San Miguel Community Services District

Board Members' Handbook

Board Members' Handbook September 2017
Revision July 24th 2025 (Resolution 2025-19)

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PART I: ADMINISTRATIVE GUIDELINES

Chapter 1: Introduction & Overview

A. Purpose of San Miguel Community Services District Board Member's Handbook

The San Miguel Community Services District ("District") has prepared this Board Members' Handbook ("Handbook") to assist Board Members and other District Officials (collectively, "District Officials") by documenting accepted practices and clarifying expectations. This Handbook should serve as a reference on adopted practices and procedures pertaining to District Board of Directors ("Board") meetings, committee meetings or advisory groups, if any, provide an overview of District operations, Board powers and responsibilities, expected behavior and decorum from Board Members and other elected or appointed officials, and other related matters. The Handbook supersedes any other Handbooks which govern the Board, Committees, or Advisory Groups.

The Board of Directors (Board) is elected by the people of San Miguel and as such is the voice for the People who receive services from the District. The Board is committed to acting in the best interest of the people it serves.

B. Overview of Basic Documents

This Handbook is a summary of the important aspects of District Officials' activities. However, it cannot incorporate all materials and information necessary for understanding the business of District Officials. Many other laws, plans, and documents exist which bind the District Officials to certain courses of action and practices. A summary of some of the most notable documents which establish District Officials' direction is provided below.

1. California Government Code

The California Government Code is a compilation of legal codes enacted by the California State Legislature which collectively form the general statutory law of California. The Government Codes contain many requirements for the operation of local government and administration of public meetings throughout the state such as open meeting laws, also known as the Brown Act, which ensures public awareness of local body decisions which affect the community they live in. The District is a "Special District" which means it is organized in accordance with provisions of the California Government Code and it is bound by the state's general law.[1]

2. Ordinances

An ordinance prescribes a permanent rule of conduct subject to the jurisdiction of the District and remains in effect until the ordinance is repealed. The Board

shall act by ordinance or resolution. All ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action is unanimous. All ordinances adopted by the Board shall be numbered consecutively, starting anew at the beginning of each fiscal year.

3. Annual Budget

The District's annual budget provides a description of District services and the resources used to provide services. The document contains a broad overview of the budget, as well as descriptions of programs offered within each division of the organization.

4. Emergency Operations Plan

The District maintains an emergency plan entitled "Emergency Operations Plan", which describes actions to be taken in periods of extreme emergency. The Emergency Operations Plan may be updated from time to time. The Board may be called upon during an emergency to establish policies related to the specific incident.

C. Orientation of New District Officials

It is important that new and incoming District Officials gain an understanding of the full range of services and programs provided by the District. As Board Members join the Board, or other District Officials join their respective committees, the General Manager is instructed to provide invitations for Members to tour facilities and meet with key Staff. At any time, if there are facilities or programs about which Board Members would like more information, arrangements will be made to increase awareness of these operations.

Basic Definitions:

1. Chair/Presiding Officer is the individual authorized by law or District Policy to oversee, direct and preside over the public meeting of the Board or any other District Committee.
2. District Official is any elected or appointed Member of the Board or District Committee established by resolution or Board policy.
3. Board of Directors is the legislative body of five (5) members who govern each district by establishing policies for the operation of the District. Each Board Member serves a term of four (4) years or until his or her successor qualifies and takes office.[2]

Chapter 2: Board—General Powers and Responsibilities

A. Board Authority

The Board is the unit of authority within the District. Board Members have no individual authority. As individuals, Board Members may not commit the District to any policy, act, or expenditure. Board Members do not represent any fractional segment of the community, but are part of the body, which represents and acts for the District as a whole. Routine matters concerning the operational aspects of the District are to be delegated to the professional District Staff Members.

B. Board Functions

Each Board Member serves a term of office of four (4) years or until his or her successor qualifies and takes office. Board Members shall take office at noon on the first Friday in December following their election.[3] The Board approves the budget and determines the public services to be provided, as well as the taxes, fees, and assessments to pay for these public services. It focuses on the District's mission to provide fire protection, wastewater, water, lighting, and solid waste collection. The Board appoints a professional General Manager to carry out the administrative responsibilities of the District.

Each Board Member shall not hold an incompatible office. Service on a municipal advisory council or area planning commission shall not be considered an incompatible office.[4] Each Board Member shall hold office and discharge his or her duties with loyalty. Each Board Member shall attend all regular and special meetings of the Board, unless there is good cause.

No person shall be a candidate for the Board of Directors unless he or she is a voter of the District. All Members of the Board shall exercise their independent judgement on behalf of the interests of the entire District. A Member of the Board shall not be a compensated employee of the District.[5]

Board President and Vice-President Functions:

1. President

The President is to preside at all Meetings of the Board and perform such other duties consistent with the office as may be imposed by the Board. At Board Meetings, the President assists the Board in focusing on the agenda, discussions, and deliberations. The President does not possess any power of veto. As presiding officer of the Board, the President is to faithfully communicate the will of the Board majority in matters of policy. The President

is also recognized as the official head of the District for all ceremonial purposes. The Board shall select the President annually in December.

2. Vice-President

The Vice-President shall perform the duties of the President during the President's absence or disability. The Vice-President shall serve in this capacity at the pleasure of the Board.

C. Attendance Requirements

Each Board Member shall attend all Meetings of the Board unless he or she has an excused absence. For the purpose of this Chapter, an "Absence" includes failure to arrive during "Roll Call", leaving prior to "Adjournment", departure from a Board Meeting for more than thirty (30) minutes, or failure to attend an entire Board Meeting.

An excused absence may include:

a. Illness of the Member, illness or death of a Member's spouse, domestic partner, parent, child, sibling, or dependent; or
b. Board-related business; or
c. Personal leave (limited to one per fiscal year); or
d. Emergency; or
e. Required military service; or
f. Maternity or paternity leave; or
g. Board consensus excusing such an absence.
h. Employment scheduling conflict

A Board Member who has three (3) unexcused Absences for a period of three (3) consecutive months will result in a vacancy of his or her seat on the Board.[6]

1. Remote Attendance

Any Board Member who needs to remotely attend a public meeting must notify the Board at the earliest opportunity, up to and including the start of a regular meeting, of their need to participate remotely, including a general description of the circumstances necessitating remote attendance. The general description does not require the Board Member to disclose any medical diagnosis or disability, or any personal medical information.

Each member of the Board may only remotely attend a meeting for just cause twice in one calendar year. There is no restriction on the number of times remote attendance may be utilized for emergency circumstances; however, remote participation may not exceed more than three (3) consecutive months or twenty percent (20%) of the regular meetings for the District within a calendar year.

When remote attendance is requested pursuant to emergency circumstances, the Board must take action to approve the request at the earliest opportunity. If the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made, the Board may take such action at the beginning of the meeting. Additionally, the remotely attending Board Member must publicly disclose at the meeting, before any action is taken, whether any other individuals who are 18 years of age or older are present in the room at the remote location and the general nature of the member's relationship to such individuals.[7]

2. Required Sign-In Sheets

In order to receive his or her monthly stipend, Board Members will be required to sign in on two (2) separate occasions at each Board Meeting.

The sign-in sheet will be circulated at the "Call to Order" agenda item of the open session of the Board Meeting. The sign-in sheet will then be circulated during the "Board Comments" agenda item of the Board Meeting.

D. Appointment of General Manager and District Counsel

The Board appoints two (2) positions within the District organization: General Manager and District Counsel. Both positions serve at the will of the Board.

1. General Manager

The General Manager is an employee of the District and has an employment agreement which specifies terms of employment, including an annual evaluation by the Board. The General Manager shall be the administrative head of the District under the direction of the Board. He or she shall be responsible for implementation of policies established by the Board and supervision of district employees, facilities, and finances. [8]

2. District Counsel

District Counsel services will be provided by contract. The District Counsel attends all Board Meetings, as well as other meetings at the request of the Board as deemed necessary. The District Counsel is appointed and serves at the pleasure of the Board.

E. Role in Emergency

The Board has some extraordinary powers for the protection of persons and property within the District in the event of an emergency. The District maintains an "Emergency Operations Plan" by and which the role of Board Members and District Staff is identified.

F. Standing Committees

Currently the Board does not have any standing committees or advisory groups. In the event the Board elects to reestablish committees or advisory groups in the future, the Handbook will be revised to reflect the general powers and responsibilities for each committee or advisory group.

Chapter 3: Board Administrative Support

A. Requests for Research or Information

Board Members may request information or research from the General Manager on a given topic. All Board Member requests for research or information should only be directed to the General Manager and not directly to a District Staff Member. Requests for new information or policy direction will be brought to the full Board for consideration at a regular meeting. All written products will be provided to the full Board.

B. Inappropriate Actions

The Board has delegated to the General Manager the responsibility to discuss, on behalf of the full Board, any perceived or inappropriate action by a Board Member. The General Manager will discuss with the Board Member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the General Manager will report the concern to the full Board.

Chapter 4: Board Member Finances

A. Board Member Compensation

Pursuant to Government Code section 61047, Board Members are authorized to receive up to One Hundred Dollars ($100.00) per day of service, limited to six (6) days in one (1) month, and all other expenses incurred.

Board Members may waive their stipends as provided by state law[9]; however, they may not elect to assign their salary to any person or entity, including a charitable organization.

Per day of service means that compensation is limited to no more than One Hundred Dollar ($100.00) stipend per day (i.e., a special meeting and a regular Board Meeting in the same day would be compensated with a single stipend payment for that day).

The following types of authorized functions are eligible for compensation:

1. Regularly scheduled Board Meetings.
2. One (1) special meeting a month.
3. One (1) special or informal work session or conference per month.
4. Emergency meetings of any duration.
5. Participation in a training program on a topic that is directly related to the District as assigned or approved by the Board. Members attending must deliver a written report to the Board of Directors regarding the Member's participation at the next Board of Directors' Meeting following the training program.
6. Board-appointed regional meetings that are not already reimbursed. Board Members attending must deliver a written report to the Board of Directors regarding the Member's representation at the next Board of Directors' Meeting following the public meeting or public hearing.
7. Participation in a scheduled Board retreat or Board training session.

Forfeiture of Stipend. A Board Member will not be eligible for a stipend under the following conditions:

1. For the relevant Board Meeting, if a Board Member fails to arrive for "Roll Call", leaves prior to "Adjournment", leaves for a period of more than thirty (30) minutes in the middle of that Board Meeting, or fails to attend the entire Board Meeting without a Board-approved excused absence.
2. No Board Member shall receive a stipend during a fiscal emergency. A fiscal emergency is defined as one of the following:

a. Half of all departments are running negative budget balances for two (2) consecutive years;
b. At any time in which the total Operational Reserve for the District falls below fifteen percent (15%) of the Board approved, operational revenue budget OR operational expenditure budget for that period;
c. If the District declares bankruptcy; or
d. Existing departmental Staff are laid off due to budget problems.

3. Fails to complete the Statement of Economic Interest (Form 700).

4. Fails to complete the required training within sixty (60) days of appointment. Compensation will be withheld until training is completed.

5. Two (2) unexcused absences will result in a forfeiture of the Board Member's stipend for the remainder of the fiscal year.

Additional Requirements. As a condition of receiving Board stipends, the collective Board shall be required to undergo a yearly Board analysis.

Additional Compensation. Any future increases or changes to these rules that results in an increased fiscal impact to District shall be made through an ordinance pursuant to Government Code 61047(b) and shall be brought before the voters at a regularly scheduled election.

B. Expenditure Allowance

The annual District budget may include an expenditure allowance for expenses necessary for Members to undertake official District business. Eligible expenses include travel expenses, including meals for Board Members, and mileage reimbursement, which are made for District business.[10] Expenses for Board Members shall be approved in advance by the Board. Donations to organizations are not eligible, nor are meals, for individuals other than Board Members.

C. Expenditure Guidelines

Any expense must be related to District affairs.[11] Public property and funds may not be used for any private or personal purpose. For example, reimbursement is not allowed to pay for meals at a meeting to discuss political or campaign strategies. It is also inappropriate for District funds to pay for a meal or other expenses of a private citizen or spouse attending a meeting.

District budgetary practices and accounting controls apply to expenditures within the District budget. Board Members should plan expenditures which will allow them to remain within the annual allocation. When exceptional

circumstances require that additional amounts be allocated, the request must be made to the General Manager, and Board action may be necessary. Reimbursement requests should be made through the General Manager's office, with receipts. Expenditure records are public information.

Chapter 5: Board Member Communications

A. Overview

Perhaps the most fundamental role of a Board Member is communication; communication with the public to assess community options and needs, and communication with Staff to provide policy directions and to gain an understanding of various policy alternatives. Because the Board performs as a body (that is acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking "for" the Board. Equally important, when Members are expressing personal views and not those of the Board, the public should be so advised. When responding to constituent requests or concerns, Board Members should respond to the individuals in a positive manner and route their questions to the General Manager.

B. Speaking "for the District"

When Board Members are requested to speak to groups or are asked the Board's position on an issue, the response should reflect the position of the Board as a whole. Of course, a Board Member may clarify their vote on a matter by stating "While I voted against X, the Board voted in support of it." When representing the Board at meetings or other venues, it is important that those in attendance gain an understanding of the Board's position rather than that of an individual Member.

C. Correspondence to Board Members

1. Written correspondence to the Board from staff will be through secure District Email.
2. Board packets will be provided to the Board through District email. Paper copies of Board packets and other information will not be provided unless an exception is granted by the Board President or General Manager.

D. Correspondence from Board Members

1. Members of the Board may be called upon to write letters to citizens, businesses or other public agencies. Typically, the President will be charged with transmitting the District's position on policy matters to outside agencies on behalf of the Board. Individual Members of the Board will often prepare letters for constituents in response to inquiries or to provide requested information.
2. The following is the policy of the Board relative to official and non-official correspondence by Members of the Board:

a. Board Members shall not write or send letters on District stationary or letterhead without Board approval.
b. The President is authorized to send thank you and acknowledgement letters as they directly pertain to the District in its usual course of business. Such correspondence shall not represent or include Board endorsements, positions, etc. All correspondence signed by the President shall have a copy forwarded to each Board Member.
c. Board Members may endorse political candidates, initiatives, legislation or positions using their own stationary. They may identify themselves by Board position and title, but in no case shall said endorsements infer that the District or Board supports said position or candidate. Board Members are encouraged to notify or send copies of said endorsement to the full Board.
d. The Board policy is that it will not support individual political candidates but may vote to support or take stands on initiatives, measures, or other legislation as appropriate and permissible under state law. The President shall be authorized to sign letters stating the Board's position.

E. Confidential Issues

Confidential issues, including anything which has been discussed in a closed session, shall not be disclosed to any member of the public, including the press. Violations are subject to civil action as discussed in Chapter 9: Open Meetings—Penalties and Applicability.

F. Local Ballot Measures

At times, ballot measures may be placed on the ballot that affect Board policy. There are restrictions regarding what actions the Board or individual Members may take on ballot measures under California law.

G. State Legislation, Propositions

The Board may be asked to take action on pending State legislation. The Board has adopted a practice of requiring analysis of bills prior to taking any official position. The analysis is to include a summary of the legislation's purpose and a listing of those entities both in support and against the proposed legislation.

H. Proclamations

Ceremonial proclamations are often requested of the District in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the District can make special recognition of an event (e.g., Recycling Week). As part of his or her ceremonial responsibilities, the President is charged with administration of proclamations. Individual Board Members do

not issue proclamations but may request that the President issue a proclamation.

Chapter 6: District Officials—Conflicts & Liability

A. Conflict of Interest

State laws are in place that attempt to eliminate any action by a District Official that may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.
Newly elected officials are required to file a Statement of Economic Interest (Form 700) within thirty (30) days of being sworn into office. Thereafter, elected officials are required to file an annual Form 700. The General Manager will notify the District Officials of any filing requirements. Elected officials' home addresses or telephone numbers are not to be posted or provided without written permission of the official.

At any time if a District Official believes that a potential for conflict of interest exists, he or she is encouraged to consult with the District Counsel, or private legal counsel, for advice. Staff may also request an opinion from the District Counsel regarding a District Official's potential conflict. Laws which regulate conflicts are very complicated. Violations may result in significant penalties or fines, including criminal prosecution. While not inclusive, a general summary of conflict rules has been prepared and appears below.

There are several laws that govern conflicts of interest for public officials in California – the Political Reform Act and Government Code sections 1090 and 87105 (http://leginfo.legislature.ca.gov/faces/codes.xhtml). In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before said official. Government Code section 1090 prohibits a public official from being interested in government contracts; Government Code section 87105 requires a public official who has a conflict of interest to publicly announce the conflict, recuse himself or herself, and leave the room until after the discussion and voting on the matter is complete.

B. Political Reform Act

The Political Reform Act prohibits public officials (including elected officials such as District Board Members) from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a disqualifying conflict of interest. Therefore, if a Board Member has a conflict of interest, the Member must disqualify himself or herself from acting on, or participating in, the decision before the District. During that discussion, the Board Member must leave the area where the discussion is taking place.

A Board Member has a financial interest if "it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally on one (1) or more of the economic interests of the public official or a member of the public official's immediate family."[12]

Economic interests include interests in businesses worth Two Thousand Dollars ($2,000) or more, interests in real property, both ownership and leases, worth Two Thousand Dollars ($2,000) or more, a source of income in an amount of Five Hundred Dollars ($500) or mor within one (1) year of the decision, and gifts of Five Hundred and Twenty Dollars ($520[13]) or more provided to or received within one (1) year of the decision.[14]

Often the economic interest involved is real property owned or leased by the District Official. In these cases, a public official is presumed to have a conflict of interest if he or she has a direct or indirect interest worth Two Thousand Dollars ($2,000) or more in fair market value.[15] If a Board Member has a pro rata share interest in real property, in which the Board Member or immediate family Member owns, and has a ten percent (10%) or greater interest in the property, then that is also a conflict of interest.[16]

Board Members are also prohibited from knowingly accepting, soliciting, or directing a contribution of more than Two Hundred Fifty Dollars ($250) from any party (or their agent) while a proceeding involving a license, permit or entitlement is pending before the district and for twelve (12) months following the date a final decision is rendered. If a Board Member accepts more than $250 prior to rendering a decision, they shall disclose that on the record of the proceeding and recuse themselves from participating in the decision-making. However, if the Board Member returns the contribution within thirty (30) days from the time the Member knew or reasonably should have known of the contributions, the Member shall be permitted to participate in the proceedings.[17]

Determining whether a Board Member has a disqualifying conflict of interest is very complicated and fact specific. Please contact the District Counsel if you suspect that you may have a conflict of interest.

A Board Member who believes they may have a conflict of interest must take the following steps:[18]

1. Publicly identify the financial interest.

This must be done in enough detail for the public to understand the economic interest that creates the conflict of interest. Residential street addresses do not have to be disclosed.

2. Recuse yourself from both the discussion and the vote on the matter.

Recusal applies to all proceedings related to the matter.

3. Leave the room until the matter has been completed.

The matter is considered complete when there is no further discussion, vote, or any other action.[19]

Exceptions: if the matter is on the consent calendar, recusal is not required. Additionally, if the individual with the conflict wants to speak during public comment, he or she may do so as a private citizen. However, this is the only time he or she may be in the room while the matter is being considered.

C. Government Code Section 1090

Government Code section 1090 is similar to the Political Reform Act, but it applies only to District contracts in which a public official has a financial interest. The financial interests covered by Government Code section 1090 are different than those in the Political Reform Act. Having an interest in a contract may preclude the District from entering into the contract at all. In addition, the penalties for violating Government Code section 1090 are severe. If a District Official believes that he or she may have any financial interest in a contract that will be before the Board, the District Official should immediately seek advice from the District Counsel or the District Official's personal attorney.
There are a number of other restrictions placed on Board actions, which include prohibitions on secrecy and discrimination, as well as assurance that all District funds are spent for public purposes. Violations of these restrictions may result in a personal liability for individual District Officials.

D. Conflict of Interest Forms

Annual disclosure statements are required of all Board Members and senior Staff. These disclosure statements indicate potential conflicts of interest, including sources of income, ownership of property, and receipt of loans and gifts. Board Members often serve on the governing board of other local agencies as a result of appointment or delegation through the Board. These agencies will also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property, among other items.

E. Ex Parte Communications

All Board Members may have "ex parte" communications—meaning communications outside the meeting forum. However, such communications should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the District Official in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself, or others. This

guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests. The applicable California law, the Brown Act, is discussed in Chapter 9 of this Handbook and provides more detail as to Board Members' obligations under California State law.

F. Liability

The District offers a variety of services and may often find itself subject to legal actions through lawsuits. The District must always approach its responsibilities in a manner which reduces risk to all involved. However, with such a wide variety of high-profile services (e.g., fire, utilities), risk cannot be eliminated.

The District belongs to the Special District Risk Management Association to manage insurance and risk activities. When claims are filed against the District, they are sent to the District's claims examiner to review and make recommendations. Unless there is a clear liability on the part of the District, the claim will normally be recommended for denial. The claim is placed on the District agenda for rejection, but will only be discussed in closed session if the Board desires. The Board should be careful discussing details of a claim or lawsuit outside of closed session.

It is important to note that violations of certain laws and regulations by individual District Officials may result in that official being personally liable for damages which would not be covered by the District's insurance. Examples may include discrimination, harassment, sexual assault, or fraud.

G. AB 1234 Training

California State law requires any compensated member of a legislative body to receive two (2) hours of ethics training in general ethics principles and ethics law within twelve (12) months of their first date of service and then every two (2) years thereafter.[20]

H. AB 1661 Training

California State law requires local agency officials to receive two (2) hours of sexual harassment prevention training and education within the first six (6) months of taking office and every two (2) years thereafter.[21]

I. Tracking Board Member Training

Board Member(s) who fail to complete the required training within the specified timeframe will be placed on each subsequent regular Board Member agenda to discuss which Board Member(s) is out of compliance and upcoming opportunities to bring them into compliance. Additionally, the Board Member(s) will forfeit his/her stipend consistent with the rules set forth in Chapter 4(A)(a).

Chapter 7: District Officials—Interaction with Staff and Officials

A. Overview

Board policy is implemented through District Staff. Therefore, it is critical that the relationship between the Board and Staff be well understood by all parties so policies and programs may be implemented successfully. To maintain effective relationships between the Board and Staff, it is important that roles are clearly recognized.

B. Board-Manager Relationship

1. Employment Relationship Between the Board and the General Manager

This relationship honors the fact that the General Manager is the chief executive officer of the District. The Board should avoid situations that can result in District Staff being directed, intentionally or unintentionally, by one (1) or more Members of the Board. Regular communication between the Board and the General Manager is important in maintaining open communications. All dealings with the General Manager, whether in public or private, should respect the authority of the General Manager in administrative matters. Disagreements should be expressed in policy terms rather than in terms that question satisfaction with or support of the General Manager.

2. Evaluation

The Board is to evaluate the General Manager on an annual basis and pursuant to the terms of the General Manager's contract with the District.

3. Open Communication

As in any professional relationship, it is important that the General Manager keep the Board informed. The General Manager respects, and is sensitive to, the political responsibility of the Board and acknowledges that the final responsibility for establishing the policy direction of the District is held by the Board. The General Manager encourages regular one on one meetings with Board Members to provide information on various issues before the Board.

4. Staff Roles

The Board recognizes the primary functions of Staff as executing Board policy and actions taken by the Board and in keeping the Board informed. Staff is obligated to take guidance and direction only from the Board as a whole through the General Manager or from the appropriate management supervisors. The Board is discouraged from instructing Staff directly, but should instead submit any requests to the General Manager or District Counsel. Further, any

comments or concerns from the Board should be communicated to the General Manager or District Counsel. Staff is directed to reject any attempts by individual Members of the Board to unduly direct, or otherwise pressure, them into making, changing, or otherwise influencing recommendations.

District Staff will make every effort to respond in a timely and professional manner to all requests made by the General Manager on behalf of an individual Board Member for information or assistance, provided that the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to Staff through the direction of the full Board.

C. General Manager Code of Ethics

The General Manager is subject to a professional code of ethics from his or her professional association. These standards appear in Appendix A of this Handbook, the International City/County Management Association ("ICMA") Code of Ethics. It should be noted that this code binds the General Manager to certain practices which are designed to ensure actions are in support of the District's best interests. Violations of such standards can result in censure by the professional association.

D. Board-District Counsel Relationship

1. District Counsel

The District Counsel is the legal advisor for the Board, the General Manager, and department heads. The District Counsel will keep the Board apprised of current, relevant court rulings and legislation as it pertains directly to District business or litigation.

2. District Counsel Legal Responsibilities

The general legal responsibilities of the District Counsel are to:

a. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
b. Represent the District's interest, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings;
c. Prepare ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and
d. To keep the Board and Staff apprised of court rulings and legislation affecting the legal interest of the District.

3. District Counsel Representation

It is important to note that the District Counsel does not represent individual Board Members but the Board as a whole.

E. General Manager-District Counsel Relationship

The District Counsel provides legal support and advice to the General Manager to assist him or her in implementing Board policies and exercising his or her authority as the chief executive officer of the District. The District Counsel also keeps the General Manager apprised of current relevant court rulings and legislation. It is important to note that the District Counsel represents the Board and the District as a whole, not the General Manager, Board Members, or individual residents of the District. The District Counsel may share confidential information obtained from the General Manager with the Board if necessary to protect the best interests of the District and vice versa.

1. District Officials

In order to manage the costs of legal services, the Board must meet and discuss in closed session and a quorum of Board Members must agree that an individual Board Member may contact District Counsel on any matters which would cause District Counsel to undertake legal research and analysis in order to provide an opinion or guidance to the member. This does not apply to any perfunctory inquiries or ministerial matters where the Board Member contacts District Counsel. The Board President need not seek nor obtain Board approval to confer with District Counsel on any matter which he or she deems necessary or in circumstances where Counsel reaches out to the President in order to facilitate the appropriate performance of District or Board business.

F. Access to Information and Communications Flow

1. Objectives

It is the responsibility of Staff to ensure Board Members have access to information from the District and to ensure such information is communicated completely and with candor to those making the request. However, Board Members must avoid intrusion into those areas that are the responsibility of the Staff. Individual Board Members shall not intervene in Staff decision-making, the development of Staff recommendations, scheduling of work, and executing department priorities. This is necessary to protect Staff from undue influence and pressure from individual Board Members and to allow Staff to execute priorities given by the General Manager on behalf of the Board as a whole, without fear of reprisal.

2. Board Roles

The full Board retains power to accept, reject, amend, influence, or otherwise guide and direct Staff actions, decisions, recommendations, workloads and schedules, departmental priorities, and the performance of District business. Individual Members of the Board shall not make direct attempts to pressure or influence Staff decisions, recommendations, workloads, schedules, and department priorities. If a Board Member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of Staff, that Member must prevail upon the Board to do so as a matter of Board policy. Board Members also have a responsibility of information flow. It is critical that they make extensive use of Staff reports, Committee reports, and committee minutes. Board Members should come to meetings prepared—having read the board agenda packet materials and supporting documents, as well as any additional information or memoranda provided on District projects or evolving issues. Additional information may be requested from Staff, via the General Manager, if necessary.

3. Access to Information

Individual Board Members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of Staff and shall receive the full cooperation and candor of Staff in being provided with any requested information. Any request for information shall be directed to the General Manager. The General Manager or District Counsel will pass critical information to all Board Members. The Board will always be informed by the General Manager or District Counsel when a critical or unusual event occurs about which the public would be concerned.

There are limited restrictions when information cannot be provided. Draft documents (e.g., Staff reports in progress) are under review and not available for release until complete and after review by District management. In addition, there are legal restrictions on the District's ability to release certain personnel information even to Members of the Board. Confidential personnel information also has restrictions on its ability to be released. Any concerns Board Members may have regarding the release of information, or the refusal of the General Manager to release information, should be discussed with the District Counsel for clarification.

G. Dissemination of Information

In cases where a Staff response to an individual Board Member request involves written materials which may be of interest to other Board Members, the General Manager will provide copies of the material to all other Board Members. In making this judgment, the General Manager will consider whether the

information is significant, new, otherwise not available to the Board, or of interest to the Board.

H. Restrictions on Political Involvement by Staff

Local governments are non-partisan entities. Staff formulates recommendations in compliance with District policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of Staff in any level of political involvement through campaigns, fundraisers, or other means.

1. Staff Members

By working for the District, Staff Members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and general employees.

2. Management Staff

The General Manager strongly discourages any involvement in local campaigns, even while on personal time. Such involvement erodes the tenet that Staff are to provide an equal level of service to all Members of the Board.

3. General Employees

These employees have no restrictions while off the job; however, no participation in campaigns or other activities may take place while on the job. No District resources may be used by Staff in support of any campaign. Even while off the job, no employee may participate in campaigns or other political activities while in District uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the Board in these matters is requested. A Board Member asking Staff to sign petitions or similar items can create an awkward situation.

I. General Conduct Expectations

Board Members are expected to uphold a high standard of civility towards each other and to abide by the District's Ethics and Civility Code. Civility is expected between Board Members, the public, and District Staff while in Board Meetings and when out in public. Rude behavior and profanity will not be tolerated.

While in public, Board Members should be aware that they are still viewed as elected representatives of the residents of the District. As such, Board Members' behavior in public shall be appropriate and shall not include inappropriate gesturing (including, but not limited to, crude or offensive body language, gyrating, or other inappropriate body movements) or profanity.

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts should model the same professional behavior displayed during Board Meetings and community Meetings.

Social media sites are not to be used as mechanisms for conducting official District business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not been previously released to the public. Officials' social media site(s) should contain links directing users back to the District's official website for in-depth information, forms, documents, or online services necessary to conduct official District business. Officials will not post or release proprietary, confidential, or sensitive information on social media websites.

Board Members must conduct themselves in a respectable manner so as not to damage the prestige of his or her elected title. In the performance of their official duties and in public, they should refrain from any form of conduct which may cause any reasonable person unwarranted offense or embarrassment.

Board Members will be provided District e-mail addresses. Board Members shall not use his or her personal e-mail address for District-related matters.

Chapter 8: Leaving Office

A. Filling Board Vacancies

Once it has been determined that a seat on the Board is vacant, the District must notify the San Luis Obispo County elections official that there is a vacancy within fifteen (15) days of the Board being notified of the vacancy, or the effective date of the vacancy, whichever date comes later.[22] A vacancy on the Board may be filled by appointment, call of a special election, or in the manner prescribed by law.[23] Alternatively, the Board may appoint a person to fill a vacancy on the Board to hold office only until the date of a special election, which shall be immediately called to fill the remainder of the term.

1. Appointing a New Member

If the Board wishes to appoint a new Member, it must do so within sixty (60) days of either being notified of the vacancy or the effective date of the vacancy, whichever date comes later.[24] Once the appointment has been made, the District must notify the San Luis Obispo County elections official within fifteen (15) days of the appointment.[25]

2. Special Election

If the Board wishes to hold a special election, it must call the election within sixty (60) days of either being notified of the vacancy or the effective date of the vacancy, whichever comes later.[26] The election shall be held on the next established election date, as long as it is at least one hundred thirty (130) days after the call of the election.[27]

3. Intervention by the Board of Supervisors

If the Board chooses not to call an election or make an appointment within sixty (60) days to fill the vacancy, then the San Luis Obispo County Board of Supervisors may fill the vacancy with an appointment or call for an election within ninety (90) days of the vacancy.[28] If the County Board of Supervisors calls for an election, it shall be held on the next established election date, which is at least one hundred and thirty (130) days from when the election is called.[29]

B. Conflicts of Interest While Leaving Office

A public official may not use his or her official position to influence prospective employment. California law prohibits elected officials, who held a position with the agency from lobbying the agency, to take any action within one (1) year of the official's departure from office or employment.[30] However, the individual may appear before the agency with which the official worked if the official is appearing on behalf of another public agency, or in their individual capacity.

PART II: BOARD PROCEDURAL GUIDELINES

Chapter 9: Open Meetings—Brown Act

A. Policy

1. Introduction

The Board shall hold a regular meeting at least once every three (3) months in compliance with the provisions of the Ralph M. Brown Act, the Open and Public Meeting Law (the "Brown Act").[31]

2. Penalties and Applicability

The intent of the Brown Act is to ensure that deliberation and actions of local public agencies are conducted in open and public meetings.

a. Penalties.

The law provides for misdemeanor penalties for Members of a body who violate the Brown Act.[32] Violations are also subject to civil action.[33]

b. Applicability.

The Brown Act applies to the Board, committees, and ad hoc committees that advise the Board. Staff cannot promote actions which would violate the Brown Act.

B. Meetings

1. General

All meetings shall be open and public. A meeting takes place whenever a quorum (three (3) or more Members) is present and information about the business of the body is received; discussions qualify as a meeting. Motions must be passed unanimously if only three (3) Board Members attend.[34] Social functions do not fall under the Brown Act unless District business is discussed.

2. Serial Meetings

These can take place, and are prohibited by the Brown Act, when any Member of the Board or District Staff contact more than two (2) Board Members for the purpose of deliberating or acting upon an item pending before the Board (does not apply to the public or media). Correspondence that merely takes a position on an issue is acceptable.

C. Procedure

The following procedure shall be followed:

a. Posting the Agenda

Agendas for regular Meetings must be made available seventy-two (72) hours in advance of the Meeting in the District's office and must include the following:

i. Time and location of the Meeting.
ii. Description of the agenda items. The description should be reasonably calculated to adequately inform the public and should include the contemplated Board action.
iii. Public comments section. A section providing an opportunity for Members of the public to address the Board. (The public comments portion of the agenda meets this requirement.)
iv. Identification of the starting page number for supporting documentation provided in the complete agenda for each and every agenda item.

b. Agenda Items

Requests for items to appear on the Board's regular meeting agenda shall be presented to the General Manager, or his or her designee, in writing no later than 4:30 p.m., two (2) weeks prior to the meeting date.

Requests for items to appear on a future meeting agenda, made during a Board meeting, shall be made during Board comment and be supported by at least two (2) members of the Board.

D. Actions

No action can be taken on any item not appearing on the posted agenda, except as set forth in Government Code section 54954.2.

E. Ex Parte Communication

Board Members who have ex parte communications with a party that appears before them at the Meeting, should disclose that he or she had ex parte communication with the party. This can be done by stating that the Board Member had ex parte communication with a party, at a time in the meeting when the item is discussed.

Any written ex parte communication received by a District Official in a matter when all interested parties should have an equal opportunity for a hearing, shall be made a part of the record by the recipient.

Further information pertaining to ex parte communication can be found in Chapter 6, subsection E of this Handbook.

Chapter 10: Board Meetings

A. Board Meetings

1. Regular Meetings

Regular Meetings of the Board shall be held the fourth Thursday of each month, whereby the regular Meeting will commence at 7:00 p.m., with closed session to follow the regular meeting. Meetings will be held at the San Miguel Fire Station located at 1150 Mission Street, San Miguel, California.

a. Other Locations

The Board may, from time to time, elect to meet at other locations within the District and upon such election, shall give public notice of the change of location in accordance with provisions of the Government Code.[35]

b. Location During Local Emergency

If by reason of fire, flood, or other emergency, it shall be unsafe to meet at the San Miguel Fire Station, the Meetings may be held for the duration of the emergency at such other place as may be designated by the President, or if the President does not so designate, by the Vice President or the General Manager.[36]

c. Holidays

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be held on the next regular business day at the regular time and place or at such other time as shall be determined and noticed by the Board.

2. Special Meetings & Emergency Meetings

Special Meetings and Emergency Meetings of the Board may be called and held from time to time consistent with, and pursuant to, the procedures set forth in the Government Code.[37]

Notice for a Special Meeting must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice to all Board Members. The call and notice shall specify the time and place of the Special Meeting and the business to be transacted or discussed. The call and notice shall be posted at least twenty-four (24) hours prior to the Special Meeting in a location that is freely accessible to members of the public. Written notice to all Board Members can be waived if the majority of the Board declares an emergency situation which requires the District to act immediately to preserve public peace, health, and safety over the District.[38]

3. Adjourned Meetings

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Government Code.[39]

At 10:00 p.m., the Board may finish a pending agenda item, but then must adjourn the meeting to the next regularly scheduled meeting, or to a special meeting. The Board, by a unanimous vote, may vote to finish the remaining agenda items past the 10:00 p.m. deadline.

4. Closed Session

The Board may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter which is authorized by state law to be heard in closed session. The general subject matter for consideration shall be expressed in open meeting before such session is held.[40]

a. Time Limit

Closed session will be held following the regular or special meeting agenda; closed session items are to agendized and the order for their consideration is specified in the agenda. A special meeting may be held for the purpose of discussing closed session items as long as all items are agendized and all noticing requirements are met.

5. Cancellation of Regular Meetings

Any meeting of the Board may be canceled in advance by a majority of the Board.

6. Quorum[41]

A majority of the Board constitutes a quorum for transaction of business. However, a motion must pass unanimously if only three (3) Board Members attend. Less than a majority may adjourn from time to time and compel attendance of absent Members in the manner and under the penalties prescribed by resolution. If all Board Members are absent from any regular meeting, the General Manager shall declare the meeting adjourned to a stated day and hour. The General Manager shall cause a written notice of the adjournment to be delivered personally to each Board Member at least three (3) hours before the adjourned meeting.

7. Chair[42]

The President shall preside over all Board Meetings. The President shall have the authority to preserve order at all Board Meetings, to call for the removal of any person or persons from any meeting of the Board for disorderly conduct, to

interpret and enforce the procedural guidelines of the Board, and to determine the order of business under the guidelines of the Board.

a. Absence of President

The Vice President shall act as President in the absence or disability of the President.[43]

b. President & Vice President Absence

When the President and Vice President are absent from any meeting of the Board, the Board Members present may choose another Member to act as President and that person shall, during that meeting, have the duties of the President. Upon the arrival of the President or Vice President, the acting President shall relinquish the chair at the conclusion of the business before the Board.

c. Presiding Officer

The Presiding Officer for any District appointed or created committees and boards shall preside over public meetings of such committees and boards.

8. Attendance by the Public

Except as specifically provided by law for closed sessions,[44] all meetings of the Board shall be open to the public in accordance with the terms, provisions, and exceptions consistent with state law.[45]

9. Action Minutes

The General Manager, or his or her designee, will maintain a written record and attest to the proceedings of the Board in the form of action minutes. Action minutes will include final motions with votes of the Board and reflect the names of public speakers.[46]

10. Recordings of Meetings

Audio/ Video recordings of proceedings shall be made and shall be maintained by the General Manager, or his or her designee for a term defined by law or District policy.[47]

B. Policy Decision-Making Process

1. Ad-Hoc Committees

The President shall appoint such ad-hoc committees as may be deemed necessary or advisable by the Board. Ad-hoc committees are formed on an as-needed basis with a clearly defined purpose and term. The duties of an ad-hoc committee shall be outlined at the time of appointment, and the committee shall dissolve when its final report has been made.

2. Town Hall or Community Meetings

Such meetings may be held by an individual Board Member and are not considered official governmental committees or Board Meetings. Town hall or community meetings do not require formation or appointment by the President or Board. The Board Member shall disclose this fact at their town hall meeting(s). To avoid possible Brown Act violations, only two (2) Board Members may participate in the discussion at a town hall or community meeting.

Chapter 11: Order of Business

A. General Order

The business of the Board at its Meetings will generally be conducted in accordance with the following order of business, unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

1. CALL TO ORDER (approximately 6:00 p.m.)

2. ROLL CALL

The General Manager, or his or her designee, shall call the roll of the Board Members. The roll shall be called randomly, except that the name of the President shall be called last. The names of each Board Member shall be called on each roll call whether they are present or absent and shall be entered into the minutes.

3. APPROVAL OF AGENDA

A motion should be made to approve the agenda for the current Meeting. Should a Board Member wish to remove an item from the consent calendar for separate discussion, any Board Member may do so during the approval of the agenda or during the approval of the consent calendar.

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENT (NON-AGENDA ITEMS)

6. SPECIAL PRESENTATIONS/PUBLIC HEARINGS

All special presentations and public hearings will be calendared and coordinated through the President or the General Manager. The guidelines for conducting public hearings are discussed below at subsection B of this Chapter.

7. NON DISTRICT REPORTS

    1. San Luis Obispo County
    2. Camp Roberts – Army National Guard
    3. Community Service Organizations

8. STAFF REPORTS/COMMITTEE REPORTS

    1. General Manager
    2. District General Counsel
    3. Director Utilities

4. Fire Chief

9. AGENDA

a. Consent Calendar

All matters listed under the consent calendar are considered by the Board to be routine and will be acted upon in a single motion. Separate discussions of these items may be requested by a Board Member or Staff Member prior to the time the Board considers the motion to adopt. A member of the public may not pull an item from the consent calendar.

Agenda items requested for removal from the consent calendar by Board Member or Staff will be considered at the beginning of the "Staff/Committee Reports" section of the agenda. A Board Member may vote "no" on any consent item without comment or discussion. Any substantive Board comments, questions, or discussion on an item will require removal of the item from the consent calendar.

Consent Calendar is to be approved by three-fifths (3/5) vote of the Board of Directors.

10. BOARD ACTION ITEMS

a. Unfinished Business
b. New Business

11. BOARD COMMENTS

This section is intended for Board Members to make brief announcements, request information from Staff, request future agenda item(s) and report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.

12. CLOSED SESSION (IF NECESSARY)

a. The Board meets from time to time in closed sessions which are duly held Meetings, or a portion thereof, at which certain actions may be taken and are not open to public and news media. Matters discussed in closed sessions are considered confidential and include:

    i. Meeting the local agency's designated representatives regarding salaries or compensation paid for in the form of fringe benefits for represented and unrepresented employees[48]
    ii. License/permit determination
    iii. Conference with real property negotiators
    iv. Existing/anticipated litigation
    v. Liability claims

vi. Security threat to public service or facilities
vii. Public employee appointment
viii. Public employment
ix. Public employee performance evaluations
x. Public employee discipline, dismissal or release
xi. Conference with labor negotiators
xii. Case review/planning
xiii. Trade secrets
xiv. Hearings
xv. Charge or complaint involving information protected by Federal law
xvi. Conference with joint powers agency
xvii. California State audits[49]

The Board must adhere to the time limits for closed session in order to begin the regular meeting in a timely manner. If the Board does not conclude the closed session in the required timeframe as set forth in the agenda, the Board will temporarily conclude the closed session meeting until the close of the regular meeting.

13. CALL TO ORDER FOR REGULAR BOARD MEETING/REPORT OUT OF CLOSED SESSION

14. ADJOURNMENT TO NEXT REGULAR MEETING OF (Date)

B. Conduct of Business

The following is the preferred sequence of the decision-making process:

a. Announce business item;
b. Review Staff report;
c. Board comment and discussion;
d. Hear public comment;
e. Board comment and discussion;
f. Present motion;
g. Second;
h. Roll call or voice vote; and
i. Announcement of the decision.

C. Action on Agenda Items

In accordance with the Ralph M. Brown Act, the Board may not take action on any item that did not appear on the posted Board agenda seventy-two (72) hours prior to the Board Meeting unless an exception is made as permitted by the Government Code.[50]

D. Items Placed on Written Agenda

Items of business shall be placed upon the written agenda prior to the deadline announced, or observed for the preparation thereof, at the request of the General Manager or the District Counsel.

Any Member of the Board may place an item on a future agenda by making a formal request to the General Manager 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.

E. Items from the Board, General Manager, or District Counsel

These sections of the agenda provide the opportunity for brief comment on the District business, District operations, District projects, and other items of general interest.[51]

F. Public Hearings

1. General Procedure

The Board may, at its discretion or in compliance with applicable law, call a public hearing on any subject within its purview. The Board procedure for the conduct of public hearings is generally as follows:

a. The Staff Presents its Report

After the President/Chair announces the item as it appears on the agenda, District Staff will give a presentation to the Board and the public on the Staff report prepared for the matter.

b. Initial Questions to Staff by the Board

Prior to opening up a public hearing on a matter, Board Members may ask questions of Staff, or third-party consultants, regarding the Staff report and the item.

c. President/Chair Opens the Public Hearing:

i. Applicant or Appellant Presentation. The applicant or appellant then has the opportunity to present comments, testimony, or argument.

ii. Public Testimony. Members of the public are provided with the opportunity to present their comments, testimony, or argument. Members of the public presenting comments, testimony, or argument will follow the following guidelines:

1. Members of the Public Request to Speak. Any person desiring to speak or present evidence shall make his or her

presence known to the President/Chair and upon being recognized by the President/Chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the President/Chair.

2. Board Questions of Speakers. Members of the Board who wish to ask questions of the speakers or each other during the public hearing portion may do so, but only after first being recognized by the President/Chair.

3. Public Oral Presentations. All Board guidelines pertaining to oral presentation by members of the public apply during public hearings. These guidelines are discussed in this Handbook in Chapter 13: "Addressing the Board."

4. Materials for Public Record. All persons interested in the matter being heard by the Board shall be entitled to submit written evidence or remarks, as well as other graphic evidence. Materials shall be submitted to the General Manager for distribution to the board, and for the record.

5. Germane Comments. No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the President/Chair but may be appealed to the full Board.

    a. The applicant or appellant is given an opportunity for rebuttal or closing argument.
    b. The public input portion of the public hearing is closed.

d. Questions and Discussion from the Board

Board Members should not express their opinions on an item prior to the close of the public hearing, as the Board Members should not form or express an opinion until after all testimony has been received. Questions and comments from the Board should not be argumentative, and the Board should not engage in debates with Staff, or those Members of the public testifying to an opinion, until after all testimony has been received.

Any Board Member shall have the right to express dissent from, or protest to, any action of the Board and have the reason entered in the minutes. If the dissenting Board Member desires such dissent or protest to be entered into the minutes, this should be made clear by language such as "I would like the minutes to show that I am opposed to this action for the following reasons..."

e. Board Decision Occurs

Once the Board completes its discussion of the matter, a Board Member may make a motion to take action on the item. A Board Member may also make a motion to table, amend, substitute, postpone, or continue the matter, pursuant to these procedures. If the Board is unsuccessful in carrying a motion on the matter before the adjournment of the Meeting, the motion shall be deemed to have failed.

The President/Chair, General Manager, or Board Clerk will announce the final decision of the Board.

2. Time for Consideration

Matters noticed to be heard by the Board will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible and will continue until the matter has been completed, or until other disposition of the matter has been made.

3. Continuance of Hearing

Any hearing being held, noticed, or ordered to be held by the Board at any Board Meeting may, by order, notice, or continuance, be continued or re-continued to any subsequent hearing.

4. Communications and Petitions

Written communications and petitions concerning the subject matter of the hearing will be noted and summarized by the President/Chair. A reading in full shall take place where a majority of the Board votes to have that correspondence read into the record.

5. Ex Parte Contacts

Should a Board Member, and one (1) or more members of the public, make contact outside of the hearing process regarding a matter which is, or may be, before the Board for a quasi-judicial hearing, as soon as the Board is informed that the matter will come before it as a quasi-judicial hearing, that Board Member must disclose the substance of the contact and the names of the parties on the record at the beginning of the Board's quasi-judicial hearing. Visits by Board Members to sites or properties that are the subject of such pending hearings, shall also be disclosed at the beginning of the Board's quasi-judicial hearing.

6. Resolutions

A resolution is generally adopted by the Board to deal with temporary or special matters, such as when the Board makes only a factual determination or

certification that certain necessary conditions or requirements set by statute have been met. Resolutions can also express opinions of the legislative body or set temporary standards (i.e., amount of processing fees that may be changed again by future resolutions). Resolutions are recorded and kept on file with the General Manager or the Board Clerk.

7. A resolution may be sponsored by two (2) Directors for consideration by the remainder of the Board. Sponsored Directors will present a written presentation explaining the proposed resolution to the General Manager no later than 4:30 p.m. three (3) weeks prior to the next scheduled meeting date, so that it may be placed in the agenda packet for the upcoming Board meeting, for direction and consideration from the Board as a whole and for Public Comment. Once direction is given by consensus of the Board, the Directors shall present the written resolution to the General Manager no later than 4:30 p.m. three (3) weeks prior to the next scheduled meeting date so that it may be placed in the agenda packet for the upcoming Board meeting.

8. Voting & Publishing Requirements for Resolutions and Ordinances

   a. Voting

   All resolutions require a recorded majority vote of the total Membership of the Board.[52] Resolutions shall be signed by the President, attested by the General Manager and to form by Legal Counsel.

   b. Publishing

   Ordinances take effect thirty (30) days after their final passage unless they meet an exception.[53] Within fifteen (15) days after its passage, the Board clerk shall cause each ordinance to be published at least once with the names of the Board Members voting for and against the ordinance, in a publication circulated in the District. Cost of publication shall not exceed the customary rate charged for private legal notices.[54]

Chapter 12: Guidelines of Conduct

A. General Procedures

It is the policy of the Board not to become involved in the protracted discussion over parliamentary procedure. Consistent with any statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing, not otherwise provided for herein, may be determined by the President/Presiding Officer, subject to appeal to the full Board.

B. Authority of the President/Presiding Officer

Subject to appeal to the full Board, the President/Presiding Officer shall have the authority to prevent the misuses of motions, the abuse of any privilege, or obstruction of the business of the Board, by ruling any such matter out of order. In so ruling, the President/Presiding Officer shall be courteous and fair and should presume that the moving party is acting in good faith.

C. President to Facilitate Board Meetings

The Board delegates the responsibility and expands the role of President/Presiding Officer to include the facilitation of Board Meetings. In the role as facilitator, the President/Presiding Officer will assist the Board to focus on their agenda, discussions and deliberations.

D. Board Deliberation & Order of Speakers

The President/Presiding Officer is delegated the responsibility to oversee the debate and the order of speakers. Speakers will generally be called upon in the order they request to speak as recognized by the President/Presiding Officer.

E. Limit Deliberation to Item at Hand

Board Members will limit their comments to the subject matter, item, or motion being currently considered by the Board.

F. Length of Board Comments

Board Members will govern themselves as to the length of their comments or presentations. The Board delegates to the President/Presiding Officer the responsibility to assist the Board by signaling if a Board Member has been speaking for an excessive time period. Comments from Board Members are limited to five (5) minutes for each Board Member, unless the Board, by concurrence, extend such time.

G. Limitations of Debate

Board Members will be allowed to speak once before the President/Presiding Officer opens the matter for public comment. Board Members may speak a second time after the close of Public Comment if more time is allowed by the President/Presiding Officer or the majority of the Board. Comments from Board Members are limited to the question under debate, avoiding all personalities and indecorous language. Comments are limited to five (5) minutes for each Board Member, unless the Board, by concurrence, extend such time.

H. Obtaining the Floor

Any Member of the Board wishing to speak must first obtain the floor by being recognized by the President/Presiding Officer. The President/Presiding Officer must recognize any Board Member who seeks the floor when appropriately entitled to do so.

Once recognized, a Board Member shall not be interrupted when speaking unless it shall be to call him or her to order. If a Board Member, while speaking, is called to order, he or she shall cease speaking until the question of order has been determined and, if in order, he or she shall be permitted to proceed.

I. Motions

Motions may be made by any Member of the Board, including the President/Presiding Officer, providing that before a motion is offered by the President/Presiding Officer, the opportunity for making a motion is offered to the other Board Members. Any Members of the Board, other than the person offering the motion, may second the motion.

1. Procedure for Motions

Before a motion can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the President/Presiding Officer shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Board Member properly recognized by the President/Presiding Officer. Once the matter has been fully discussed and the vote is called for, no further discussion will be allowed; however, Board Members may be allowed to explain their vote.

a. Process to Make and Second a Motion.

Board Members wanting to make or second a motion may do so through a verbal request to the President/Presiding Officer.

2. Precedence of Motions

When a motion is on the floor, no other motion shall be entertained except the following, which shall have precedence in the following order:

a. Motion to Adjourn the Meeting (not debatable)

A motion to adjourn shall be in order at any time, except as follows:

I. When repeated after defeat without any intervening business or discussion.
II. When made as an interruption of a Board Member who is speaking.
III. While a vote is being taken. A motion to adjourn "to another time" shall be debatable only as to the time which the meeting is adjourned.

b. Motion to Fix Hour of Adjournment

Such motion shall be set to a definite time at which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posted on or near where the meeting was held within twenty-four (24) hours of the adjournment.[55]

The Board may take action on an item not appearing on the agenda if the item was posted on the agenda for a prior meeting occurring not more than five (5) calendar days prior to the date action is taken on the item and the prior meeting was continued to the meeting at which action is being taken.[56]

c. Motion to Table

A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be "taken from the table" at any time by a motion made prior to the end of the meeting. If the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.

d. Motion to Amend

A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending on whether the motion to amend carries.

e. Motion to Substitute

A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable and voted on before a vote on a motion to amend the main motion amendment.

f. Motion to Continue

Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and time set. If desired, the Board Member who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

3. Motions Introducing Ordinances

Ordinances shall not be passed within five (5) days of their introduction unless they are urgency ordinances. Ordinances may only be passed at a regular meeting and must be read in full at the time of introduction and passage except when, after reading the title, further reading is waived. Motions introducing ordinances for adoption at a future meeting are deemed to include a waiver by the Board of the full reading of the text and title of the proposed ordinance unless the motion otherwise specifically so provided. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting held at least five (5) days after alteration. Corrections of typographical or clerical errors are not considered alterations for purposes of this paragraph.[57]

J. Voting Procedures

Any Board Member present at a meeting when a question comes up for a vote should vote for or against the measure, unless he or she is disqualified from voting and abstains because of such disqualification. All votes shall be roll call votes, except for minute actions and approval of regular meeting agendas. The call of roll call votes shall not be interrupted. Minute actions may be taken by voice vote. The results reflecting all “ayes” and “noes” and “abstentions” must be clearly set forth for the record. Unless a Board Member clearly states that he or she is not voting because of a conflict of interest, his or her silence shall be recorded as an affirmative vote. Any Director may call for clarification of a voice vote.

1. Abstention

An abstention does not count as a vote for or against a matter. If a Board Member abstains, he or she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those Members present and voting." If a Board Member abstains from voting on the grounds that he or she has, or may have, a conflict of interest, that abstention shall be made either at the beginning of the Board’s

consideration of the matter, or as soon as the Board Member recognizes that he or she may have such a conflict or potential conflict. In addition, the Board Member shall state for the record the precise nature of the interest which he or she may have that creates the conflict or potential conflict and shall leave the room where the Board Meeting is taking place during discussion of the item when required to do so by the Political Reform Act.[58]

2. Tie Votes

A tie vote results in a lost motion. In such an instance, any Member of the Board may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

3. Motion for Reconsideration

Motions for reconsideration of a matter may only be made at the same meeting at which the Board takes action on a matter. Such motion may only be made by a Board Member who voted with the side that prevailed on the matter in question. With regard to a tie vote resulting in a lost motion, the prevailing side will be deemed to be those Board Members who voted in the negative. Any Member of the Board may second a motion for reconsideration. A motion to reconsider shall be debatable.

K. OFFICIALS' DISCIPLINARY PROCEDURE

1. Purpose

The purpose of this policy is to establish a process for enforcement of the duties and standards of conduct for District Directors. Directors themselves have the primary responsibility to assure that these duties and standards of conduct are understood and met, and that the public can continue to have full confidence in the integrity of local government.

2. Responsibility to Intervene

The chairs of committees, the Board President, and all Board and committee members have the additional responsibility to intervene when actions of Directors appear to be in violation of District policies or local, state, or federal laws.

3. Grounds for Disciplinary Action

The failure of a Director to comply with the provisions of this policy or District policies constitute grounds for disciplinary action against that Director. Any

Director may submit a request to consider disciplinary action of another Director or Directors. The request should contain specific allegations of conduct that, if true, violate this policy, District policies, or state, federal or local law.

4. Disciplinary Actions

The Board may impose the following disciplinary actions on a Director found to have violated the District policies, depending upon the severity or frequency of the violation:

A. Admonishment. An admonishment is appropriate for allegations of a violation of law or District policy. An admonishment serves as a formal reminder of the rules and is not disciplinary in nature.

B. Reprimand. A reprimand is appropriate when the Board of Directors finds that a Director has committed misconduct but determines that the misconduct does not rise to the level of requiring censure.

C. Censure. A censure is a formal resolution to reprimand an individual for misconduct and is a disciplinary action.

5. Notice

Notice and the request shall be served upon the accused Director or Directors through personal service or certified mail, unless the Director accepts an alternative method of service, at least ten (10) days before the Board meeting where the request will be evaluated. Such notice shall be prepared by District staff and reviewed by legal counsel. The notice will include the time, place, and date of the meeting, as well as state the Director's right to submit oral or written evidence.

6. Participation of Director Who is Subject to Disciplinary Action

A Director who is the subject of an alleged violation will have the opportunity to respond to the accusations at the hearing. However, an accused Director shall be ineligible to vote on any matter related to a disciplinary action including, but not limited to, agendizing the hearing and adopting a Resolution of Censure.

7. Opportunity to be Heard

At the disciplinary action hearing, the accused Director shall have an opportunity to be heard concerning the allegations. The Director may submit a written response to the allegations in addition to, or in lieu of, speaking at the disciplinary action hearing if they so choose. The hearing may be continued from time to time at the discretion of the Board.

8. Resolution of Censure

If, at the close of the disciplinary action hearing, the Board finds that the Director's conduct does not comply with the District's standards, the Board may direct staff to prepare a Resolution of Censure which may include the imposition of sanctions against the Director as a majority of the Board deems appropriate. Such sanctions may include, but are not limited to, removal from a committee, restrictions on District-related travel privileges, and exclusion from certain closed session discussions. At the next Board meeting, the Board may consider and adopt the Resolution of Censure including any sanctions imposed by the Board.

9. Alternative Discipline

If the Board finds that a Director has violated District Policies, but the violation does not rise to the level requiring formal censure, the Board may impose an admonishment or reprimand.

10. No Basis for Challenging a Board Decision

A violation of this Policy shall not be considered a basis for challenging the validity of a Board decision.

11. Conflicts

In the event that a majority of the Board is unable to vote at a disciplinary hearing due to a conflict of interest, the General Manager may appoint an ad hoc committee of nonbiased members of the community to conduct an investigation and present a formal report to the Board during a regular open session meeting.

L. Non-Observance of Guidelines

The guidelines are adopted to expedite and facilitate the transaction of the business of the Board in an orderly fashion and shall be deemed to be procedural only. The Board shall not be required to follow formal organizational procedures such as Robert's Rules of Order. Failure to strictly observe the guidelines shall not affect the jurisdiction of, or invalidate any action taken by the Board.[59]

M. Non-Exclusive Guidelines

These guidelines are not exclusive and do not limit the inherent power and general legal authority of the Board or of the President/Presiding Officer to govern the conduct of Board Meetings, as may be considered appropriate from time to time or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the District.

Chapter 13: Addressing the Board

A. Oral Presentations by Members of the Public

The rules governing oral presentations by members of the public at Board Meetings are as follows:

1. When called upon, the person is requested to come to the podium, sign in on the speakers sign-in sheet, state his or her name and address for the record (although not required), and, if speaking for an organization or other group, identify the organization or group represented.
2. All remarks should be addressed to the Board as a whole, not to an individual Board Member.
3. Questions, if any, should be directed to the President/Presiding Officer who will determine whether, or in what manner, an answer will be provided.

B. Public Comment for Items NOT on the Agenda

Public Comment is the period set aside at Board Meetings for members of the public to address the Board on items of District business other than scheduled agenda items.[60]

1. Timing

Public Comment for each speaker is limited to three (3) minutes, unless the Board, by concurrence, extends such time.

2. District Matters

Presentations under Public Comment are limited to items within the subject matter jurisdiction of the District.

3. Response to Public Comment

The Board, at its discretion, may direct Staff to respond to a concern or question raised, place items on the agenda for consideration at a future Board Meeting, or permit a Board Member to address the individual providing the Public Comment for the purposes of clarification or discovery of facts, subject to recognition.

C. Agenda Item Oral Presentation

Any member of the public wishing to address the Board orally on District business matters appearing on the Board Agenda, may do so when that item is taken up by the Board, or as otherwise specified by the Board or the President/Presiding Officer.

1. Presentations Submitted in Writing

Persons who anticipate oral presentations exceeding three (3) minutes are encouraged to submit comments in writing, in advance, care of the General Manager, for prior distribution to the Board and other interested parties. Submission of comments in writing is encouraged in lieu of possible lengthy oral presentations which may not be permitted.

2. Timing

Comments by the public on District business matters appearing on the agenda may do so once the President/Presiding Officer opens the matter for public comment. Members of the public may speak a second time after the close of Public Comment only if more time is allowed by the President/Presiding Officer or the majority of the Board.

3. Assigning Time

Persons wishing to assign their time for oral presentations to other individuals may do so only with authorization of the President/Presiding Officer or a majority of the Board.

4. Reading Written Comments

Persons wishing to read written comments into the record may do so only with authorization of the President/Presiding Officer or a majority of the Board. Additional procedures for written comments are detailed below.

D. Comments in Writing Encouraged

Members of the public may submit, and are encouraged to submit, comments in writing to the Board, care of the General Manager, relating to any items of District business, whether on the Board agenda or otherwise. Such comments will be distributed to Members of the Board and considered and acted upon, or not acted upon, as the Board, in its judgment, may deem appropriate. All written comments submitted prior to or during the item the comments relate to, will be part of the record on that particular item.
Written public comments received by General Manager or their designee prior to the Board meeting will be read aloud at the board meeting during public comment for the agenda item specified. Reading of written public comment will be limited to three (3) minutes per comment.
Public comments must contain:

- Name of the author
- Whether the author is a resident within the District or non-resident
- A author may include their address but it is not required.
- Item number which the author wishes the comment to be included.

Public comments which contain foul, offensive or derogatory language will not be read during the public meeting.

1. Comment Cards

Comment cards may be used by members of the public in attendance at the Meeting who do not wish to, or cannot verbally, address the Board during a Meeting. A person may indicate his or her brief comments on the card and his or her opposition or support for an item on a comment card. During the public testimony on the item, the President indicates that the Board has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue.

2. Repetitious Comments Prohibited

Speakers shall not present the same, or substantially the same, items or arguments to the Board repeatedly or be repetitious in presenting their oral comments. If a matter has been presented orally before the Board, whether the Board has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the Board in writing for such action or non-action as the Board, in its discretion, may deem appropriate.

E. Speaker Time Limits for an Agenda Item

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the President/Presiding Officer may request that a spokesperson be chosen by the group, and in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Board. A specific time limit may also be set for the total presentation. No group shall arrange themselves so as to use individual speakers' times in sequential order to circumvent the time limits.

F. Waiver of Guidelines

Any of the foregoing guidelines may be waived by majority vote of the Board Members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

G. Decorum

It is crucial that the public have confidence in the integrity of its local government. Further, to ensure that the Board's business is conducted in a manner that is both professional and efficient, it is important that all participants in the process exercise decorum and civility.

The President/Presiding Officer shall maintain order, decorum, and the fair and equitable treatment of all speakers. The President/Presiding Officer shall keep discussions and questions focused on the specific agenda item under consideration.

Board Members shall perform their duties in accordance with the District's processes and rules of order governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the Board by District Staff. They shall work together collaboratively, assisting each other in conducting the affairs of the District. Board Members shall fully participate in public meetings, in both the open and closed sessions, while demonstrating respect and courtesy to others. Board Members and the General Manager shall stay focused, stay on topic, and act efficiently during public meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.

To preserve the integrity of Board meetings, no person shall engage in disruptive behavior of another person during a public meeting. Harassment includes, but is not limited to:

1. Verbal harassment such as racial epithets, derogatory comments, or slurs, heckling, whistling, yelling, and other similar demonstrations;
2. Physical harassment such as impeding or blocking movement, grabbing, pushing, slapping, punching, kicking, or otherwise striking the body of another or an object attached to another's body. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes that unreasonably interferes with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment; and
3. Use of profanity, obscene language, and threats that disrupt, disturb, or otherwise impede orderly conduct.

If these rules are violated, the President of Presiding Officer may take the following action:

1. Warn the individual prior to removal that the behavior is disrupting and failure to cease the behavior will result in their immediate removal. Behavior which a reasonable person would receive to be an actual threat of harm or use of force may result in the immediate removal of the individual without a prior warning.
2. If the behavior persists, the President or Presiding Chair may stop the meeting and contact the Sheriff's department and order the disrupting party to sit quietly and observe the remainder of the meeting without additional input or participation.

3. If the disruptive behavior continues further, the President or Presiding Chair may request the Sherriff's department remove the individual from the meeting.

Any person making personal, impertinent, or derogatory remarks, or who shall become boisterous while addressing the Board, shall be barred from further audience before the Board at said Meeting by the President/Presiding Officer unless permission to continue is granted by a majority of the Board.[61]

Appendix A
ICMA Code of Ethics

ICMA Code of Ethics

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every Member of ICMA, who shall:

Tenet 1
Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
Tenet 2
Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
Tenet 3
Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
Tenet 4
Recognize that the chief function of local government at all times is to serve the best interests of all people.
Tenet 5
Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
Tenet 6
Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the Members.
Tenet 7
Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the Members of the employing legislative body.
Tenet 8
Make it a duty continually to improve the Member's professional ability and to develop the competence of associates in the use of management techniques.
Tenet 9
Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.

Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential Information, or by misuse of public time is dishonest.

Appendix B
Referenced Code Citations

[1] Gov. Code, § 61000 *et seq.*
[2] Gov. Code, § 61040 (a)
[3] Gov. Code, § 61042 (a)
[4] Gov. Code, § 61040
[5] Ibid.
[6] Gov. Code, § 1770, subd. (g).
[7] Assembly Bill 2449
[8] Gov. Code, § 61051.
[9] Gov. Code, § 61047.
[10] Gov. Code, § 53232.2
[11] Ibid.
[12] Gov. Code, § 87103.
[13] Gift limits are updated every odd year by the Fair Political Practices Commission. This amount is effective January 1, 2021 - December 31, 2022. Please check with District Counsel to confirm the current gift limit.
[14] Ibid.
[15] Gov. Code, § 82033.
[16] Ibid.
[17] Gov. Code, § 84308.
[18] Gov. Code, § 87105.
[19] Gov. Code, § 87105, subds. (a)(1)-(3).
[20] Gov. Code, § 53235.1 (b)
[21] Gov. Code, § 53237.1.
[22] Gov. Code, § 1780, subd. (b).
[23] Gov. Code, § 1780, subd. (c).
[24] Gov. Code, § 1780, subd. (d)(1).
[25] Ibid.
[26] Gov. Code, § 1780, subd. (e)(1).
[27] Gov. Code, § 1780, subd. (g)(2).
[28] Gov. Code, § 1780, subd. (f)(1).
[29] Gov. Code, § 1780, subd. (f)(2).
[30] Gov. Code, § 87406.3.
[31] Gov. Code, § 61044.
[32] Gov. Code, § 54959.
[33] Gov. Code, § 54960.
[34] Gov. Code, § 61045.
[35] Gov. Code, § 54954, subd. (b).
[36] Gov. Code, § 54954, subd. (e).
[37] Gov. Code, § 54956
[38] Gov. Code, §54956.5
[39] Gov. Code, § 54955
[40] Gov. Code, § 54954.5.
[41] Gov. Code, § 61045.
[42] Gov. Code, § 61043
[43] Gov. Code, § 61043, subd. (b).
[44] Gov. Code, § 54954.5.
[45] Gov. Code, § 54953.
[46] Gov. Code, § 61045.
[47] Gov. Code, § 54953.5. Gov. Code, § 6250 *et seq.*

[48] Gov. Code, § 54957.6
[49] Gov. Code, § 54954.5
[50] Gov. Code, § 54954.
[51] Ibid.
[52] Gov. Code, § 61045, subd. (c).
[53] Gov. Code, § 36937
[54] Gov. Code, § 36933
[55] Gov. Code, § 54955.
[56] Gov. Code, § 54954.2 (b)(3)
[57] Gov. Code, § 36934
[58] Gov. Code, § 87100 *et seq.*
[59] *City of Pasadena v. Paine* (1954) 126 Cal.App.2d 93.
[60] Gov. Code, § 54954.3.
[61] Gov. Code, § 54957.9.; Senate Bill 1100