. All claims for any other type of injury must be filed within one year of the accrual of the cause of action.

If General Manager or legal counsel determines that a claim for personal injury, personal property or growing crops has been filed more than six months of the accrual of the cause of action, and the claimant did not include an application to file a late claim, the District shall return the claim within 45 days. The returned claim shall be accompanied by written notice that the claim is being returned as untimely and that the claimant's only recourse is to file an application for leave to present a late claim. The notice should read in substance as follows:

The claim you presented to the Kensington Police Protection and Community Services District ("District") on \_\_\_ (**indicate date**) is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the California Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the District for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**1025.4 Application to Present Late Claim.** An application to file a late claim must be filed within a reasonable time not to exceed one year from the accrual of the cause of action. This one-year limit shall be tolled only as required by the Claims Act. The Board shall consider the application under the Claims Act in closed session. If the Board determines to deny the application, the applicant/claimant should be so advised in writing within 45 days of the application to the Board unless the District and the Claimant have agreed to extend the consideration period. Notwithstanding the foregoing, if the Board has failed to approve or otherwise act on the application, it shall be deemed denied on the 45th day after submission to the Board or after the end of any extension agreed to between the District and the applicant/claimant.

The claimant must have good cause for not filing a claim on time. The Board will consider: the circumstances that kept the claimant from filing on time.

**1025.5 Action on Claim.** All claims shall be immediately forwarded to the General Manager, General Counsel and the District's risk manager (the Special District Risk Management Agency or successor agency). All officers, officials and staff shall cooperate with the claims investigation process.

The Board shall act on a sufficient and timely claim within 45 days of presentation. The claimant and District, acting through the General Manager, may agree to extend this deadline. In the absence of such an agreement, the District should reject the claim before the 45th day to preserve its right under the Government Claims Act statute of limitations. If the Board does not act on a claim within 45 days, it shall be deemed rejected unless there is an extension agreement in which case, the claim will be deemed rejected on the last day of the period specified in the extension agreement.

The Board shall evaluate the claim in closed session with advice of legal counsel and the risk manager. The Board shall consider the relevant facts and law and may decide to accept the claim, reject the claim, compromise the claim or reject the claim in part and accept the claim in part. As part any settlement agreement or agreement to pay damages, the Board may require a release of the full claim and of any future claims arising from the same or related facts.

**1025.6 Manner of Providing Notice.**

- (a) The District shall give the notices required under this Police 1025 by either of the following methods:
  - (1) Personally delivering the notice to the person presenting the claim or making the application.
  - (2) Mailing the notice to the address, if any, stated in the claim or application as the address to which the person presenting the claim or making the application desires notices to be sent or, if no such address is stated in the claim or application, by

mailing the notice to the address, if any, of the claimant as stated in the claim or application.

- (b) No notice need be given where the claim or application fails to state either an address to which the person presenting the claim or making the application desires notices to be sent or an address of the claimant.

**1025.7 Challenge to Action on Claim.** No suit challenging the District’s action on any claim may be brought against the District unless the claim was first timely presented to the District in compliance with this Policy 1025.

Any suit challenging the District’s action on any claim must be brought within the limitations periods set forth Section 945.6 of the Claims Act or any successor statute.

### **Policy 1030: Code of Ethics**

**1030.1 Background information.** Kensington Police Protection and Community Service District (KPPCSD) designed its Code of Ethics & Values (the “Code”) to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today’s complex and diverse society.

#### **1030.2 Goals of the code of ethics & values**

- To make KPPCSD a better District built on mutual respect and trust.
- To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District’s Board. All elected and appointed officials, officers, employees, members of advisory committees, volunteers of the District, herein called “Officials” for the purposes of this policy. “Officials” shall also include contractors acting in a significant advisory role to the Board and/or General Manager.
- The Code is a touchstone for Officials in fulfilling their roles and responsibilities.

#### **1030.3 Preamble**

- The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The KPPCSD has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District’s government.
- All Officials shall subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because the District seeks public confidence in the District’s services and public trust of its decision-makers,

Officials' decisions and work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

**1030.4**        **Applicability.** This Code shall apply to all Officials as defined in 1030.2.

**1030.5**        **Core Values.** Officials must subscribe to the following Core Values:

**1030.6**        As representatives of the District, Officials shall be ethical in both appearance and in fact. In practice, this value looks like:

- Officials will be trustworthy and truthful, acting with the utmost integrity and moral courage. Officials will do what they say they will do. Officials will be dependable.
- Officials will make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair their independence of judgment or action.
- Officials will be fair, distributing benefits and burdens according to consistent and equitable criteria.
- Officials will extend equal opportunities and due process to all parties in matters under consideration. If Officials engage in unilateral meetings and discussions, they do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
- Officials will show respect for persons, confidences, and information designated as “confidential.”
- Officials will use their title(s) only when conducting official District business for information purposes or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.
- Officials will avoid actions that might cause the public or others to question their independent judgment.
- Officials will maintain a constructive, creative, and practical attitude toward the District’s affairs and a deep sense of social responsibility as a trusted public servant.
- Officials will comply with this Policy and Procedures Manual as the Board may amend it from time to time.

**1030.7**        As a representative of the District, Officials will be professional. In practice, this value looks like:

- Officials will apply their knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of their job in a consistent, confident, competent and productive manner.

- Officials will approach their job and work-related relationships with a positive, collaborative attitude.
- Officials will keep their professional education, knowledge, and skills current and growing.
- Officials will recognize that the District does not provide office space for Board Directors.
- Officials will realize that staff time is limited and do not prevent employees from accomplishing tasks by occupying the Public Safety Building for lengthy periods of time and by keeping conversations with employees directed towards work-related, District business.

**1030.8** As a Representative of KPPCSD, Officials will be service-oriented. In practice, this value looks like:

- Officials will provide friendly, receptive, courteous service to everyone.
- Officials will attune to and care about the needs and issues of citizens, public Officials and District workers.
- In their interactions with constituents, Officials will be interested, engaged and responsive.
- In making decisions, Officials will consider the interests of the entire community.

**1030.9** As a representative of KPPCSD, Officials will be fiscally responsible. In practice, this value looks like:

- Officials will make decisions after prudent consideration of their financial impact, considering the long-term financial needs of the District, especially its financial sustainability.
- Officials will demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- Officials will make good financial decisions that seek to preserve programs and services for District residents.
- Officials will have knowledge of and adhere to the District's Financial Management Policies.

**1030.10** As a representative of KPPCSD, Officials will be organized. In practice, this value looks like:

- Officials will act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.



- Officials will follow through in a responsible way, keeping others informed and responding in a timely fashion.
- Officials will be respectful of established District processes and guidelines.

**1030.11** As a representative of KPPCSD, Officials will be communicative. In practice, this value looks like:

- Officials will positively convey the District’s care for and commitment to its citizens.
- Officials will communicate in various ways, that they are approachable, open-minded, and willing to participate in dialog.
- Officials will engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.

**1030.12** As a representative of KPPCSD, Officials will be collaborative. In practice, this value looks like:

- Officials will act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- Officials will understand that, whatever their personal beliefs, the District Board sets District policies and priorities. Officials will work to promote those policies and priorities unless and until the Board votes to change them.
- Officials will work towards consensus building and gain value from diverse opinions.
- Officials will maintain civil discourse and a professional tone in their interactions.
- Officials will accomplish the goals and responsibilities of their individual position, while respecting their role as a member of a team.
- Officials will consider the broader regional and statewide implications of the District’s decisions and issues.

**1030.13** As a representative of the District, Officials will be progressive. In practice, this value looks like:

- Officials will exhibit a proactive, innovative approach to setting goals and conducting the District’s business.
- Officials will display a style that maintains consistent standards; but is also sensitive to the need for compromise, “thinking outside of the box” and improving existing paradigms when necessary.
- Officials will promote intelligent and thoughtful innovation in order to forward the District’s policy agenda and District services.

## **1030.14 Enforcement**

If a Director violates this Code during a Board meeting in a manner that disrupts the Board's proceedings, the Board President shall have the authority to eject said Director after a minimum of two warnings.

**1030.14.1** A Director found to be in violation of this Code may be subject to Censure by the District Board. Censure is a formal resolution officially reprimanding a Director or Directors. A censure motion shall specifically identify the Code sections violated and the Director's actions that constituted the violation. The Board will not censure a Director for exercise of First Amendment rights but only for a violation of adopted Board policy. The Board shall only consider a censure motion at an agenda public meeting and the Director who is liable to be censured shall be allotted a reasonable time to explain the alleged violation.

**1030.14.2** Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

### **Policy 1035: Conflict of Interest Code**

**1035.1** The Political Reform Act, Government Code § 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code ("Conflict of Interest Code"). This Conflict of Interest Code is incorporated by reference as may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act.

The Board approved and adopted the Conflict of Interest Code on December 12, 2019. Therefore, the Conflict of Interest Code as amended is hereby incorporated by reference as if full set forth herein.

**1035.2** The Conflict of Interest Code requires that the Board designate officials and employees required to file public statements of economic interest and the disclosure category for each designated position. Appendix A to this Policy 1000 contains these designations. Designated officials and employees shall file statements of economic interests according to their category with the Clerk of the County of Contra Costa

**1035.2.1** In the event the FPPC duly adopts an amendment to its regulations that requires an amendment to this Policy 1035, this Policy shall be deemed amended to comply with the new or amended regulations.

### **Policy 1040: Correspondence to the Board and Staff**

**1040.1** All written correspondence addressed to the Board of Directors shall be sent to the District office. District staff shall distribute said written correspondence to the addressee and written responses, if any, to each member of the Board at regular intervals as the General Manager shall determine. Electronic correspondence should be sent to staff or Board members at District email addresses. If sent to staff, staff shall forward to all Directors as appropriate.

Individual Board members may receive correspondence addressed to him or her in his or her official capacity. Board members are not permitted to use agency resources for sending or receiving personal correspondence. Correspondence to the District, whether mailed or electronic, will be handled independent of the Board Agenda.

**1040.1.1** Notwithstanding the above, any correspondence that contains confidential or privileged matters, such as documents related to personnel or medical information, shall be referred to the General Manager or confidential employee for handling. If said correspondence is not plainly marked as privileged and/or confidential, staff discovering the contents shall forward the transmission as soon as practicable. This Policy 1040.1 does not apply to correspondence to the Police Department.

**1040.2** All written or electronic correspondence addressed to the Board or District employees in their official capacity shall be maintained on file in the District offices as required by the Records Retention Act and shall be available to the public for review as required by the Public Records Act. If the correspondence may be exempt from the Public Records Act, the General Manager shall determine appropriate handling in consultation with the General Counsel. District employees are not permitted to use agency resources for sending or receiving personal correspondence.

**1040.3** All written or electronic correspondence sent to or from the Board of Directors or District employees in their official capacity shall be considered public records even if maintained on personal devices. These records shall be maintained at the District offices, or storage location designated by the General Manager, in compliance applicable Records Retention regulations.

Unless exempt from disclosure, these records are subject to disclosure until they are subject to destruction.

#### **Policy 1045: General Counsel**

**1045.1** The Board of Directors shall appoint a General Counsel to assist the Board and District in all applicable issues and activities.

**1045.2** The General Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and staff. The General Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; representing the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; supervising outside counsel and keeping the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District.

**1045.3** The General Counsel shall review and approve as to form District legal documents, i.e., contracts, agreements, etc. The General Counsel shall present and report to the Board legal issues, such as actual and anticipated litigation and other closed session items as appropriate. The General Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

**1045.4** The General Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The General Counsel shall be available to the General Manager for consultation on applicable issues and activities.

### **Policy 1055: Records Management**

To be useful, District records must be available at the right time, in the right place and to the right person or persons. This means that the records must be well organized and accessible. All records shall be maintained in accordance with federal, state and local laws, contract requirements and commonsense business practices.

**1055.1** This policy has the following goals:

- Provide certainty that no record is destroyed prematurely, and that valuable and legally required records are retained in compliance with legal retention requirements and with standard organizational practices for the retention and destruction of records.
- Enable authorized employees to destroy with confidence records no longer of value,
- Provide faster and more efficient retrieval of files as a result of the elimination of obsolete records and better organization of retained records.
- Improve productivity through faster access to information,

**1055.2** Vital and important records, regardless of recording media, are those having on-going legal, financial, operational, or historical value to the District. As provided by state law, the District shall retain and not destroy records of the following unless otherwise specifically allowed by this Policy:

- Formation, change of organization, or reorganization of the district.
- A District ordinance adopted by the district. However, if the District Board has repealed an ordinance or the ordinance is otherwise invalid or unenforceable, it may be destroyed or disposed of pursuant to this section five years after it was repealed or became invalid or unenforceable.
- Minutes of any the District Board meeting.

Any pending claim or litigation or any settlement or other disposition of any claim or litigation within the past two years.

- Documents responsive to any pending request made pursuant to the California Public Records Act (Chapter 3.5 of the California Government Code (commencing with Section 6250) of Division 7 of Title 1), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have

elapsed since the district provided written notice to the requester that the request has been denied.

- Any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented.
- Any non-discharged debt of the District.
- Title to real property in which the District has an interest.
- Any non-discharged contract to which the District is a party.
- Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received.
- Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work.
- Specifies the amount of compensation paid to district employees or officers or to independent contractors providing personal or professional services to the District, or relates to expense reimbursement to district officers or employees or to the use of district paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to this section seven years after the date of payment.

Appendix B provides a definition of terms and Appendix C sets forth a Records Retention Schedule.

**1055.3** The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below, after consultation with the General Counsel. The General Manager is also responsible for ensuring all records are safely maintained, accessible and adequately controlled by District staff.

**1055.3.1** District records should be maintained at the District offices or such other premises as may be controlled by the District or a records storage facility under contract to the District. The District shall maintain indices of any records located off-site to enable their easy retrieval.

**1055.4** Pursuant to the provisions of Government Code §§ 60200 through 60203, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

**1055.4.1** Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

**1055.4.2** Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media except for permanent records of the District as defined in this Policy.

**1055.4.3** In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

**1055.4.4** Records, papers or documents which are not expressly required by State law to be filed and preserved, including records listed in Section 1055.2 of this Policy, may be destroyed if all of the following conditions are met:

**1055.4.4.1** The record, paper or document is preserved by photograph, microphotograph, electronically recorded video image on magnetic surfaces, recording in the electronic data processing system, recording on optical disk, reproduction on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document in compliance with Section 12168.7 of the California Government Code for recording of permanent records or non-records.

**1055.4.4.2** The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; that does not permit additions, deletions, or changes to the original document images; and satisfies the requirements of Section 12168.7 of the California Government Code.

**1055.4.4.3** The photographs, micro-photographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

**1055.4.5** Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

**1055.4.5.1** There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc.;

**1055.4.5.2** There exists in a permanent file, an audit report or reports covering the inclusive period of said record;

**1055.4.5.3** Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;

**1055.4.5.4** Said audit or audits contain the expression of an unqualified opinion.

**1055.4.6** Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction

five years from the end of the fiscal period to which it applies. The following may be destroyed at any time without Board authorization or consultation with the General Counsel:

**1055.4.6.1** Duplicated (original-subject to the aforementioned requirements).

**1055.4.6.2** Rough drafts, notes or working papers (except audit).

**1055.4.6.3** Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

**1055.4.7** All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years' retention, provided said records have been microfilmed and qualify for destruction section under 1055.4.4, above. Payroll and personnel records include the following:

**1055.4.7.1** Accident reports, injury claims and settlements.

**1055.4.7.2** Medical histories.

**1055.4.7.3** Injury frequency charts.

**1055.4.7.4** Applications, changes and terminations of employees.

**1055.4.7.5** Insurance records of employees.

**1055.4.7.6** Time cards.

**1055.4.7.7** Classification specifications (job descriptions).

**1055.4.7.8** Performance evaluation forms.

**1055.4.7.9** Earning records and summaries.

**1055.4.7.10** Retirements.

**1055.4.8** Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than 10 years if microfilmed as provided for in Policy 1055.4.4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for 10 years.

**1055.5** Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon the General Manager's authorization, be destroyed if they are preserved in another format as provided in Policy 1055.4.4, above. Recording tapes (or other media) of Board meetings will be kept for a period of five years from the date of the recorded meeting, after which they will be destroyed.

**1055.5.1** Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant, and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

**1055.5.2** Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work that is more than two years old may be destroyed.

**1055.5.3** Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

### **Policy 1056: Electronic Document Management Policy**

This Policy governs the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of District business.

#### **1056.1 Definitions**

- Email Message: An electronic communication sent and received via web mail or email client.
- Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including, without limitation, Facebook, Twitter, Instagram, Snap-chat, and LinkedIn.
- Text Message: An electronic, written communication sent and received via telephone or Internet connection.
- Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

#### **1056.2 Text Messages, Voicemail Messages, and Social Media**

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). Directors and District staff are not required to retain these electronic documents. Business done on behalf of the District that requires the creation and preservation of records should be conducted in other media.

#### **1056.3 Email Messages**

- The District will manage email messages sent or received by the District's computer systems in accordance with Policies 1040 and 1055.



- Directors and District staff shall use (or copy to an address on) the District’s computer systems for all email messages regarding District business. Directors and staff should forward any email messages not received by the District’s computer systems nor copied to its staff or to an email address designated for that purpose, so they can be preserved in the District’s email retention system, relieving individual Directors of any duty to preserve such email messages or make them available for public inspection.
- This policy applies only to the conduct of District business that is subject to the Public Records Act. It does not apply to communications to or from Directors in their other public and private capacities or communications to or from District staff that are personal, private or otherwise not kept in the normal course of District business.
- Any email message whose retention is necessary and appropriate for on-going District business shall be placed in a subject matter file so as to facilitate its easy retrieval. Any other email shall be considered ephemeral in nature and not a public record. For example, emails whose purpose is to coordinate meeting dates and times or other matters that are solely short-term and non-substantive are not considered public records and should be deleted as soon as they are no longer relevant to District business.
- All electronic messages of the District will be deleted after two years unless Policy 1055 expressly requires retention for a longer period.

**Policy 1057: California Public Records Act Response Procedures**

The California Public Records Act (Government Code, section 6250 *et seq.*) grants California residents important rights to obtain access to records held by public agencies. The District adopts this policy to clarify how it will respond to requests for records under the Public Records Act.

**1057.1** District staff will encourage Public Records Act request to be submitted in writing on the form attached to this policy. However, if the request is to review an agenda, agenda reports, or minutes of the Board or ordinances or resolutions of the Board or any of its committees, or any other record that is publicly available on the District’s website, staff will assist the requestor to locate the records in question.

**1057.2** Staff will respond to all requests as soon as possible after they are received, but not later than the 10-day period, to advise the requester whether records will be disclosed. Staff may extend the ten-day preliminary response period for an additional 14 days when the request requires staff to collect the records from field facilities or other outside establishment or where the request requires staff to search for, collect or examine a voluminous amount of records.

- a) Staff shall review each request and determine whether it seeks identifiable records and, if not, staff shall help the requestor identify records responsive to the request.
- b) Staff shall request all Directors who may have the records requested to search their files and report whether they have the records and, if so, when the records can be made available to the requestor.

- c) Staff shall respond to the requestor, advising him or her in writing of the availability of the documents, a description of the medium (paper, electronic format, etc.) and location of the records, and whether any are exempt from disclosure under the Public Records Act. As the Public Records Act requires, to the extent feasible, staff will provide suggestions to overcome any practical basis for denying access to the records sought.
- d) If a request is made for copies of records, staff shall also advise the requestor of the estimated copying cost.
- e) The person requesting the copies shall pay the charges for the requested copies established by the Board. At present those are: [\$1.00 for the first page, \$.05 each additional page, \$.10 per page for Political Reform Act materials, CD's-\$5.00, DVD's \$10.00]. Staff shall not make the requested copies until a deposit of the estimated copying cost is received and shall not release the copies until the actual copying cost is paid.

**1057.3** In accordance with the Public Records Act, the administrative staff will provide specific, identifiable records but will not research records for particular types of information or analyze information which may be contained in public records.

**1057.4** Administrative staff will respond to requests for public records in accordance with the Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.

# **POLICIES 2000 OPERATIONS**

## **Policy 2000: District Operations**

### **2010: Work-Related Injuries, Illness and/or Death**

2010.1 All employees are covered for Workers' Compensation, effective the first day of employment. Workers' Compensation provides employees and/or their beneficiaries with certain benefits in the event of a work-related illness, injury, or accidental death. The District pays the full cost of this coverage, whether through a self-insurance mechanism or an insurance product.

2010.2 If an employee sustains a work-related illness or injury, he or she must report the illness or injury to the General Manager or that person's designee ("Designated Claims/Loss Prevention Manager") as soon as practicable, but within 24 hours. Failure to do so could result in a delay of benefits.

2010.3 Upon learning of a work-related illness or injury, the Designated Claims/Loss Prevention Manager injury should ensure the member receives medical care as appropriate. Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Districtwide disease- or injury-reporting protocol shall also be followed.

2010.4 All payments for lost wages or salary due to a work-related illness or injury, medical treatment, and any other benefits will be made by the workers' compensation claims administrator or insurance carrier as required by law. Workers' Compensation benefit payments may be coordinated with any accrued sick leave or vacation leave as part of a medical or disability leave of absence. For more information about Workers' Compensation benefits, the injured employee should contact the Designated Claims/Loss Prevention Manager or their supervisor.

2010.5 Any supervisor who learns that an employee has incurred a work-related illness or injury shall provide that employee with written notice of his or her right to seek workers' compensation benefits shall promptly report doing so to the Designated Claims/Loss Prevention Manager.

2010.6 Notices of workers compensation benefits shall be posted annually as required by California law by or at the direction of the Designated Claims/Loss Prevention Manager. A form for such notices is available at: <https://www.dir.ca.gov/dwc/NoticePoster.pdf>.

## **2020: Investment Policy**

### **2020.10 Regulations:**

- a) The State Legislature has declared the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (Government Code (GC) § 53600.6 and § 53630.1); and,
- b) Government Code Sections 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,

- c) The fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (GC § 53646(a)).
- d) For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds.

#### 2020.10.1 Scope:

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual audited financial statements of the District and include:

- a) Demand Accounts
- b) Investments
- c) General Fund
- d) Local Agency Investment Fund [others]
- e) Operation and Maintenance Fund
- f) Enterprise Funds [others]

#### 2020.10.2 Prudence:

The Board and persons authorized to make investment decisions subject to these policies are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in the next issued quarterly treasury report and appropriate action are taken to control adverse developments. When a deviation poses a significant risk to the District's financial position, the Board shall be notified immediately.

#### 2020.10.3 Objectives:

As specified in GC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives of the investment activities, in priority order, shall be:

- a) **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the whole portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

**2030: Budget Preparation:**

2030.1 An annual budget proposal shall be prepared by the General Manager or that person’s designee.

2030.2 Before review by the Board of Directors, the Board President shall meet with the General Manager or that person’s designee to review the annual budget proposal.

2030.3 The proposed annual budget shall review by the Board at a public meeting by the end of May to the extent reasonably feasible.

2030.4 The Board shall adopt the budget at separate meeting from the review required by Section 2030.3 of this policy. The Board shall adopt the annual budget, with any appropriate amendments, at a regular meeting by the end of June.

**Policy 2040: Reserve and Fund Balance Policy**

2040.1 Purpose: The District shall maintain reserve funds from existing unrestricted funds as designated by the District’s Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- Maintain minimal operational sustainability in periods of economic uncertainty or unanticipated events.

Fund replacement and major repairs for the District’s physical assets; The General Manager may recommend additional reserves and funds or alter reserves with the approval of the Board of Directors.

- Maintain operational sustainability in periods of economic uncertainty or unanticipated events.
- Fund repairs and replacement of park facilities and equipment.
- Fund park grounds maintenance.
- Fund regular replacement of computer hardware and software;

- Fund replacement and major repairs for the District’s fleet and equipment;
- Fund capital improvements; and

The District shall account for reserves as required by Governmental Accounting Standards Board Statement No. 54, which distinguishes reserves as among these classes: non-spendable, restricted, committed, assigned and unassigned. The reserves stated by this policy, unless otherwise required by law, contract, or District policy shall be deemed “assigned” reserves.

2040.2 Policy: Use of District Reserves is limited to available “Unrestricted” Funds (not obligated by law, contract or agreement). All reservations or use of these funds will be designated by formal action of the Board of Directors.

2040.3 Using Reserve Funds:

- Vehicle Fleet Reserve: Vehicle Fleet Reserves will be set aside and used exclusively for the purchase of new vehicles to support District operations, or to make major repairs to existing vehicles.
- Technology Reserve: Technology Reserves will be set aside and used to purchase hardware and software in support of District operations, with the intent of maintaining modern technology for employees and their service delivery.
- Designated Project/Special Use Reserve: Projects, programs or special uses will be identified by the General Manager and/or the Board of Directors and approved by the Board. Uses must further the mission of the District and will be evaluated for designation according to value to the District and the people it serves.
- Capital Improvements Reserve: Capital Improvements Reserves shall be limited to costs related to making changes to improve capital assets, increase their useful life, or add to the value of these assets.
- Economic Uncertainty and Emergency Reserve: After addressing the desired reserve levels for the above bullet points, the District will seek to maintain a reserve level that is 25 percent of the budgeted operating expenditures for the year.

2040.4 Monitoring Reserve Levels: The General Manager shall perform a reserve status analysis annually, to be provided to the Board of Directors’ annual deliberation/approval of Budget and Reserve Funds.

Additional information may be provided to the Board of Directors when a major change in conditions threatens the reserve levels established by this policy or calls into question the effectiveness of this policy;

Upon General Manager and/or Board request. The General Manager may recommend changes to this section, that the Board of Directors can consider, as economic conditions and District finances change.



# **POLICIES 3000 PERSONNEL MANAGEMENT**

## **Policy 3000: Personnel Management**

### **Policy 3010: Introduction and Applicability**

These Personnel Policies, Rules and Regulations (hereinafter referred to as the “Rules”) are applicable to all District employees that are not part of a collective bargaining unit, except to the extent that it is inconsistent with any existing employment agreement.

None of the information contained in these Rules is intended in any way to create, or shall be construed as creating, an express or implied contract of employment nor does it guarantee any employee continued employment with the District. Employment with the District is “at-will,” which means the District retains the right at any time to terminate any employee from employment with the District for any or no reason and without notice.

The General Manager reserves and retains the rights and responsibilities to administer, manage, direct and control the activities and work forces of the District, including, but not limited to, the right to: reassign and relocate personnel within the District; determine the size and composition of the workforce; hire and terminate employees; and determine the nature and extent of services to be performed and provided. The foregoing rights, together with the right to determine the methods, processes and manner of performing work, are vested exclusively with the General Manager.

No conduct, exception or variation of or from these Rules shall constitute, be deemed to be, or become an amendment, practice, interpretation, modification, repeal or suspension of any of these Rules.

Concurrently with signing a District at-will employment acknowledgement, or following adoption by the Board of these Rules, each employee shall be given a copy of these Rules and shall sign the acknowledgment in Appendix 3000 A. Each employee is responsible for reading these Rules and shall agree to be bound by and comply with these Rules.

In the event of an emergency, any part or all of these Rules may be temporarily suspended by order of the General Manager and such suspension shall remain in effect until the General Manager’s order is withdrawn.

### **Policy 3110: Disciplinary Action**

**3110.1 Prohibited Conduct.** The following conduct is prohibited and will not be tolerated by the District. The types of misconduct identified below are merely examples of conduct that may lead to disciplinary action. They do not constitute a complete list of all types of conduct that can result in disciplinary action, up to and including discharge. Neither this list of prohibited conduct, nor the disciplinary action referenced, below alters the at-will employment relationship.

1. Unlawful harassment.
2. Stealing or removing, without permission, the District property or property of another employee, director, contractor, or member of the public.

3. Engaging in acts of violence or threats of violence toward any employee, director, contractor, or member of the public.
4. Causing, creating, or participating in a disruption of any kind during working hours on District property.
5. Participating in horseplay or practical jokes on agency time or on agency premises.
6. Violating any of the District professional, safety or health rules.
7. Possession or use of alcoholic beverages, or possession or use of illegal drugs, or being under the influence of alcohol or illegal drugs on District premises.
8. Falsification, failure to submit or the intentional destruction or intentional loss of employment records, employment information, or other the District records including but not limited to changes of relationship, child or family assessments, time sheets or scans, and mileage sheets.
9. Engaging in acts of theft or sabotage of equipment, facilities, the District time, documents or any other District proprietary information or documents.
10. Unauthorized use of the District equipment, time, materials, or facilities.
11. Giving the District's property away free of charge or at a discount to any person or in violation of District's policies.
12. Deliberate destruction or damage to any District property or the property of any other person on District property.
13. Bringing or possessing firearms, weapons, or any other hazardous or dangerous devices on the District property except for the Chief of Police.
14. Neglect or carelessness that results in damage or destruction of customer or the District property or endangers the life or health of any person.
15. Breach of confidentiality
16. Pleading guilty to or being convicted of a crime that indicates the employee is unfit for the job or poses a threat to the safety or well-being of the District or any person.
17. Failure to observe OSHA or Cal OSHA regulations.
18. Any deliberate action that is harmful to any person or the District and/or is detrimental to the District's efforts to operate effectively.
19. Insubordination, including, but not limited to, failure or refusal to obey the instructions of a supervisor or the use of abusive or threatening language or behavior toward a supervisor.

20. Violations of any nondisclosure (secrecy) agreement or failure to maintain the confidentiality of the District's proprietary or confidential information.
21. Unsafe handling of equipment and/or hazardous materials/chemicals.
22. Unsatisfactory job performance.
23. Unauthorized use of a District credit card, petty cash or other funds and/or use of District funds for personal purposes.
24. Failure to comply with observe working schedules, including lunch and break periods.
25. Any action that involves unsafe conduct.
26. Reporting working time, mileage, expense reports or other documents inaccurately.
27. Working unauthorized overtime or refusing to work assigned overtime.
28. Repeated tardiness.
29. Unreported absence of two (2) consecutive scheduled workdays.
30. Failure to obtain permission to leave work for any reason during normal working hours.
31. Failure to notify supervisor or other appropriate staff when unable to report to work.
32. Sleeping on the job.
33. Inappropriate appearance or grooming as defined by District in memos, procedures or other communication.
34. Failure to promptly report to a supervisor the loss of or known malfunctioning of keys, tools, vehicles, identification badges, credit cards, or equipment, electrical or mechanical.
35. Convictions for serious traffic violations or driving under the influence of alcohol or drugs while performing the District business and/or in a District vehicle.
36. Reckless or negligent use of and/or damage to a District vehicle.
37. Failure to provide a physician's certificate when requested or required to do so.
38. Committing a fraudulent act or a breach of trust under any circumstances.
39. Engaging in any conduct that is not in the best interest of the District.
40. Unauthorized access to personnel files.
41. Unauthorized copying or distribution of confidential documents to anyone or any organization without the advance approval of the General Manager.

42. Unauthorized representation by an employee of the District's position on any matter.
43. While on duty, District staff shall not unilaterally obtain information, conduct research, or make statements at public meetings without the approval of the General Manager nor shall they use their position with the District in conducting such activities. Staff can attend meetings as private citizens on their own time and express personal opinions after publicly identifying themselves and indicating that they are stating a personal opinion.
44. Employees or former employees who enter District offices without authorization will be reported to law enforcement.

Note: With at-will employment, either the employee or the District can terminate the employment relationship without any cause, without any reason or notice, and in the absence of employee misconduct.

**3110.2 Discipline.** If a supervisor or the General Manager is concerned about an employee's job performance, or if the employee is not meeting job expectations, the supervisor may take further action to communicate this concern. Appropriate discipline for performance is not considered harassment.

### **Policy 3120: Employment Status**

**3120.1 At-will Employment.** Employment by the District is at-will, meaning that either the District or the employee may terminate the employment relationship at any time for any lawful reason. No District employee has any authority to make any agreement or representation contrary to District's policy of at-will employment, except that the Board or the General Manager may occasionally enter into severance agreements in the business interest of District and in accordance with the law.

As a condition of employment, each employee must execute an At-Will Employment Agreement prior to beginning employment with the District. Employees may be required to re-sign the acknowledgement in Appendix 3000 A at other points during employment with District, for example, when these Rules are updated.

### **3120.2 Regular Employees**

**3120.2.1 Full-Time Employees.** Regular full-time employees are those whose normal workweek is at least forty (40) hours per week. Full-time employees may be paid on an hourly basis or a salaried basis at the District's discretion. Full-time employees are eligible for all District-sponsored benefits on the first day of hire. However, the District will only provide such benefits as specifically approved by the Board.

**3120.2.2 Part-Time Employees.** Regular part-time employees are those whose normal workweek is fewer than forty (40) hours per week.

**3120.3 Temporary Employees.** Temporary employees are those whose services are intended to be of limited duration. Temporary employees may be full-time or part-time. An employee's status will not change from temporary to regular unless the employee is advised of

such a change in writing by the General Manager (or her or his designee). Temporary employees are not eligible for any District-sponsored benefits except as set forth in these Rules and to the extent mandated by state and federal law.

### **3120.4 Exempt & Non-Exempt Employment Status**

**3120.4.1 Exempt Employees.** Exempt employees are those employees, including executive, professional, and administrative employees, who are excluded (or “exempt”) from the overtime provisions of federal and state wage and hour law and are therefore not entitled to overtime pay.

**3120.4.2 Non-Exempt Employees.** Nonexempt employees are those employees who are covered by the overtime provisions of federal and state wage and hour law and are entitled to overtime pay in accordance with Section 3150.5 (Overtime).

**3120.4.3 Designation of Confidential Employees.** The General Manager may designate any Regular Employee as a “Confidential Employee.” Confidential Employees can access personnel files (except those of sworn personnel) and have limited access to attorney-client privileged documents with the prior authorization and approval of the General Manager.

### **Policy 3130: Equal Employment Opportunity**

The District affords equal employment opportunity to all qualified employees and applicants as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline and termination.

#### **3130.1 Policy Against Discrimination, Harassment, and Retaliation**

**3130.1.1 Purpose.** The purpose of this policy is to establish a strong commitment to prohibiting harassment, discrimination, and retaliation in employment; to define discrimination, harassment, and retaliation; and to set forth a procedure for investigating and resolving such complaints.

The District is committed to providing a work environment that is free of discrimination and harassment. In keeping with this policy, the District strictly prohibits discrimination and harassment of any kind, including discrimination and harassment on the basis of race, color, religion, sexual orientation, sex (including harassment and discrimination based on pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws.

The law prohibits any District employee, supervisor or manager, intern, or volunteer, with whom the employee comes into contact, from engaging in unlawful discriminatory, harassing, or retaliatory conduct.

As a condition of employment, each employee must execute an acknowledgment and agreement regarding the District's policy prohibiting discrimination, harassment and retaliation form as found in Appendix 3000 B.

### **3130.1.2 Discrimination:**

**3130.1.2.1 Policy Against Discrimination.** The District prohibits and will not tolerate discrimination on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other basis protected by federal, state or local law ("Protected Status"). Violations of this policy may result in disciplinary action, up to and including termination of employment.

**3130.1.2.2 Definition of Discrimination.** Discriminatory actions may include treating a person differently or subjecting a person to different treatment due to a person's actual or perceived Protected Status in a way that adversely affects the person's employment. Such treatment may include but is not limited to: refusing to hire or employ a person; discharging a person from employment; refusing to select for or discharging a person from a training program leading to employment; or treating a person differently in compensation or with regard to other terms, conditions, or privileges of employment.

### **3130.1.3 Harassment:**

**3130.1.3.1 Policy Against Harassment.** The District prohibits and will not tolerate harassment on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other basis protected by federal, state or local law ("Protected Status").

The District prohibits any and all conduct that may reasonably be interpreted as harassment as defined below, whether or not such conduct is severe or pervasive enough to meet the legal definition of harassment. Violations of this policy may result in disciplinary action, up to and including termination of employment.

**3130.1.3.2 Types of Harassment.** Harassment may include:

- Verbal harassment – such as jokes, epithets, slurs, negative stereotyping, and unwelcome remarks about an individual's body, color, physical characteristics, or appearance, questions about a person's sexual practices, or gossiping about sexual relations;
- Physical harassment – such as physical interference with normal work, impeding or blocking movement, assault, unwelcome physical contact, leering at a person's body, and threatening, intimidating, or hostile acts that relate to a Protected Status;

- Visual harassment – such as offensive or obscene photographs, calendars, posters, cards, cartoons, e-mails, drawings, and gestures, display of sexually suggestive or lewd objects, unwelcome notes or letters, and any other written or graphic material that denigrates or shows hostility or aversion toward an individual, because of a Protected Status, that is placed or displayed on walls, bulletin boards, computers or elsewhere on the employer’s premises or circulated in the workplace.

**3130.1.3.3 Sexual Harassment.** Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexually harassing conduct need not be motivated by sexual desire and may include nonsexual conduct motivated by the harasser’s hostility toward the victim’s gender, or toward the victim’s nonconformity with gender stereotypes.

Examples of sexual harassment may include, but are not limited to:

- Physical conduct including unwelcome touching, intentionally blocking normal movement, pinching, patting, or coerced sexual conduct;
- Verbal conduct including making derogatory comments, sexually explicit jokes, slurs, sexual innuendo and insults, or comments about an individual’s body or dress;
- Visual conduct including leering or displaying sexually oriented posters, photography, cartoons, drawings, emails, or gestures;
- Offering employment benefits in exchange for sexual favors; and
- Taking or threatening reprisals after a negative response to sexual advances.

**3130.1.3.4 Harassment Based on Other Protected Status.** Harassment on the basis of other Protected Status is also prohibited. Such harassment includes physical, verbal, and visual conduct when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

#### **3130.1.4 Retaliation**

**3130.1.4.1 Policy Against Retaliation.** The District prohibits employees and officers from taking any Adverse Action (as that term is defined below) against an employee because he/she in good faith engaged in a Protected Activity (as that term is defined below).



Retaliation is strictly prohibited, and complaints of retaliation will be promptly and thoroughly investigated in accordance with the District's investigation procedures. Violations of this policy may result in disciplinary action, up to and including termination of employment.

**3130.1.4.2 Definition of Protected Activity.** "Protected Activity" may include, but is not limited to, any of the following:

- Reporting any incidents of harassment or discrimination, or perceived harassment or discrimination;
- Participating in any investigation relating to a complaint of harassment or discrimination;
- Filing a complaint with a federal or state agency;
- Participating in or cooperating with a federal or state enforcement agency that is conducting an investigation of the District regarding alleged unlawful activity;
- Testifying as a party or witness regarding alleged unlawful activity;
- Associating with another employee who is engaged in a Protected Activity;
- Making or filing a complaint regarding alleged unlawful activity;
- Calling a governmental agency's "Whistleblower hotline;" and
- Reporting suspected fraud, in good faith.

**3130.1.4.3 Definition of Adverse Action.** "Adverse Action" may include, but is not limited to, any of the following:

- Real or implied threats of intimidation to attempt or prevent an individual from reporting alleged wrongdoing;
- Refusing to hire an individual because of Protected Activity;
- Denying promotion to an individual because of Protected Activity;
- Taking any form of disciplinary action because of Protected Activity; and
- Altering work schedules or work assignments because of Protected Activity.

## **3130.2 Complaint Process**

**3130.2.1 Reporting a Complaint.** The District encourages the reporting of all incidents of prohibited harassment, discrimination, or retaliation, regardless of the identity of the offender. If you believe you have been subject to harassment, discrimination, or retaliation by a District employee, supervisor, manager, or a third party, or have been denied an equal employment opportunity, you must bring the matter to the attention of the General Manager or General

Counsel as soon as possible. If, for any reason, you do not feel comfortable discussing the matter with the General Manager, you should bring the matter to the attention the General Counsel. Reports must be made promptly so that any concerns can be investigated and addressed appropriately.

Any District employee with supervisory responsibilities who has knowledge that an employee, other supervisor, manager, intern, volunteer, or other person has been subject to conduct in violation of District policy prohibiting discrimination, harassment, and retaliation should immediately inform the General Manager so that prompt action can be taken to resolve the matter.

**3130.2.2 Investigation.** Complaints will go through a two-stage process. Initially, the General Manager, in consultation with the General Counsel, will complete an informal review of the merits of the complaint to determine future steps, if any. If the complaint involves the General Manager, the General Counsel will make the determination in consultation with the Board President. If the complaint involves the General Counsel, the General Manager will make the determination in consultation with the Board President. Baseless and frivolous complaints will not be further processed. Those complaints requiring further processing will be investigated. These complaints will be promptly and thoroughly investigated by an impartial and qualified person in a confidential manner, to the extent possible, appropriate and allowable under the circumstances and by law. As appropriate, informal reviews and investigations will include documentation and proper tracking to ensure reasonable progress and provide all parties appropriate due process and reach reasonable conclusions based on the evidence collected. Every employee who brings forth a complaint is entitled to a timely response and a timely closure.

All employees and supervisors have a duty to cooperate in the investigation of alleged harassment, discrimination or retaliation. Failing to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, up to and including termination of employment.

**3130.2.3 Remedial Action.** At the conclusion of the investigation, if it is determined that a violation of policy has occurred, the District will take effective remedial action commensurate with the severity of the offense.

This action may include disciplinary action against the accused party, up to and including termination. Steps will be taken, as reasonable and necessary, to prevent any further violations of policy.

In addition to District's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of harassment, discrimination, and retaliation in employment.

Information about the EEOC complaint procedure can be found on its website ([www.eeoc.gov](http://www.eeoc.gov)). You may also contact the EEOC may be contacted at:

1-800-669-4000 (English)

1-800-669-6820 (TTY)

Information about the DFEH can be found on its website ([www.dfeh.ca.gov](http://www.dfeh.ca.gov)). You may also contact the DFEH at the following numbers if you are calling within California:

1-800-884-1684 (English)

1-800-700-2320 (TTY)

This policy can be modified unilaterally by the District at any time without notice. Modification may be necessary to maintain compliance with local, state, and federal laws and/or accommodate organizational changes within the District.

### **Policy 3140: Grievance Policy**

A grievance is defined as any complaint about the application of District [policies and procedures]. At some time, current employees may have a complaint about their job, their working conditions, or the treatment they are receiving. Current employees' good-faith complaints are of concern to the District. When a current employee has a job-related concern or complaint, the District encourages them to take the following steps:

- Step 1: Within a week of the events that gave rise to the grievance, bring the situation to the attention of your direct supervisor who will then investigate, as necessary, and provide a resolution or explanation. The District emphasizes that an employee is not required to bring their grievance first to their direct supervisor if the grievance is against the supervisor. The employee may then take their grievance directly to the General Manager (or designee). A supervisor cannot investigate a grievance brought to him/her by his/her staff if the complaint is directed at an employee who is the equivalent or higher in terms of position to the supervisor. All such grievance must be directed to the General Manager (or designee). If the complaint is not addressed to your satisfaction then proceed to Step 2.
- Step 2: If the problem persists, you may submit a written request to the General Counsel within ten (10) business days of the outcome of the initial investigation, which will then investigate, as necessary, and provide a resolution or explanation. It is recommended that you bring the matter to the District General Counsel as soon as possible after you believe that your immediate supervisor and/or the General Manager has failed to resolve the matter.

This procedure, which we believe is important for both you and District, may not necessarily result in every problem being resolved to your satisfaction.

If the grievance is against the General Counsel, it should be submitted to the General Manager. If it involves the General Manager, the employee may submit the complaint with the General Counsel. In either event, the receiving party will consult with the Board President.

Nothing contained herein affords, or is intended to afford, a terminated employee any right to appeal his or her discharge or to receive a hearing in connection with a discharge. Moreover, nothing in this Grievance Policy eliminates or modifies employees' at-will status.

## **Policy 3150: Work Hours and Compensation**

**3150.1 Punctuality and Attendance.** Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District business. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided whenever possible. Abuse of late arrival, early departure or other unscheduled absences is grounds for disciplinary action, up to and including termination.

If you know in advance that you are going to be absent, you must schedule the absence with your supervisor at least one (1) week in advance.

If you are unable to report for work on any particular day, you must call and speak directly with a supervisor at least one (1) hour before the time you are scheduled to begin working for that day. If you call less than one (1) hour before your scheduled time to begin work, you will be considered tardy for that day.

If you are absent for two (2) consecutive scheduled workdays without contacting your supervisor, you will be considered to have voluntarily terminated your employment as provided in Section 9.3 (Job Abandonment).

Excessive absences, abuse of the District's sick leave policy, failure to report absences on time, and excessive tardiness may lead to discipline, up to and including termination. Absences are excessive if they occur frequently, or if they show a pattern. Tardiness is excessive if you are frequently or unnecessarily late, or if you demonstrate a pattern of tardiness.

**3150.2 Work Hours.** The District's administrative office is normally open for business between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. These hours can change depending on staff availability and work priorities. Public accessibility is an important service of the District. These hours can be altered depending on the volume of public inquires and public needs. Additionally, some services are scheduled around the needs of District's clients and may fall outside the above listed hours. The General Manager (or her or his designee) will assign your individual work schedule and/or satellite office hours. Your hours are subject to change according to District's needs.

### **3150.3 Breaks**

**3150.3.1 Meal Period.** Nonexempt employees scheduled to work more than five (5) hours are entitled and must take an unpaid, off-duty meal period of at least thirty (30) minutes. This meal period should be taken prior to the end of the fifth hour of work. A second meal period is required after ten hours of work.

If an employee is unable to take his/her meal break or take it in a timely manner, the employee must notify his/her supervisor before or at the time the employee is unable to take the meal

break. The failure to take off-duty meal periods or to follow this notification requirement is a violation of policy. If an employee does not take a full meal break, or fails to take it in a timely manner, and fails to notify his/her supervisor, it will be presumed that the employee voluntarily waived the meal break.

Finally, if the employee works between five and six hours, the meal period can be waived by written mutual consent in accordance with applicable law.

**3150.3.2 Rest Period.** Nonexempt employees must take a ten (10) minute paid rest period for every four hours of work or major portion thereof. Employees are entitled to these breaks as a matter of law and cannot be required to work through these breaks. If at any time you feel that you are being coerced into working through your breaks, you should immediately bring your concern to the General Manager or General Counsel.

**3150.3.3 Lactation Accommodation.** District will provide all employees who wish to express breast milk at work with a reasonable amount of break time. The break time will be required to run concurrently, if possible, with any paid break time already provided. Unless it runs concurrently with paid break time, break time for expressing milk is unpaid.

District will provide all employees desiring to express breast milk at work with reasonable accommodations. The employee will be provided with use of a room, or other location, other than a toilet stall, in close proximity to the employee's work area. The employee's normal work area may be used if it allows the employee to express milk in private.

**3150.4 Timekeeping Requirements.** All employees (exempt and nonexempt) are required to record their hours worked in a manner determined and approved by the District. Hourly employees must document the beginning and end of their shifts and time taken for meal breaks. Ten-minute breaks need not be documented.

All employees must prepare a time sheet for each pay period. Time sheets must be submitted to your supervisor for approval by the deadline specified on the time sheet. Part-time or temporary employees must submit time sheets to their supervisor according to the schedule assigned to them. Failure to document your time with a time sheet that also matches travel, calendar and other materials is considered insubordination. A time sheet is a legal document and must be completed accurately and should not be tampered with. Completing the time sheet of a fellow employee or falsifying your own time sheet is dishonest and may lead to discipline, up to and including termination.

**3150.5 Overtime.** Non-exempt employees are entitled to receive overtime pay at the rate of one and one-half (1 ½) times the employee's regular rate for actual time worked in excess of forty (40) hours per workweek. An employee must obtain advance written permission from his or her supervisor to work overtime, except in the case of an emergency. Working overtime without permission is grounds for discipline, up to and including termination. The District provides compensation for all overtime hours worked by nonexempt employees in accordance with state and federal law.

**3150.6 Payment of Wages**

**3150.6.1 Pay Periods and Payday.** There are two pay periods per month. Employees are paid on the fifteenth (15th) day and last day of the month for work performed during the previous pay period. If a regular payday falls on a holiday, employees will be paid on the preceding workday. The District does not permit advances against paychecks or against non-accrued vacation. The District highly encourages all employees to participate in the direct deposit of pay into their checking accounts.

**3150.6.2 Payroll Deductions.** Federal and state laws require that the District withhold a portion of employees' wages for state and federal income taxes, Social Security and Medicare, and California State Disability Insurance. Employees wishing to change their number of claimed exemptions or their marital status for tax purposes should contact the General Manager (or designee). The District will take other deductions from your wages as required by law.

**3150.6.3 Paid Family Leave Insurance and Wage Replacement.** The State of California provides several wage replacement insurance programs for employees who have a wage loss due to a statutory or approved leave of absence. For more information, contact the General Manager (or designee) or Section 3210.

## **Policy 3160: Performance Evaluations, Personnel Records**

**3160.1 Performance Evaluations.** To the extent possible, employees will receive periodic performance reviews. Generally, a new employee will receive a mid-introductory informal performance review after the first three (3) months of employment followed by a performance review after the first six (6) of employment. After that, the reviews will be conducted approximately every twelve (12) months, on or about the performance evaluation date for the District. However, the frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations may include factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude, review of past goals, measurable performance objectives, job description duties and relationships with internal and external stakeholders. The performance evaluation should create awareness of progress and areas for improvement. After the review, each employee will be required to sign the evaluation report to acknowledge that it has been presented and discussed with the employee's supervisor and that the employee is aware of its contents.

A good performance evaluation does not guarantee a pay raise, because pay increases may not occur every year, nor is it a promise of continued employment. Employment at the District is expressly at the will of the employee and the District. Either the employee or the District may terminate the employment relationship with or without cause and with or without notice at any time. Nothing in the performance evaluation alters an employee's at-will employment.

**3160.2 Personnel Records.** Employees have the right to inspect and receive a copy of their personnel files and records that relate to the employee's performance or to any grievance concerning the employee, at reasonable times and at reasonable intervals, but no later than 30 calendar days from the date the District receives a written request. Employees also have the

right to inspect and/or copy their own payroll records; the District shall comply with reasonable requests for inspection and/or copying as soon as practicable, but no later than 21 calendar days from the request.

The employee should contact the General Manager (or designee) to set up an appointment if you wish to see or copy certain papers in his/her personnel file. The employee must review the file in the District's main office with employee supervision.

To ensure that the files are kept up to date, employees should inform their supervisors of any personnel changes such as changes to address, phone number, marital status, or in the number of dependents.

Although the District makes reasonable efforts to protect the privacy of personally identifiable information (such as the addresses and telephone numbers of current and former employees), the District at times may be required to produce such personally identifiable information to third parties pursuant to, and in accordance with, directions from legal authorities.

**3160.3 Employee References.** All requests for references must be directed to the General Manager (or her or his designee). The District's policy as to references for employees who have left the District is to disclose only the dates of employment and the title of the last position held. No other information will be provided.

### **Policy 3170: Hiring, Transfer, Resignation, Job Abandonment, Layoff**

**3170.1 District Hiring.** The existing District positions and position descriptions may be abolished or amended by the Board. In addition, new positions and position descriptions may only be added or amended by the Board.

**3170.1.1 New Positions and Vacancies.** New positions, as approved by the Board, and vacancies of existing positions may be filled by reinstatement, transfer, demotion, or as deemed appropriate within the discretion of the General Manager based on the best interest of the District.

In case of emergencies or otherwise to protect the District's interests, the General Manager may appoint, on a temporary basis, any person available and qualified to assist with the emergency situation. Emergency appointments may be terminated as soon as the emergency situation is alleviated.

**3170.1.2 Recruitment & Hiring Process.** It is the District's desire to recruit the best qualified applicants for District positions. The District will make efforts to promote qualified persons already employed by the District and will endeavor to give reasonable notice to all of its employees concerning the District's employment opportunities.

Each candidate for District employment shall complete all application forms required by the District. An applicant's failure to provide complete and accurate information on all application materials shall result in immediate disqualification in the application process and may result in dismissal from employment. Once submitted to the District, applications shall not be returned.

Applications must be received, or USPS postmarked on or before the filing deadline stated in the job announcement. Applications received, postmarked after the deadline, or sent with franking meter postage will be disqualified.

As part of the pre-employment procedure, applicants may be required to supply references, and submit to a thorough background check by the District. In addition, all employees must be physically and mentally capable of performing the essential functions of their jobs with or without reasonable accommodation.

The District shall have the right to conduct a complete and exhaustive background investigation on all applicants seeking employment, including, but not limited to a financial, DMV, and criminal background check, where applicable, and a medical and/or psychological examination by District-retained medical practitioners, where deemed appropriate by the District. However, any medical or psychological examination shall be conducted only after a conditional job offer has been made, in accordance with applicable law.

**Disqualification or Rejection of Application.** The District may reject any application. No applicant has the right to grieve or appeal any such actions by the District.

The District, at its discretion, may screen applications and invite only those applicants who best meet the District's needs and requirements to test further in the process. There is no obligation to interview or test all applicants.

**Selection and Examination/Assessment Process.** All hiring, including promotions, shall be made according to merit and fitness. The District may utilize any objective method to determine the qualifications of applicants, including without limitation, written tests, physical agility tests, oral examinations, panel interviews, assessment centers and oral interviews.

The General Manager is the only District employee authorized to hire any District employee. All candidates recommended for a position are to be interviewed by the General Manager prior to being offered employment. This includes full-time, part-time, extra-help, temporary, and promotional appointments.

The types of positions in District employment shall be Temporary, Regular, Extra-help and Emergency. Employees in each class shall be subject to the conditions and limitations set forth in these Rules.

**3170.1.3 Verification of Identity and Right to Work.** In compliance with federal law, all persons hired will be required to verify identity and eligibility to work in the United States and to complete the required employment eligibility verification document form upon hire.

**3170.1.4 Employee Clearance.** If the District is notified by a government agency that an employee has engaged in an activity that causes him or her to lose employment eligibility, that employee will immediately be placed on an unpaid suspension from employment until he or she receives a clearance or exemption from the California Department of Justice. Offers of employment may be conditioned upon verification of necessary licensing and clearances.



**3170.1.5 Promotions.** When deemed appropriate by the General Manager, vacancies may be filled by promotion of employees. Such promotion shall be based on a competitive selection process, taking into consideration of the employees' performance evaluations and past District service, and any other reasonable assessment criteria as determined by the General Manager or designee.

The promotion of an employee from one position to another having a higher pay range shall take place only upon by approval by the General Manager. Such promotion shall be based upon a judgment of qualifications for the position.

**3170.2 Employee Transfer Policy.** Employees who would like to request a location transfer must contact their direct supervisor or the General Manager. The District also reserves the right to transfer employees to another location for any reason, at any time.

**3170.3 Resignation.** Employees may voluntarily resign their employment at any time by notifying their supervisor or the General Manager in writing. The District requests (but does not require) that employees provide two weeks' advance notice of resignation. All District-owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon separation from employment.

**3170.4 Job Abandonment.** An employee who fails to report to work for two (2) consecutively scheduled workdays without notice to or approval by his/her supervisor will be considered to have voluntarily terminated employment with the District unless the employee can show reasonable cause for the absence that is in accordance with state and federal law. All District-owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon termination of employment.

**3170.5 Layoff.** From time to time, the District may need to lay off staff due to cuts in funding, to achieve better utilization of agency resources, or to address changes in programs, mission, philosophy, or any other business changes. Layoffs do not provide priority for other open positions, nor are layoffs required to be conducted by seniority or any other factor. Layoffs can be based on any business reason that is not prohibited by law.

#### **Policy 3180: Miscellaneous Policies**

**3180.1 Appearance and Dress.** Employees are required to use their common sense and good judgment with regard to their dress and appearance and are expected to project a professional image. Employees must dress in a manner that is consistent with their responsibilities. Attention should be paid to safety, District's image, customer interaction, and District's anti-harassment policy. If there are any questions as to what constitutes proper attire within a given department, the supervisor or General Manager should be consulted. In order to properly present the professionalism of the District, all employees must observe good habits of grooming and personal hygiene.

Clothing or jewelry must not be worn if it communicates a message that is harassing or against the District's business interest. Tattoos and any piercing that is not on the head must be covered at all times.

**3180.2 Outside Employment.** The following types of outside employment are strictly prohibited:

1. Employment that conflicts with an employee's work schedule, duties and responsibilities;
2. Employment that creates a conflict of interest or is incompatible with the employee's employment with the District;
3. Employment that interferes with the protection of the District's proprietary or confidential information;
4. Employment that impairs or has a detrimental effect on the employee's work performance with the District;
5. Employment that requires the employee to conduct work or related activities for outside employment on the District's property during the employee's working hours or using the District's facilities and/or equipment in relation to the employee's outside employment; and
6. Employment that directly or indirectly competes with the business or the interests of the District.

Employees who wish to engage in outside employment must submit a written request to the General Manager explaining the details of the outside employment. If the outside employment is authorized, the District assumes no responsibility for the outside employment. No work related to an employee's outside employment may be performed during District time, with District property or equipment, or on District premises. The District shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

**3180.3 Telecommuting.** Telecommuting may be allowed if it is in the best interest of the District. Telecommuting is at the discretion of the supervisor and requires the approval of the General Manager.

#### **3180.4 Travel**

**3180.4.1 Authorization.** All travel outside of areas in which the District provides services must be authorized in advance by the General Manager and must be supported by properly approved invoices and receipts covering both travel and per diem expenses. The District shall reimburse all pre-approved travel costs including lodging, private vehicle (as noted below), taxi or similar service, shuttle, and bus, train, and/or air fare. All other expenses, including meals and incidental expenses will be reimbursed at the GSA approved per diem rate or prorated for a partial day adjusted annually with the Consumer Price Index for San Francisco-Oakland-San Jose unless the conference sponsor provides meals in which case only actual reasonable expenses will be reimbursed. All reasonable effort should be made to reserve lodging at conference rates or find comparable rooms at nearby locations. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines.

**3180.4.2 Driving Requirements.** Employees whose driving records are not approved by either the District's insurance company are prohibited from driving on District's behalf and receiving mileage reimbursement.

**3180.4.3 Reimbursement.** The District will only reimburse costs incurred for travel in accordance with either District policy or the Internal Revenue Service, whichever is less. Mileage costs for use of privately owned automobiles used for authorized District business shall be reimbursed at a set rate except where District contracts require a lower limitation.

**3180.5 Gifts.** No employee may accept or extend a gift or gratuity valued in excess of \$50.00 from or to any customer, vendor, supplier, or other person doing business with the District. Please discuss expenses paid or extended to such persons for business meals or trips with the General Manager in advance. In no event may a gift, gratuity, or expense payment influence (or appear to influence) a business decision, transaction, or service.

**3180.6 Employment of Relatives.** Relatives of employees may be eligible for employment with the District only if the individuals involved do not work in a direct managerial relationship or in job positions in which a conflict of interest could arise. "Relatives" is defined to include spouses, registered domestic partners, children, siblings, parents, in-laws, and step-relatives. Current employees who marry or register as domestic partners will be permitted to continue working in the position held only if they do not work in positions as noted above. If employees who marry or register as domestic partners do work in a direct supervisory relationship with one another, the District will attempt to reassign one of the employees to another position for which he or she is qualified, provided such a position is available. If no such position is available, then one of the employees will be required to leave the District. The decision as to which individual will leave District is left solely to the two employees. The General Manager or that person's designee may prohibit all employment of relatives if it is in the best interest of the agency.

**3180.7 Employer Property.** All District property must be maintained according to District rules and regulations. The District reserves the right to inspect all District property or premises to ensure compliance with its rules and regulations.

Prior authorization must be obtained from the General Manager before any District property may be removed from the premises. In order to ensure compliance with District rules and regulations, employees may be asked to cooperate in inspections of their work areas and/or personal property, including but not limited to lockers, packages, purses, backpacks and other personal property brought onto District premises. Inspections may be conducted at District's discretion.

Employees refusing to cooperate in such inspections may be subject to discipline.

**3180.8 Off-Duty Use of Facilities.** Employees are expressly prohibited from being in District's facilities while off duty and from using District facilities or District equipment for personal use and/or while off duty without prior authorization from the General Manager or that person's designee. Past employees are prohibited from entering District offices unless provided permission by the General Manager or that person's designee.

**3180.9 Outside Activities.** The District employees are prohibited from selling products for profit or gain on District property during the District's business hours. Fundraising activities are permitted, and materials can be left in an open area for employees, so they can choose whether they want to participate. Employees seeking fundraising may not directly approach any employee with pressure to purchase a fundraising item, except if the fundraising is on behalf of the District. Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on District property.

Employees' personal advocacy and political activities must be done on their own time and not on District property. No political contributions to candidates for public office may be reimbursed by the District. The District will not discriminate against employees based on their lawful political activity engaged in outside of work. Any employee with any question as to the application of these rules should consult with his or her supervisor or General Manager immediately.

### **Policy 3190: Internet, E-Mail and Electronic Communications**

**3190.1 Telephone and Device Use Policy.** Excessive use of personal phones while at work and excessive use of the District's phone for personal use disrupts the work of other employees and limits employees' ability to complete District business. As such, employees should limit personal telephone communication, email, texting or other usage during work hours to emergency and/or brief communications.

The District is committed to keeping its employees safe at all times while on District business. Employees are required to comply with all state and local laws regarding the use of wireless phones while driving, including applicable laws prohibiting text messaging while driving. All employees must use a hands-free device while driving. Whenever possible, employees should not make or receive telephone calls while driving, and employees may not send work-related email messages or text messages while driving. Under no circumstances should employees use wireless phones during adverse weather or difficult traffic conditions. Under no circumstances is an employee required to answer the phone to conduct District business while driving. Any employee who violates this policy will be considered to be operating outside the course and scope of their employment. The District takes its phone and device use policy seriously. Any violations of this policy will subject employees to disciplinary action, up to and including termination of employment.

**3190.2 Technology Systems.** The District provides an e-mail system, voicemail system, access to the Internet, and other technology systems to assist employees in conducting the District business. All information, data, and messages created, received, sent, or stored in these systems are, at all times, the property of the District. During working time (which does not include meal and rest breaks), the foregoing systems are to be used solely for business-related purposes and employees have no reasonable expectation of privacy in such systems. All existing District policies apply to employee conduct on the Internet and use of all technology systems, including, but not limited to, District policies regarding intellectual property, misuse of District property, discrimination, harassment, sexual harassment, information and data security, and confidentiality.

**3190.2.1 Prohibited Uses of Technology Systems.** The District does not allow these systems to be used in creating, receiving, sending, or storing data that may reasonably be considered to be offensive, defamatory, obscene, discriminatory or harassing. Such data includes, but is not limited to, sexual images and comments, racial and gender-based slurs, or anything that would reasonably be expected to offend someone based on their disability, age, gender, religion, marital status, sexual orientation, national origin, culture, or any other status protected by law. Any such use would violate this policy and may also violate the District's policy against harassment. In particular, the display of any kind of sexually explicit image or document on any District system is a violation of the District's policy on sexual harassment. Employees who are aware of the misuse of these systems by other employees shall report the misuse to a supervisor or to the General Manager (or designee) immediately.

Unauthorized use of District information, emails, District intellectual or other property is prohibited for current and former employees. Nothing in this policy is intended to limit or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

Please refer to the District's Electronic Resources Policy for additional guidance.

**3190.2.2 Monitoring and Recording of Technology.** All employees should be aware that the District has software and systems in place that are capable of monitoring and recording all network traffic to and from any computer employees may use. The District reserves the right to access, review, copy, and delete any of the unauthorized software, copyrighted material, information, data, or messages accessed through these systems with or without notice to the employee and/or in the employee's absence. This includes, but is not limited to, all email messages sent or received, all website visits, all chat sessions, all news group activity (including groups visited, messages read, and employee postings), and all file transfers into and out of the District's internal networks. The District further reserves the right to retrieve previously deleted messages from email or voicemail and monitor usage of the Internet, including websites visited and any information employees have downloaded. In addition, the District may review Internet and technology systems activity and analyze usage patterns and may choose to publicize this data to assure that technology systems are devoted to legitimate business purposes. Accordingly, no employee should have any expectation of privacy as to his or her Internet or technology systems usage and should not use these systems for information they wish to keep private.

The District reserves the right to inspect, without notice to the employee, any and all files stored in all areas of the District's network, including those files assigned to individual employees, and those stored on any District computer, or storage device, or any storage device connected to a District computer in order to assure compliance with this and other District policies.

**3190.3 Social Media.** The District uses social media in certain circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people and companies online. The District expects employees to understand and comply with the District policies governing social media. If employees have specific questions about which programs the District deems to be social media, employees should consult with their supervisor or the General Manager. Employees' use of social media is subject to District's policies against discrimination, harassment, retaliation, disclosure of confidential information,

and prohibited uses of technology systems. Nothing in this policy is intended to limit or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the Meyers-Milias-Brown Act.

## **Policy 3200: Holiday, Vacation, & Sick Leave**

### **3200.1 Holidays**

**3200.1.1 Eligibility.** Full-time and part-time salaried exempt employees are eligible for holiday pay. To be eligible for holiday pay, an employee must be regularly scheduled to work on the day on which the holiday is observed and must work their regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by the General Manager or that person's designee.

**3200.1.2 Holiday Pay.** Eligible employees are entitled to twelve (12) paid holidays per year. Part-time salaried employees will receive pro-rated pay proportionate for the twelve (12) days based on the employee's regularly assigned work hours.

Holidays shall be determined by the General Manager or that person's designee in accordance with the District's needs. Current holidays are:

- New Year's Day
- Martin Luther King, Jr.
- President's Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Indigenous People's Day
- Veterans' Day
- Thanksgiving
- Day After Thanksgiving
- Christmas

When a holiday falls on a Saturday, it will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday. When a holiday is observed

during an employee's scheduled vacation, the employee will receive holiday pay instead of vacation time.

## **3200.2 Sick Leave**

**3200.2.1 Eligibility.** All employees, including part-time and temporary employees, who work thirty (30) or more days in a year are entitled to paid sick leave. Employees begin to accrue paid sick leave on their first day of employment.

**3200.2.2 Accrual Rate.** All employees accrue sick leave at a rate of one (1) hour per thirty hours worked unless otherwise provided herein or by contract.

**3200.2.3 Limits on Accrual.** Full time employees (i.e., employees working forty (40) hours per week) may accrue up to one hundred sixty (160) hours of sick time. Part time employees are subject to an accrual cap that bears the same proportion to one hundred sixty (160) hours as does the hours that their regularly-assigned weekly work hours to forty (40) hours. When an employee's accrued sick leave hours has reached their cap, the employee will cease accruing additional sick leave until the employee's sick leave balance falls below that cap, at which time the employee will begin accruing sick leave again. In the event that the employee had accrued hours in excess of their cap on the date that this Policy took effect, the employee's leave shall be capped at their then-current level and the employee shall not begin accruing more leave until their hours fall below the cap. There is no retroactive grant of sick compensation for the period of time the accrued sick compensation was at the cap. Sick leave does not accrue during an unpaid leave.

**3200.2.4 Limits on Use.** Employees may use up to 160 hours of paid sick leave per year. Accrued, unused sick leave carries over from year to year.

**3200.2.5 Permitted Uses of Sick Leave.** Sick leave may be used for the following purposes:

1. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee.
2. Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee's family member.
3. For an employee who is a victim of domestic violence, sexual assault, or stalking, any of the following purposes related to the domestic violence, sexual assault, or stalking: to obtain or attempt to obtain a temporary restraining order, restraining order, or other injunctive relief; to seek medical attention for injuries; to obtain services from a shelter, program, or crisis center; to obtain psychological counseling; or to participate in safety planning and take other actions to increase safety, including temporary or permanent relocation.

For the purposes of sick leave, a "family member" is any of the following: a child (biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stands in loco parentis, regardless of age or dependency status); parent (biological, adoptive, or foster parent,

stepparent, or legal guardian of the employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child); spouse or registered domestic partner; grandparent; grandchild; or sibling.

Abuse of the District's sick leave policy is dishonest and may lead to discipline, up to and including termination.

**3200.2.6 Requesting Sick Leave.** If the need for sick leave is foreseeable, employees must give reasonable advance notice. Employees who request sick leave are required to communicate with their supervisor at least one (1) hour before the beginning of the employee's shift. If requests for sick leave are not made within this time frame, approval for sick leave usage will not be granted unless there is an unusual circumstance (i.e., earlier notice was not practicable). Communication may be by telephone, email, or in person. The District reserves the right to ask for proof of illness as permitted under the law.

Employees are permitted to take sick leave in increments of two hours.

**3200.2.7 Certification of Need for Leave.** Employees may be required to provide documentation from a state recognized medical practitioner certifying the need for leave upon request by the employee's supervisor or General Manager. If an employee is absent for three (3) or more days with an illness or injury, a doctor's release is required before being allowed to return to work.

**3200.2.8 Disability Insurance for Leave Exceeding Seven Days.** Employees who are hospitalized or out sick for more than seven (7) calendar days for an injury or illness that is not work-related, may apply for State Disability Insurance ("SDI") benefits.

The General Manager (or designee) can supply the SDI application form, but it is the employee's responsibility to apply. Also, employees must send their Notice of Disability Benefits Received to the General Manager (or designee).

## **Policy 3210: Other Protected Leaves**

**3210.1 Military Leave.** All employees are entitled to take time off to serve in the uniformed services on a voluntary or involuntary basis, including absences to attend a fitness examination. "Uniformed services" refers to the U.S. Armed Services, including the Coast Guard; the Army National Guard and Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; and the commissioned corps of the Public Health Service.

With certain exceptions, Military Leave may be granted for a total of up to five (5) years. When the need for military leave is foreseeable, you must notify your manager as far in advance as possible, so arrangements can be made to cover your duties. If you have written authorization from your military branch for your leave, you should provide it when you request leave.

Generally, a military leave of absence is unpaid, although employees may utilize available leave to provide continued compensation during the leave.



Upon completion of duties, employees will be reinstated into their former position or into another position of equal pay and status, consistent with applicable laws.

In order to be eligible for reemployment, employees must:

1. Give advance notice (written or oral) of his or her military service, unless such notice is impossible or unreasonable under the circumstances;
2. Be absent for fewer than five (5) years, not including inactive duty training or involuntary recall to or retention on active duty;
3. Have separated from military service under honorable conditions; and
4. Report for reemployment within the following time periods:
  - a. Employees performing military service for fewer than thirty-one (31) days must report for reemployment no later than the first regularly scheduled workday that occurs after a reasonable time for the employee to return to his or her residence, plus eight (8) hours.
  - b. Employees serving more than thirty (30) but fewer than one hundred eighty-one (181) days must submit an application for reemployment within fourteen (14) days after the completion of military duty.
  - c. Employees serving more than one hundred eighty (180) days must submit an application for reemployment within ninety (90) days after the completion of military duty.
  - d. Military leave can be extended for an additional two (2) years or longer if the employee is hospitalized or recovering from an illness or injury incurred or aggravated during military service or if reporting or reapplying to work is unreasonable or impossible.

The District is not required to reemploy individuals under the following circumstances: (1) where the District's circumstances have changed so that reemployment of the person would be impossible or unreasonable, such as when there has been a reduction-in-force that would have included the person on leave; (2) where efforts to qualify returning service members or accommodate individuals with service-connected disabilities would be of such difficulty or expense as to cause undue hardship to the District; or (3) where the pre-service position was for a brief or non-recurrent period and there was no reasonable expectation that employment would continue indefinitely or for a significant period.

Reemployed service members are entitled to the seniority and all rights and benefits based on seniority that they would have attained with reasonable certainty had they remained continuously employed.

If an employee's health plan coverage would terminate because of an absence due to military service, the employee may elect to continue the health plan coverage for up to twenty-four (24)

months after the absence begins or for the period of service (plus the time allowed to apply for reemployment), whichever period is shorter. Employees will be required to pay the employee portion, if any, of any funded benefit to the extent that other employees on a leave of absence are so required.

**3210.2 Leave for Military Spouse/Domestic Partner.** An eligible employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard, or Reserves who has been deployed during a period of military conflict is entitled to take up to ten (10) days of unpaid leave while the servicemember is on leave from deployment. In order to be eligible for leave under this section, an employee must: work for the District for an average of twenty (20) or more hours per week; notify his/her supervisor of the employee's intention to take the leave within two (2) days of receiving notice of the servicemember's leave from deployment; and submit written documentation to the General Manager certifying that the servicemember will be on leave from deployment during the employee's requested leave.

**3210.3 Bereavement Leave.** With the approval of the employee's supervisor, regular full-time employees may take up to five (5) consecutive days of unpaid leave in the event of a death in the immediate family. "Immediate family" for the purposes of this section means the employee's current spouse or registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-, father-, sister-, brother-, son-, or daughter-in-law.

**3210.4 Time Off to Vote.** In the event that an employee does not have sufficient time outside of working hours to vote in a statewide or federal election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances, an employee will be allowed a maximum of two (2) hours on the Election Day without loss of pay. Deductions will not be made from the salary of an exempt employee for time taken off for voting. Where possible, the employee shall give his or her manager at least two (2) days' notice that time off to vote is needed.

**3210.5 Jury Duty and Court Appearances.** Employees are entitled to take time off to serve on jury duty. Employees should notify their supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. An employee may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury selection or jury duty, employees will be expected to return to work for the remainder of the employee's scheduled work hours.

In addition, every employee, including but not limited to an employee who is a victim of a crime, is entitled to take time off to comply with a subpoena or other court order to appear as a witness in any judicial proceeding.

Leave under this section is paid up to eight (8) hours with documentation. After the initial eight hours, the employee may take unpaid leave or other applicable accrued time off.

**3210.6 Leave Without Pay.** A supervisor may grant a leave of absence without pay for up to three (3) days, provided that such absence does not negatively impact the District's

business interests, including the safety and care of children. Leaves of absence exceeding three (3) days may be granted at the discretion of the General Manager or that person's designee upon the written request of an employee and the approval of the employee's supervisor. No leave without pay shall be granted for more than one (1) month.

An employee will be required to use all of his/her applicable accrued leave before requesting an unpaid leave of absence. The only exception is the unpaid days off during any District closure between Christmas and New Year (if applicable to the District).

Employees on unpaid leave status do not accrue additional benefits, including sick leave.

The District will attempt to hold an employee's position for the duration of the unpaid leave of absence unless otherwise required by federal, state or local law. If the position cannot be held, the employee will be eligible to reapply should a position become available in the future.

**3210.7 Paid Family Leave Program.** The District offers a Paid Family Leave Program pursuant to state law.

## **Policy 3220: Health and Safety**

**3220.1 Safe Workplace Policy.** Every employee is responsible for the safety of himself or herself as well as the safety of others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety-conscious at all times.

**3220.2 Security.** The security of facilities and the welfare of our employees require that every individual be constantly aware of potential security risks. Employees should immediately notify their supervisor when persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are lost or misplaced.

Visitors, upon entering the site, must be greeted immediately. The District may from time to time and at different locations install surveillance monitoring by video or audio for purposes of protecting District property and programs only. This surveillance system is in no way intended to provide employees with personal security.

**3220.3 Workplace Violence.** The District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously and will lead to appropriate discipline, up to and including termination.

A threat includes, but is not limited to, any indication of intent to harm a person or damage property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Each employee is expected and encouraged to report to a supervisor or senior staff all actual or perceived threatening and/or violent incidents. The District is committed to thoroughly investigating all reports of workplace violence and will take immediate, appropriate action commensurate with the offense. Depending on the circumstance, the District may choose to place an individual on leave while it investigates a complaint.

Anyone with questions about the application of this policy should contact the General Manager (or designee) or the District's Police Chief.

Employees must notify the General Manager (or designee) when District keys or security cards are lost or misplaced. Employees must secure all doors upon the closure of the facility, set any alarms, and report to General Manager (or designee) if any outside lighting that is not working. Employees will not be sanctioned or otherwise suffer any Adverse Action for calling the police.

**3220.4 Drug and Alcohol Abuse.** The District is concerned about the use of alcohol, illegal drugs, and controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can adversely affect an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and children we serve and exposes the District to the risks of property loss or damage, injury to other persons and adverse publicity. Conviction for violation of drug laws, illegal alcohol use, crimes of violence or abuse or neglect of a child on or off duty shall not be tolerated because such conduct reflects adversely on the District.

Employees may not smoke or use any electronic smoking devices (e.g., e-cigarettes) on any property owned, operated, used by the District including automobiles. Smoking is not permitted in the presence of staff, families or children or the public during work time.

As a condition of employment, the District requires each employee to abide by the terms of this Drug and Alcohol Abuse policy and notify the District of any criminal drug or alcohol statute conviction for a violation occurring in the workplace within five (5) days of such conviction. In receiving a copy of these Rules, each employee is provided a copy of this policy and will be required to sign the acknowledgment in Appendix 3000 C. All employees covered by this policy should be aware that violation of the policy may result in discipline, up to and including termination.

**3220.4.1 Policy.** The term "drug" or "drugs" whenever used in this policy means any controlled substance that is not legally obtainable under State or Federal law, a prescription drug obtained or used without benefit of a valid prescription by a medical provider licensed to prescribe medications, and marijuana even if prescribed by a medical provider licensed to prescribe medications.

**3220.4.2 Standards of Conduct.** The following rules and standards of conduct apply to all employees either on the District property or during the workday (including meals and rest periods). The following are strictly prohibited by the District:

1. Possession or use of alcohol, or being under the influence of alcohol while on the job;
2. Employees shall not be impaired by alcohol or drugs, nor possess alcohol or drugs at the assigned worksite;
3. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this policy to intentionally misuse and/or abuse prescription medications;

4. Driving a District vehicle while under the influence of alcohol or drugs;
5. Distribution, dispensation, sale, or purchase of an illegal or controlled substance while on the job; and
6. Unlawful manufacture, possession, or use of a controlled substance, or being under the influence of an illegal or controlled substance while on the job.

Violation of the above rules and standards of conduct shall result in disciplinary action, up to and including termination. The District also may bring the matter to the attention of appropriate law enforcement authorities.

The District is dedicated to educating its employees of the dangers and consequences of workplace drug abuse. In this vein, District has developed a comprehensive Drug-Free Awareness program. The District's program will be an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The Drug-Free Awareness program will inform employees about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the District's policy of maintaining a drug-free workplace; (3) the availability of drug and/or alcohol counseling for employees who voluntarily seek such assistance; and (4) the penalties that the District will impose for alcohol and drug abuse violations.

**3220.4.3 Enforcement.** In order to enforce this policy as well as other District policies, and to ensure the safety of the District's employees and clients, the District reserves the right to conduct searches of all portions of District's property or premises for drugs, alcohol or other contraband. All employees, contractors and visitors may be asked to cooperate in inspections of their persons, work areas and/or their personal property, including but not limited to lockers, packages, purses, backpacks and other personal property brought onto District premises that might conceal drugs, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge. The District also reserves the right to implement other measures necessary to deter and detect abuse consistent with this policy.

An employee may be required to submit to a fitness-for-duty examination where there is a reasonable and objective belief that an employee may be impaired by prescription or over-the-counter medications that the employee is taking. The purpose of the fitness-for-duty examination will be limited to determining whether the employee can safely perform the essential functions of the job with or without accommodation. Such fitness-for-duty examinations will be conducted in compliance with the limitations set forth under state and federal law.

In addition, the District must keep people who sell or possess controlled substances off District's premises in order to keep the controlled substances themselves off the premises. Therefore, District reserves the right to take appropriate disciplinary action for such convictions.

Employees who are convicted of such crimes are required to report the conviction to the General Manager (or that person's designee) prior to returning to work. Failure to comply with this policy may result in discipline, up to and including termination.

An employee is subject to disciplinary action, up to and including termination, if the employee works while impaired by a prescription or over-the-counter drug and that impairment affects the employee's ability to safely perform the job or affects the safety or well-being of others.

Notwithstanding the foregoing, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability, unless undue hardship for the District would result or no accommodation is available which would enable the employee to safely perform his or her job.

**3220.4.4 Treatment and Rehabilitation.** Consistent with federal and state laws, the District will encourage and reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, provided that this reasonable accommodation does not impose an undue hardship on the District. However, the District is not prohibited from refusing to hire, or discharging an employee who, because of the employee's current use of alcohol or drugs, is unable to perform his or her duties, or cannot perform the duties in a manner which would not endanger his or her health or safety or the health or safety of others.

The District shall make reasonable efforts to safeguard the privacy of an employee as to the fact that he or she has enrolled in an alcohol or drug rehabilitation program.

Leave under this section is unpaid, except that an employee may use sick leave to which he or she is entitled for the purpose of entering and participating in an alcohol or drug rehabilitation program. An employee with a chemical dependency who is not voluntarily seeking treatment is not qualified as a disabled individual under applicable state and federal law and may be subject to discipline as a result of job performance impaired by drug or alcohol use.

**3220.5 No Smoking Policy.** California law prohibits smoking at any facility used to provide children's services. The District prohibits smoking (including the use of electronic smoking devices, e.g., e-cigarettes) on any property owned, operated, used by the District including offices, employee break areas, locker rooms, parking lots, bathrooms, vehicles and other the District facilities.

**3220.6 Off-Duty Activities.** The District or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

### **Policy 3230: Reasonable Accommodation Policy**

**3230.1 Policy.** The District provides employment-related reasonable accommodations to qualified individuals with disabilities within the meaning of the California Fair Employment and Housing Act and the Americans with Disabilities Act.

**3230.2 Qualifying Disability.** A "disability" means a physical or mental disorder or condition that limits one or more major life activities, a record of having such a disorder or condition, or being regarded as having such a disorder or condition.

**3230.3 Procedure for Obtaining Reasonable Accommodation.** An employee or applicant with a qualifying disability who needs reasonable accommodation in the application process or to perform essential job functions should make a request to the General Manager. After the General Manager receives or is made aware of the request, the General Manager or that person's designee may require the employee or applicant to submit additional information in writing, including medical certification from a health care provider supporting the need for accommodation.

Once it is determined that the employee or applicant has a qualifying disability, the District will hold a discussion with the employee or applicant to determine if and how reasonable accommodation can be made. The purpose of this discussion is to timely communicate in good faith in order to understand restrictions or limitations on an employee's ability to perform essential job functions, or an applicant's ability to participate in the application process, and to fully consider all potential reasonable accommodations. The refusal or failure of an employee or applicant to participate or cooperate in this discussion may result in denial of accommodation.

Any information relating to the employee's or applicant's request for accommodation shall be kept confidential to the extent required by law and shall be kept in a file separate from applicant and personnel files.

The District determines, in its sole discretion, whether reasonable accommodation(s) can be made and the type of accommodation(s) to provide. The District will not provide accommodation(s) that would pose an undue hardship upon the District's finances or operations, endanger the health or safety of the employee or others, or eliminate an essential job function.

The District will inform the employee or applicant of its decision as to reasonable accommodation(s) in writing.

**3230.4 Fitness for Duty Examination.** The General Manager (or her or his designee) may require a fitness for duty examination to determine whether an employee can perform the essential functions of the job with or without accommodation, if the examination is job-related and consistent with business necessity. The General Manager (or her or his designee) may require that a District-approved physician conduct the examination. The District will pay for fitness for duty examinations that it initiates.

**Personnel Management Section 3000 - ACKNOWLEDGMENTS AND AGREEMENTS**



## **Appendix 3000A**

### **ACKNOWLEDGMENT AND AGREEMENT REGARDING RECEIPT OF DISTRICT'S EMPLOYEE RULES AND AT-WILL EMPLOYMENT STATUS**

This is to acknowledge that I have received a copy of the District's Rules and understand that it sets forth the terms and conditions of my employment as well as the duties, responsibilities, and obligations of employment with the District. I understand and agree that it is my responsibility to read and familiarize myself with the provisions of the Rules and to abide by the rules, policies, and standards set forth in the Rules, including any updates to the Rules.

I acknowledge that I have received, read, and understood:

- District's Discrimination, Harassment and Retaliation Policies;
- District's Alcohol and Drug Abuse Policy;

I also acknowledge that my employment with the District is at will, not for a specified period of time, and can be terminated at any time for any reason, with or without cause, by me or by the District. I acknowledge that no statements or representations regarding my employment can alter the foregoing. As to the circumstances under which employment may be terminated, this is the entire Policy between the District and me; there are no oral or collateral agreements of any kind.

I agree to abide by the terms of the At-Will Employment (Section 3120) policy as executed by me and the District.

Employee's Name and Initials Date

## **Appendix 3000B**

### **ACKNOWLEDGMENT AND AGREEMENT REGARDING DISTRICT'S POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION**

This is to acknowledge that I have received a copy of District's policy prohibiting discrimination, harassment, and retaliation, and understand District's policy that there be no discrimination or harassment against any employee or applicant for employment on the basis of race, color, religion, sexual orientation, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, citizenship, national origin, ancestry, age (40 or older), physical disability, mental disability, medical condition (as defined by California law), genetic information, marital status, military and veteran status, political activity or affiliation, taking or requesting statutorily protected leave, or any other characteristics protected under federal, state, or local laws.

I understand that District is committed to a work environment free of harassment and discrimination, and that District specifically prohibits retaliation whenever an employee or applicant makes a good-faith complaint that they have been subjected to harassment or discrimination. Accordingly, I specifically agree that to the extent I am the subject of any conduct that I view to constitute harassment, discrimination, or retaliation or which is otherwise in violation of District's policy prohibiting discrimination, harassment, and retaliation, I will immediately report such conduct to my supervisor or to a management-level employee with whom I feel comfortable.

I understand and agree that to the extent I do not use the grievance procedures outlined herein or in District's policy prohibiting discrimination, harassment, and retaliation, District shall have the right to presume that I have not been subjected to any harassment, discrimination, or retaliation.

Employee's Name and Initials    Date

**Appendix 3000C**

**ACKNOWLEDGMENT AND AGREEMENT REGARDING DISTRICT'S ALCOHOL AND DRUG ABUSE POLICY**

I have carefully and thoroughly read District's Alcohol and Drug Abuse Policy (3220.4). I agree, without reservation, to abide by the terms of that policy. I further agree to notify District of any conviction for any criminal drug or alcohol statute violation occurring in the workplace no later than five (5) days after such conviction. I understand that abiding by the terms of the Alcohol and Drug Abuse Policy and notifying District of workplace-related drug and alcohol convictions are conditions of my employment. I understand that any violation of the policy will result in disciplinary action, up to and including immediate termination.

Employee's Name and Initials Date

**POLICIES 4000**  
**BOARD OF**  
**DIRECTORS**

## **Policy 4000: Board Responsibility**

**4000.1** Each Board member is elected by and responsible to the electorate of the entire District. Directors do not represent any fractional segment of the community.

## **Policy 4010: Attendance at Meetings**

**4010.1** Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting. If a Board Member participates in a meeting by telephone or electronic device, their attendance by these methods will be noted in the minutes and they shall be counted as present for the duration of their participation.

Good cause for excusable absence, include late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the President of the Board is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity. The minutes of the meeting shall note that the Board Member is excused from the meeting under the circumstances noted in this section.

A Board Member who will be absent for good cause may notify the President by electronic transmission (email), telephone, or letter. The President shall notify the General Manager and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, or six (6) in a twelve-month period, except as otherwise provided for by law or as authorized by the Board.

## **Policy 4020: Committees of the Board of Directors**

**4020.1 Temporary Advisory Committees.** The Board President shall appoint any such temporary advisory committees as may be deemed necessary or advisable by the President or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

**4020.1.1 Optional Committees.** The Board shall have the authority to activate or deactivate any other committees at any time. Two Directors may ask for the activation of an Optional Committee. This request should be made in writing and its formation dependent on a majority vote by the Board of Directors.

Committees may be deactivated at any time if it is deemed to be in the best interest of the District, if there are limited objectives of the committee or there is insufficient need for the committee. There is no obligation to activate any committees.

#### **4020.2 Board Coordinators.**

From time to time, the Board may decide that specific District services would benefit from a Board Coordinator. Within ten days of this decision, the Board President shall appoint and publicly announce the Coordinator or Coordinators.

#### **Policy 4030: Duties of the Board President**

**4030.1 Presiding Officer.** The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

The presiding officer shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The presiding officer may move, second, debate, and vote from the chair.

**4030.2 Duties Regarding Meetings.** The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- Call the meeting to order at the appointed time;
- Announce the business to come before the Board in its proper order;
- Enforce the Board's policies in relation to the order of business and the conduct of meetings;
- Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- Explain what the effect of a motion would be if it is not clear to every member or direct the General Manager to explain it;
- Restrict discussion to the question when a motion is before the Board;
- Rule on meeting procedure;
- Submit motions to a vote, and state clearly the results of the vote; and

- Preserve order and decorum.

**4030.3 Responsibilities.** Responsibilities of the President include, but are not limited to, the following:

- Sign all instruments, act, and carry out stated requirements and the will of the Board;
- Sign the minutes of the Board meeting following their approval;
- Appoint and disband all committees, subject to Board ratification
- Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- Coordinate the preparation of meeting agendas with the General Manager;
- Confer with the General Manager or her or his designee on crucial matters that may occur between Board of Directors meetings;
- Be responsible for the orderly conduct of all Board meetings;
- Be the spokesperson for the Board and preside over all ceremonial events unless otherwise appointed; and
- Perform other duties as authorized by the Board.

In the absence or disability of the President, the Vice-President shall temporarily carry out these responsibilities until such time as the President is able to resume his or her responsibilities.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

#### **Policy 4040: Ethics Training**

**4040.1** All Directors, General Manager, Chief of Police, District employees and members of all committees that are subject to the Brown Act shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the Board of Directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 *et seq.* as may be amended from time to time.

**4040.1.1** All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

**4040.1.2** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person, or online.

**4040.1.3** Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.

**4040.1.3.1** District staff shall maintain records indicating both the dates that attendees completed the ethics training and the name of the provider that provided the training. These records shall be maintained for at least five years after the date of training and may be public records subject to disclosure under the California Public Records Act.

**4040.1.4** District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy once every year.

### **Policy 4050: Members of the Board of Directors**

**4050.1** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors.

**4050.1.1** District staff is responsible to ensure Board members have access to timely and professional information and to ensure such information is communicated completely to support the policy and decision-making processes. However, the District's resources are limited and the General Manager has sole discretion regarding the allocation of staff time. Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

**4050.1.2** The General Manager shall be responsible for providing the requested information and shall make all information equally available to all Directors. Information development and distribution is subject to staff availability.

**4050.1.3** If writings are distributed to a majority of the Board in connection with an open meeting agenda item, those writings shall be made available to the public in the manner required by law. This shall not apply to materials exempt from disclosure under the Public Records Act, Section 6250 *et seq.* of the California Government Code.

### **4050.2 Meeting Decorum**

**4050.2.1** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

**4050.2.2** Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

**4050.3 Abstentions and Failure to Vote.** Directors should not abstain from the Board's decision-making responsibilities unless a personal or financial conflict of interest exists. Directors abstaining due to a disqualifying conflict of interest will not be counted as part of a quorum and will be considered absent for the purposes of determining the outcome of a vote on the matter. Directors who fail to vote in the absence of a declared conflict of interest will be counted as part of a quorum and in effect consent that a majority of the quorum will determine the outcome of a vote on the matter.



## **Policy 4060: Training, Education and Conferences**

**4060.1** Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the members of a body do not discuss issues related to their local agency's business. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District. Directors shall not attend or engage in any travel for pleasure at public expense (e.g. "junkets" or other such events that are not beneficial to the District).

**4060.2** The General Manager (or her or his designee) may use District funds to pay tuition, registration, travel and/or lodging expenses for educational conferences, seminars, trainings, and/or professional meetings for Members of the Board of Directors. These prepaid expenses must be listed on an itemized sheet, supported with receipts and submitted to the District no later than ninety (90) days following the conclusion of training.

**4060.2.1** The District shall reimburse all pre-approved travel costs including lodging, private vehicle (as noted below), taxi or similar service, shuttle, bus and train and/or air fare. All other expenses, including meals and incidental expenses will be reimbursed at the GSA approved per diem rate or prorated for a partial day adjusted annually with the Consumer Price Index for San Francisco-Oakland-San Jose unless the conference sponsor provides meals in which case only actual reasonable expenses will be reimbursed. All reasonable effort should be made to reserve lodging at conference rates or find comparable rooms at nearby locations. It is recognized that some reservation will be made later and not qualify for conference rates. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines. Directors so reimbursed shall present a brief report on the meeting attended at the soonest possible regular Board meeting.

**4060.2.2** Costs for attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences shall be included in the operating budget prior to the District incurring any reimbursable costs.

**4060.2.3.3** Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates. Other hotels can be utilized if sponsor hotels are booked and are not available. It is recognized that scheduling may not allow early registration and it is acceptable to register and attend, even if late, in recognition of the networking opportunities, informal gatherings and educational value to the District of attending these sessions. Attendance at annual conferences and education sessions is encouraged.

**4060.3** A Director shall not be reimbursed for expenses incurred at any educational conference, seminar, training, or professional meeting event if such event occurs after the District has announced that Director's pending resignation, or if such event occurs after an election in which it has been determined that the Director will not retain his or her seat on the Board.

## **Policy 4100: Board Actions and Decisions**

**4100.1** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

**4100.1.1** A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

**4100.1.1.1 Example.** If three of five Directors are present at a meeting, a quorum exists, and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast “aye” votes, no action is taken because a “majority of the Board” did not vote in favor of the action.

**4100.1.1.2 Example.** If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

**4100.1.1.3 Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved

**4100.2** The Board may give directions that are not formal actions and do not require formal procedural process. Such directions include the Board’s directives and instructions to the General Manager.

**4100.2.1** The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

**4100.2.2** A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

**4100.2.3** Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

## **Policy 4110: Board Meeting Agenda - General**

**4110.1 Agenda Preparation.** The General Manager, in coordination with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda 2 weeks prior to the closing of the agenda for the next meeting date, providing a staff report by said date. Items submitted after the deadline shall be evaluated and considered by the Board President and General Manager.

**4110.2 Agenda Items.** If the General Manager decides an item is not germane to the current work of the Board, two collaborating Directors may place an item on the next regular

meeting agenda by written request. However, the General Manager shall have the discretion to allocate District resources to said item as practicable given the Board's then-current priorities.

**4110.3 Agenda Descriptions.** All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items, discussion items and action items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

**4110.4 Agenda Posting.** Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting.

The posting must occur in a place that is freely accessible to the public and on the District's website. On or before January 1, 2019, the internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format by that date.

**4110.5 Agenda Packages.** When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time.

Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

**4110.5.1** The agenda package is not a public forum. District staff should include in the package only materials relevant to items on the Board agenda.

**4110.6.1** At each regular meeting the Board shall provide the public with an opportunity for up to twenty (20) minutes to address any item within the subject matter jurisdiction of the District not on the agenda and before each the agenda. Each person shall have up to three (3) minutes and no person may speak more than once during a public comment period. Every regular meeting agenda shall include this opportunity as part of the meeting.

**4110.6.2** For special meetings, the Board shall provide the public with an opportunity of up to twenty (20) minutes to address any item on the agenda. Each person shall have up to three (3) minutes.

**4110.7 Closed Sessions.** The Brown Act allows the Board to conduct a closed session during a noticed meeting for certain matters. Major reasons for permissible closed sessions, as authorized by the Brown Act, include potential and/or real property transactions, personnel matters including labor negotiations, and pending or real litigation. The Board shall allow public comment on any closed session item before starting closed session.

**4110.8 Items not on the Agenda.** The Board shall not discuss or take action on any item that does not appear on the posted agenda except in cases of permitted by the Brown Act, including, without limitation, in case of emergency or urgent need for action. The Board may also briefly respond to public comments, direct staff to follow-up on matters that arise during public comments and make announcements.

**4110.9** The General Manager (or her or his designee) shall ensure that physical facilities and related equipment for said meetings are functional and appropriate.

4110.10 The Board President shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

**Policy 4120: Board Meeting Conduct**

**4120.1 Rules of Order.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 4160, “Rules of Order for Board and Committee Meetings,” shall be used as a general guideline for meeting protocol.

**4120.2 Agenda Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

**4120.3 Conduct of Meetings.** The following concepts shall be applied to Board meetings:

**4120.3.1** The meetings shall be conducted in an open and fair manner.

**4120.3.2** The public shall be given ample opportunity to participate in the meetings, as set forth in section 4120.4 of this Policy.

**4120.3.3** Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.

**4120.3.4** The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve the problems.

**4120.3.5** The Board may receive, consider and take any needed action with respect to reports of District operations.

**4120.3.6** Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

**4120.3.7** The Board may weigh and determine the credibility of evidence and public comment.

**4120.4 Public Comment.** Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as followed:

**4120.4.1** Each member of the public present at a meeting shall be allowed to speak once in connection with each item on the agenda for that meeting. Speakers are not allowed to give or allot their time to another speaker. Time reading statements from others, will be considered towards the speaker’s three-minute allotment.

**4120.4.2** Members of the public should address the Board. Speakers should refrain from beginning their remarks until they are at the podium or called upon via Zoom, able to use any provided amplification and are recognized by the Board President.

**4120.4.3** Each speaker shall be allotted a maximum of three (3) minutes per item and may speak only once on during a public comment session. Each subject matter shall be allotted a maximum of twenty (20) minutes for comment. These are general guidelines. The Board President may shorten the time for each speaker to accommodate an unusual number of persons wishing to speak and/or may extent the allotted time per subject where the subject matter requires.

**4120.4.4** The Board President cannot refuse to recognize members of the Board, or the public, whose behavior is within the standards of conduct and when time allows.

**4120.5 Disruption of Meetings.** Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

**4120.5.1** Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

**4120.5.2** If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board’s business without them present.

**4120.5.3** In cases of extreme disruption, the Board President may clear the room of all members of the public and conduct the Board’s business without them present.

**4120.5.4** Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

### **Policy 4130: Brown Act Compliance – Open Meeting Requirements**

**4130.1 The Brown Act.** The Legislature adopted the Brown Act, commonly referred to as California’s “Open Meetings Laws” in 1964. The Brown Act is contained in Government Code section 54950 *et seq.* The Brown Act is broadly construed, and compliance is constitutionally mandated. This Policy 4130 is intended to facilitate compliance with the Brown Act. It is not a complete listing of Brown Act requirements. In the event of a conflict between this Policy and the Brown Act, the latter shall prevail. In the event of an amendment or addition to the Brown Act that conflicts with this Policy, this Policy shall be deemed amended to conform with said amended or addition.

**4130.2** All meetings of the Board of Directors shall comply with the Brown Act. The Brown Act mandates advance notice of meetings on a published agenda (see Policy 4110), opportunities for public comment (see Policy 4120.4) and preparation of minutes memorializing the meeting (see Policy 4140). There is no obligation of the District to apply the Brown Act to meetings not covered by this Act. There is also no obligation of the District to exceed any requirements of the Brown Act.

**4130.2.1** Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

**4130.2.2** Members of the Board include newly elected and appointed officials prior to assuming office.

**4130.2.3** All Board meetings shall be open and freely accessible to the public, including those with disabilities.

**4130.2.4** Meetings through the use of intermediaries, serial communications, or emails are prohibited.

**4130.2.5** The Board shall only take action during a properly noticed meeting.

**4130.3** **Committees.** Standing committees created by formal action of the Board shall comply with the Brown Act

#### **Policy 4140: Minutes of Board Meetings**

**4140.1** **Duty to Keep Minutes.** The General Manager (or his or her designee) shall keep minutes of all regular and special meetings of the Board.

**4140.2** The General Manager shall ensure that accurate Minutes of each Board meeting are prepared, maintained and stored in accordance with state law.

**4140.3** The minutes, presented in action format, shall include sufficient detail to record all direction and actions of the Board of Directors. See 4140.1.5

**4140.1.1** Copies of a meeting's minutes shall be distributed to Directors as part of an information packet for a regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be properly saved and protected, and posted on the District's webpage.

**4140.1.2** A video tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a locked cabinet for a minimum of ninety (90) days or until the minutes are approved by the Board.

**4140.1.3** In addition to the written minutes, whenever possible, an audio recording and/or video recording will be made of each special or regular meeting and posted to the District website for a period of no less than sixty (60) months.

**4140.1.3** Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

**4140.1.4** All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year.

**4140.1.5 Meeting minutes shall follow a standard Action Meeting Minutes format, and shall include the following items:**

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Title of agenda items, staff recommendations and any and all Board action taken on said agenda items, including a verbatim transcript of any changes that the Board made to draft documents prior to approval.
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Time of meeting's adjournment.

**Policy 4150: Review of Administrative Board Decisions**

**4150.1 Code of Civil Procedure § 1094.6.** The provisions of California Code of Civil Procedure § 1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of § 1094.5 of said code. The provisions of § 1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

**4150.1.1** In accordance with § 1094.6, the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final.

**4150.1.2** No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

**4150.1.3** No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

**4150.2 Applicability.** This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard has been provided.

**4150.3 Purpose.** The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

**4150.4 Claims.** Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

## **Policy 4160: Rules of Order for Conduct of Board and Committee Meetings**

### **4160.1 General**

**4160.1.1** The Board and Board Committees will consider action items by motion in accordance with this Policy, which the Board President and Committee Chair should apply with flexibility. In the event that a Board or committee member raises a point of order that is not addressed by that this Policy or elsewhere in this Manual, the Board President or Committee Chair should consult with the General Counsel and the most recent edition of Rosenberg's Rules of Order for guidance, a copy of which is available in the District offices.

**4160.1.1.1** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

### **4160.2 Obtaining the Floor**

**4160.2.1** Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

### **4160.3 Motions**

**4160.3.1** Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

**4160.3.1.1** A Director makes a motion; another Director seconds the motion; and the President states the motion.

**4160.3.2** Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

**4160.3.2.1** If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.



**4160.4 Secondary Motions.** Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

**4160.4.1 Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

**4160.4.2 Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

**4160.4.3 Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

**4160.4.4 Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

**4160.4.5 Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.

**4160.4.6 Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

#### **4160.5 Decorum**

**4160.5.1** The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.

**4160.5.2** The President may also declare a short recess during any meeting. 4160.6 Time Limit for Board Meetings:

**4160.6.1** All meetings of the Board of Directors must be adjourned by 10:00 pm. Meetings can be extended by a four-fifths vote of the Board, or if less than four-fifths of the Directors is present, a unanimous vote of those Directors that are present.

**4160.6.2** If the meeting is still in session at 9:45 pm, the Board President (or whoever is chairing the meeting) shall stop the progress of the meeting and suggest which of the remaining items on the agenda will be addressed in the remaining fifteen minutes of said meeting. As an alternative, the Board President will entertain a motion to consider whether to extend the meeting as described in Policy 4160.6.1.

#### **4160.6 Amendment of Rules of Order**

**4160.6.1** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: (a) temporarily suspend these rules in whole or in part; (b) amend these rules in whole or in part; or (c) both.

## **Policy 4170: Types of Board Meetings**

**4170.1 Regular Meetings.** The purpose of meetings is to conduct the business of the District requiring action by the Board of Directors. Regular meetings of the Board of Directors shall be held on the second Thursday of each calendar month at 7:00 PM in the Community Center, 59 Arlington Avenue in Kensington, CA or if the Community Center is unavailable, at a temporary location within Kensington, if possible or via Zoom. The date, time and place of regular Board meetings may be reconsidered as the Board may determine due to a change in District needs and circumstances.

**4170.1.1** The Board may choose to reschedule meetings at any time, for any time and location, with a majority vote to accommodate special circumstances that may arise between regular meetings. Any meeting can be cancelled by the General Manager in consultation with the Board President. For example, if no action, no motion, or no direction is required of the Board, there would not be a need to hold a meeting and the meeting can be cancelled. There shall be at least twelve (12) meetings per year.

**4170.1.2** The General Manager may also reschedule meetings after consulting with the Board President, or if unavailable, the Vice-President to accommodate special circumstances that may arise between regular meetings.

**4170.2 Special Meetings (Non-Emergency).** Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

**4170.2.1** All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.

**4170.2.2** An agenda shall be prepared and posted at least 24 hours before the meeting, as specified in Policies 4110 and 4130 and shall be delivered with the notice of the special meeting to the Board of Directors.

**4170.2.3** Notice of the meeting shall be provided to any local newspaper or any other media outlet that has requested to receive notices of meetings (consistent with the Brown Act) by serving a copy of the agenda at least 24 hours before the meeting.

**4170.2.4** Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

**4170.3 Emergency Meetings.** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster that severely impairs public health, safety, or both, as determined by the General Manager after consulting with the Board President, or in their absence, the Vice-President.

**4170.3.1** When possible, notice shall be provided to the local newspaper, any other media outlet by telephone at least one hour before the meeting.

**4170.3.2** Actions taken during an emergency meeting shall be by roll call vote.

**4170.3.3** The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

**4170.3.4** Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in the District office.

**4170.3.5 Workshops.** The Board President may schedule a workshop to discuss the status of projects and any items of general information. If no actions or direction is given by the Board of Directors at the workshop no minutes will be prepared. Minutes must be taken at any workshop where priorities are discussed, where votes are taken, or where direction is given to staff.

**4170.4 Adjourned Meetings.** A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or General Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

**4170.5 Annual Workshop.** The Board of Directors shall hold an annual organizational and goal setting workshop.

**4170.6 Annual Elections.** The Board will elect a President and Vice President among its members at the regular December meeting or the first meeting following certification of an election. The President and Vice President serve during the coming calendar year from January 1st to December 31st.