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Butte County  
Resource Conservation District  
(BCRCD)

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**POLICY HANDBOOK**

**Section I: General Policies**

Adopted: \_\_\_\_\_

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# BUTTE COUNTY RESOURCE CONSERVATION DISTRICT POLICY HANDBOOK

## I. General (1000)

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|-----------|----------------------------------|-------------------------|
| <b>a.</b> | <b>POLICY TITLE:</b><br>Policies | <b>Purpose of Board</b> |
|           | <b>POLICY NUMBER:</b>            | <b>1000</b>             |

**1000.1** It is the intent of the Board of Directors of the Butte County Resource Conservation District to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Manual of Policies will serve as a resource for Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.

**1000.2** If any policy or portion of a policy contained within the Manual of Policies is in conflict with rules, regulations or legislation having authority over the Butte County Resource Conservation District, said rules, regulations or legislation shall prevail.

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| <b>b.</b> | <b>POLICY TITLE:</b><br>Adoption/Amendment of Policies |             |
|           | <b>POLICY NUMBER:</b>                                  | <b>1010</b> |

**1010.1** Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the General Manager. The proposed adoption or amendment shall be initiated by a Director or the District Manager submitting a written draft of the proposed new or amended policy to the Board Chairperson and the District Manager by way of the District office, and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors.

**1010.2** Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors in accordance with the district's state statutes regarding the constitution of a majority vote.

**1010.3** Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review at least 72 hours, per the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

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|-----------|--|-------------|
| <b>c.</b> | <b>POLICY TITLE:</b><br>Conflict of Interest |             |
|           | <b>POLICY NUMBER:</b>                        | <b>1020</b> |

**1020.1** The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which members of the Board of Directors and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the Butte County RCD.

**1020.2** Designated employees shall file statements of economic interests with the Clerk of the County of Butte.

<b>d. POLICY TITLE:</b>	<b>Public Complaints</b>
<b>POLICY NUMBER:</b>	<b>1030</b>

**1030.1** The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

**1030.2** A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal statute of which the individual has been adversely affected.

**1030.3** The method of resolving complaints shall be as follows:

**1030.3.1** The individual with a complaint shall first discuss the matter with the Administrative Assistant with the objective of resolving the matter informally.

**1030.3.2** If the individual registering the complaint is not satisfied with the disposition of the complaint by the Administrative Assistant, it shall be forwarded to the District Manager. At the option of the District Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The District Manager shall memorialize his/her decision in writing, with the individual registering the complaint being provided a copy.

**1030.3.3** If the individual filing the complaint is not satisfied with the disposition of the matter by the District Manager, they may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the District Manager's decision. The Board may consider the matter at its next regular meeting, or call a special meeting. In making a decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The Board's final decision shall be memorialized in writing with the individual registering the complaint being provided a copy.

**1030.4** This policy is not intended to prohibit or deter a member of the community or staff member from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

**e. POLICY TITLE:                      Claims Against the District**  
**POLICY NUMBER:                    1040**

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

**1040.1** Property (Land and Improvements) Damage Claims

In the course of the District’s operations – such as implementation of Water Master Service - damage to land and improvements thereon occasionally occurs due to the proximity of the District’s facilities to the private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the District Manager. The District Manager, or his/her designee, shall investigate the property owner’s allegations

If the owner of damaged property informs a member of the Board of Directors, the information will be given to the District Manager. Directors should not independently investigate claims, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the District Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- (a) Property owner agrees that the proposed repairs are appropriate and adequate;

- (b) Property owner agrees to allow District personnel access to their property to perform the repair work;
- (c) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- (d) Repair work can be accomplished within a reasonable amount of time; and,
- (e) Cost of material for the repairs will not exceed \$500.

If the cost of material for repairs is stated by claimant or estimated by staff to exceed \$500, the owner will be asked to submit their claim in writing on a District claim form [*attached hereto as Appendix A*].

The District Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed \$1,500. A report shall be submitted to the Claims Committee, **consisting of three Board Members**, describing the damage claim, including a description of the manner in which it was resolved.

If the cost of material for repairs is stated by claimant or estimated to exceed \$1,500, the claim will be submitted to the Claims Committee. The Claims Committee shall review the claim and receive input from staff in closed session [*qualifies as "anticipated litigation" under the Brown Act*]. After reviewing the damage claim, the Committee may authorize the work if the cost of material for the repairs will not exceed \$3,000, or may make a recommendation to the Board of Directors. A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed \$3,000, the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session [*"anticipated litigation"*] of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the insurance deductible (currently **\$10,000**), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

## **1040.2 Property (Vehicles and Unsecured Property) Damage Claims**

All claims of damage to vehicles or other unsecured property shall be submitted to the District Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed \$1,500. A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed \$1,500.

### **1040.3 Property Damage Claims On District Form**

Except for damage to land and improvements estimated to cost less than \$500, all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all of the following:

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

Section 910.2 of the California Government Code specifies the following:

*The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.*

If the filed letter/claim does not meet the requirements of the California Government Code §910 and §910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

- f. **POLICY TITLE:** Copying Public Documents  
**POLICY NUMBER:** 1050

**1050.1** Individuals requesting copies of public documents shall be charged a reasonable fee based upon the cost to produce the copy (\$.25 per sheet) to defray expenses associated with the copying process.

**1050.2** Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at no charge. Individuals requesting copies of such documents prior to the Board meeting will be charged \$.25 per sheet. The copy charge may be levied at Board meetings for copies of documents if more are needed and/or requested in addition to those normally prepared for the public at Board meetings.

- g. **POLICY TITLE:** Public Contributions  
**POLICY NUMBER:** 1060

**1060.1** Donations from members of the public to the District for a public purpose that is within the scope of the District's responsibilities will be accepted. The Executive Secretary will provide a receipt for said donation and include the District's tax identification number thereon.

**1060.2** Donations must be clearly marked as such. Deposits by a property owner with a service account will be assumed to be a payment toward their account's unpaid balance, or payment in advance of billing in the event the account does not have an unpaid balance, if the deposit is not clearly marked as being a donation for a specific public purpose.

**1060.3** By accepting donations, the District is not claiming to be qualified by the Internal Revenue Service as being a charitable organization for which donations may be considered tax deductible. Determination of how donations to the District are to be treated relative to the donor's tax liability is strictly the responsibility of the donor.



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Butte County  
Resource Conservation District  
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**POLICY HANDBOOK**

**Section II: Personnel**

Adopted: \_\_\_\_\_

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## **I. Personnel (2000)**

- a. POLICY TITLE:                   Executive Officer**  
**POLICY NUMBER:                 2000**

**2000.1** The District Manager shall be the Executive Officer of the Butte County Resource Conservation District and for the Board of Directors.

**2000.2** The terms and conditions of the District Manager's employment shall be specified in the agreement of employment established between the District Manager and the Board of Directors. The agreement of employment shall be for the period of time as specified therein.

**2000.3** Whenever the agreement of employment established between the District Manager and the Board of Directors is in conflict with any District policy, said agreement of employment shall prevail.

- b. POLICY TITLE:                   Employee Status**  
**POLICY NUMBER:                 2003**

**2003.1** A "Regular" employee is one who has been hired to fill a regular position in any job classification and has completed his/her probationary period.

**2003.2** A "Probationary" employee is one who has been hired to fill a regular position in any job classification and has less than 12 continuous months of service with the District. Upon completion of 12 months of continuous service with the District in said classification, and upon the District Manager's, or in the case of the District Manager, the Board of Directors, decision to retain said employee, said employee shall be granted regular employee status.

**2003.2.1** A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he/she becomes eligible. A probationary employee will not be eligible for a leave of absence.

**2003.3** A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. The duration of the work assignment of a temporary employee may range from one day to a maximum of **6-months** of continuous service.

**2003.3.1** Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees unless said leave of absence is in excess of 180 days.

**2003.3.2** A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, nor will he/she accrue seniority or leave of absence rights.

**2003.3.3** If a temporary employee is reclassified to probationary or regular status, he/she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him/her in his/her new status.

**2003.4** A "Part-time" employee is one who is hired to work within any job classification, but whose position is not regular in nature. The part-time employee works whenever the District's workload increases to a level that regular employees cannot accommodate it. He/she also works standby as discussed in Policy #2010, "Hours of Work and Overtime."

**c. POLICY TITLE:                      Continuity of Service**  
**POLICY NUMBER:                      2006**

**2006.1** For probationary and regular employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits such as sick leave and vacation time. Length of continuous service will also be one of the considerations in promotions, demotions and layoffs.

**2006.2** Continuous service with the District will start with the date of employment and continue until one of the following occurs:

**2006.2.1** An employee is discharged for cause;

**2006.2.2** An employee voluntarily terminates his/her employment; or,

**2006.2.3** An employee is laid off.

**2006.3** Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:

**2006.3.1** Absence by reason of industrial disability;

**2006.3.2** Authorized absence without pay for less than 30 days in a calendar year; or,

**2006.3.3** Absences governed by applicable state and/or federal laws such as military or National Guard service.

**2006.4** A re-employment list shall be maintained by the District. The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than regular work is available and additional employees are needed. The list shall be arranged on the basis of seniority. An individual is considered to have seniority if his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the re-employment list shall be rehired to fill a vacant position within a specific job classification if:

**2006.4.1** He/she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and,

**2006.4.2** He/she has seniority, as defined above.

**2006.5** When an individual on the re-employment list is called to work and is unavailable to work, the next person on the list having seniority and satisfying the conditions listed in Section 2006.4, above, shall be called. If an individual is called to work three times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list when he/she notifies the District that he/she has taken a regular position elsewhere and is unavailable to work for the District.

**2006.6** Regular employees who are laid off will be placed on the re-employment list and shall receive seniority based on previously earned length-of-service.

**2006.7** Previous regular employees who were laid off and called back for work not being regular in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.

**2006.8** Part-time and temporary employees who are hired for a position having regular status will have previously earned length-of-service maintained in their employment service records.

**2006.9** Previous temporary employees who are rehired within 18 months of their last date of employment shall have their employment service records restored to include previously earned length-of-service.

**d. POLICY TITLE:                      Performance Evaluation - District Manager**  
**POLICY NUMBER:                    2009**

**2009.1** The District Manager of the District is retained and serves at the will of the Board of Directors. The Board of Directors shall review the performance of the District Manager after the initial six months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.

**2009.2** The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the District Manager. The **Administrative Assistant** shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the District Manager.

**2009.3** The Board of Directors will agree upon an evaluation form to be provided to the Board and completed prior to the formal performance review session. Board of Directors shall be encouraged to prepare input on the form prior to the Board of Directors meeting.

**2009.4** During the scheduled closed session(s), the Board should meet as a group with the District Manager to verbally discuss the components of the performance evaluation and received feedback from the District Manager relative to his/her assessment. If requested by the Board and/or the District Manager, the District's Legal Counsel may attend the evaluation session.

Following the meeting with the District Manager, the Board shall meet and determine an overall evaluation of the District Manager's performance for the past review period and provide written notification to the District Manager of the assessment and any recommended compensation adjustment, as appropriate. A copy of this written assessment should be provided to the District Manager and a copy kept in the District Manager's personnel file. The performance evaluation shall be kept confidential. Any decision on a compensation award shall be made at a public meeting following the closed session evaluation meeting.

**2009.5** The Board of Directors and District Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period.

**e. POLICY TITLE:                      Performance Evaluation**  
**POLICY NUMBER:                      2010**

**2010.1** This policy shall apply to all employees.

**2010.2** The District Manager or his/her designated representative shall conduct a scheduled performance review of each employee prior to the merit advancement date. If the employee's immediate supervisor is not the evaluator, he/she shall be consulted during the preparation of the evaluation.

**2010.3** Performance evaluations shall be in writing on forms prescribed by the District Manager. Said evaluation shall provide recognition for effective performance and also identify areas that need improvement. In addition to providing scaled scores in each performance and characteristic category, the evaluator will also provide a narrative explanation of the reason for each score.

**2010.4** The performance evaluation shall be signed by the evaluator and shall be discussed with the employee. The employee will be provided an opportunity to prepare a written response to the evaluation that will be attached to the evaluation for inclusion in his/her personnel file.

**2010.5** Unscheduled performance evaluations may be made at the discretion of the District Manager or his/her designated representative.

**f. POLICY TITLE:                      Customer Relations**  
**POLICY NUMBER:                      2016**

**2016.1** Employees are expected to be polite, courteous, prompt, and attentive to every customer. Never regard a customer's question or concern as an interruption or an annoyance. All employees must make every effort to achieve complete, accurate, and timely communications - responding promptly and courteously to all proper requests for information and to all complaints.

**2016.2** Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a person requesting assistance, find someone who can.

**2016.3** All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

**2016.4** When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the District Manager should be called immediately for assistance. Employees should never argue with a customer. If a problem develops, or if a customer remains dissatisfied, ask your supervisor to assist in a resolution.

**g. POLICY TITLE: Use of and Responsibility of Employer Property**  
**POLICY NUMBER: 2019**

**2019.1** Desks, computers and other equipment are BCRC D property and must be maintained according to BCRC D rules and regulations. They must be kept clean and are to be used only for work-related purposes. BCRC D reserves the right to inspect all BCRC D property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

**2019.2** BCRC D provides tools, supplies and facilities for the use of the employees in the performance of their work. Employees who use BCRC D equipment must be familiar with their proper use and care and shall operate them in accordance with instructions for use. Employees shall notify the District Manager immediately of any needed maintenance for any BCRC D facility or equipment, and if they need guidance as to the uses.

**2019.3** Employees must report all accidents and/or damage to BCRC D equipment to the District Manager. Failure to properly use BCRC D equipment or to report accidents and/or damage may result in disciplinary action up to and including termination.

**2019.4** No employee shall use BCRC D facilities or equipment for personal use without the prior written approval of the District Manager.

**2019.5** Company voice mail and/or electronic mail (e-mail) are to be used for business purposes only. BCRC D reserves the right to monitor and/or review voice mail messages and e-mail messages to ensure compliance with this rule, without notice to the employee and at any time,



not necessarily in the employee's presence.

**2019.6** BCRCDC may periodically need to assign and/or change "passwords" and access codes for computers. These communication technologies and related storage media and databases are to be used only for BCRCDC business and they remain the property of BCRCDC. BCRCDC reserves the right to keep a record of all passwords and codes used and/or ability to override any such password system.

**2019.7** Prior written authorization must be obtained before any BCRCDC property may be removed from the premises.

**2019.8** For security reasons, employees should not leave personal belongings of value in the workplace. Personal items are subject to inspection and search, with or without notice, with or without the employee's prior consent. BCRCDC is not to be responsible for damage or loss of employee personal property in the workplace or in facilities.

**2019.9** Terminated employees are to remove any personal items at the time they leave BCRCDC. Personal items left in the workplace are subject to disposal if not claimed within a reasonable time of an employee's termination.

**h. POLICY TITLE: Housekeeping**  
**POLICY NUMBER: 2022**

**2022.1** All employees are expected to keep their work areas clean and organized and also assist in maintaining an overall clean work environment. Employees using common areas such as lunch rooms and restrooms or equipment are expected to keep them clean and sanitary. Employees are requested to clean up after meals and dispose of trash properly.

**i. POLICY TITLE: Personal Possessions in the Workplace**  
**POLICY NUMBER: 2025**

**2025.1** The BCRCDC shall not be responsible for any personal or non-business items or belongings brought to the District offices or facilities. Other than necessary personal items such as weather coats, a wallet or purse or briefcase for an employee, prior permission from a supervisor shall be received to bring and keep any personal items in the work place or vehicles.

**2025.2** BCRCDC does not reimburse employees for items lost/stolen at work.

**2025.3** An employee's personal property, including but not limited to packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of BCRCDC property or violation of BCRCDC property.

**j. POLICY TITLE: Dress Code & Personal Standards**  
**POLICY NUMBER: 2028**

**2028.1** At BCRCDC, professional image is important and is maintained, in part, by the image that employees present to members, visitors, vendors, and others in our business. In choosing

appropriate work attire, employees should consider factors including tastefulness, anticipated requirement for public contact, the nature of the job, and working conditions.

**2028.2** BCRCDC expects all employees to use good judgment and taste in matters of personal grooming and dress. Good judgment includes consideration for both BCRCDC and its constituents and clients. Attire should be in keeping with the dignity and image of a professional office. Employees should always be neat and clean in appearance, dressed in reasonably professional and conservative attire, and conduct themselves in a businesslike manner. Visible piercings must be limited to earrings. Visible tattoos that may be offensive and extreme hair styles are prohibited.

**2028.3** In all cases, supervisors will assist employees to determine what is considered appropriate attire for the particular situation. The following is offered as a general guideline:

*Business Casual Attire (Monday through Friday):* No jeans, t-shirts, exposed midriffs, low cut tops showing cleavage, tops with spaghetti straps, tube-tops, halter tops, sweats, shorts, tennis shoes, flip flops, or other informal or inappropriate attire.

*Business Attire (Board & Special Meetings):* Generally will include suits, sport coats, dress shirt and tie and dress slacks unless excused by the General Manager in advance.

*Field Work Attire (All times):* Field or facility work may require special uniforms or equipment. Employees shall consult with a supervisor on requirements in advance. No personal hats or jackets, including with logos or names on them other than the District, shall be allowed.

#### **2028.4 Non-Compliance**

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who violate BCRCDC, dress code policy and/or grooming standards will be subject to corrective action and disciplinary action, up to and including termination.

<b>k. POLICY TITLE:</b>	<b>Employee Records</b>
<b>POLICY NUMBER:</b>	<b>2032</b>

**2032.1** All personnel information and records are to be considered as confidential to the extent allowed by Federal or State law. The District policy is to require all personnel files to be maintained in a secure and private condition and to have all employees manage personnel information in that manner.

**2032.2** An employee shall have the right to inspect certain documents in his/her personnel file, as provided by law, in the presence of a **designated BCRCDC representative** at a mutually convenient time. If you wish to inspect your file, you must schedule an appointment with the **[designated DISTRICT representative]**. If you wish to make copies of any document, a reasonable fee may be charged to the amount of cost required.

**2032.3** BCRCDC will restrict disclosure of your personnel file to authorized individuals within BCRCDC. Any request for information contained in personnel files must be directed to the [*designated DISTRICT representative*]. Only the [*designated DISTRICT representative*] is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, BCRCDC will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required or authorized.

**l. POLICY TITLE: Employee References**  
**POLICY NUMBER: 2035**

**2035.1** All requests for references or employment information must be directed to the District Manager. No other manager, supervisor, or employee is authorized to release references for current or former employees.

**2035.2** By policy, BCRCDC discloses only the dates of employment and the title of the last position held of former employees. If a district employee authorizes the disclosure of information in writing, BCRCDC also will inform prospective employers or financial entities of the amount of salary or wage you last earned.

**2035.3** No other employee may provide information about a current or former employee without prior written authorization of the District Manager. Violation of this policy may result in disciplinary action up to and including termination.

**m. POLICY TITLE: Employee Information/Emergency Data**  
**POLICY NUMBER: 2038**

**2038.1** It shall be the policy of the BCRCDC to maintain accurate and vital personal contact information for each employee and Director of the District in case of need to contact them. All such information shall be maintained as confidential to the extent allowed by law.

**2038.2** It is important that employees promptly notify the BCRCDC of any changes to their personal information including:

- Name
- Home and Mailing Address
- Home and Cell Phone Telephone Numbers
- Number, Names, and Status of Spouse and Dependents
- Change of Emergency Contact Information
- Educational Accomplishments
- Marital or Registered Domestic Partner Status
- Payroll Deductions
- Benefit Plan Beneficiary

**2038.3** Employees are responsible for notifying the District Manager in the event of a name, address or other vital information change as required by this policy or any other District policy/procedure.

**2038.4** The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner and a loss of benefits or services by the employee or dependents.

**n. POLICY TITLE:                      Personal Vehicle Usage**  
**POLICY NUMBER:                      2049**

**2049.1** When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

**2049.2** Proof of adequate insurance coverage for collision, personal injury, and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

**o. POLICY TITLE:                      Employee Usage of Tools and Equipment**  
**POLICY NUMBER:                      2052**

**2052.1** As a benefit of employment, employees may borrow District tools and equipment for personal purposes on a limited basis after normal working hours. The conditions by which employees may borrow tools and equipment are as follows.

**2052.1.1** Permission to use hand tools must be obtained prior to their usage from the District Manager.

**2052.1.2** Permission to use motorized equipment must be obtained prior to their usage from the District Manager. No equipment requiring a commercial license for operation on a public roadway may be borrowed.

**2052.1.3** Employees will sign for tools or equipment borrowed on a checkout form, and thereby acknowledges that they understand and accept the responsibility and liability as specified below. The form will also be signed by the District Manager who will inspect and verify the condition of the item to be borrowed.

**2052.1.4** Only District employees may operate borrowed tools and equipment. Neighbors, friends, spouse, relatives, etc., may not use them. Borrowed tools and/or equipment may only be used on an employee's personal property.

**2052.1.5** District tools/equipment may not be used for profit or financial gain. Further, tools and equipment may be borrowed for community service projects, subject to permission from the District Manager.

**2052.1.6** The employee must be qualified in and comfortable with the operation of the tool or equipment he/she is borrowing.

**2052.1.7** The tools/equipment may be borrowed for one evening or weekend at a time and must be returned the next day or following Monday. When returned, the employee must have the District Manager that inspected the borrowed item verify that it has not been damaged and sign off on the checkout form.

**2052.1.8** Employees will be responsible for repairs of damage to tools/equipment that occur while it was borrowed. Fuel consumed by the tools and equipment is the employee's responsibility.

**2052.2** Employees may not enter District property after normal working hours to borrow tools/equipment except in the case of an emergency and when the District Manager has granted permission.

**p. POLICY TITLE:                      Employee Seminar Attendance & Continuing  
Education**  
**POLICY NUMBER:                      2055**

**2055.1** It is the policy of the RCD to encourage its District Manager and staff to pursue educational opportunities, related to their present work, which will prepare them for foreseeable future opportunities within the District or that will enhance and update their performance skills.

**2055.2** The District will reimburse expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and/or attendance at local, state and national conferences associated with the interests of the District, that are preapproved by the District Manager, or in the case of the District Manager, that are preapproved by the Board.

**2055.3** District administrative staff shall be responsible for making arrangements for travel, lodging and registration for the District Manager or approved personnel attending such educational courses, state and national seminars, workshops and conferences. All expenses shall be submitted to the District for reimbursement in accordance with District Policy # 2058 – Meeting and Travel Expense Reimbursement.

**2055.4** Attendance by staff at seminars, workshops, conferences and educational courses shall require written approval by the District Manager prior to incurring any reimbursable costs, except as provided for in Policy 2055.4.1.

**2055.4.1** Attendance by the District Manager at seminars, educational courses, workshops and conferences sponsored by organizations to which he/she is the district's designated representative (i.e.: CSDA, ACWA, CASA, etc.) shall not require pre-approval by the Board of Directors, provided said attendance is at a preapproved organization and within the annual budget for such expenditures. The District Manager shall inform the Board of any such upcoming events prior to attending.

**2055.4.2** All attendance by staff to seminars, educational courses, workshops and conferences that are held outside the State of California shall be require approval by the Board of Directors prior to incurring any reimbursable costs, with no exceptions.

**q. POLICY TITLE: Compensation for Meetings and Travel**  
**POLICY NUMBER: 2058**

**2058.1** The RCD recognizes that, for the benefit and in the interests of the District, it is necessary for District staff and Directors to attend meetings and to travel in order to conduct District business. The RCD is committed to wise and prudent use of its entrusted public funds, to conserve District resources and to keep expenses within community standards. The RCD is also committed to providing effective and responsive services to its constituents. This policy sets forth guidelines for travel and meeting attendance on District business, and for the reimbursement of expenses.

**2058.2** All actual and necessary travel and incidental expenses shall be reimbursed upon submission of the District's expense reimbursement form and accompanying receipts for preapproved training and educational courses and events. The expense reimbursement form must be submitted within 30 days of the qualifying travel or expense.

**2058.2.1 Meals:** Meals shall be reimbursed at the actual cost, when accompanied by a receipt, provided that the expense is not lavish or extravagant. In lieu of actual meal expense reimbursement, a per diem for meals and incidental expenses is allowed. For travel exceeding a single day, the per diem rate is fifty dollars (\$50) per day. The per diem rate for individual meals is as follows:

**2058.2.1.1** Breakfast: ten dollars (\$10)

**2058.2.1.2** Lunch: fifteen dollars (\$15)

**2058.2.1.3** Dinner: twenty five dollars (\$25)

**2058.2.2 Lodging:** If lodging is in connection with a conference or educational activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available at the time of booking. If the group rate is not available, comparable lodging will be used. Government and group rates for lodging will be used whenever possible.

**2058.2.3 Transportation:** Government and group rates for transportation will be used when available.

**2058.2.4 Mileage:** Mileage will be reimbursed at the IRS published mileage rate when a personal vehicle is authorized and utilized for travel while on District business.

**2058.2.5 Cash advance:** Subject to approval of the District Manager, a cash advance to cover the anticipated expenses for authorized travel may be offered by the District. An **expense reimbursement form** must be submitted within thirty (30) days of the travel, and any unused cash advanced must be returned to the District once the activity is completed.

**2058.3** All documents related to reimbursable District expenditures are public records subject to disclosure under the California Public Records Act.

**2058.4** Regardless of how it may occur, misuse of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

**2058.4.1** loss of reimbursement privileges,

**2058.4.2** restitution to the District,

**2058.4.3** civil penalties for misuse of public resources,

**2058.4.4** disciplinary action up to or including termination, and

**2058.4.5** prosecution for misuse of public resources.

**2058.5** This policy shall be consistent with state law (AB 1234) and comply with state law if it changes from time to time.

**r. POLICY TITLE: Professional Licenses and/or Certifications**  
**POLICY NUMBER: 2061**

**2061.1** Licenses and/or certifications may be required as a condition of employment in accordance with Federal or State Law. The Board of Directors and/or District Manager may specify additional licenses and/or certifications for each job classification as may be deemed necessary to carry out the duties and responsibilities of specific job classifications.

**s. POLICY TITLE: Employee Assistance**  
**During Response to Emergency Situations**  
**POLICY NUMBER: 2064**

**2064.1** Employees are to be trained to handle emergencies in the field or at District facilities as the purposes of such activities are to improve District operation and safeguard the value of

District assets. Hence, employees often work under adverse conditions and under stress at times to the degree that is beneficial to the District.

**2064.1.1** Employees working in the field or at District facilities may be required to work unusual hours and shifts including nights and weekends. Due to these unusual hours, emergency situations involving the employee or his/her family may occur while working. Employees are trained and are to be prepared for such incidents.

**2064.2** It is the policy of the District to provide a safe and environmentally friendly working experience. Employees may be subject to injury or to notifications that members of their families are in need of assistance. It is the policy of the district to assist employees in these situations as much as possible to minimize the mental and emotional impacts upon them.

**2064.2.1** An employee who experiences an injury on the job is to inform his/her supervisor or another management employee as soon as reasonably possible by phone or in person. In case of injury beyond first aid level, the employee is to be transported to the designated first aid treatment facility. The nature of the injury or incident and any actions needed to be taken shall be reported. If involving a criminal act or an equipment accident, an accident report shall be completed as soon as possible and within 24 hours.

**2064.2.2** In cases where an employee's family member is involved in an emergency situation and the employee believes that he/she must leave the job to respond, the employee shall inform his/her supervisor or another management employee immediately and before leaving the work site. If no response is required, the employee is encouraged to inform his/her supervisor in order to have them aware of the situation and to provide supportive assistance in an appropriate manner. An Employee Assistance Program (EAP) may be available and the employee is encouraged to contact the identified agency or the Human Resources Department for assistance.

**2064.2.3** Expenses to the District for an EAP may be provided by the District for initial administrative services. Specific services available to the employee shall be identified and appropriate expense information made known by the EAP provider.

**2064.2.4** Absences from work due to injury or emergencies of close family members may be covered by either workers compensation, sick leave or the Federal FMLA regulations. The employee shall consult with the District Manager as soon as practical to determine what applicable leave or laws apply to their situation. A doctor's certification may be required for use of leaves and for returning to work in some cases.

**2064.3** Employees, supervisors and managers shall be provided training and information on dealing with injury, emergencies and trauma on the job in order to prepare them for unusual situations. Such training is not to be viewed as for personal safety and security but for handling sensitive and emergency situations until additional assistance may be obtained.



**t. POLICY TITLE: Grievance Procedure**  
**POLICY NUMBER: 2067**

**2067.1** This policy shall apply to all regular employees in all classifications.

**2067.2** The purpose of this policy is to provide a procedure by which an employee may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

**2067.3** Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment.

**2067.4** Grievance Procedure Steps.

**2067.4.1** Level I, Preliminary Informal Resolution. Any employee who believes he/she has a grievance shall present the evidence thereof orally to his/her immediate supervisor within five working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter within three working days after the presentation of such evidence. It is the intent of this informal meeting that at least one personal conference be held between the employee and the immediate supervisor.

**2067.4.2** Level II, District Manager. If the grievance has not been resolved at Level I, the grievant may present his/her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the District Manager within ten working days after the occurrence of the act or omission giving rise to the grievance.

**2067.4.2.1** The statement shall include the following:

- (a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- (b) The circumstances involved;
- (c) The decision rendered by the immediate supervisor at Level I;
- (d) The specific remedy sought.

**2067.4.2.2** The District Manager shall communicate his/her decision within ten days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the District Manager does not respond within the

time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the District Manager's written decision. Within the above time limits, either party may request a personal conference with the other.

**2067.4.3** Level III, Board of Directors' Personnel Committee. In the event the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix "A") to the District Board of Directors' standing Personnel Committee within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the District Manager; and a clear, concise statement of the reasons for the appeal to Level III.

**2067.4.3.1** The Personnel Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made.

#### **2067.5** Basic Rules.

**2067.5.1** If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

**2067.5.2** By agreement in writing, the parties may extend any and all time limitations specified above.

**2067.5.3** The District Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

**2067.5.4** A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

**u. POLICY TITLE: Political Activity on District Facilities or Work Time**  
**POLICY NUMBER: 2073**

**2073.1** District Employees shall not engage in political campaign activities while on duty for the District or on District facilities or properties. District property (vehicles, bulletin boards, offices, telephones or computers, etc.) shall not be used for political purposes by employees or customers and shall remain free of political statements, propaganda, or endorsement information. District employees shall be afforded reasonable opportunity or time to vote in elections as authorized under District Voting Policy.

**v. POLICY TITLE: Gift Acceptance Guidelines**  
**POLICY NUMBER: 2076**

**2076.1** An employee or his/her immediate family may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

**2076.1.1** Is customary and gives no appearance of impropriety and does not have more than a nominal value;

**2076.1.2** Does not impose any sense of obligation on either the giver or the receiver;

**2076.1.3** Does not result in any kind of special or favored treatment;

**2076.1.4** Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense.

**2076.1.5** Is given and received with no effort to conceal the full facts by either the giver or receiver.

**w. POLICY TITLE: Volunteer Personnel Workers' Compensation Insurance**  
**POLICY NUMBER: 2079**

**2079.1** An unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.

**2079.1.1** The Legislature of the State of California has provided through legislation (Labor Code §3363.5) authorization for the inclusion of such coverage in the District's Workers' Compensation Insurance policy.

**x. POLICY TITLE: Outside Employment**  
**POLICY NUMBER: 2082**

**2082.1** No District employee shall be permitted to accept employment in addition to or outside of District service if:

**2082.1.1** The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,

**2082.1.2** The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,

**2082.1.3** The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

**2082.2** An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities, or other District resources in connection with said employment.

**y. POLICY TITLE:                      Notifications of Reductions in the Work Force**  
**POLICY NUMBER:                      2085**

**2085.1** Under some circumstances, RCD may need to restructure or reduce its workforce. The RCD maintains its exclusive right to make decisions on staffing and work requirements for employees. If restructuring our operations or reducing the number of employees becomes necessary, the RCD will attempt to provide reasonable advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite. Notifications shall be conducted in accordance with this policy or any applicable employment contract in force.

**2085.2** In determining which employees will be subject to layoff, the RCD will take into account, among other things, operational and workload requirements; the skill, productivity, ability, and past performance of those employees involved, and also, when feasible, the employee's length of service.

**z. POLICY TITLE:                      Unemployment Insurance**  
**POLICY NUMBER:                      2088**

**2088.1** Unemployment compensation insurance provides a weekly benefit for a specified period due to a qualifying condition of unemployment. These benefits change periodically and are established by State law. Employees do not contribute for this benefit.

**2088.2** Unemployment compensation insurance benefits are not available to employees who voluntarily quit without good cause or who are terminated for work related misconduct deemed injurious to the RCD. At the time of employment separation, employees may, upon request, be provided with a booklet published by the Employment Development Department explaining benefits, eligibility, and claim filing procedures.

**aa. POLICY TITLE:                      Nepotism**  
**POLICY NUMBER:                      2100**

**2100.1** It is the policy of the RCD to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have

close relatives in any staff category in the same or different departments so long as the following standard is met:

**2100.1.1** No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

**2100.1.1.1** For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.

**2100.2** When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.

**2100.3** When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.

**bb. POLICY TITLE:                      Job Posting – Application Period**  
**POLICY NUMBER:                      2110**

**2110.1** A personnel notice which includes the position title, salary range, and filing deadline shall be distributed and posted within each department of the District for a minimum period established by the District Manager. A job description outlining job responsibilities, minimum qualifications, prior experience requirements and selection process description shall be attached to the personnel notice at the time of posting.

**cc. POLICY TITLE:                      Entry Level Positions**  
**POLICY NUMBER:                      2120**

**2120.1** Posting:

An entry level job opening notice shall be posted within each department of the District for a minimum of seven (7) days. At the District Manager's discretion, the opening may simultaneously be advertised publicly for outside applicants. Advertisement means publication in a local newspaper and in professional publications or journals.

**2020.2** Selection Process:

The same standards and criteria shall be used in consideration, testing, and interviews as under Policy 2130.2 except that at any time there are not at least three (3) qualifying applicants (applicants that have successfully passed all tests and oral interviews) from which to choose for the position being filled, the District Manager may elect to reopen the recruitment or to reconsider filling of the position.

**2020.3** Eligibility List:

Based on the results of the selection process, the District shall develop, and maintain for six (6) months, a list of candidates eligible for hire within the same job classification. If, within the six (6) month period a position in the same job classification becomes open, the District may select one (1) name from the first three (3) names on the eligibility list. The District shall not be required to have the candidate meet again with a full interview panel, but instead may elect to have the candidate meet with the Department Head and/or the immediate supervisor for a subsequent follow up interview.

**dd. POLICY TITLE: Selection Process**  
**POLICY NUMBER: 2130**

**ee. POLICY TITLE: Selection Process - Non-Entry Level Job Openings -  
Outside Applicants**  
**POLICY NUMBER: 2140**

**2140.1** The District may seek applications from outside applicants when any of the following occurs:

1. When the District Manager determines that less than a sufficient number of qualified regular or temporary District employees applies for the job opening.
2. When, in the opinion of the District, a current District employee fails to demonstrate the necessary skills, personal attributes, and/or physical requirements required to successfully perform the assigned tasks.
3. When a regular employee who was offered the job declines to accept the job offer.

**2140.2** Public Notice of Open Position

Depending upon the position and the qualifications called for in the job description, a public notice may be advertised in the local area newspaper(s) and/or professional publications, and shall include the following:

1. Job title
2. Brief description of job duties
3. Minimum experience, qualifications, and license/certificate required.
4. Hourly rate of pay
5. Filing deadline – date and time

**2140.3** Selection Process

The same standards and criteria shall be used in consideration, testing and interviews as under Policy 2130.2 except that at any time there are not at least two (2) qualifying applicants (applicants that have successfully passed all tests and oral interviews) from which to choose for the position being filled, the District Manager may elect to reopen the recruitment or to reconsider filling the position.

**ff. POLICY TITLE: Separation from District Employment**  
**POLICY NUMBER: 2200**

**2200.1** Resignation. To leave District service in good standing, an employee must file a written notice of resignation with the General Manager at least two weeks before the effective date. The General Manager may, however, grant good standing with less notice if he/she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

**2200.2** Layoffs. Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and if the employee is qualified.

**2200.2.1** Employees to be laid off shall be given notice at least 14 calendar days in advance of the layoff date.

**2200.2.2** An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For the purpose of this document, seniority includes all periods of full-time service at or above the retreat position being considered.

**2200.2.3** In order to retreat to a former or lower position, an employee must request displacement action in writing to the General Manager within five working days of receipt of the layoff notice.

**2200.2.3.1** Employees retreating to a lower position shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.

**2200.2.4** If two positions have the same job description, then employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional, and probationary employees shall be laid off according to the needs of the service as determined by the General Manager. In cases where there are two or more regular positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the position, providing such rating has been filled at least 60 days prior to layoff as follows:

**2200.2.4.1** First, all employees having ratings of "Unsatisfactory;"

**2200.2.4.2** Second, all employees having ratings of "Marginal;"

**2200.2.4.3** Third, all employees having ratings of "Less Than Satisfactory;"

**2200.2.4.4** Fourth, all employees having ratings of "Satisfactory;"

**2200.2.4.5** Fifth, all employees having ratings of "Commendable;"

**2200.2.4.6** Sixth, all employees having ratings of "Superior;" and,

**2200.2.4.7** Seventh, all employees having ratings of "Exceptional."

**2200.2.4.8** Employees within each of the rating categories shall be laid off in order of least seniority first.

**2200.2.5** The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. The re-employment list shall be used by the General Manager when a vacancy arises in the same or lower position before certification is made from an eligibility list.

**2200.2.6** Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to tenured positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list. Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the discretion of the General Manager, the list may be extended for an additional year.

**2200.3** Dismissal of Regular Employees. A regular employee may be dismissed at any time by the General Manager for cause, and after consulting with District Legal Counsel.

**2200.3.1** The following shall constitute sufficient cause for dismissal:

**2200.3.1.1** Conviction of a felony;



**2200.3.1.2** Fraud in securing employment;

2250.3.1.3 Misappropriation of District funds or property;

**2200.3.1.4** Intentional or gross misconduct; and,

**2200.3.1.5** Failure to respond or improve regarding an item specified in ¶2260.2, "Grounds for Discipline", of Policy No.2260, "Disciplinary Action", after an evaluation or corrective action plan has failed to produce an improvement to performance.

**2200.3.1.6** Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties.

**2200.3.1.7** Severe physical or mental disability.

**2200.3.2** A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the General Manager shall notify the probationary employee in writing that he/she is being separated from District service.

**2200.3.3** Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.

**2200.4** Notice of Dismissal. All regular employees shall be provided with a notice of dismissal. This notice shall be prepared by the General Manager after consultation with District Counsel and shall contain the following:

**2200.4.1** A description of the proposed action and its effective date or dates, and in the case of a tenured employee, the ordinance, regulation or rule violated;

**2200.4.2** A statement of the acts or omissions upon which the action is based;

**2200.4.3** A statement that a copy of the materials upon which the action is based are attached or available for inspection upon request; and,

**2200.4.4** In the case of a regular employee, a statement advising the employee of the right to file an appeal as provided in ¶2200.5 of this policy.

**2200.5** Procedures for Disciplinary Action and Dismissal of Regular Employees.

**2200.5.1** A regular employee may, upon receipt of a notice of dismissal or disciplinary action, appeal in writing to the General Manager within five working days of the date of the notification. The General Manager shall then schedule an informal hearing at which

the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of dismissal. The hearing guidelines and format shall be available upon request. The General Manager shall issue his/her opinion and decision within ten working days of the hearing and may, if the General Manager finds that the dismissal was not justified, he/she may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits.

**gg. POLICY TITLE: Confidentiality Regarding Resignations<sup>1</sup>**  
**POLICY NUMBER: 2210**

**2210.1** To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation from the District.

**2210.1.1** This policy is itself a public record which the District must release upon request.

**hh. POLICY TITLE: Disciplinary Action**  
**POLICY NUMBER: 2220**

**2220.1** The following measures are part of the disciplinary process: warning, reprimand, suspension with or without pay, dismissal, demotion, or reduction in pay. The General Manager may discipline any employee for cause.

**2220.2** Grounds for Discipline.

**2220.2.1** Discourteous treatment of the public or fellow employees.

**2220.2.2** Drinking of intoxicating beverages or use of illegal or non-prescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs.

**2220.2.3** Habitual absence or tardiness.

**2220.2.4** Abuse of sick leave.

**2220.2.5** Disorderly conduct.

**2220.2.6** Incompetence or inefficiency.

**2220.2.7** Being wasteful of material, property, or working time.

**2220.2.8** Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination.

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<sup>1</sup> Source: Lozano Smith Smith Woliver & Behrens

**2220.2.9** Neglect of duty.

**2220.2.10** Dishonesty.

**2220.2.11** Misuse of District property.

**2220.2.12** Willful disobedience.

**ii. POLICY TITLE:                    Letters of Recommendation<sup>2</sup>**  
**POLICY NUMBER:                    2230**

**2230.1** The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interests of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law. Therefore, the General Manager or his/her designee is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the General Manager or his/her designee before dissemination.

**2230.1.1** The General Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the General Manager or his/her designee.

**2230.1.2** At his/her discretion, the General Manager or his/her designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

**jj. POLICY TITLE:                    Termination During Leave of Absence**  
**POLICY NUMBER:                    2240**

**2240.1** Employees may be replaced or terminated during a qualified leave of absence for any of the following reasons:

1. Notice of intent to resign or demonstration of intention not to return to work is given;
2. Employee fails to return to work within the time specified for the leave without having obtained a [*DISTRICT*] approved extension of the original leave expiration date;
3. Employee fails to supply a doctor's certificate or other requested documentation within a designated timeframe to substantiate the need for, or an extension of, a leave;

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<sup>2</sup> Source: Lozano Smith Smith Woliver & Behrens

4. Employee fails to accept their former position upon return, or if not available, another position for which they may be reasonably qualified;
5. Employee refuses to undergo a medical evaluation by an appointed doctor at [DISTRICT's] expense when requested; other than based on acceptable religious reasons.
6. Employee accepts other employment at any time during the leave of absence; or
7. Employee's position no longer exists at the conclusion of his/her leave.

**kk. POLICY TITLE: Pay Periods**  
**POLICY NUMBER: 2300**

**2300.1** The salaries and wages of all District employees shall be paid bi-weekly.

**2300.2** In the event a payday falls on one of the holidays listed in Policy #2505, "Holidays", or on a Saturday or Sunday, the immediately previous working day shall become the payday.

**ll. POLICY TITLE: Time Keeping/Time Records**  
**POLICY NUMBER: 2305**

**2305.1** It is the responsibility of every non-exempt employee to accurately record time worked. Federal and state laws require the RCD to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties, less meal periods.

**2305.2** Overtime compensation will be paid to qualified hourly employees. Overtime work must always be approved by a supervisor before it is performed. In accordance with Federal law, [DISTRICT] rounds this time to the nearest one-quarter hour/fifteen minutes.

**2305.3** It is the employee's responsibility to sign and submit on time his/her time records certifying the accuracy of all time recorded for compensation.

**mm. POLICY TITLE: Rest & Meal Periods**  
**POLICY NUMBER: 2310**

**2310.1** All regular, full-time employees may take periods of rest during the workday consisting of a ten-minute rest period in the morning, another ten-minute rest period in the afternoon, and a one-hour meal period.

**2310.2** Employees are required to notify their immediate supervisor, where feasible, at the beginning of any break or meal periods. Please keep in mind that when employees are not on a break, they are expected to devote their full efforts to their duties.

**2310.3** Routinely, general and non-safety, emergency classified employees are relieved of all active responsibilities and restrictions during meal periods and are not compensated for that time.

Employees responsible for handling emergencies or safety related duties may have to work through or cut short breaks or meal periods. Employees are responsible for making sure they take their breaks and meal period each day.

**nn. POLICY TITLE: Advancement of Wages**  
**POLICY NUMBER: 2315**

**2315.1** This policy shall apply to all District employees.

**2315.2** Employees requesting payment of wages in advance of regular pay days as defined in Policy No. 2300, "Pay Periods", shall submit said request to the Finance Division Manager [*or other responsible managing employee*].

**2315.3** The Finance Division Manager [*or other responsible managing employee*] may authorize the requested advancement of wages if the amount requested does not exceed the wages accrued (excluding applicable deductions) by the employee to the date of said request.

**2315.4** Advancement of wages prior to a regular payday is not a privilege that an employee may use at his/her discretion, but may be authorized by the Finance Division Manager [*or other responsible managing employee*] at his/her discretion in case of employee necessity and/or personal financial emergency.

**2315.5** Requests for advancement of wages may be submitted only once in any three-month period, and frequent requests shall be grounds for denial.

**oo. POLICY TITLE: Wage Garnishments**  
**POLICY NUMBER: 2320**

**2320.** A garnishment is a legal levy by a creditor against an employee's pay. [*DISTRICT*] expects all employees to manage their personal finances so as not to involve [*DISTRICT*] where ever possible.

**2320.1** All garnishments and other attachment orders that are required by law to [*DISTRICT*] will be honored. When a garnishment action is received, [*DISTRICT*] will inform the employee of the amount involved to the extent allowed by law.

**2320.2** An employee who suspects that a garnishment action may happen to him/her should review the situation with the [*HR/General Manager*] immediately.

**pp. POLICY TITLE: Payroll Deductions for Salaried Employees**  
**POLICY NUMBER: 2325**

**2325.1** Employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, a salaried employee will receive his/her full salary for any workweek in which he/she performs any work, regardless of

the number of days or hours worked. A salaried employee may not be paid for any workweek in which he/she performs no work, subject to [DISTRICT] benefits programs and policies.

**2325.2** No deductions from salary may be made for time when work is not available, provided the salaried employee is ready, willing, and able to work. Deductions from pay are permissible when a salaried employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability;
- Is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for military duty and performs no work during the time off;
- Works less than a full week during the initial or final week of employment;
- Violates safety rules of major significance; or
- Violates written workplace conduct rules applicable to all employees and is suspended without pay for one or more full days.

**2325.3** It is [DISTRICT] policy to comply with these salary basis requirements. Therefore, [DISTRICT] prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. [DISTRICT] wants employees to be aware of this policy and know that [DISTRICT] does not allow deductions that violate federal or state law.

**2325.4** If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor.

**2325.5** Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

**2325.6** Every employee is required to submit a Form W-4 at the beginning of each year to direct the payroll staff to make appropriate federal and state income tax deductions.

**qq. POLICY TITLE: Compensation**  
**POLICY NUMBER: 2330**

**2330.1** This policy shall apply to all District employees.

**2330.2** Compensation at Hiring.

**2330.2.1 New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

**2330.2.2 Advanced Step Hiring.** If the General Manager [or PERSONNEL DIRECTOR, etc.] finds that qualified applicants cannot be successfully recruited at the first step of the

wage range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the wage range.

**2330.2.3 Former Employees.** A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

### **2330.3 Merit Advancement Within Range.**

**2330.3.1 Performance Evaluation Required.** The General Manager [*or PERSONNEL DIRECTOR or other responsible managing employee*] shall authorize a merit advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

**2330.3.2 Period of Employment Required for Merit Advancement.** Unless otherwise specified herein, each employee shall, in addition to receiving a satisfactory performance evaluation, complete the following required time of employment to be eligible to receive a merit increase:

**2330.3.2.1 New Employees.** A person hired as a new employee shall have a merit advancement date which is \_\_\_ [*six, 12, etc.*] months following the appointment date.

**2330.3.2.2 Promotion or Demotion.** An employee who is promoted or demoted shall have a new merit advancement date which shall be one year from the date of promotion or demotion.

**2330.3.2.3 Voluntary Demotion.** An employee who voluntarily demotes to a position at a lower salary range shall have no change in merit advancement date.

**2330.3.2.4 Change-in-Range Allocation.** If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

**2330.3.2.5 Position Reclassification.** An employee whose position is reclassified to a position having the same or lower salary range shall have no change in merit advancement date. An employee whose position is reclassified to a position having a higher salary range shall have a new merit advancement date which is one year following the effective date of the position reclassification.

**2330.3.2.6 Non-Merit Step Adjustments.** An employee whose salary step is adjusted to a higher step for reasons other than regular merit advancement shall have a new merit advancement date effective one year from the date of said adjustment.

**2330.3.3 Effective Date.** An employee's merit increase shall take place on the first day of the pay period in which his/her merit advancement date falls. The General Manager [or PERSONNEL DIRECTOR, etc.] may delay authorizing the merit advancement up to 90 days beyond the employee's merit advancement date without affecting the normal merit advancement date. In case of such a delay, the employee's merit advancement shall be effective the first day of the pay period following the General Manager's [or PERSONNEL DIRECTOR or other responsible managing employee] authorization. If authorization for merit advancement is delayed beyond 90 days from the employee's merit advancement date, the employee shall not be eligible for a merit increase until his/her next normal merit advancement date.

**2330.4 Promotion.** Employees promoted to a position with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, whichever is greater, provided than an employee promoted to a salary range in excess of one range above his/her former range shall receive no less than one range increase [or 3%, 5%, etc.], at the same step, in rate.

**rr. POLICY TITLE: Payroll Deductions**  
**POLICY NUMBER: 2335**

**2335.1** The RCD is required by state and/or federal law to withhold a portion of an employee's pay for tax or government-mandated benefit programs and other mandatory deductions from time to time. These legally required deductions include, but are not limited to, the following items:

1. Federal Income Tax
2. State Income Tax
3. Medicare Deduction
4. Employee's contribution to Social Security
5. Court Ordered Deductions (such as garnishments) and Tax Liens

**2335.2** Additionally, employees may authorize certain deductions to be made from their paychecks for reasons such as payment of group medical insurance premiums. All deductions, whether they are legally required or voluntary, are itemized on each employee's paycheck stub.

**ss. POLICY TITLE: Paycheck Direct Deposit**  
**POLICY NUMBER: 2340**



**2340.1** The RCD offers automatic payroll deposit for employees on a discretionary basis to qualifying banking institutions. You may begin and stop automatic payroll deposit at any time with required written notice to the payroll department. To begin automatic payroll deposit, you must complete a form (available from the payroll department) and return it to payroll at least 10 days before the pay period for which you would like the service to begin. You should carefully monitor your payroll deposit statements for the first two pay periods after the service begins.

**2340.2** To stop automatic payroll deposit, complete the form available from the payroll department and return it to payroll at least 10 days before the pay period for which you would like the service to end. You will receive a regular payroll check on the first pay period after the receipt of the form by payroll, provided it is received no later than 10 days before the end of the pay period.

**tt. POLICY TITLE: Temporary Reclassifications**  
**POLICY NUMBER: 2345**

**2345.1** The RCD General Manager may temporarily assign an employee to perform work normally performed by another employee or position classification at a different level or salary.

**2345.2** An employee temporarily assigned to perform work of a lower paid classification shall not have his or her salary reduced, and an employee temporarily assigned to perform work of a higher paid classification shall receive compensation equal to either the lowest salary step for that position that would provide for an increase in pay or five percent, whichever is less, for all time spent in the acting position in excess of four (4) consecutive work weeks. An approved reclassification shall continue only until such time as the employee is returned to his or her original job duties.

**2135.3** Temporary assignments to a higher or lower paid class need to be in writing and approved by the General Manager in advance.

**uu. POLICY TITLE: Employee Promotion**  
**POLICY NUMBER: 2350**

**2350.1** An employee may be promoted only if the employee has the desirable qualifications for the higher position. Desirable qualifications shall be ascertained on the same basis of information, application, examination, interview, and evaluation as those for an initial appointment in accordance with the most current Job Description.

**2350.2** A promoted employee shall be required to successfully complete a six (6) month probation period, as outlined in Policy 2003.2. If a promoted employee is unable to perform the required duties of the new position and has not successfully completed the probation period, the employee may be restored to the position from which he/she was promoted, or be required to successfully complete an additional six (6) month probationary period.

**vv. POLICY TITLE: Demotion - Nondisciplinary**  
**POLICY NUMBER: 2355**

**2355.1** The General Manager may demote an employee, with the written consent of the employee, to a vacant position in lieu of layoff, provided the employee possesses the desired qualifications for the position to which he/she is assigned.

**2355.2** At least five working days before a non-disciplinary demotion becomes effective, written notice of the action shall be provided to the employee and the payroll department.

**2355.3** The General Manager shall provide the employee with written job duties within five working days of starting the new position and a written performance review within six months. The employee shall be subject to a probationary period, generally a six (6) month period. In the event that the employee does not perform satisfactorily within the probationary period, the General Manager shall have the discretion of extending the employee's probationary period or terminating the employee.

**ww. POLICY TITLE: Hours of Work and Overtime**  
**POLICY NUMBER: 2400**

**2400.1** This policy shall apply to all non-exempt employees.

**2400.2** The regular hours of work each day shall be consecutive except for interruptions for meal periods or as approved by the General Manager in writing.

**2400.3** A workweek is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic workweek is defined to consist of five (5) consecutive work days of eight (8) hours each, Monday through Friday. The regular work hours shall be 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch. A majority of employees may request a change of regular work hours, for their division, with the consent of the General Manager, so that the regular work hours may be revised to accommodate needs of the public, such as 7:00 a.m. to 4:00 p.m. with one hour off for lunch.

**2400.3.1** A three-fourths ( $\frac{3}{4}$ ) majority of the employees within a division may ratify a change of regular work hours for their division to effect a "9-80s" schedule (i.e., employees would work eight nine-hour days and one eight-hour day during a two-week pay period), subject to the consent of the General Manager. A simple majority (>50%) may ratify returning the regular work hours for a division to a traditional "10-80s" schedule (ten eight-hour days in a two-week pay period). When a 9-80s schedule is in effect, holidays will be credited as eight-hour days, even when they fall on a day that would normally be assigned as a nine-hour day. One hour of vacation time will be added to the eight hours of holiday credit to complete the compensated leave for the day.

**2400.4** Overtime is defined as:

**2400.4.1** Time worked in excess of 40 hours in a workweek;

**2400.4.2** Time worked in excess of eight hours on a scheduled workday if a five-day, eight-hour per day workweek is in effect; or,

**2400.4.3** Time worked in excess of scheduled hours on a scheduled workday if an alternative workday is in effect such as a four-day, ten-hour per day workweek is in effect; or,

**2400.4.4** Time worked on a designated holiday.

**2400.5** Other than regular hours of work, any time worked by an employee in emergency repair or emergency maintenance of facilities of the District shall be compensated at the overtime rate of pay.

**2400.5.1** A schedule shall be maintained by the [*MAINTENANCE SUPERVISOR or other responsible managing employee*] whereby maintenance employees shall be assigned, on a rotational basis, to be "on-call" on weekends, holidays, and other times not considered regular hours of work for District employees.

**2400.5.2** When an employee is on-call, he/she shall be provided a [*radio, pager, etc.*] which will provide notification in the event of an emergency repair/maintenance work need. Said [*radio, pager, etc.*] shall be kept in the on-call employee's possession during the entire on-call period. Notification of an emergency-repair/ maintenance job may also be given verbally, in person or telephonically by the [*MAINTENANCE SUPERVISOR or other responsible managing employee*].

**2400.5.3** When an employee is on-call, he/she shall be free to utilize his/her time as desired, but must remain within the general [*NAME*] District area, going no farther than [*TIME*] minutes travel time away from any District facility. Said employee will be compensated as agreed upon in writing by policy for standby days/time.

**xx. POLICY TITLE: Use of Make Up Time**  
**POLICY NUMBER: 2410**

**2410.1** The RCD allows the use of make up time when non-exempt employees need time off to tend to personal obligations. Use of make up time is discretionary and subject to preapproval by the General Manager. Make up time worked will not be paid at an overtime rate.

**2410.2** Subject to compliance with this policy, employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

**2410.3** Make up time requests must be submitted in writing to your supervisor, with your signature, on the [*DISTRICT*]-provided form. Requests will be considered for approval based on

the legitimate business needs of [DISTRICT] at the time the request is submitted. A separate written request is required for each occasion the employee requests make up time.

**2410.4** If you request time off that you will make up later in the week, you must submit your request at least 24 hours in advance of the desired time off. If you request to work make up time first in order to take time off later in the week, you must submit your request at least 24 hours before working the make up time. Your make up time request must be approved in writing before you take the requested time off or work make up time, whichever is first.

**2410.5** All make up time must be worked in the same workweek as the time taken off. [DISTRICT]'s seven-day workweek is Sunday through Saturday. Employees may not work more than 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

**2410.6** If you take time off and are unable to work the scheduled make up time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time if possible, based on scheduling needs. If you work make up time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

**2410.7** An employee's use of make up time is completely voluntary and subject to the ability of the District to accommodate the employee. [DISTRICT] does not encourage, discourage, or solicit the use of make up time off.

**yy. POLICY TITLE: Salaried Personnel**  
**POLICY NUMBER: 2420**

**2420.1** All salaried personnel are expected to perform tasks as assigned to meet the needs of the District and their duties may require them to work more than forty (40) hours per workweek from time to time. Salaried and exempt employees do not receive overtime for hours worked in excess of forty (40) hours per workweek or eight (8) hours per workday.

**2420.2** Management Days – Salaried personnel shall receive (*to be determined by District*) days of additional leave annually to compensate for additional hours spent on regular or special work or in after hour meetings. Management days shall not accrue from year to year. All preapproved unused Management time shall be paid by December 31 of each year.

**zz. POLICY TITLE: Requirements for Reporting to Work**  
**POLICY NUMBER: 2430**

**2430.1** Employees shall report to work at their regular District facility in accordance with direction from their supervisor or established schedules and shall return thereto at the conclusion of the day's work schedule. Authorized time spent in traveling between such facilities and the job site shall be considered as time worked.

**2430.2** An employee who is not able to report to work on schedule shall notify his/her supervisor or other manager immediately of the reason for not being able to report to work and when he/she may expect to return to work.

**aaa. POLICY TITLE: Standby and Call Out**  
**POLICY NUMBER: 2440**

**2440.1** Standby: An employee shall be compensated for standby as follows:

**2440.1.1** Weekdays: Guaranteed two (2) hours of straight time at their regular straight time hourly wage rate for each day on standby status.

**2440.1.2** Weekends/Holidays: Guaranteed two (2) hours of straight time hours at the regular straight time hourly wage rate for each day on standby status.

**2440.2** Call-Back: Any employee, whether on standby or not, called back to work after the regular work shift shall be entitled to call-back compensation as follows:

**2440.2.1** Guaranteed three (3) hours at their regular straight time hourly wage rate for each separate call-back occurrence that occurs after return to home or residence.

**2440.2.1.1** Said compensation shall be in lieu of any travel time and expense to and from home and the first or last work contact point.

**2440.2.2** All time actually worked shall be considered as time actually worked for purposes of compensating overtime in accordance with applicable federal or state law.

**bbb. POLICY TITLE: Vacations**  
**POLICY NUMBER: 2500**

**2500.1** This policy shall apply to regular and probationary employees in all classifications.

**2500.2** Paid vacations shall be accrued according to the following schedule on an annual basis:

- (a) During the first year of continuous work, (\_\_\_\_) days;
- (b) Two through five years of service, (\_\_\_\_) days;
- (c) Six through ten years of service, (\_\_\_\_) days;
- (d) After ten years of service, one additional day of paid vacation for each additional year of service to a maximum of 30 days.

**2500.3** Employees who have completed six months in regular status may take their vacation time all at once, or gradually, with the prior written approval of their supervisor. No vacation

may be taken until the employee has completed at least six months in regular employee status unless approved by the General Manager in writing.

**2500.4** Vacation time may be accumulated or postponed. The total accumulated vacation time shall not exceed that amount earned annually by the employee. Only one week of accumulated vacation may be used in addition to regular vacation time during any given year.

**2500.5** At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.

**2500.6** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.

**2500.7** If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

**2500.8** Vacations may be scheduled at any time during the year upon written approval of the [*PERSONNEL DIRECTOR or other responsible managing employee*].

**2500.9** Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except in situations of hardship or accumulation in excess of (\_\_\_\_) hours. Said pay off shall be submitted for written approval by the General Manager.

**ccc. POLICY TITLE: Authorized Leave**  
**POLICY NUMBER: 2510**

**2510.1** With the approval of the General Manager [*or PERSONNEL DIRECTOR or other responsible managing employee*], an employee may request a leave of absence without pay for a period of up to six months [*shorter or longer period of time optional*].

**2510.2** Such leave of absence may be taken only after all accumulated vacation time has been exhausted. If the leave of absence is for medical reasons, then all accumulated sick leave time must also be exhausted before a leave of absence can be granted.

**2510.3** Employees will not accrue benefits available to regular employees of the District (e.g., vacation, holiday, or sick leave) during a leave of absence.

**2510.4** Due to the District's limited work force, maintenance of job classifications for the term of an authorized leave of absence cannot be guaranteed beyond six months [*shorter period of time optional*]. Employees returning from a leave of absence will be reinstated to the first available job classification for which they are qualified.

**ddd. POLICY TITLE: Unauthorized Voluntary Absence**  
**POLICY NUMBER: 2515**

**2515.1** Voluntary absence from work without permission for five (5) consecutive working days shall be considered an automatic resignation.

**2515.1.1** After three consecutive days of voluntary absence from work without permission, the employee shall be notified in writing that the absence will be considered as resignation if it continues consecutively through the fifth working day. Said notice shall provide factual evidence that the employee's absence is voluntary and unauthorized and an invitation to the employee to present his/her version of the "facts" at an informal hearing before the General Manager.

**2515.1.1.1** Constructive resignation shall not be determined to have occurred until after the employee has an opportunity to present his/her version of the "facts" at the informal fact-finding hearing.

**2515.1.1.2** The fact-finding hearing shall be held within ten (10) days after the end of the five (5) consecutive days of unauthorized voluntary absence.

**2515.2** The General Manager [*PERSONNEL DIRECTOR or other responsible managing employee*] may, prior to the informal fact-finding hearing, reinstate the employee who has been voluntarily absent without leave for five consecutive days if the employee provides a satisfactory explanation. If the employee is reinstated after providing a satisfactory explanation, back pay for the period of absence may be disallowed, including the employee's use of vacation or "comp" time to cover the period of absence.

**2515.3** If the General Manager determines, as a result of the evidence presented at the fact-finding hearing, that the employee was voluntarily absent without leave and did not have a satisfactory explanation, the employee shall not be entitled to a post-severance evidentiary hearing and the employee's resignation shall be considered to be effective at the end of the fifth consecutive day of his/ her unauthorized voluntary absence.

**eee. POLICY TITLE: Sick Leave**  
**POLICY NUMBER: 2520**

**2520.1** This policy shall apply to probationary and regular employees in all classifications.

**2520.2** Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments

and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to *[SPECIFY DEPARTMENT, POSITION, PERSON, etc.]*.

**2520.3** Employees shall earn sick leave at the rate of one working day per month, cumulative to a maximum of 60 days. The determination of total accumulated sick leave days shall be made on January 2 of each year.

**2520.4** Each employee may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick immediate-family members. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses and are defined as follows:

**2520.4.1** A “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild.

**2520.4.2** A “parent” means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered “parents for purposes of this division.

**2520.4.3** The term “spouse” is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.

**2520.5** In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

**2520.6** If absence from duty by reason of illness occurs, satisfactory evidence may be required by the *[PERSONNEL DIRECTOR or other responsible managing employee]*.

[OPTIONAL]

**2520.7** Unused sick-leave time may be "bought back" by the District at a rate of one-half (½) day *[specify whatever rate your district provides]* for each whole day accrued. Said buy back shall be limited only to time over and above 30 days of accrued sick leave. No more than 12 days of accrued sick leave shall be bought back in any given calendar year unless employment is terminated for non-cause reasons, in which case all accrued sick leave over and above 30 days shall be bought back at said one-half (½) rate. Termination for cause shall result in loss of all accrued sick leave.

**fff. POLICY TITLE:                      Family and Medical Leave**  
**POLICY NUMBER:                 2525**



**2525.1** The purpose of this policy is to clarify how *[name of district]* will implement the Family and Medical Leave Act of 1993 (FMLA). The provisions of the *[title of contract or MOU with union and/or employee association]* shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA.

**2525.2** Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by *[name of district]* for at least 12 months, which need not be consecutive; (2) worked for *[name of district]* at least 1,250 hours during the 12 months immediately preceding the commencement of leave; and, (3) be employed at a worksite where the District employs at least fifty (50) employees within seventy-five (75) miles of the worksite.

**2525.3** Leave Benefit.

**2525.3.1** Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a seriously ill child, parent, or spouse. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails

- (1) inpatient care in a hospital, hospice, or residential medical care facility; or,
- (2) continuing treatment by a health care provider.

**2525.3.2** To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the 12-week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without the General Manager's prior approval. If a husband and wife are both employed by *[name of district]*, the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.

**2525.3.3** Employees on leave who were previously covered by *[name of district]*'s health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.

**2525.3.4** At the end of the leave the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. *[Name of district]* may also require the employee to obtain medical certification that they are able to resume work.

**2525.4** Employee Obligations

**2525.4.1** If an employee requests leave for the birth, adoption, or the foster placement of a child, and the need for leave is foreseeable, the employee must provide his or her

division manager with at least 30 days' prior written notice. However, if the date of the birth, adoption, or foster placement requires that leave begin in less than 30 days, the employee must provide the division manager with as much notice as practicable. If the employee requests leave because of a serious health condition, the employee must provide the division manager with 30- days notice, or with as much notice as practicable.

**2525.4.2** Employees seeking leave on account of a serious health condition must provide the division manager with medical certification regarding their condition. The General Manager may require employees to obtain, at *[name of district]'s* expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider.

**2525.4.3** For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the General Manager's approval. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.

**ggg. POLICY TITLE: Pregnancy Disability Leave**  
**POLICY NUMBER: 2530**

**2530.1** Any female employee planning to take Pregnancy Disability Leave (PDL) should advise their supervisor as soon as possible. The employee should also inform their supervisor when such leave is expected to begin and how long it will likely last. The employee should make arrangements with their supervisor regarding the scheduling of any planned medical treatment or appointments in order to minimize disruption to the operations of *[DISTRICT]*.

**2530.2** Upon the request of an employee and recommendation of the employee's health care provider, the employee's work assignment may be modified if necessary to protect the health and safety of the employee and her child.

**2530.3** The following conditions also apply:

**2530.3.1** PDL begins when ordered by the employee's health care provider. The employee must provide their supervisor with a certification from a health care provider containing:

- a. The date on which the employee became disabled due to pregnancy;
- b. The probable duration of the period or periods of disability; and

- c. A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- d. Return to work from PDL will be allowed only when the employee's health care provider endorses a release that must be submitted to the employee's supervisor.

**2530.3.2** The duration of the leave will be determined by the employee's health care provider, but in accordance with regulations may be for not more than 88 working days. Regular part-time employees are entitled to leave on a pro rata basis. The 88 working days of available leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

**2530.3.3** The employee will remain in paid status while using appropriate accrued leave (sick or vacation) during a PDL to satisfy any disability waiting periods and/or to supplement disability benefits in order to maintain the equivalent of full salary.

**2500.3.4** The employee will be in non-paid status after exhaustion of appropriate accrued leave balances or at the employee's election to not use accrued leave benefits.

**2530.3.5** During the period of PDL, [DISTRICT] will continue payment of all premiums for employee benefit plans in place at the time the leave begins. [DISTRICT] will also continue the employer contribution for employee benefit premiums as if the employee were not in leave status, as required by law or regulations. The employee must reimburse [DISTRICT] for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by [DISTRICT] within 30 days of the date of the invoice or written notification. If [DISTRICT] does not receive the reimbursement from the employee within 30 days, [DISTRICT] can cancel any policies and/or plans for which they have not been reimbursed.

**2530.4** Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a PDL, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.

**hhh. POLICY TITLE: Military Leave**  
**POLICY NUMBER: 2535**

**2535.1** Military leave is a form of a personal leave of absence subject to federal and state applicable laws and regulations. Leaves of absence and re-employment resulting from service in the National Guard or U.S. Military Armed Forces will be in accordance with applicable state and federal laws. A copy of the applicable, official military orders for training or active duty must accompany an employee's request for a leave of absence.

**2535.2** An employee who is assigned to an U.S. Military Armed Forces Reserve organization and is subject to active or inactive duty training will be granted leaves of absence without pay, generally for up to two (2) weeks per calendar year unless additional time is approved by [*General Manager or Board of Directors*].

**2535.3** The following conditions also apply: The employee may remain in paid status while using appropriate accrued leave balances (vacation) to supplement his/her military pay to maintain the equivalent of full salary.

**iii. POLICY TITLE: Bereavement Leave**  
**POLICY NUMBER: 2540**

**2540.1** This policy shall apply to probationary and regular employees in all classifications.

**2540.2** In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three days. This is in addition to regular sick leave and vacation time. Verification may be required by the Personnel Director [*or other responsible managing employee*].

**2540.3** "Immediate family" is defined as being spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee.

**jjj. POLICY TITLE: Workers' Compensation Leave**  
**POLICY NUMBER: 2545**

**2545.1** If an employee is injured at work and is temporarily unable to perform his or her usual and customary work, the employee will be allowed to take an unpaid leave of absence while receiving workers' compensation benefits. Certification from a recognized medical professional confirming the necessity of the leave must be provided to [*DISTRICT*] within fourteen (14) days after the leave begins. The duration of the leave will be determined on a case-by-case basis, considering both the injured employee's medical condition and [*DISTRICT*] business needs.

**2545.2** The employee may elect during such absence to apply sick leave on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received as regular salary and the amount received as Workers' Compensation benefits, not to exceed the amount of available accrued sick leave. Similarly, the employee may elect to use any accrued paid leave time and accrued time off after the sick leave is exhausted.

**2545.3** The employee may return to work only after a recognized medical professional certifies that the employee is capable of resuming all of the essential functions of the employee's position. [*DISTRICT*] may, in its discretion, provide modified or light duty work if the employee's release contains such limitation. If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been

filled so that [DISTRICT] can operate safely and efficiently or the employment relationship has otherwise been terminated.

**2545.4** Workers' compensation leave will run concurrently with any family and medical leave. During the period of leave, [DISTRICT] will continue payment of all premiums for employee benefit plans in place at the time the leave begins. [DISTRICT] will also continue the employer contribution for employee benefit premiums, as if the employee were not in leave status, for the duration of the leave. The employee must reimburse [DISTRICT] for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by [DISTRICT] within 30 days of the date of the invoice or written notification. If [DISTRICT] does not receive the reimbursement from the employee within 30 days, [DISTRICT] can cancel any policies and/or plans for which they have not been reimbursed.

**kkk. POLICY TITLE: Leave for Crime Victims and Family Members**  
**POLICY NUMBER: 2550**

**2550.1** An employee who is a victim of a crime, a member of a crime victim's immediate family (spouse, child, stepchild, sibling, stepsibling, parent, or stepparent), a registered domestic partner of a crime victim, or the child of a registered domestic partner of a crime victim shall be allowed to be absent from work in order to attend judicial proceedings related to that crime, subject to the District's General Manager determining that work requirements may be maintained during the absence.

**2550.2** "Victim" means a person against whom one of the following crimes has been committed:

1. A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code;
2. A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code;
- or
3. A felony provision of law proscribing theft or embezzlement.

**2550.3** Prior to an employee being absent from work, the employee must provide the District with a copy of the official notice provided to the victim of each scheduled proceeding.

**2550.4** An employee absent from work to attend a scheduled proceeding may elect to use accrued vacation leave, sick leave, compensatory time off, or unpaid leave time.

**2550.5** The District shall keep confidential any records regarding an employee's absence from work pursuant to this Policy.

**III. POLICY TITLE: Catastrophic Time Bank**  
**POLICY NUMBER: 2553**

*This policy is applicable only to non-exempt employees, both as to use of and donation to a*

*catastrophic time bank.*

**2553.1** At the discretion of the General Manager, employees will be permitted to transfer eligible leave credits to a time bank to be used by an employee when a non-work related catastrophic illness or injury occurs.

**2553.1.1** Definitions used in the application of this rule:

1. Catastrophic illness or injury is defined as a non-work related illness or injury which is expected to incapacitate an employee and which creates a financial hardship because the employee has exhausted all of his/her sick leave and other paid time off.
2. A time bank is one or more hours of leave credit donated by one or more employees to another employee who has been incapacitated by a catastrophic illness or injury.
3. Eligible leave credits include vacation and/or compensating time off (CTO). They do not include sick leave.

**2553.1.2** A time bank for catastrophic illness or injury may be established:

1. Upon the request of an employee;
2. Upon determination by the General Manager that the employee in the District is unable to work due to the employee's catastrophic illness or injury; and
3. That the employee has exhausted all paid leave credit.

**2553.1.3** If a time bank is established, any employee may, upon written notice to the Administrative Services Manager, donate eligible leave credits in one-hour increments, up to a maximum of 40 hours in a one year period, to the time bank. Donations will be reflected as an hour for hour deduction from the leave balance of the donating employee. When transferring leave credits into a time bank, the District will assure that only credits that may be needed are transferred. The employee donating the hours shall remain responsible for any applicable taxes or other expenses for the used hours.

**2553.1.4** In order to receive time from the time bank, an employee must provide appropriate verification of illness or injury as determined by the District. The employee for whom the time bank is established will have any time which is donated to the time bank transferred to his account in one hour increments for use as sick leave only. Donated credits will be reflected as an hour-for-hour addition to the leave balance of

the receiving employee. The total amount of leave credits donated may not exceed an amount sufficient to insure the continuance of regular compensation. An employee who receives time through this program shall use any leave credits he continues to accrue on a monthly basis prior to receiving time from the time bank.

**2553.1.5** Use of time from the time bank may not be used to augment benefits received due to a work-related injury or illness.

**mmm. POLICY TITLE: Time Off for Children - School Activities**  
**POLICY NUMBER: 2555**

**2555.1** California Law allows a parent or guardian to take up to a total of 40 hours of time off each calendar year (but no more than 8 hours in one month) without pay to participate in their children's activities at school (grades K through 12) or licensed day care. The absence is subject to all of the following conditions:

**2555.1.1** Employees planning to take time off for school visitations must provide as much advance notice as possible and all requests must be approved by the employee's supervisor;

**2555.1.2** If both parents are employed by [*DISTRICT*], the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;

**2555.1.3** Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;

**2555.1.4** Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

## **2555.2 Suspension**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In compliance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

**2555.2.1** Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;

**2555.2.2** Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

**nnn. POLICY TITLE: Time Off to Vote**  
**POLICY NUMBER: 2560**

**2560.1** [*DISTRICT*] believes that it is the responsibility and duty of employees to exercise the privilege of voting in federal, state or local governmental elections. In accordance with this

philosophy, the [DISTRICT] will grant its employees advance arranged and approved time off to vote and for periods of service as an election official.

**2560.2** All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, managers are authorized to grant a reasonable period of time, up to three hours, during the work day to vote. Time off for voting should be coordinated to occur at the beginning or end of a work shift where possible and reported and coded appropriately on timekeeping records.

**ooo. POLICY TITLE: Jury Duty**  
**POLICY NUMBER: 2565**

**2565.1** This policy shall apply to probationary and regular employees in all classifications.

**2565.2** An employee summoned for jury duty will immediately notify his/her immediate supervisor [*or other responsible managing employee*].

**2565.3** While serving on a jury, an employee will be given a paid leave of absence for the duration of said jury duty. Said leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday. It is also conditional upon the employee's conveyance to the District of any compensation received as a juror, not including any travel allowance received.

**ppp. POLICY TITLE: Subpoena Responsibilities**  
**POLICY NUMBER: 2570**

**2570.1** District Service. A regular full-time employee absent from work because of a subpoena to appear as a witness for the District shall not be entitled to witness fees from the District, but shall be deemed to be in District service and entitled to his/her usual compensation for the time spent in going to, attending, and returning from a court appearance or approved legal consultations.

**2570.2** Other Service. A regular full-time employee subpoenaed to appear on behalf of any party other than the District shall be deemed absent from District service and shall not be entitled to his/her usual compensation during the time of absence, unless the employee, with prior authorization, uses compensatory time and/or accrued vacation time. At the time of service of the subpoena, the employee should request the witness fee and mileage provided for by law, which the employee may retain.

**qqq. POLICY TITLE: Drug and Alcohol Abuse**  
**POLICY NUMBER: 2600**



**2600.1** It is the desire of the Board of Directors that all work environments of District employees be safe and productive and free of the influence of drugs, alcohol and/or other controlled substances. The Board of Directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

**2600.2** The use (except as prescribed by a physician), sale, possession, purchase, or transfer of drugs, alcohol and/or other controlled substances by any District employee or officer on District property or work sites or while said employee or officer is on District business is prohibited.

**2600.2.1** Employees are also prohibited from being under the influence of drugs, alcohol and/or other controlled substances during hours of work where such substances could impair the fitness of an employee to perform his/her work.

**2600.2.2** Commission of any of the actions described above will subject the employee to disciplinary action up to and including termination.

**2600.2.3** For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substances in one's body.

**2600.3** The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the General Manager [*or other authorized administrator*] pending said employee's attempt at rehabilitation. The General Manager [*or other responsible managing employee*] has discretion to handle each case individually with factors such as the employee's frequency of use, commitment to rehabilitation, and type of substance taken into consideration regarding the waiving of penalties.

**2600.3.1** Discipline or termination that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:

**2600.3.1.1** Successfully complete an approved rehabilitation program;

**2600.3.1.2** Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,

**2600.3.1.3** Be subject to periodic testing without further reasonable cause.

**2600.3.2** Employees who are found to have brought drugs, alcohol or other non-prescription controlled substances onto District property or work sites and to have provided them to other employees shall be terminated without recourse to a rehabilitation program.

**2600.3.3** Discipline or termination should not be taken until a thorough investigation has been completed.

**2600.4** To assure that employees, property and equipment are not endangered by other employees who are involved with, or under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance speech or other characteristics create a reasonable suspicion of involvement with, or influence of said substances will be taken to a medical facility and be subject to an exam by a qualified physician at District expense. If said physician determines that a drug/alcohol test is warranted, said employee will be subject to testing for the presence of alcohol or drugs in their bodies.

**2600.4.1** Presence of such substances will result in disciplinary action up to and including termination, as described above.

**2600.4.2** An employee who is suspected of involvement as described above and refuses to cooperate in the physician's exam and/or drug/alcohol testing is subject to termination.

**2600.5** If a qualified physician, as a part of the examination specified in Section 2600.4, above, determines that an employee is not capable of working safely, said employee will be transported to his/her home by a supervising employee and not allowed to drive himself/herself home.

**2600.6** Immediately prior to reporting for drug/alcohol testing, all employees shall complete a Consent and Release form to be kept on file in the District office which shall conform to the general format, as shown on Appendix A.

**2600.7** District employees are required to notify the General Manager [*or other responsible managing employee*] in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five calendar days after such conviction.

**rrr. POLICY TITLE: Use of Tobacco Products Within District**  
**POLICY NUMBER: 2610**

**2610.1** Ample research exists demonstrating the health hazards of the use of tobacco products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, the smoking of tobacco products shall be banned completely within District buildings or confined spaces, or in District vehicles.

**2610.1.1** The successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility of adhering to this policy.

**2610.2** All District employees will be responsible for advising members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Said individuals shall be asked by staff to refrain from smoking.

**2610.2.1** Members of the public who refuse to comply with this policy may be directed by [specify District employees who may make this decision] to leave District property.

**2610.3** District employees who violate this policy will be subject to disciplinary action in accordance with Policy #2260.

sss.      **POLICY TITLE:**                      **Smoke-free Workplace**  
              **POLICY NUMBER:**      **2615**

**2615.1** Smoking is prohibited within the buildings, facilities and vehicles of [*DISTRICT NAME*]. Those who smoke are requested to do so outdoors away from entrances or windows of buildings.

**2615.2** Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.

**2615.2.1** Personnel who smoke in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner, not littering or throwing residual parts on the ground or street or areas of drains, etc.

**2615.3** Smoking is allowed in non-district vehicles and on district properties as long as it is not a safety hazard. If employees observe unsafe activity involving smoking, they should bring it to the attention of the person and attempt to gain voluntary compliance to terminate the smoking activity. If the party refuses to cooperate, employee should inform his/her supervisor to take added action.

ttt.      **POLICY TITLE:**                      **Drug-Free Workplace**  
              **POLICY NUMBER:**      **2620**

**2620.1** The Butte County RCD will publish a drug-free workplace statement and provide a copy to each employee who will be engaged in the performance of this subaward. This statement must:

**2620.1.1** Tell all employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace;

**2620.1.2** Specify actions the subrecipient will take against employees for violating that prohibition; and,

**2620.1.3** Let each employee know that, as a condition of employment under any instrument, he or she:

**2620.1.3.1** Must abide by the terms of the statement, and

**2620.1.3.2** Must notify you in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace, and must do so no more than five calendar days after the conviction.

**2620.2** The Butte County RCD will establish an ongoing drug-free awareness program to inform employees about:

**2620.2.1** The dangers of drug abuse in the workplace;

**2620.2.2** Your policy of maintaining a drug-free workplace;

**2620.2.3** Any available drug counseling, rehabilitation and employee assistance programs; and,

**2620.2.4** The penalties that you may impose upon them for drug abuse violations occurring in the workplace.

**2620.3** The policy statement and program will be in place as soon as possible, no later than the 30 days after the Board's approval of this policy.

**2620.4** The Butte County RCD agrees to notify federal grant funding agencies that require a Drug Free Workplace Policy if an employee is convicted of a drug violation in the workplace. The notification must be in writing, identify the employee's position title, and the subaward agreement number on which the employee worked. The notification will be sent to the grant funding agencies within ten calendar days after the Butte County RCD learn(s) of the conviction.

**2620.5** Within 30 calendar days of learning about an employee's conviction, the Butte County RCD will:

**2620.5.1** Take appropriate personnel action against the employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. 794), as amended, or

**2620.5.2** Require the employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for these purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

**uuu.**

**POLICY TITLE: Internet, E-mail, and Electronics  
Communication Ethics, Usage and Security**

**POLICY NUMBER: 2700**

**2700.1** The Butte County RCD believes that employee access to and use of the Internet, e-mail, and other electronic communications resources benefits the District and makes it a more profitable and successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success.

**2700.2** The District has established this ethics, usage, and security policy to ensure that all District employees use the computer resources, which the District has provided its employees, such as the Internet and e-mail, in an ethical, legal, and appropriate manner. This policy defines acceptable and unacceptable use of the Internet, e-mail, and other electronic communications.

**2700.3** This policy also establishes the steps the District may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to the guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate termination.

**2700.3.1** Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the internet and e-mail includes, but is not limited to:

**2700.3.1.1** Accessing internet sites that contain pornography, exploit children, or would generally be regarded in the community as offensive, or for which there is no official business purpose to access.

**2700.3.1.2** Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the District's policies (i.e. policy on sexual harassment).

**2700.3.1.3** Exploiting security weaknesses of the District's computing resources and/or other networks or computers outside the District.

**2700.3.1.4** Internet access is to be used for District business purposes only. Employees who have completed all job tasks should seek additional work assignments. Use of the Internet should not interfere with the timely and efficient performance of job duties. Access to the Internet and e-mail is not a benefit of employment with the District. (Personal use of the Internet, e-mail, and other electronic communications is strictly prohibited.)

**2700.3.2** Employees do not have any right to privacy in any District computer resources, including internet sites visited, downloads and e-mail messages produced, sent, or received by District computers or transmitted via the District's servers and network. Employee access to the Internet and e-mail is controlled by use of a password. The existence of a password does not mean that employees should have any expectation of privacy. Employees must disclose their passwords to the District upon request, and the District will maintain a file of all passwords currently in use. The District may monitor the contents of all e-mail messages to promote the administration of the District, its business, and policies.

**2700.3.3** Employees access to and use of the Internet, e-mail, and other electronic communications will be monitored frequently. Failure to follow the policy may lead to discipline, up to and including immediate termination. Disciplinary action may include the removal of Internet and e-mail access from their computer or termination of employment with the District.

**2700.3.4** The Internet and e-mail provide means by which employees of the District may communicate with its customers (general public). Messages to or from customers through the District's e-mail system may be considered part of the District's public business records and should be treated as such.

**2700.3.5** Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the District's computer system. For a specific period of time, the District retains backup copies of all documents, including e-mail messages, produced, sent, and received on the District's computer system.

**2700.3.6** E-mail and any attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letters, and other paper-based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which the District may be involved.

**2700.3.7** Currently all District e-mail being sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Due to the way Internet data is routed, all messages are subject to "eavesdropping." Messages may be "stolen" as they temporarily reside on host machines waiting to be routed to their destination, or they may be purposefully intercepted from the Internet during transfer to the recipient. It is possible for someone other than the intended recipient to capture, store, read, alter/or re-distribute your message. Do not transmit information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.

**2700.3.8** E-mail, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.

**2700.3.9** Use of electronic mail or the Internet to distribute copyrighted materials is prohibited.

**2700.3.10** Each user should take the necessary steps to prevent unauthorized disclosure of confidential or privileged information. (This is especially important for law firms and accounting firms that have strict professional ethical obligations and duties toward their clients.)

**2700.3.11** Use of electronic mail or the Internet to send offensive messages of any kind is prohibited.

**2700.3.12** Use of electronic mail or the Internet for inappropriate or unauthorized advertising and promotion of the District is prohibited.

**2700.3.13** When District employees communicate using electronic mail or other features of the Internet, the employee must be extremely mindful of the image being portrayed of the District.

**2700.3.14** Computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the Internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include e-mail and/or documents received via e-mail and the Internet. All downloaded files must be scanned for viruses.

**2700.3.15** Use of another user's name/account, without express permission of the Systems Administrator, to access the Internet is strictly prohibited.

**2700.3.16** Personal use of the District's computer resources for personal commercial activity or any type of illegal activity is strictly prohibited.

**2700.3.17** It is advisable for all employees of the District to remind customers/clients/contractors of these security issues when sending confidential electronic mail and/or documents to the District via electronic mail. If applicable, our customer/clients/contracts should be reminded to implement a security policy and make sure their employees understand the ramifications of sending privileged information via electronic mail. (This is especially important for law firms and accounting firms that have strict professional ethical obligations and duties toward their clients.)

**2700.3.18** The District will not be responsible for maintaining or payment of personal Internet accounts or related software. To maintain the integrity and firewall protection of the District's network system, telephone system, modem pool, or communication server to access the Internet.

**2700.3.19** E-mail that users need to retrieve from their personal Internet account must be retrieved via that User's personal Internet account. District users shall not access such personal e-mail account using the District's network system, telephone system, modem pool, or communication server.

**2700.3.20** Employees will only access the Internet through the District's network. Internet access through other methods (i.e. modems) will not be allowed, unless specifically authorized by the Director of Information Technology.

**2700.3.21** Employees will only access the Internet using the approved Internet browser (Internet Explorer). Any other browser being used on a workstation will be promptly removed.

**2700.3.22** Employees will respect all copyright and license agreements regarding software or publication they access or download from the Internet. The District will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication, which is downloaded onto District computer resources, becomes the sole property of the District.

**2700.3.23** Employees will only download information and/or publications for official business purposes.

**2700.3.24** Employees are to scan all downloaded materials before using or opening them on their computers to prevent the introduction of computer viruses.

**2700.3.25** All list subscriptions should be for business purposes only. The employee will make sure List Servers are notified when the employee leaves the District.

**2700.4** Employee Acceptance. By signing this agreement, I hereby represent that I have read, understand, and agree to the District’s Internet, e-mail, and electronic communications ethics, usage, and security policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name here

vvv. **POLICY TITLE: Equal Opportunity**  
**POLICY NUMBER: 2800**

2225.1 The District employs persons having the best available skills to efficiently provide high quality service to the public.

**2800.2** The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reduction in force, reinstatement, and all other matters of employment.



**2800.2.1** Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, handicap, veteran status, or any other factor unrelated to job performance.

**www. POLICY TITLE: Immigration Law Compliance**  
**POLICY NUMBER: 2815**

2815.1 [*DISTRICT*] employs only United States citizens and non-citizens who are authorized to work in the United States. [*DISTRICT*] does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9) and present documentation establishing identity and employment eligibility no later than three (3) days following date of hire. If appropriate documentation is not received within this time, the employment relationship will be terminated.

**xxx. POLICY TITLE: Sexual Harassment**  
**POLICY NUMBER: 2825**

**2825.1** Acts of sexual harassment by employees, supervisors, or managers, are prohibited employment practices and are subject to sanctions and disciplinary measures, up to and including termination of employment.

**2825.2** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

**2825.2.1** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

**2825.2.2** Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

**2825.2.3** Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

**2825.3** Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions, subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment are:

**2825.3.1** Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

**2825.3.2** Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the

work area that may embarrass or offend the person; sexually degrading words to describe the person, or propositions of a sexual nature.

**2825.4 Policy Publicizing.** All employees shall be informed of the District's sexual harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

**2825.4.1** All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.

**2825.4.2** An annual bulletin shall be prepared and distributed to all employees informing them of the District's sexual harassment policy.

**2210.5** Within three working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees reinforming them of the District's sexual harassment policy.

**2825.6 Complaint Process.** Any employee who believes he/she is the victim of sexual harassment may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

**2825.6.1** An informal complaint is made verbally by the employee to the immediate supervisor. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

**2825.6.2** A formal complaint is made in writing, using the "Employee Grievance Form," see "Appendix A" in Policy #2180. Said form should be submitted by the employee to their immediate supervisor. Although submitting the formal complaint with the immediate supervisor is preferred, the employee is free to submit a formal complaint with any supervisory employee, or with the President of the Board of Directors if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

**2825.7 Complaint Response Process.** Any supervisory employee who receives a formal or informal sexual harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the division manager, or to the General Manager if the division manager is unavailable or personally involved in said complaint.

**2825.7.1** Within 24 hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall be conducted by the manager of the division, in cooperation with the Personnel Manager, within which the alleged harassment occurred.

Said investigation shall be conducted by the General Manager if the division manager is unavailable or personally involved in said complaint.

**2825.7.2** A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board if one exists or the entire Board of Directors.

**2825.7.3** All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

**2825.7.4** The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

**2825.8** Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found, including mandatory sexual harassment training to prevent future incidents. Whatever punishment is meted out to the harasser shall be made known to the victim of the harassment.

**2825.8.1** Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

**2825.8.2** Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims. An employee involved in a confirmed incident shall be removed from supervision of a person verified to have committed a harassment activity.

**2825.8.3** Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

yyy. **POLICY TITLE:** **Job Description – Executive Secretary**  
**POLICY NUMBER:** **2906**

**2906.1** Under supervision of the District Manager: acts as Secretary to the Board of Directors, District Accountant, District Treasurer and District Clerk, all subject to annual appointment by the Board.

**2906.1.1** The Executive Secretary serves as secretary to the District Manager; attends to administrative detail on special matters assigned by the District Manager; composes correspondence on own initiative on matters not requiring personal attention of the District Manager; writes reports and letters; and, acts as office manager in the absence of the District Manager.

**2906.1.2** The Executive Secretary prepares agenda and attends meetings of the Board of Directors; transcribes and edits minutes; prepares drafts of agenda items requiring action by the Board; gives information to organizations, employees, customers and the general public regarding Board matters; and, prepares correspondence and maintains files on official actions of the Board and the District Manager.

**2906.1.3** The Executive Secretary acts as District Treasurer, being responsible, under the direction of the District Manager, for depositing, withdrawing, transferring and investing District funds, maintaining efficient fiscal practices to maximize non-operational earnings, and maintaining cash flow for needed liquidity; and, makes deposits and withdrawals.

**2906.2** Required Qualifications. He/she must possess four years of increasingly responsible clerical and secretarial experience, and in keeping or reviewing accounting or fiscal records (equivalent job-related education in accounting may be substituted for a maximum of two years of experience on the basis of nine semester units of accounting for one year of experience).

**2906.2.1** He/she must have completed 12 semester hours of professional accounting (one year of additional qualifying experience may be substituted for the education requirement), and the equivalent to completion of high school (grade 12).

**2906.2.2** He/she shall possess a valid California driver's license.

**2906.3** Desirable Qualifications. He/she should have knowledge of: modern office methods, practices and equipment; and techniques of business letter and report writing.

**2906.3.1** He/she should have the ability to: perform responsible clerical and secretarial duties and independently take care of administrative detail; compose correspondence independently or from general directions; take, transcribe and edit Board material and minutes quickly and accurately; type at a speed of not less than sixty (60) words per minute from clear copy; and, maintain cooperative relationships with those contacted in the course of work.

**2906.3.2** He/she should have the ability to: plan, organize and supervise the work of others in the performance of financial record-keeping and general clerical work; express ideas and give instructions effectively; apply rules and regulations to specific cases; analyze data and draw logical conclusions; and, take the lead and become a primary source of reference for assigned areas of responsibility.

**2906.3.3** He/she should have thorough knowledge of the principles and practices of financial record-keeping, basic principles of accounting, computerized accounting and principles of effective supervision.

**zzz. POLICY TITLE: Job Description – District Manager**

**POLICY NUMBER: 2950**

**2950.1 Description.** The District Manager is the Executive Officer of the District and for the Board of Directors. He/she administers the District and has exclusive management and control of the operations and works of the District, subject to approval by the board of Directors, and provides day-to-day leadership for the District. He/she has general charge, responsibility and control over all property of the District.

**2950.1.1** He/she attends all meetings of the District's Board and such other meetings as the Board specifies from time to time.

**2950.1.2** He/she employs such assistants and other employees as he/she deems necessary for the proper administration of the District and the proper operation of the works of the District, in accordance with **Policy #2150, "Compensation,"** subject to approval by the Board of Directors. He/she shall delegate authority at his/her discretion and has authority over and directs all employees, including terminating for cause or lack of worthwhile work. His/her personnel management goal will be to provide a motivating work climate for District employees.

**2950.1.3** He/she maintains cordial relations with all persons entitled to the services of the District, and attempts to resolve all public and employee complaints. He/she shall encourage citizen participation in the affairs of the District.

**2950.1.4** He/she seeks to carry into effect the expressed policies of the Board of Directors, including planning the short, medium and long term work program for the District, facilitating constructive and harmonious Board relations. He/she shall translate the goals and objectives of the Board to the community.

**2950.1.5** He/she shall prepare and manage the District budget, conducting studies, making oral and written presentations.

**2950.2 Required Qualifications.** He/she shall possess a bachelors degree in public administration or a related field and shall have five years experience in an increasingly responsible public agency management position. He/she shall possess a valid California drivers license.

**2950.3 Desirable Qualifications:** possession of a masters degree in public administration or a related field; the ability to efficiently prepare annual budgets and long-term revenue/ outlay plans; the ability to effectively communicate, both written and verbal, with the constituents and other agency personnel; and the ability to meet and serve the public courteously and efficiently.

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Butte County  
Resource Conservation District  
(BCRCD)

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**POLICY HANDBOOK**

**Section III: Operations**

Adopted: \_\_\_\_\_

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### **III. Operations (3000)**

- a. POLICY TITLE:                      Budget Preparation**  
**POLICY NUMBER:                      3105**

**3105.1** An annual budget proposal shall be prepared by the District Manager.

**3105.2** Prior to review by the Board of Directors, the Board's standing Finance Committee shall meet with the General Manager and review his/her annual budget proposal.

**3105.3** The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board at a Budget Hearing during its regular meeting in April.

**3105.4** The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in May.

- b. POLICY TITLE:                      Fixed-Asset Accounting Control**  
**POLICY NUMBER:                      3110**

**3110.1** The purpose of this policy is to ensure proper accounting control resulting in the maintaining of accurate financial reports of fixed assets.

**3110.2** An accounting, or inventory, of all fixed assets shall be conducted on an annual basis. After the conclusion of said inventory, the District Manager shall certify its completeness and report the results thereof to the Board of Directors at its next regular monthly meeting.

**3110.3** Applicable purchases for inclusion in said accounting shall be the following:

**3110.3.1** Equipment, tools, and vehicles that individually have an original total cost of more than \$300;

**3110.3.2** All land and building acquisitions regardless of price; and,

**3110.3.3** Additions or major improvements to the District's service infrastructure.

**3110.4** When any item defined in Section 3030.3.1 above is received, a tag with a unique identification number shall be affixed to said item, and the number recorded in the permanent inventory records.

**3110.5** Permanent inventory records shall be maintained in either a paper file or electronic (computer data base) format. Said records shall be updated whenever a change in the status of a particular fixed asset occurs (e.g., original purchase, sale, destruction, loss, theft, etc.).

**3110.6** Information to be maintained in said inventory records shall include at least the following:



- 3110.6.1** Asset number;
- 3110.6.2** Description;
- 3110.6.3** Manufacturer's serial number;
- 3110.6.4** Storage location;
- 3110.6.5** Original cost;
- 3110.6.6** Acquisition date;
- 3110.6.7** Life expectancy; and,
- 3110.6.8** Classification code (e.g., office equipment, vehicle, etc.).

**c. POLICY TITLE:                   Fixed-Asset Capitalization**  
**POLICY NUMBER:                3115**

**3115.1** The purpose of this policy is to provide criteria for determining when assets and associated costs are to be capitalized and depreciated.

**3115.2** Single-item purchases with at least an anticipated useful life of five years and exceeding \$5,000 each shall be capitalized as a fixed asset. The purchase of these fixed assets shall be included on the District's statement of net assets and depreciated over the asset's estimated useful life. The purchase of fixed assets for less than \$5,000 shall be expensed.

**3115.3** Other expenditures of \$5,000 or more that provide a significant increase in future service potential of a fixed asset shall also be capitalized as part of the existing asset.

**3115.3.1** To meet the criteria for a capital expenditure, the purchase should extend the useful life of an asset, increase the quantity of service provided by an asset, or increase the quality of service by an asset.

**3115.3.2** Capital expenditures may include the following: additions (enlargements, expansions or extensions of existing assets), replacements and improvements, and rearrangement and/or relocation of an asset.

**3115.4** Expenditures for normal repairs and maintenance shall not be considered as capital expenditures.

**3115.5** Depreciation will be computed over the estimated useful lives of the assets as follows:

<b>ASSET DEPRECIATION LIFE</b>	
<b>Fixed Asset</b>	<b>Useful Life (years)</b>
General Plant/Structures	50
Reservoirs, Dams, etc.	50

Vehicles	5
Heavy Equipment (normal – light use)	7 – 10
Light Equipment (normal – light use)	5 – 7
Office Equipment	5 – 10
Office Furniture	10 – 15
Computer Equipment	5 – 7

*[Consult your district's auditor for other structures and equipment specific to your agency]*

**d. POLICY TITLE:                   Asset Protection and Fraud in the Workplace**  
**POLICY NUMBER:                3117**

**3117.1 Purpose and Scope:** To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other related dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

**3117.2 General**

A. The BCRCDC is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the BCRCDC to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the BCRCDC and, when appropriate, to pursue legal remedies available under the law.

B. Definitions:

1. Fraud – Fraud and other similar irregularities include, but are not limited to:
  - a. Claim for reimbursement of expenses that are not job-related or authorized by the District Administrative and Ethics Code.
  - b. Forgery, falsification, or unauthorized alteration of documents or records (including but not limited to checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.).
  - c. Misappropriation of District assets (including but not limited to funds, securities, supplies, furniture, equipment, etc.).
  - d. Inappropriate use of District resources (including but not limited to labor, time, and materials).
  - e. Improprieties in the handling or reporting of money transactions.
  - f. Authorizing or receiving payment for goods not received or services not performed.
  - g. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned software.
  - h. Misrepresentation of information on documents.
  - i. Theft of equipment or goods.
  - j. Any apparent violation of federal, state, or local laws related to dishonest activities or fraud.
  - k. Seeking or accepting anything of material value from those doing business with the District including vendors, consultants, contractors, lessees, applicants, and grantees. Materiality is determined by the District's Conflict of Interest Code which incorporates the Fair Political Practices Commission's regulations.

1. Any other conduct, actions or activities treated as fraud or misappropriation under any federal or state law, rule or regulation.
  2. Employee – In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, including the Board of Directors, from the BCRC. The term also includes any volunteer who provides services to the RCD through an official arrangement with the District or a District organization.
  3. Management – In this context, management refers to any manager, supervisor, or other designated individual who manages or supervises District's resources or assets.
  4. Internal Audit Committee – In this context, if the claim of fraud involves anyone other than the District's General Manager, the Internal Audit Committee shall consist of the General Manager, the District's Legal Counsel and any other persons appointed to the Internal Audit Committee by the General Manager. If the claim of fraud involves the District's General Manager, the Internal Audit Committee shall consist of the President of the Board of Directors of the District, the District's Legal Counsel and those persons appointed to the Internal Audit Committee by the President of the Board. Nothing contained in this policy shall be construed as requiring the General Manager or the President of the Board to appoint other persons to the Internal Audit Committee. Individuals appointed to the Internal Audit Committee by the General Manager or the President of the Board other than the District's Legal Counsel shall serve at the pleasure of the General Manager or the President of the Board.
  5. External Auditor – In this context, External Auditor refers to independent audit professionals who perform annual audits of the District's financial statements and are appointed by the District's Board of Directors.
- C. It is the District's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the District of any party who might be or become involved in or becomes the subject of such investigation. An employee being investigated for fraud may request representation by an Employee Association if applicable.
- D. Each department of the District is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- E. For claims of fraud not involving the General Manager, the General Manager or an Internal Audit Committee appointed by the General Manager shall have primary responsibility for investigation of the activity covered by this policy. For claims of fraud involving the General Manager, the President of the Board or an Internal Audit Committee appointed by the President shall have primary responsibility for investigation of the activity covered by this policy. The District's General Counsel shall advise the Committee, the General Manager or the Board President on all such investigations.
- F. Throughout the investigation, the Internal Audit Committee will inform the General Manager of pertinent investigative findings.

G. Employees will be granted whistle-blower protection when acting in accordance with this policy so long as the employee has not engaged in activity that violates this policy. When informed of a suspected impropriety, neither the District nor any person acting on behalf of the District shall:

1. Dismiss or threaten to dismiss the employee,
2. Discipline, suspend, or threaten to discipline or suspend the employee,
3. Impose any penalty upon the employee, or
4. Intimidate or coerce the employee.

Violations of the whistle-blower protection will result in discipline up to and including termination.

H. Upon conclusion of the investigation, the results will be reported to the General Manager or in the event the investigation involves the General Manager, then the Board President shall receive the report and shall advise the Board of Directors.

I. The General Manager or the Board President, as the case may be, following review of investigation results, will take appropriate action regarding employee misconduct based on the District's Administrative and Ethic Code. Disciplinary action can include termination, and referral of the case to the District Attorney's Office for possible prosecution.

J. The General Manager or the Board President will pursue every reasonable effort, including court ordered restitution, to obtain recovery of District losses from the offender, or other appropriate sources.

### **3117.3 Procedures**

#### **A. Board of Directors Responsibilities**

1. If a Board Member has reason to suspect that a fraud has occurred, he or she shall immediately contact the General Manager or the Board President, if the activity involves the General Manager, and the District's Legal Counsel.
2. The Board Member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager and the District's Legal Counsel.
3. The alleged fraud or audit investigation shall not be discussed with the media by any person other than the General Manager or the Board President after consultation with the District's Legal Counsel and the Internal Audit Committee, if any Committee is appointed.

#### **B. Management Responsibilities**

1. Management is responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.
2. Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area.
3. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.

4. If management determines a suspected activity may involve fraud or related dishonest activity, they should contact their immediate supervisor or the District's General Manager. If the activity involves the General Manager it shall be reported to the Board President or the District's Legal Counsel.
5. Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent recurrence of improper actions.
6. Management should support the District's responsibilities and cooperate fully with the Internal Audit Committee, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
7. Management must give full and unrestricted access to all necessary records and personnel. All District's assets, including furniture, desks, and computers, are open to inspection at any time. There is no assumption of privacy.
8. In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management should avoid the following:
  - a. Incorrect accusations.
  - b. Alerting suspected individuals that an investigation is underway.
  - c. Treating employees unfairly.
  - d. Making statements that could lead to claims of false accusations or other offenses.
9. In handling dishonest or fraudulent activities, management has the responsibility to:
  - a. Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc.
  - b. Avoid discussing the case, facts, suspicions, or allegations with anyone outside the District, unless specifically directed to do so by the General Manager.
  - c. Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the General Manager, Internal Audit Committee, the District's Legal Counsel or law enforcement personnel.
  - d. Direct all inquiries from the suspected individual, or his or her representative, to the General Manager, the Board President, or the District's Legal Counsel. All inquiries by an attorney of the suspected individual should be directed to the General Manager or the District's Legal Counsel. All inquiries from the media should be directed to the General Manager or the Board President if the activity involves the General Manager.
  - e. Take appropriate corrective and disciplinary action, up to and including

dismissal, after consulting with the Human Resources Department and Legal Counsel, in conformance with the District's Administrative and Ethics Codes.

C. Employee Responsibilities

1. A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the proper management official.
2. When the employee believes the supervisor may be involved in the inappropriate activity, the employee shall make the report directly to the next higher level of management and/or the General Manager. If the activity involves the General Manager, it shall be reported to the Board President or the District's Legal Counsel.
3. The reporting employees shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, Internal Audit Committee, the District's Legal Counsel, or law enforcement personnel.

D. Internal Audit Committee Responsibilities

1. Upon assignment by the General Manager or the Board President, the Internal Audit Committee will promptly investigate the fraud.
2. In all circumstances where there appears to be reasonable grounds for suspecting that a criminal fraud has taken place, the Internal Audit Committee, in consultation with the District General Manager or the Board President and Legal Counsel, will contact the local law enforcement agency or Police Department.
3. The Internal Audit Committee shall be available and receptive to receiving relevant, confidential information to the extent allowed by law after consultation with the District's Legal Counsel.
4. If evidence is uncovered showing possible dishonest or fraudulent activities, the Internal Audit Committee will proceed as follows:
  - a. Discuss the findings with management and the General Manager.
  - b. Advise management, if the case involves District staff members, to meet with the Human Resources Manager (or his/her designated representative) to determine if disciplinary actions should be taken.
  - c. Report to the External Auditor such activities in order to assess the effect of the illegal activity on the District's financial statements.
  - d. Coordinate with the District's Safety/Risk Compliance Administrator regarding notification to insurers and filing of insurance claims.
  - e. Take immediate action, after consultation with the Legal Counsel, to prevent the theft, alteration, or destruction of evidentiary records. Such action shall include, but is not limited to:
    - 1) Removing the records and placing them in a secure location, or limiting access to the location where the records currently exist.
    - 2) Preventing the individual suspected of committing the fraud from

having access to the records.

f. In consultation with the District Legal Counsel and the local law enforcement agency, the Internal Audit Committee may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.

g. If the Internal Audit Committee is contacted by the media regarding an alleged fraud or audit investigation, the Internal Audit Committee will refer the media to the General Manager or Board President if the activity involves the General Manager.

h. At the conclusion of the investigation, the Internal Audit Committee will

document the results in a confidential memorandum report to the General Manager or the Board President for action. If the report concludes that the allegations are founded and the District’s Legal Counsel has determined that a crime has occurred, the report will be forwarded to the local law enforcement agency.

i. The Internal Audit Committee will be required to make recommendations

to the appropriate department for assistance in the prevention of future similar occurrences.

j. Upon completion of the investigation, including all legal and personnel actions, all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the Internal Audit Committee to that department.

**3117.4 Exceptions**

There will be no exceptions to this policy unless provided and approved by the General Manager or the Board President and the District Legal Counsel. The Board of Directors reserves the right to amend, delete, or revise this policy at anytime by formal action of the Board of Directors.

**e. POLICY TITLE: Investment of District Funds**  
**POLICY NUMBER: 3120**

**3120.1 PREMISE**

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

Government Code Sections 5921 and 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,

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

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

### **3120.2 SCOPE**

This investment policy applies to all financial assets of *BCRCD*. These funds are accounted for in the Independent Annual Financial Report and include:

Demand Account:	Investments:
General Fund	Local Agency Investment Fund
Secretary Revolving Fund	<i>[others]</i>
Operation and Maintenance Fund	
Enterprise Funds	
<i>[others]</i>	

### **3120.3 PRUDENCE**

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (CGC §53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations for expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

### **3120.4 OBJECTIVES**

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

**3120.4.1 Safety:** Safety of principal is the foremost objective of the investment program. Investments of *[district]* shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

**3120.4.2 Liquidity:** The investment portfolio will remain sufficiently liquid to enable *[district]* to meet all operating requirements which might be reasonably anticipated.



**3120.4.3 Return on Investments:** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

### **3120.5 DELEGATION OF AUTHORITY**

Authority to manage the investment program is derived from California Government Code Sections 53600, et seq. Management responsibility for the investment program is hereby delegated to the Finance Division Manager *[or other appropriate district officer]*, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Finance Division Manager *[or other appropriate district officer]*. The Finance Division Manager *[or other appropriate district officer]* shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provisions of California Government Code §53600.3, the Finance Division Manager *[or other appropriate district officer]* is a trustee and a fiduciary subject to the prudent investor standard.

### **3120.6 ETHICS AND CONFLICTS OF INTEREST**

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

### **3120.7 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The Finance Division Manager *[or other appropriate district officer]* will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness that are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the Finance Division Manager shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Finance Division Manager *[or other appropriate district officer]* shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for *[district]*'s account with the firm has reviewed *[district]*'s Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to *[district]* that are appropriate under the terms and conditions of the Investment Policy.

## **3120.8 AUTHORIZED AND SUITABLE INVESTMENTS**

The *[district]* is empowered by California Government Code §53601, et seq., to invest in the following:

**3120.8.1** Bonds issued by the *[district]*.

**3120.8.2** United State Treasury Bills, Notes & Bonds.

**3120.8.3** Registered state warrants or treasury notes or bonds issued by the State of California.

**3120.8.4** Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including pooled investment accounts sponsored by the State of California, County Finance Division Managers, other local agencies or Joint Powers Agencies.

**3120.8.5** Obligations issued by agencies or instrumentalities of the United States Government.

**3120.8.6** Bankers' acceptances with a term not to exceed 270 days. Not more than 40% of surplus funds can be invested in bankers' acceptances and no more than 30% of surplus funds can be invested in the bankers acceptances of any single commercial bank.

**3120.8.7** Prime commercial paper of U.S. corporations with assets greater than \$500 million, with a term not to exceed 180 days and the highest ranking issued by Moody's Investors Service (Moody's) or Standard & Poor's Corporation (S&P). Commercial paper cannot exceed 15% of total surplus funds, provided that, if the average maturity of all commercial paper does not exceed 31 days, up to 30% of surplus funds can be invested in commercial paper.

**3120.8.8** Negotiable certificates of deposit issued by federally or state chartered banks or associations. Not more than 30% of surplus funds can be invested in certificates of deposit.

**3120.8.9** Repurchase/reverse repurchase agreements of any securities authorized by this section. Securities purchased under these agreements shall be no less than 102% of market value. (See special limits in CGC §53601.i.)

**3120.8.10** Medium term notes (not to exceed 5 years) of U.S. corporations rated "A" or better by Moody's or S&P. Not more than 30% of surplus funds can be invested in medium term notes.

**3120.8.11** Shares of beneficial interest issued by diversified management companies (money market mutual funds) investing in the securities and obligations authorized by this Section. Such funds must carry the highest rating of at least two of the three largest

national rating agencies. Not more than 15% of surplus funds can be invested in money market mutual funds.

**3120.8.12** Funds held under the terms of a trust indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements.

**3120.8.13** Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations.

**3120.8.14** Any mortgage pass-through security, collateralized mortgage obligation, mortgaged backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a maximum maturity of five years. Securities in this category must be rated AA or better by a nationally recognized rating service. Not more than 30% of surplus funds may be invested in this category of securities.

**3120.8.15** Any other investment security authorized under the provisions of CGC §5922 and §53601. (Also, see CGC §53601 for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC §53601 is included by reference in this investment policy.)

**3120.8.15.1** *Prohibited Investments.* Under the provisions of CGC §53601.6 and §53631.5, *[district]* shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

## **3120.9 COLLATERALIZATION**

All certificates of deposits must be collateralized by U.S. Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralization on repurchase and reverse repurchase agreements will adhere to the amount required under CGC §53601(i)(2).

## **3120.10 SAFEKEEPING AND CUSTODY**

All security transactions entered into by the *[district]* shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to *[district]* by book entry, physical delivery or by third party custodial agreement as required by CGC §53601.

## **3120.11 DIVERSIFICATION**

*[District]* will diversify its investments by security type and institution. It is the policy of the *[district]* to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a

specific class of securities. Diversification strategies shall be determined and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

**3120.11.1** Portfolio maturities shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.

**3120.11.2** Maturities selected shall provide for stability of income and liquidity.

**3120.11.3** Disbursement and payroll dates shall be covered through maturities investments, marketable U.S. Treasury bills or other cash equivalent instruments such as money market mutual funds.

### **3120.12 REPORTING**

In accordance with CGC §53646(b)(1), the Finance Division Manager *[or other appropriate district officer]* shall submit to each member of the Board of Directors a quarterly investment report. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for *[district]* by third party contracted managers. The report will also include the source of the portfolio valuation. As specified in CGC §53646 (e), if all funds are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that: (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy; and, (2) *[district]* will meet its expenditure obligations for the next six months as required by CGC §53646(b)(2) and (3), respectively. The Finance Division Manager *[or other appropriate district officer]* shall maintain a complete and timely record of all investment transactions.

### **3120.13 INVESTMENT POLICY REVIEW**

This Investment Policy shall be reviewed on an annual basis, and the Board of Directors must approve modifications.

**f. POLICY TITLE: Expense Authorization**  
**POLICY NUMBER: 3135**

**3135.1** All purchases made for the District by staff shall be authorized by the District Manager and shall be in conformance with the approved District budget.

**3135.2** Any commitment of District funds for a purchase or expense greater than \$20,000.00 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

**3135.3** A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$200.00.

**3135.3.1** Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the District Manager, and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$50.00.

**3135.3.2** No personal checks shall be cashed in the petty cash fund.

**3135.3.3** The petty cash fund shall be included in the District's annual independent accounting audit.

**3135.4** Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon request from the District's petty cash fund or by warrant request if needed. In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the District Manager prior to remuneration.

**g. POLICY TITLE: Check Processing**  
**POLICY NUMBER: 3140**

**3140.1** All commercial obligations or requests for issuing checks shall be reviewed and approved by the District Manager or his/her designate.

**3140.2** Checks will be printed for the commercial obligations and presented to the Board of Directors at their regular board meetings except as provided for in Policy #5070.

**3140.2.1** The Board of Directors will consider each bill, and checks drawn for approved bills will be signed with two signatures (at least one of which will be a Director if above a determined amount) and returned to the District Manager or his/her designate.

If the District has a sub-contractor agreement and associated grant agreement/ fee-for-service agreement that has been approved by the Board and the District receives a sub-contractor bill. In that case, the District Manager, working with the Treasurer, may pay the bill immediately if the District has an advance from the Grantor or receives invoice payment from a Grantor that covers the contractor bill. The payment will be reported to the Board at the following Board meeting.

**3140.2.2** The District Manager or his/her designate will have those approved checks distributed to the District's creditors.

**3140.3** Checks will be printed for the District's payroll obligations on a predetermined schedule of each month.

**3140.3.1** The District Manager or his/her designate will distribute the checks on the payday as defined in Policy #2300 (Pay Periods).

**3140.3.2** A listing of the checks distributed by the District Manager or his/her designate will be presented to the Board of Directors at their next regularly scheduled board meeting for ratification.

**h. POLICY TITLE:                      Credit Card Usage**  
**POLICY NUMBER:                      3145**

**3145.1** Purpose. The purpose of this policy is to prescribe the internal controls for management of District credit cards.

**3145.2** Scope. This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

**3145.3** Implementation. A credit card shall be issued to the General Manager and the Finance Division Manager. Credit cards shall not be issued or used by members of the Board of Directors.

**3145.3.1** All credit card bills shall be paid in a timely manner to avoid late fees and finance charges.

**3145.3.2** All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If there is an overlap on a transaction between personal and District business, the employee shall pay for the transaction personally and then request reimbursement by the District.

**3145.3.3** All credit-card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.

**3145.3.4** The Finance Division Manager shall review and approve credit-card transactions by the District Manager cardholders. The District Manager shall review and approve credit-card transactions by the Finance Division Manager.

**i. POLICY TITLE:                      Purchasing**  
**POLICY NUMBER:                      3150**

**3150.1** To purchase small items - such as office supplies, auto parts, and other miscellaneous items costing less than \$500 - vendors will be asked to submit pricing information by telephone or written quotation. District accounts are then awarded to those firms that provide the best prices, discounts, etc. Acquisitions are processed on purchase order forms that list instructions to vendors.

**3150.1.1** Local firms may be allowed a 5% preference margin where items are available

from multiple sources

**3150.2** To purchase items costing more than \$500 and up to \$25,000, quotations will be solicited from vendors and received by telephone, fax or mail, preferably from two or more sources, prior to selecting a preferred supplier and processing a purchase order. The General Manager and Finance Division Manager must approve purchase orders.

**3150.3** For items over \$25,000 or large quantity orders, the District will provide suppliers with a list of items to be purchased. Suppliers will provide written quotes for consideration and recommendation to the Board of Directors for award of contract. Items on the list will be purchased from the supplier quoting the lowest prices and having an acceptable delivery date.

**3150.4** Vehicles will be purchased through the State's Vehicle Procurement Program, unless they can be acquired at the same cost or less expensively from local sources by competitive quotation bids in accordance with section 3150.2.

**j. POLICY TITLE:** **Employment of Outside Contractors and Consultants**  
**POLICY NUMBER:** **3205**

**3205.1** The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, or for auditing purposes. The District's procedure is as follows:

**3205.1.1** Construction projects will be advertised for bid in at least one local newspaper of general circulation and the local contractors bidding news if available. The bid opening is open to the public and will be specified in the bid documents.

**3205.2** Consultants will be selected by the General Manager and are subject to approval by the Board of Directors. The General Manager and/or Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering and architectural services shall be evaluated based upon qualification and not on cost of services per state law.

**k. POLICY TITLE:** **Disposal of Surplus Property or Equipment**  
**POLICY NUMBER:** **3300**

**3300.1** Sale of Surplus Equipment.

**3300.1.1** Board of Directors takes action to declare equipment surplus.

**3300.1.2** Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)

**3300.1.3** Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.

**3300.1.4** Bidders are notified of Board's action.

**3300.1.5** Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

**3300.2** Sale of Real Estate:

**3300.2.1** Board takes action to declare property surplus and authorizes District staff to obtain appraisal.

**3300.2.2** Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property prior to advertisement to the general public.)

**3300.2.3** If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.

**3300.2.4** Board takes action at the next regular Board Meeting to accept or reject highest bid.

**3300.2.5** Bidders are notified of the Board's action.

**k. POLICY TITLE: Records Retention**  
**POLICY NUMBER: 3310**

**3310.1** The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of Butte County RCD records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and, ensure compliance with legal and regulatory requirements.

**3310.2** Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

**3310.3** The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below.

**3310.4** Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and



the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the RCD.

**3310.4.1** Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

**3310.4.2** Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.

**3310.4.3** In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

**3090.4.4** Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

**3310.4.4.1** The record, paper or document is photographed, microphotographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standard, or copied to an approved electronic media;

**3310.4.4.2** The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

**3310.4.4.3** The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

**3310.4.5** Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

**3310.4.5.1** There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

**3310.4.5.2** There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

**3310.4.5.3** Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and that;

**3090.4.5.4** Said audit or audits contain the expression of an unqualified

opinion.

**3310.4.6** Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time:

**3310.4.6.1** Duplicated (original-subject to aforementioned requirements).

**3310.4.6.2** Rough drafts, notes or working papers (except audit).

**3310.4.6.3** Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

**3310.4.7** All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years retention, provided said records have been microfilmed and qualify for destruction section 4, above. Payroll and personnel records include the following:

**3310.4.7.1** Accident reports, injury claims and settlements.

**3310.4.7.2** Medical histories.

**3310.4.7.3** Injury frequency charts.

**3310.4.7.4** Applications, changes and terminations of employees.

**3310.4.7.5** Insurance records of employees.

**3310.4.7.6** Time cards.

**3310.4.7.7** Classification specifications (job descriptions).

**3310.4.7.8** Performance evaluation forms.

**3310.4.7.9** Earning records and summaries.

**3310.4.7.10** Retirements.

**3310.4.8** All assessing records may upon authorization be destroyed after seven years retention from lien date; however, their records may be destroyed three years after the lien date when said records are microfilmed as provided for section 4, above.

**3310.4.9** Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4, above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if microfilmed as provided for in section 4, above.

Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

**3310.5** Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are microfilmed as provided for in section 4, above. Recording tapes (or other media) of Board meetings will be kept for a period of one year from the date of the recorded meeting, after which they will be destroyed.

**3310.5.1** Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

**3310.5.2** Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

**3310.5.3** Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

**Appendix A**  
**Definitions for Records Retention and Disposal Policy**

1. AUTHORIZATION. Approval from the General Manager, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:
  - a. SOURCE DOCUMENTS
    - (1) Invoices
    - (2) Warrants
    - (3) Requisitions/Purchase Orders (attached to invoices)
    - (4) Cash Receipts
    - (5) Claims (attached to warrants in place of invoices)
    - (6) Bank Statements
    - (7) Bank Deposits
    - (8) Checks
    - (9) Bills
    - (10) Various accounting authorizations taken from Board minutes, resolutions or contracts
  - b. JOURNALS
    - (1) Cash Receipts
    - (2) Accounts Receivable or Payable Register
    - (3) Check or Warrant (payables)
    - (4) General Journal
    - (5) Payroll Journal
  - c. LEDGERS
    - (1) Expenditure
    - (2) Revenue
    - (3) Accounts Payable or Receivable Ledger
    - (4) Construction
    - (5) General Ledger
    - (6) Assets/Depreciation
  - d. TRIAL BALANCE
  - e. STATEMENTS (Interim or Certified - Individual or All Fund)
    - (1) Balance Sheet
    - (2) Analysis of Changes in Available Fund Balance
    - (3) Cash Receipts and Disbursements
    - (4) Inventory of Fixed Assets (Purchasing)
  - f. JOURNAL ENTRIES

g. PAYROLL and PERSONNEL RECORDS include but are not limited to the following:

- (1) Accident reports, injury claims and settlements
- (2) Applications, changes or terminations of employees
- (3) Earnings records and summaries
- (4) Fidelity Bonds
- (5) Garnishments
- (6) Insurance records of employees
- (7) Job Descriptions
- (8) Medical Histories
- (9) Retirements
- (10) Time Cards

h. OTHER

- (1) Inventory Records (Purchasing)
- (2) Capital Asset Records (Purchasing)
- (3) Depreciation Schedule
- (4) Cost Accounting Records

3. LIFE. The inclusive or operational or valid dates of a document.
4. RECORD. Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.
5. RECORD COPY. The official District copy of a document or file.
6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.
7. RECORDS CENTER. The site selected for storage of inactive records.
8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.
11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:
  - a. The resumption and/or continuation of operations;
  - b. The recreation of legal and financial status of the District, in case of a disaster;
  - c. The fulfillment of obligations to bondholders, customers, and employees.

Vital records include but are not limited to the following:

- (1)  
Agreements
- (2)  
Annexations and detachments
- (3)  
As-built drawings
- (4)  
Audits
- (5)  
Contract drawings
- (6)

**Appendix B**  
**Records Retention & Storage Summary**

Group No.	Title or Description	Original	Dupli- cate	Retention Periods		
				Office	Record Center	Retain or Destroy
<b>1</b>	Records affecting title to real property or liens thereof.	X		2 yrs.	OP	ES
<b>2</b>	Records required to be kept permanently by statute.	X		2 yrs.	OP	ES
<b>3</b>	Minutes, ordinances & resolutions of Board.	X		2 yrs.	OP	ES
<b>4</b>	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 yrs.	OP	ES
<b>5</b>	Correspondence, operational reports and information upon which District policy has been established.	X		2 yrs.	10 yrs.	12 yrs.
<b>6</b>	Duplicates of 5, above, when retention is necessary for reference.	X		2 yrs.		2 yrs.
<b>7</b>	Records requiring retention for more than five years, but no more than fifteen years by statute or administrative value.	X		2 yrs.	13 yrs.	15 yrs.
<b>8</b>	Duplicates needed for administrative purposes for five to fifteen years.		X	2 yrs.	13 yrs.	15 yrs.
<b>9</b>	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 yrs.	1 yr.	3 yrs.
<b>10</b>	Duplicates and other documents not public records required to be	X	X	2 yrs.	3 yrs.	5 yrs.

	maintained for administrative purposes.					
<b>11</b>	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3 yrs.		3
<b>12</b>	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, feeder reports, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 yr.		1 yr.
<b>13</b>	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, feeder reports, and other duplicate copies no longer needed.	X	X	3 mos.		3 mos.
<b>14</b>	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 yrs.	3 yrs.	5 yrs.
<b>15</b>	Policy files and reference sets of publications.		X	I		I
<b>16</b>	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.		X	I		I

**OP = Original or photographic copy.**



**ES = May be destroyed if stored in electronic media.**  
**I = Indefinitely**

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Butte County  
Resource Conservation District  
(BC RCD)

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**POLICY HANDBOOK**

**Section IV: Board of Directors**

Adopted: \_\_\_\_\_

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#### **IV. Board of Directors (4000)**

- a. **POLICY TITLE:**                    **Operating Principles of the Board (Norms)**  
**POLICY NUMBER:**                    **4005**

##### **4005.1 IMPLEMENTATION**

- The Butte County RCD is committed to practice these norms, whereupon we will evaluate, learn, and adjust according to what we learn.
- Upon the occasion of the occurrence of what appears to be a breach of these norms, we are committed to addressing this perception first to the individual(s) involved, before raising the issue with the Board itself. Because we value learning and improvement, we are committed to debriefing each of these at each of our Board meetings.

##### **4005.2 COMMUNICATION NORMS**

- All communication will be accurate and brief.
- Board and staff will attempt to describe our behavior before we engage in it, and actively listen when communicated with.
- Always Check Your Assumptions (C.Y.A.).
- Revisit and display these norms at each Board meeting.

##### **4005.3 PROCESS NORMS**

- The Board needs to address and resolve policy issues and set priorities. The Team is committed to doing this by practicing the building of consensus and orderly implementation.
- The Team is committed to the RCD's mission and to work as a team.
- The Team needs to monitor and respond to changes in the market and environment.
- Staff needs to make available all information and analysis of alternatives so that the Board can make "reasoned decisions."
- The Board will jointly discuss and identify its interest(s) prior to establishing a position and negotiating with external organizations.
- All requests from the Board for information/agenda items will be funneled through the District Manager and distributed to all Board members.

##### **4005.3 RELATIONSHIP NORMS**

- Create an environment that promotes respect and appreciation between the Board, Staff, Consultants, and customers.
- Fundamental agreement that the focus of RCD's mission is its accomplishments and future vision that meets the needs of its customers.
- Establish, accept and support common purpose and vision.
- The "Team" includes the Board, Staff, Consultants and Membership.

### **4005.3 CAPACITY NORMS**

- Continue the process of hiring qualified personnel.
- Expand education for the Board, Staff and Consultants.
- Expect creative decision-making.
- Maintain competitive advantage by adhering to a policy of updating technology and resources.
- Ensure a cooperative and open work environment.

**b. POLICY TITLE: Code of Ethics**  
**POLICY NUMBER: 4010**

**4010.1** The Board of Directors of the Butte County RCD is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including AB 1234 (Salinas) approved in 2006.(copy attached as reference)

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed.

**4010.1.1** The dignity, style, values and opinions of each Director shall be respected.

**4010.1.2** Responsiveness and attentive listening in communication is encouraged.

**4010.1.3** The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists or not.

**4010.1.4** The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

**4010.1.5** Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

**4010.1.6** Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

**4010.1.7** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

**4010.1.8** Directors should practice the following procedures:

**4010.1.8.1** In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

**4010.1.8.2** In handling complaints from residents and property owners of the District, said complaints should be referred directly to the District Manager.

**4010.1.8.3** In handling items related to safety, concerns for safety or hazards should be reported to the District Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.

**4010.1.8.4** In presenting items for discussion at Board meetings, See Policy [#5020](#).

**4010.1.8.5** In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the District Manager or legal counsel.

**4010.1.9** If approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor or District Manager. The chain of command should be followed.

**4010.2** The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

**4010.2.1** When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

**4010.2.2** Directors should develop a working relationship with the District Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

**4010.2.3** Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

**4010.2.4** Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

c. **POLICY TITLE:** Attendance at Meetings  
**POLICY NUMBER:** 4020

**4020.1** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

**d. POLICY TITLE: Expenditure Reimbursement**

**POLICY NUMBER: 4025**

**4025.1 Purpose.** The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.

**4025.2 Scope.** This policy applies to all employees and members of the Board of Directors and is intended to result in no personal gain or loss to an employee or director.

**4025.3 Implementation.** Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the District Manager. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.

**4025.4.1** The District Manager will review and approve reimbursement requests. Reimbursement requests by the District Manager will be reviewed and approved by the Chairperson.

**4025.4.2** All expenses must be reasonable and necessary, and employees and directors are encouraged to exercise prudence in all expenditures.

**4025.4.3** The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.

**4025.4.4** Expenditures for food and lodging will be moderate and reasonable.

**e. POLICY TITLE: Remuneration**

**POLICY NUMBER: 4030**

**4030.1** Members of the Board of Directors shall receive a monthly "Director's Fee," the amount of which shall be established annually by the Board at its regular meeting in July and be consistent with applicable state law.

**f. POLICY TITLE: Duties of Board Chairperson**

**POLICY NUMBER: 4040**

**4040.1** The Chairperson of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting,

introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

**4040.2** In the absence of the Chairperson, the Vice Chairperson of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

**4040.3 DUTIES Regarding Meetings of the Board**

The Chairperson shall preside over and conduct all meetings of the Board of Directors, and shall carry out the resolution and orders of the Board of Directors and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including the following:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies in relation to the order of business and the conduct of meetings;
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
5. Explain what the effect of a motion would be if it is not clear to every member;
6. Restrict discussion to the question when a motion is before the Board;
7. Rule on parliamentary procedure; and
8. Put motions to a vote, and state clearly the results of the vote.

**4040.4 RESPONSIBILITIES**

The Chairperson shall have all the rights to discuss and vote on any issues before the Board, but not to move or second any motion. If the president wishes to move or second a motion he/she must pass the gavel to the Vice-Chairperson and step down as the presiding officer for that particular agenda item. Responsibilities of the Chairperson include:

1. Sign all instruments, act, and carry out stated requirements and the will of the Board;
2. Sign the minutes of the Board meeting following their approval;
3. Appoint and disband all committees, subject to Board ratification;
4. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
5. Coordinate the preparation of meeting agendas with the District Manager;
6. Confer with the District Manager or designee on crucial matters which may occur between Board of Directors meetings;
7. Be responsible for the orderly conduct of all Board meetings;
8. Be the Spokesperson for the Board; and
9. Perform other duties as authorized by the Board.

**g. POLICY TITLE:                      Board Secretary**  
**POLICY NUMBER:                4045**



**4045** The position of Secretary of the Board of Directors is required by state law. The Secretary performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

**4045.1** If for any reason the Chairperson and Vice-Chairperson resign or are absent or disabled, the Secretary shall perform the Chairperson's duties until the position of Chairperson is filled.

**4045.2** If for any reason the Chairperson and Vice-Chairperson disqualify themselves from participating in an agenda item or become partisan in the debate on any such item, the Secretary shall perform the duties of the presiding officer.

#### **4045.3 DUTIES of the Secretary**

The secretary of the Governing Board shall have the following duties:

1. Certify or attest to actions taken by the Board when required;
2. Sign the minutes of the Board meeting following their approval;
3. Sign the documents as directed by the Board on behalf of the Authority, and sign all other items which require the signature of the Secretary; and
4. Perform any other duties assigned by the Board.

#### **4045.4 RESPONSIBILITIES of the Secretary**

It is the responsibility of the Secretary with assistance of the agency District Manager to ensure:

1. Minutes of the Board of Directors meetings are recorded. These recordings are for use by the Secretary only for the purpose of preparing minutes for adoption at the next regularly scheduled meeting of the Board. Upon adoption of these minutes the recording media will be reused;
2. Minutes of each Board meeting are prepared and maintained;
3. Board records and other documents & reports are maintained, as required by law; and
4. Board officers receive the correspondence addressed to them.

**h. POLICY TITLE:                      Legal Counsel and Auditor**  
**POLICY NUMBER:                      4048**

**4048** The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

**4048.1** Legal Counsel shall be the legal adviser of the District and shall perform such duties as may be prescribed by the Board of Directors. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal

Counsel shall serve at the pleasure of the Board, and shall be compensated for services as determined by the Board.

**4048.1.2** The Legal Counsel reports to the Board as a whole but is available to each director for consultation regarding legal matters particular to that Board members participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District Manager for consultation on applicable issues and activities.

**4048.2** The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board selection of the Auditor shall be done in a noticed public meeting and at least every five years.

**4048.2.1** The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the **Finance Committee Charter for Audit Compliance**. The District Manager will install and maintain an accounting system that will completely and at all times show the financial condition of the District.

**i. POLICY TITLE:                      Members of the Board of Directors**  
**POLICY NUMBER:                      4050**

**4050.1** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

**4050.1.1** Information exchanged before meetings shall be distributed through the District Manager, and all Directors will receive all information being distributed.

**4050.1.2** Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.

**4050.2** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

**4050.3** Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

**4050.4** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

**4050.5** Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

**4050.6** Requests by individual Directors for substantive information and/or research from District staff will be channeled through the District Manager.

**j. POLICY TITLE: Committees of the Board of Directors**  
**POLICY NUMBER: 4060**

**4060.1** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

**4060.2** The following shall be standing committees of the Board:

**4060.2.1** Planning Committee;

**4060.2.2** Ordinance Committee;

**4060.2.3** Personnel Committee;

**4060.2.4** Finance Committee; and,

**4060.2.5** Public Relations Committee.

**4060.3** The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January.

**4060.4** The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

**4060.4.1** All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

**4060.5** The Board's standing Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

**4060.6** The Board's standing Ordinance Committee shall be concerned with proposed ordinances, resolutions and/or District policies, except those pertaining specifically to personnel.

**4060.7** The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.

**4060.8** The Board's standing Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

**4060.9** The Board's standing Public Information Committee shall be concerned with assuring that information regarding the affairs of the District is adequately and appropriately communicated to its constituents and the public at large.

**k. POLICY TITLE: Basis of Authority**  
**POLICY NUMBER: 4070**

**4070.1** The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

**4070.2** Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

**l. POLICY TITLE: Membership in Associations**  
**POLICY NUMBER: 4080**

**4080.1** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.

**4080.2** The Board of Directors shall maintain membership in the California Special Districts Association and shall ensure that annual dues are paid when due.

**4080.3** The Board of Directors shall maintain membership in the local Chapter of the California Special Districts Association and shall ensure that annual dues are paid when due.

**4080.3.1** At the regular Board meeting in July, a member of the Board shall be selected to represent the District in accordance with said chapter's constitution/bylaws, and another member of the Board or staff member shall at the same time be selected to serve as an alternate for the representation.

**m. POLICY TITLE: Training, Education and Conferences**  
**POLICY NUMBER: 4090**

**4090.1** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

**4090.1.1** "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

**4090.2** It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted.

**4090.2.1** The Executive Secretary is responsible for making arrangements for Directors for conference and registration expenses, and for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Finance Division Manager, together with validated receipts in accordance with State law.

**4090.2.2** Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

**4090.2.3** Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the Finance Division Manager and by:

**4090.2.3.1** Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

**4090.2.3.2** Directors traveling together whenever feasible and economically beneficial.

**4090.2.3.3** Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

**4090.3** A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after the District has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

**4090.4** Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

**n. POLICY TITLE: Ethics Training**  
**POLICY NUMBER: 4095**

**4095** All directors and designated executive staff of the RCD shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.

**4095.1** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

**4095.2** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

**4095.3** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

**4095.3.1** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.

**4095.4** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.

**4095.5** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.

**4095.6** Any director of the RCD that serves on the board of another agency is only required to take the training once every two years.

**o. POLICY TITLE: Filling of Vacancy(s) on Board of Directors (Trustees)**

**POLICY NUMBER: 4097**

**4097.1** The District Board of Directors (Trustees) are elected (or appointed) in accordance with the Principal Act of the District. From time to time a vacancy may occur on the Board for a variety of reasons. This policy is established to provide general guidelines and procedures for filling a vacancy on the Board. Under state law, the District has a total of sixty (60) days in which to take action.

**4097.2** The Board of Directors shall be informed immediately of the resignation or death of a member of the Board of Directors. The Board of Directors shall consider whether to act to fill the vacancy, either by appointment or by calling a special election.

**4097.3** The District shall notify the county elections official of the vacancy no later than fifteen (15) days after the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later.

**4097.4** In cases where the Board determines to appoint a replacement to the Board, the District may publish a public notice of a vacancy and the process for considering candidates in a local newspaper of general circulation. The Board may establish an application and interview process including requiring a resume or application form detailing qualifications and experience of the candidates.

**4097.4.1** The District shall post a notice of vacancy in at least three conspicuous places in the District at least fifteen (15) days before the Board makes an appointment. If the Board makes an appointment, the District shall notify the county elections official within fifteen (15) days of making the appointment.

**4097.5** The Board may review and invite those candidates that a majority of the Board determine are the most qualified or all of the candidates for an interview before the Board at a public noticed meeting. The Board may then consider the interviewed candidates and vote to determine if a majority of the Board can agree on a selected replacement candidate.

**4097.6** If the Board of Directors chooses to call an election, the Board must do so within sixty (60) days of notification of the vacancy or the effective date of the vacancy, whichever is later.

**4097.7** All costs for any election shall be identified for consideration by the Board for the decision of appointment or election.

**4097.8** A selected replacement Director shall serve out the balance of the term of the position and be subject to reelection under the Principal Act of the District.

**4097.9** If the Board fails to take action in the sixty (60) day period, state law provides that the Board of Supervisors may appoint a successor to fill the vacancy.





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Butte County  
Resource Conservation District  
(BC RCD)

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**POLICY HANDBOOK**

**Section V: Board Meetings**

Adopted: \_\_\_\_\_

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**a. POLICY TITLE: Board Meetings**  
**POLICY NUMBER: 5010**

**5010.1** Regular meetings of the Board of Directors shall be held on the third Thursday of each calendar month at 1:00 p.m. at 202 Mira Loma Drive, Truckee Conference Room, in Oroville, CA 95965. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.

**5010.2** Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

**5010.2.1** All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least 24 hours prior to the meeting.

**5010.2.2** Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

**5010.2.3** An agenda shall be prepared as specified for regular Board meetings in Policy #5020 and shall be delivered with the notice of the special meeting to those specified above.

**5010.2.4** Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

**5010.3** Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice required in 5010.21, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

**5010.3.1** Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by at least one hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board, or its designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.

**5010.3.2** No closed session may be held during an emergency meeting, and all other rules governing special meetings shall be observed with the exception of the 24-hour notice. The minutes of the emergency meeting, a list of persons the Board or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten days in the District office as soon after the meeting as possible.

**5010.4** Adjourned Meetings. A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the District Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in 5010.2.2 above.

**5010.5** Annual Organizational Meeting. The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President and Secretary/Treasurer from among its members to serve during the coming calendar year, and will appoint the Executive Secretary as the Board's Secretary.

**5010.6** The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

**5010.7** The Chairperson and the District Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

**b. POLICY TITLE:                      Board Meeting Agenda**  
**POLICY NUMBER:                    5020**

**5020.1** The District Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act (California Government Code Section 54950). Any Director may contact the District Manager and request any item to be placed on the agenda no later than 5:00 P.M. on the day that is 48 hours prior to the closing of the agenda for the next meeting date (per Section 5020.4).

**5020.2** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

**5020.2.1** The request must be in writing and be submitted to the District Manager together with supporting documents and information, if any, at least seven business days prior to the date of the meeting;

**5020.2.2** The District Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business." The public member requesting the agenda item may appeal the District Manager's decision at the next regular meeting

of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.

**5020.2.3** No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy;

**5020.2.4** The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

**5020.3** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

**5020.4** At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). If the District maintains a website, the agenda shall be posted on the website for public information at the same time. All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.

**5020.4.1** The agenda for a special meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).

**c. POLICY TITLE: Board Meeting Conduct**  
**POLICY NUMBER: 5030**

**5030.1** Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. Policy No. 5070, "Rules of Order for Board and Committee Meetings", shall be used as a general guideline for meeting protocol.

**5030.2** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

**5030.3** The conduct of meetings shall, to the fullest possible extent, enable Directors to:

**5030.3.1** Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,

**5030.3.2** Receive, consider and take any needed action with respect to reports of accomplishment of District operations.

**5030.4** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:

**5030.4.1** Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

**5030.4.2** No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

**5030.5** Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.

**5030.5.1** After clearing the room of disruptive individuals, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

**5030.5.2** Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be permitted to remain in the meeting.

**d. POLICY TITLE: Board Actions and Decisions**  
**POLICY NUMBER: 5040**

**5040.1** Actions by the Board of Directors include but are not limited to the following:

**5040.1.1** Adoption or rejection of regulations or policies;

**5040.1.2** Adoption or rejection of a resolution;

**5040.1.3** Adoption or rejection of an ordinance;

**5040.1.4** Approval or rejection of any contract or expenditure;

**5040.1.5** Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

**5040.1.6** Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

**5040.2** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

**5040.2.1** A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

**5040.2.1.1** Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

**5040.2.1.2** Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

**5040.2.1.3** Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

**5040.3** The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the District Manager.

**5040.3.1** The Chairperson shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

**5040.3.2** A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the District Manager for review and recommendation, etc.).

**5040.3.3** Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

e. **POLICY TITLE:**                      **Review of Administrative Decisions**  
**POLICY NUMBER:**                    **5050**

**5050.1** The provisions of §1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

**5050.2** This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.

**5050.3** The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

**f. POLICY TITLE: Minutes of Board Meetings**  
**POLICY NUMBER: 5060**

**5060.1** The Executive Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

**5060.1.1** Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. **Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet.**

**5060.1.2** Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fireproof vault or in fire-resistant, locked cabinet for a minimum of 60 days. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

**5060.1.3** Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed, and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

Date, place and type of each meeting;  
Directors present and absent by name;  
Administrative staff present by name;  
Call to order;  
Time and name of late arriving Directors;  
Time and name of early departing Directors;  
Names of Directors absent during any agenda item upon which action was taken;  
Summary record of staff reports;  
Summary record of public comment regarding matters not on the agenda, including names of commentators;  
Approval of the minutes or modified minutes of preceding meetings;  
Approval of financial reports;



Record by number (a sequential range is acceptable) of all warrants approved for payment;  
Complete information as to each subject of the Board's deliberation;  
Record of the vote of each Director on every action item for which the vote was not unanimous;  
Resolutions and ordinances described as to their substantive content and sequential numbering;  
Record of all contracts and agreements, and their amendment, approved by the Board;  
Approval of the annual budget;  
Approval of all policies, rules and/or regulations;  
Approval of all dispositions of District assets;  
Approval of all purchases of District assets; and,  
Time of meeting's adjournment.

**POLICY TITLE: Rules of Order for Board and Committee Meetings**  
**POLICY NUMBER: 5070**

**5070.1** General.

**5070.1.1** Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

**5070.1.1.1** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the Chairperson. If the ruling of the Chairperson is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

**5070.2** Obtaining the Floor.

**5070.2.1** Any Director desiring to speak should address the Chairperson and, upon recognition by the Chairperson, may address the subject under discussion.

**5070.3** Motions.

**5070.3.1** Any Director, including the Chairperson, may make or second a motion. A motion shall be brought and considered as follows:

**5070.3.1.1** A Director makes a motion; another Director seconds the motion; and the Chairperson states the motion.

**5070.3.2** Once the motion has been stated by the Chairperson, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the Chairperson will call for the vote.

**5070.3.2.1** If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

**5070.4** Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

**5070.4.1** Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

**5070.4.2** Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

**5070.4.3** Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

**5070.4.4** Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

**5070.4.5** Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.

**5070.4.6** Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

**5070.5** Decorum.

**5070.5.1** The Chairperson shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The Chairperson may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the Chairperson, or otherwise disrupting the meeting or hearing.

**5070.5.2** The Chairperson may also declare a short recess during any meeting.

**5070.6** Amendment of Rules of Order.

**5070.6.1** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.