



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

INFORMATION FOR NEW BOARD MEMBERS



LSCSD BOARD OF DIRECTOR INFORMATION

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LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION 2-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT (LSCSD) REGARDING THE LSCSD's MISSION STATEMENT.

WHEREAS, the Lake Shastina Community Services District is endeavoring to adhere to the Special District Leadership Foundation's District Transparency Certificate of Excellence requirements; and

WHEREAS, to achieve compliance with Transparency requirements it is incumbent upon the District to have a mission statement outlining District functions and goals; and

WHEREAS, other Districts throughout the state have established mission statements.

NOW, THEREFORE, BE IT RESOLVED: The mission statement of the Lake Shastina Community Services District shall be as follows:

Our Mission

To protect the public health, safety, and environment of our constituents by providing high quality water, wastewater, and public safety services in an ethical, safe, efficient, and financially responsible manner.

This resolution supersedes Resolution 7-14.

I hereby certify that the forgoing is a full, true and correct copy of Resolution 2-18 duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 21st day of February, 2018, by the following vote:

- AYES: Director Cupp, Lewis, MacIntosh and Thompson
- NOES: None
- ABSENT: Director Mitchell


Carol Cupp, President

ATTEST:



Mike Wilson, District Secretary



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

**Board Policy and Procedure
Manual / Handbook**

**Approved by LSCSD Board on 2/18/2009
Section 4060 revised on 2/17/2016**

Lake Shastina Community Services District

BOARD OF DIRECTORS HANDBOOK

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POLICY TITLE: Code of Ethics
POLICY NUMBER: 4010

4010.1 The Board of Directors of Lake Shastina Community Services District 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 General Manager.

4010.1.8.3 In handling items related to safety, concerns for safety or hazards should be reported to the General 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 General 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 General 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 General 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.

POLICY TITLE: Voluntary Candidate Expenditure Ceiling
POLICY NUMBER: 4015

4015.1 In accordance with Government Code §5400§ (Proposition 208), the voluntary expenditure ceiling for candidates for the Board of Directors of Lake Shastina Community Services District, and controlled committees of such candidates, shall be one dollar (\$1) per resident for each election in which the candidate is seeking election to the Board of Directors.

4015.2 Proposition 208 establishes a two-tiered scheme of campaign contribution limitations applicable to candidates running for local office based on whether the recipient candidate accepts or rejects the voluntary expenditure ceiling established by the local jurisdiction. The decision by a candidate as to whether to accept the ceiling must be made before a candidate accepts any contributions.

4015.2.1 If a candidate for the Board of Directors elects to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$250.

4015.2.2 If a candidate for the Board of Directors elects not to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$100.

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.

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 General 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 Finance Division Manager or the General Manager will review and approve reimbursement requests. Reimbursement requests by the Finance Division Manager will be reviewed and approved by the General Manager. Reimbursement requests by the General Manager will be reviewed and approved by the Finance Division Manager.

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.

POLICY TITLE: Remuneration and Reimbursement
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.

POLICY TITLE: Directors' Health Insurance
POLICY NUMBER: 4035

4035.1 Members of the Board of Directors of the Lake Shastina Community Services District may participate in the health benefits plan provided by the District through SDRMA on a self-pay basis.

4035.2 In accordance with Government Code §53208.5, the benefits provided to Directors by the health benefits plan may not be greater than the most generous schedule of benefits being received by any group of District employees. Family members of the Director are also eligible for enrollment in the health benefits plan in accordance with the Act and Regulations of SDRMA.

4035.3 The health benefits plan for Directors will be available only to active members of the Board of Directors, and shall not be available after a Director is no longer an elected or appointed official of the District.

POLICY TITLE: Board President
POLICY NUMBER: 4040

4040.1 The President 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 President, the Vice President 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.

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 General 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 General Manager.

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 (refer to attached Guidelines for Ad Hoc Board Committees).

4060.2 The following shall be standing committees of the Board:

4060.2.1 Finance Committee; and,

4060.2.2 Other committees as needed.

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 Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

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.

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 Siskiyou County 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 December, 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.

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 Finance Division Manager 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.

POLICY TITLE: Ethics Training
POLICY NUMBER: 4095

4095 All directors and designated executive staff of Lake Shastina Community Services District 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 has 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 Lake Shastina Community Services District that serves on the board of another agency is only required to take the training once every two years.

POLICY TITLE: Board Meetings

POLICY NUMBER: 5010

5010.1 Regular meetings of the Board of Directors shall be held on the third Wednesday of each calendar month at 5:00 p.m. in the Lake Shastina Administration Office Board Room, 16320 Everhart Drive, Weed, California. 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 General 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 Clerk from among its members to serve during the coming calendar year, and will appoint the General Manager as the Board's Secretary and District's Treasurer.

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 General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

POLICY TITLE: Board Meeting Agenda
POLICY NUMBER: 5020

5020.1 The General 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. Any Director may call the General Manager and request any item to be placed on the agenda no later than 5:00 P.M. on the Thursday 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 General 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 General 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 General 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 conspicuously for public review at the District office. 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.

POLICY TITLE: Board Meeting Conduct

POLICY NUMBER: 5030

5030.1 Meetings of the Board of Directors shall be conducted by the President 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 President 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 President 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 President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

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 [five-member Board] 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 General Manager.

5040.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

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 General 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.

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.

POLICY TITLE: Minutes of Board Meetings

POLICY NUMBER: 5060

5060.1 The Secretary or Deputy 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 polices, 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 President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

5070.2 Obtaining the Floor.

5070.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

5070.3 Motions.

5070.3.1 Any Director, including the President, 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 President states the motion.

5070.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

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 President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

5070.5.2 The President 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.

Guidelines for Ad Hoc Board Committees

1.0 INTRODUCTION

The terms of reference for each Ad Hoc Committee of the LSCSD Board define the role of the particular committee.

These guidelines are designed to provide elaboration upon each Ad Hoc Committee's terms of reference.

2.0 CREATION

The Board may establish Ad Hoc Committees as it deems necessary and assign to them such duties as it considers appropriate.

3.0 OPERATION

An Ad Hoc Committee operates according to a Board approved terms of reference outlining its duties and responsibilities.

An Ad Hoc Committee must get an extension approved to go beyond the time limit specified in its terms of reference.

4.0 DUTIES AND RESPONSIBILITIES

4.1 Deliberation and Recommendation

Each Ad Hoc Committee will consider and make periodic recommendations to the Board, by written report, in respect of the subject on which it was created to advise.

The Board will take into consideration, but will not be bound by, Ad Hoc Committee recommendations.

4.2 Terms of Reference


Each Ad Hoc Committee must have terms of reference with the following headings:

- Introduction
- Creation and Purpose
- Composition of Committee
- Duties and Responsibilities
- Budget for any expenses in excess of normal fees and disbursements of its members
- Completion Date



**California Special
Districts Association**
Districts Stronger Together

SPECIAL DISTRICT BOARD MEMBER/TRUSTEE HANDBOOK



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Board Member/Trustee Roles

Make and approve district policy

Set the direction of the district

Make decisions

Establish strategic goals and objectives

Be an advocate for special districts

WHAT YOU SHOULD KNOW

as a Special District Board Member/Trustee

Commitment and Responsibilities

As a board member or trustee for a special district, you have committed to serve the best interests of the community, provide services that are essential to the community and represent the people who placed you into office.

With a strong commitment, there are a number of responsibilities as a board member/trustee on a special district board. Some of these will be identified and detailed in this handbook so that you will have an even better understanding of special districts and your role as a board member/trustee.

One of the most significant responsibilities as a board member/trustee is to understand that the board is a team and you need to work together as such. Understanding the dynamics of the group as well as the individual perspectives and opinions of the other board members that you sit with is crucial to the success of the team and district you represent. This united approach will help to strengthen the district and provide the grounds for maintaining a clear vision of the future, a unity of purpose and a cohesive board of board members/trustees.

Additionally, the board of board members/trustees typically has specific responsibilities that coincide with their overall role as board members/trustees. For example, in the area of human resources, the board's charge is to support and assess the performance of the general manager, approve personnel policies, establish salary structure and benefits packages, approve job descriptions and organizational structure, and establish a strong communications link between the board and general manager.

Another example of specific responsibilities can be seen when taking a look at some of the financial aspects of the district. Typically, the board will ensure that sound fiscal policy exists and that practices and controls are in place so that the district, staff, general manager, and board have direct accountability to their constituents. Furthermore, a board may be involved in such things as the approval of the annual budget, developing reserve guidelines, establishing financial goals, reviewing district finances, developing capital improvement plans, setting rates and fees, and the like.

Clearly, as demonstrated above, being a board member/trustee on a special district board entails a commitment to being actively involved in setting the direction of the district and, most importantly, serving the best interests of the community and the constituents that the district serves.

Accountability

Special districts, governing officials, and management are accountable to the voters and customers who use their services. Every special district must submit annual financial reports to the California State Controller and also must follow state laws pertaining to public meetings, bonded debt, record keeping, conflict of interest, and elections. Special districts are also required to submit salary data annually to the State Controller.

The role of staff and the general manager

The roles of the staff and general manager are very different from that of the board members/trustees, and it is important to understand what the responsibilities and reporting avenues are of each respective group.

The general manager and staff of the district are encouraged to make recommendations and play an active role in moving the district forward. Their main role is to maintain and advance the operations of the district and implement those policies, strategies, and directives that are approved by the board of board members/trustees. All directives for staff should be given by the general manager or designated supervisor within the district.

The general manager is the executive staff officer of the district and for the board of board members/trustees. 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 board members/trustees, and provides day-to-day leadership for the district. He/she delegates authority at his/her discretion and has authority over and directs all employees, including hiring, disciplinary action and termination. He/she seeks to carry into effect the expressed policies of the board of board members/trustees, including planning the short, medium, and long term work program for the district, facilitating constructive and harmonious board relations, preparing and managing the district budget, conducting studies, and delivering written and oral presentations.

OVERALL, YOUR ROLE AS A BOARD MEMBER/TRUSTEE IS TO:

- MAKE AND APPROVE DISTRICT POLICY
- SET THE DIRECTION OF THE DISTRICT
- MAKE DECISIONS
- ESTABLISH STRATEGIC GOALS AND OBJECTIVES
- BE AN ADVOCATE FOR SPECIAL DISTRICTS

WHY GOVERNANCE IS IMPORTANT

By Davis Campbell, Governance Consultant | Trainer



Local boards are the reason, and really the only reason, why local control is local. Special district boards are the voices of the community. Boards are also a large reason why special districts exist.

The truth is that every elected or appointed public official needs to worry about governance; governance is what boards do. Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district. Survival of special districts as a concept depends in large part on how well we do our jobs as board members/trustees or trustees. The quickest way to destroy special districts is for the public to perceive districts as not responsive to the needs of the community or as not being governed effectively.

If governance is important, how do we do it well?

The good news is that in recent years a lot of work has been done on effective governance. Based upon a model developed by the California School Boards Association (CSBA) and adapted by the California Special Districts Association (CSDA), there are three critical dimensions to effective governance. The CSBA Effective Governance Model provides an in-depth examination of the three critical dimensions that interact to determine how a board operates and its effectiveness as an organization.

- First, the model looks at the board as an organizational entity;
- Second, the individuals who serve as effective board members and make up the board;
- And third, the specific jobs the board must perform.

All three of these dimensions or elements of a board must be viewed as a whole in order to truly develop an effective governance operation.

Components of the Effective Governance Model

The board as an organization

Any board, public or private, nonprofit or corporate, exists as an organizational entity, with its own unique organizational culture, norms, values, and operating style. There are attributes or characteristics that are consistently present in boards that operate in a highly effective way. Effective boards become known as effective because they operate in an organizational environment of trust, honesty and openness. These boards exhibit, as a team, the following characteristics:

- All board members are perceived to be equally legitimate—no matter how different or difficult an individual may be.
- The board strives to maintain a “no secrets, no surprises” operating norm.
- The board recognizes and accepts that conflicts and differences are inevitable, not necessarily “bad,” and must be faced and analyzed.
- The effective board tends to immediately turn to solutions rather than playing the “gotcha” game.
- The effective board treats all staff with dignity and respect.
- The effective board treats all community members with dignity and respect, even in the face of criticism and opposition.
- The effective board exhibits creative thinking, knows how to handle failure as well as success, encourages risk taking and creates a climate of support for excellence.
- The effective board assumes collective responsibility for the conduct, behavior and effectiveness of the board.

The board leader

While boards develop unique organizational cultures, they are, after all, composed of individuals. It is individuals and their values, skills, and knowledge that shape how boards operate at any given time. Individuals also determine whether the board will sustain effective behavior as a group role.

Not everyone who serves on a special district board becomes an effective board member or leader. Those who do become effective board members also become highly valued community leaders. When an entire board is composed of truly effective board members rather than individuals, the board becomes highly effective.

So, what are the characteristics of effective board members and how are they different than those who just serve on boards?

- Effective board members think about governance differently. They have distinctly different attitudes from non-effective board members. Effective board members understand the fundamental role of the citizen leader in the governance of special districts.

For example, effective board members understand fundamental principles of effective governance. They understand that the authority of any board member rests only with the board as a whole; that the board, not the individual board member, governs the special district. They tend to worry when an individual is attempting to impose his own agenda on the district rather than working to build support for an institutional agenda.

- Effective board members know that how a board member governs is as important as what a board member does. They know that manners make a huge difference.
- Effective board members work hard to make the team successful.
- Effective board members understand they need to establish trust. They treat everyone with respect, and expect others to treat them the same way.
- Effective board members respect the diversity of perspective and styles.
- Effective board members always keep confidential information confidential.

What effective boards do: The special district board's job in the district

The third dimension addresses the specific responsibilities of the governing board. We know that effective boards have strong competency-based cultures and that individual effective board members have strong governance skills, but the third question is: To do what? What are the duties and responsibilities of boards in the systems? The answer is that special district boards have certain responsibilities that no one else in the system can perform.

The specific responsibilities of the board are clustered into four areas: setting the direction for the district; establishing and supporting the structure of the district; holding the district accountable on behalf of the community; and serving as community leaders.

These are the essences of effective district governance: a competency-based, highly effective board organization and culture; individual citizens serving as effective board members, accomplishing the specific duties and responsibilities that only governing boards can do on behalf of their communities.

The real challenge to special districts is how to learn and achieve as board members. There are governance skills required and to be learned in order to be effective. But first, we must establish a culture of participation in our special district community. Every board member must understand that, just as we expect our staff to be involved in their profession, to learn and develop new skills, so too must we as effective board members learn and hone our governance skills. We must encourage our colleagues to branch out and learn the skills of governance. We must establish a culture of participation and continuing education in the special district community. The future of special districts in California depends upon it.



SPECIAL DISTRICT RESOURCES

California Special Districts Association
www.csda.net

Senate Local Government Committee
www.sen.ca.gov

Assembly Local Government Committee
www.assembly.ca.gov

Official California Legislative Information
www.leginfo.ca.gov

League of California Cities
www.cacities.org

California State Association of Counties
www.counties.org

California Local Government Finance Almanac
www.californiacityfinance.com

California Association of LAFcos
www.calafco.org

Governor's Office of Planning & Research
www.opr.ca.gov

California State Controller's Office
www.sco.ca.gov

California Legislative Analyst's Office
www.lao.ca.gov

Special District Leadership Foundation
www.sdlf.org

Special District Risk Management Authority
www.sdrma.org

CSDA Finance Corporation
www.csdafinance.net

LEARNING MORE

about Special Districts

What are special districts?

Special districts are a form of local government. They are created by their constituents to meet specific service needs for their communities. Most perform a single function such as water delivery, fire protection, wastewater or cemetery management to name just a few. Some, like community services districts, provide multiple services.

Special districts are not cities and counties, they are not school districts, they are not Mello-Roos districts, and they are not state government. Special districts work hand-in-hand with cities and counties to provide communities with essential public services and to keep pace with the demands of fulfilling all the public service needs of California's rapidly growing population.

What kinds of special districts are out there ... to name a few?

- Airport
- Public Cemetery
- Community services
- Drainage
- Flood control
- Fire protection
- Healthcare/hospital
- Harbor/port
- Irrigation
- Library
- Mosquito abatement and vector control
- Police protection
- Reclamation
- Recreation and park
- Open space
- Resource conservation
- Sanitation/wastewater
- Transit
- Utility
- Water
- Water conservation
- Waste management

How does a special district differ from a city or county?

Special districts are limited-purpose local governments. They provide only the services their residents desire within a designated, limited boundary. By contrast, cities and counties are general-purpose local governments. They provide a broad array of services for residents throughout their geographic boundaries. Furthermore, counties in unincorporated areas, and cities are responsible for land-use decisions.

What is the difference between independent special districts and dependent special districts?

Independent special districts are governed by their own boards of board members/trustees who are elected by voters or appointed to fixed terms by elected officials in their districts. These boards do not consist of ex officio members who are officers of the county or another local agency. About two-thirds of the state's special districts are independent special districts.

Dependent special districts are governed by other, existing legislative bodies such as a city council or a county board of supervisors, or appointees that serve at the pleasure of those bodies and can be removed or replaced any time at their will.

How are special districts funded?

Special districts are funded either through local property tax revenues, fees charged to customers for their services or a combination of the two. Special districts that rely primarily on property tax revenues are considered non-enterprise, while districts that primarily generate revenue through fees for service are considered enterprise.



FIND OUT MORE AT
[WWW.CSDA.NET!](http://WWW.CSDA.NET)

How are special districts created?

Special districts require majority-vote approval by citizens in the proposed district to be created, or a two-thirds vote if a new tax is required to fund the district's operations. When residents or landowners want new services or a higher level of service not otherwise provided by cities and counties, they can propose to form their own special district to pay for and administer the services by applying to the Local Agency Formation Commission (LAFCo).

What is Proposition 13?

Proposition 13, enacted by voters in 1978, imposed strict limits on property taxes to one percent of property value, causing special districts, cities and counties to lose much of their local control and funding security. Before Prop 13, special districts received \$945 million from property taxes (1977-1978). Shortly after Prop 13 was imposed (1978-1979), special district property tax revenue dropped to \$532 million, a loss of almost 50 percent.

What is ERAF?

ERAF is the Educational Revenue Augmentation Fund. During the recession of the early 1990s, the state took property taxes from special districts, cities and counties and shifted them into ERAF to offset its debt and spending obligations to education. That mandated property tax shift of precious local government revenue continues today despite the fiscal hardships it has caused local governments. Since ERAF began in 1992, the state has annually shifted over \$500 million in local property tax revenue from special districts.

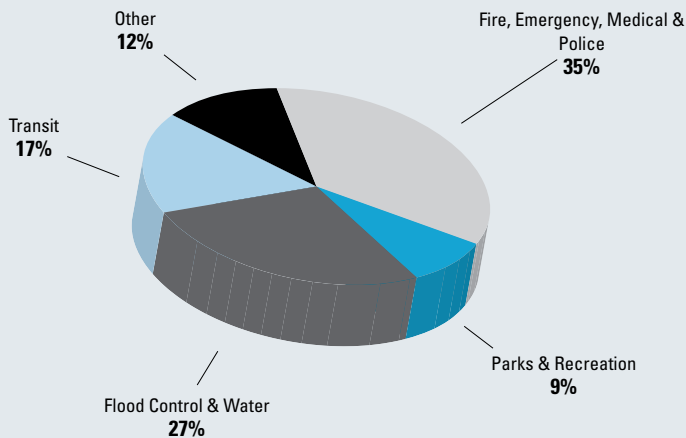
What is Proposition 1A?

Proposition 1A limited the state's future ability to transfer funds away from local governments, except in the case of fiscal emergencies. The amount is limited to eight percent of property tax revenues in a county and must be paid back within three years, with interest.

What is LAFCo?

Local Agency Formation Commissions (LAFCo) are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify and streamline governmental structure and preparing a Sphere of Influence for each city and special district within each county. The LAFCo's efforts are directed to seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

Where do special district tax dollars go?



ETHICS LAWS

For Elected or Appointed Officials



Elected and appointed officials have an obligation to conduct business in an ethical manner and make decisions that are in the best interests of their constituents. As a board member/trustee for a special district, it is imperative that you keep the public's interests in mind and avoid any situations where your self interests are put first. Building the public's confidence and trust by demonstrating your ability to recognize potential ethics problems and then removing yourself from that situation is a key factor to your success as a board member/trustee.

There are a number of state laws that govern the ethical conduct of public officials. The most significant laws deal with conflict of interest and criminal activity/corruption as it relates to public officials and how they make decisions within their respective agencies.

Under the Political Reform Act, a public official may not participate in any way in a decision in which the public official has a "disqualifying conflict of interest." The law states that:

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

California Government Code §87100

As this applies to special districts, a conflict of interest regarding a particular district decision would exist if it were "... reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family ..." or any of one's other financial interests.

California Government Code §87103

In essence, the most important things you need to know about the Political Reform Act are:

- The law applies only to financial conflicts of interest—those arising from economic interests.
- Whether you have a conflict of interest depends heavily on the situation related to each district decision.
- The best way to avoid conflict of interest problems is to learn and recognize the various economic interests from which conflicts can arise.

In addition to the conflict of interest laws, public officials must also disclose all personal economic interests. Special district officials are affected through their respective district's conflict of interest code/policies that a district is required to have by law. Therefore, as a public official, you are required to file a "Statement of Economic Interests" with the Fair Political Practices Commission when

you begin your term, annually and when you end your term.

In the Statement of Economic Interests, public officials are required to disclose all sources of income as well as interests in real property, investments, gifts and the like. Given that it's the law and also that the public, including media, have full access to statements of economic interests, it is recommended that officials be completely open, honest and always disclose all financial interests as this could help prevent future problems.

There are numerous other legal "dos" and "don'ts" for public officials, many of which deal with personal loans, gifts, free travel, payments, honoraria, contracts and holding dual offices. It is recommended that officials research all of the specifics of the laws related to their position.

Lastly, there are additional laws that affect public officials and violation of them may not only cause you to lose your position, but also may result in criminal penalties. According to the publication *A Local Official's Guide to Ethics Laws* (2002 Edition) some areas that can result in criminal prosecution and/or forfeiture of office include:

- Bribery
- Payments for appointments to office
- Willful or corrupt misconduct in office
- Embezzlement
- Misuse of public funds
- Violation of the Open Meetings Law/Brown Act
- Prohibited political activities
- Conviction of a crime

As can be seen above, public officials are held accountable for their actions both by their constituents who elect them and by the law. As an elected or appointed official

THE RALPH M. BROWN ACT

California Government Code §54950-54962

for a special district, it is your responsibility to promote ethical conduct within your district and understand the ethics laws to ensure that you are always keeping the interests of your constituents in the forefront.

AB 1234 and ethics training requirement

In 2005, the State Legislature passed Assembly Bill 1234 by Assembly Member Simon Salinas (D-Salinas), which requires local government officials to take ethics training every two years, with a requirement that they take their first training no later than a year after they start their first day of service with the district. This and similar legislation were proposed after incidences that occurred in several districts over lapses in ethical judgement.

Specifically, if a district provides any type of compensation, salary or stipend to any board member or provides any type of expense reimbursement, then all members of that board must participate in the ethics training, as well as any designated employees (like the general manager). The training must be at least two hours every two years, and a record must be kept by the district. These are public records and are subject to the California Public Records Act.



The basis of the Ralph M. Brown Act is that “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency ...”

While the Brown Act has gone through a series of additions and amendments, the core of the Act remains the same: to ensure that the meetings of local government bodies, formal or informal, be open and accessible to the public at all times.

The Act begins by stating the following:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not

good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

As public agencies, special districts must comply with the Brown Act. This means meetings must be open to the public and agendas posted in a location accessible to the public and on the district website if it has one.

The Brown Act is very detailed as to what is permissible and is amended periodically. It is recommended that public officials read the Ralph M. Brown Act in its entirety and receive some type of training and/or read various publications on the Act.

PUBLIC OFFICIAL ETHICS LAW RESOURCES

California Special Districts Association
www.csda.net

Institute for Local Government
www.ca-ilg.org

Fair Political Practices Commission
www.fppc.ca.gov

Official California Legislative Information
www.leginfo.ca.gov

Office of the Attorney General
www.ag.ca.gov

BROWN ACT RESOURCES

Open & Public IV: A User’s Guide to the Ralph M. Brown Act
www.csda.net

Search CA law/codes
www.leginfo.ca.gov/calaw.html

Education/Trainings
www.csda.net

YOUR ROLE

AS A SPECIAL DISTRICT ADVOCATE



The special district community and its governing officials, more than ever, are coming together to create a presence and united voice. The California Special Districts Association (CSDA) is continuing to work to increase the visibility of special districts with key decision-makers and create a network of activists throughout California. All special district officials should play an active role in educating other local officials and legislators on special districts and the issues that impact their resources and services.

Special districts can no longer sit idle as competing interests vie for shrinking state resources. The time for active engagement is now!

Ever looming state budget deficits have necessitated increased legislative advocacy and grassroots engagement by special district officials in a more active and visible manner. It is the job of every elected official to educate state legislators early about special districts and gain support for protecting local revenues and services.

Meet with legislators

One of the key roles you can play as a board member/trustee and special district advocate is to meet with your legislators. Cultivating relationships with decision makers is essential; it is the most significant advocacy role you can play as a special district official. Meetings can be as simple as stopping by your legislator's



**DOWNLOAD
CSDA'S
GRASSROOTS
ADVOCACY GUIDE.
WWW.CSDA.NET**

local office to introduce yourself and the special district you represent, or even setting up a formal appointment to discuss issues that are facing your district and special districts in general.

Another possibility is to hold a breakfast or coffee event and invite the legislator and his or her staff to attend, or to take them on a tour of your facility. CSDA's Advocacy & Public Affairs Department can help districts set meetings with their legislators in the district or the Capitol. These are the most effective types of meetings.

Respond to Calls to Action

Throughout the legislative session, you may receive a "Call to Action" from various organizations, including CSDA. These Calls to Action typically pertain to a particular piece of legislation that will affect your district. It is imperative that you take a moment to review the information and take action! A visit, phone call, fax, email or letter to your legislator can make a huge difference on issues that could affect your district, and how it operates.

CSDA also regularly updates its Grassroots Action Center with the top legislative issues facing special districts, including tools that help districts take action such as sample letters. If your district is new to such efforts, CSDA offers members a Grassroots Advocacy Guide as well as sample policies for taking a position on legislation.

Get involved at the local and state levels

CSDA encourages all special district staff and board members/trustees to get involved in activities and events throughout the state. This includes participation in local special district chapters and LAFCo meetings, as well as statewide functions like CSDA's annual Special Districts Legislative Days. These are opportunities to learn and discuss the major issues of the year, as well participate in visits with legislators in the Capitol.

CSDA has a Grassroots Mobilization Survey, which asks board members and staff if they know a particular legislator, and how well they know that legislator. At specific points

during the legislative session, respondents will be asked to make a phone call or two to that legislator to support a bill that promotes special districts or to oppose legislation that would harm districts. If you know a legislator, be sure to fill out the Grassroots Mobilization Survey.

Work together with cities, counties and other special districts

Much like the special district you represent, the cities, counties and other special districts near you play an integral role in your region. As a board member/trustee, you should work to establish strong relationships and help to create an atmosphere that is conducive to sharing information and ideas with other local agencies.

Get to know other elected officials in your area. This will help you to better understand issues facing other local governments and can also assist in identifying issues that each agency may have in common. Partnering with cities, counties and other special districts on common issues can bring additional influence to a specific cause or legislative matter and result in benefiting each agency's constituents.

RESOURCES FOR BECOMING A SPECIAL DISTRICT ADVOCATE

California Special Districts Association (CSDA)
www.csdanet

League of California Cities
www.cacities.org

California State Association of Counties
www.counties.org

California Association of LAFCos
www.calafco.org

California State Senate
www.senate.ca.gov

California State Assembly
www.assembly.ca.gov



CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
SERVING SPECIAL DISTRICTS



CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

The California Special Districts Association (CSDA) is a 501(c)(6), not-for-profit association that was formed in 1969 to ensure the continued existence of local, independent special districts. For over 40 years, CSDA has been offering its members cost-efficient programs and representation at the State Capitol with a strong and diverse membership throughout California.

The association is governed by an 18-member Board of Directors elected by mail ballots. The Board consists of three board members/trustees from each of the six regions throughout California. Additionally, there are a number of committees and local chapters that provide input and guidance. **The CSDA standing committees include:**

AUDIT | EDUCATION | ELECTIONS/BYLAWS | FINANCE | FISCAL | LEGISLATIVE MEMBERSHIP AND RECRUITMENT

CSDA provides education and training, risk management and insurance coverages, industry-wide litigation, public relations support, legislative advocacy, capital improvement and equipment funding, collateral design services and, most importantly, current information that is crucial to a special districts management and operational effectiveness.

CSDA is the only statewide association representing all types of independent special districts. Membership in CSDA is a valuable district's investment in its future! Through membership, special districts take an active role in educating the general public, their constituents and legislators as to the important role that special districts play in California.

CSDA BENEFITS & SERVICES

The purpose of the California Special Districts Association (CSDA) is to provide special districts throughout the state with representation, advocacy, education and services that can positively affect their operations. While our governmental affairs program serves the interests of all special districts in the state regardless of their affiliation with CSDA, these efforts are only possible with the support of these same special districts. Get involved through membership!

Legislative and legal representation

Legislative advocacy: CSDA is the only voice in the Capitol that represents and fights for all California special districts, regardless of services provided. CSDA employs full time in-house lobbyists who review and monitor every bill introduced for its potential impact on California's special districts. Any bills requiring action are quickly brought to the attention of the CSDA Legislative Committee and Board of Directors in order to determine a position on each respective issue and then lobbied accordingly.

Litigation support: CSDA often involves itself in litigation, or pending legal cases, on behalf of its members, including testifying in court, filing amicus briefs and requests for publication, among others.

Competitive risk management/workers' compensation/health coverage and financing opportunities

Special District Risk Management Authority (SDRMA): Through CSDA membership, districts can access quality coverage through SDRMA which has been created and run by special districts for 20 years. Because SDRMA is not subject to the profit-driven policies of private corporations, they offer tailored, comprehensive coverage at a substantial savings to special districts.

CSDA Finance Corporation: Need help funding capital improvement or equipment projects? The CSDA Finance Corporation was designed specifically to help CSDA members enhance revenues and reduce costs associated with these projects through the use of innovative finance programs.

Critical and current information

CSDA e-News: an electronic newsletter sent directly to your email every week, which includes updates on key legislation, information on new education workshops and trainings, and other important news that affects CSDA members and special districts in general. Additionally, there are job listings and sponsorship opportunities for those entities looking for publicity.

California Special District magazine:

CSDA's bimonthly magazine, *California Special District*, is read not only by members of other special districts, but

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

also by legislators and other decision-makers in the state. The articles highlight special district-specific topics, as well as broader policy issues that affect the state, like infrastructure and governance.

CSDA website – the CSDA website’s “Members Only” section houses tools and information useful to any and every special district and features, among other resources:

- A directory of your Senate and Assembly representatives and contact information;
- A list of bills important to special districts, CSDA’s position on those bills and sample template letters for your district to use;
- Discounted pricing on publications at the online CSDA Bookstore;
- Reduced rates on classes and workshops by registering for an event through the Education Calendar;
- Links to additional resources related to special districts.

CSDA listserv: The email listserv provides a convenient way for CSDA members to discuss issues of importance with other special districts, share relevant information and get answers to questions from those most qualified to answer: people who have been through the same experiences.

Discount on publications: CSDA members receive significant savings on various guides, manuals and brochures offered through CSDA. Some of these include:

- A Local Official’s Guide to Ethics Laws: This comprehensive guide, published by

the Institute for Local Self Government and developed by a broad base of professionals from local agencies, is packed with useful information on the ethical “dos and don’ts” for elected or appointed public officials. Crucial areas covered include: public disclosure of personal economic interests, receipt of loans, gifts, travel payments and honoraria, conflicts of interest, campaign contributions and bias, having an interest in a contract, dual office holding and incompatible offices, and criminal misconduct in office. Each of your elected or appointed officials should have a copy of and read this document!

- California Independent Special Districts information brochure: This brochure, which is free of time-dated information to ensure a long shelf life, defines special districts, highlights the services they provide, outlines who runs them, and explains how they operate. This brochure serves as a great public information piece for your district constituents, local media representatives, and policymakers.
- Open & Public IV - A User’s Guide to the Ralph M. Brown Act: “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency...” The main goal of this publication is to put the Ralph M. Brown Act in an easy to read format, so it can be readily understood by local officials, the public, and the news media. Topics covered in

Open & Public IV include: meetings, legislative bodies/committees, notice and agenda, teleconferencing, rights of the public and when to legally hold closed sessions. It is imperative that all district representatives have a clear understanding of the current Brown Act to avoid violations of the law.

- Sample Policy Handbook: This handbook is an accumulation of policies written and edited by Harry Ehrlich, as well as the adapted policies of various districts throughout the state. Handbook contents include: general board policies, including adoption and amendment of policies; over 80 personnel policies such as sexual harassment, advancement of wages, benefits, educational assistance and remuneration; operational policies on accounting, budget preparation and more; board of director policies such as the role of officers, attendances and committee makeup; board meeting policies regarding such issues as setting agenda, conduct and minutes; facilities development policies including annexation and environmental review guidelines. For a complete list of the contents in this handbook, contact the CSDA office.

Additional member benefits

Free legal advice: Every CSDA member is entitled to one hour of free legal advice to assist in resolving any legal issue or question. The CSDA legal counsel has been representing special districts for 50 years and is well versed in helping special districts in a variety of areas.



Local chapters: Several counties in California have a local chapter. These chapters provide a local forum for the discussion, consideration and interchange of ideas concerning local issues and CSDA's purposes and direction. Not only do these local chapters advocate at the local level, they also help to inform the public of the benefits of local control, establishing a local communication network and carrying out programs of mutual benefit to member districts. Get involved locally!

Hardworking, dedicated staff: The staff at CSDA is fully motivated and working hard every day of the week to represent you and ensure your district's success. We are here for you!

Professional Development Opportunities

CSDA is dedicated to providing high-quality educational opportunities at a reasonable price. The workshops offered vary from extensive board member and governance training to legal issues and the development of policy and personnel manuals. Workshops are offered throughout the year and at special district office locations throughout California. We now offer a variety of webinars specifically designed for special districts. Webinars provide yet another avenue to stay current and receive continuing education on a variety of topics.

Special District Leadership Academy

One of the most significant and comprehensive training series a special district board member should participate

in is the CSDA Leadership Academy. The Academy focuses on four areas that all board members should know in order to do their jobs effectively. These include:

- 1) Governance foundations
- 2) Setting direction/community leadership
- 3) The Board's role in human resources
- 4) The Board's role in finance

CSDA has developed this program and curriculum in conjunction with experts in governance as well as highly experienced special district officials and managers.

Annual Conference

The CSDA Annual Conference is an opportunity for special district employees, managers and board members to receive the latest information about special districts and the issues facing them, as well as attend workshops on the latest management techniques. The conference is also an outstanding place to visit with exhibitors and meet and network with your peers from other special districts throughout the state.

Special Districts Legislative Days

CSDA's Legislative Days is an annual two-day legislative conference in Sacramento. Special district leaders come to the state's Capitol to exchange ideas with legislators and Capitol staff who are critical to the growth and survival of special districts and hear from key legislators and policy experts on topics that directly impact special districts. District representatives

also get to know legislators, staff and policy experts in a casual setting at the legislative reception.

Special District Leadership Foundation (SDLF)

The SDLF is a collaborative effort of eight special district organizations dedicated to excellence in local government. SDLF has implemented the Special District Administrator Certification Program, which certifies those who succeed as one of the "best of the best" in their profession. The Foundation also has implemented a similar program for special district governing officials and has endorsed the CSDA Leadership Academy as its core governance training. Lastly, a program called Districts of Distinction showcases the best of the best in districts.

Open, Ethical Leadership: AB 1234 compliance

CSDA has worked in collaboration with highly respected law firms specializing in local governments to develop the content and curriculum for ethics training courses. Board members are required by law to take a two-hour ethics training course every two years and this workshop that CSDA offers satisfies this requirement. Remember—it's the law!

Networking Opportunities

CSDA's Annual Conferences, seminars and Special Districts Legislative Days provide unequalled opportunities to network with others in your chosen profession and discuss common problems, solutions and experiences.

A MORE ACTIVE AND VISIBLE APPROACH

For CSDA

CSDA is taking a more active and visible leadership role in advancing the cause of special districts.

One of the most significant goals of CSDA is to build support for special district issues by educating key decision-makers and the media about the value of special districts in providing essential services that voters want and need. By expanding our base of influence, we are raising the visibility and clout of special districts to make your voices heard.

CSDA is focusing more on the policy arena to strengthen special districts' voice and enhance your visibility in the State Capitol. CSDA has a focused mission toward grassroots and public outreach in strategic coordination with traditional lobbying efforts.

CSDA is positioned, now more than ever, as a powerful advocate, key resource and referral network on issues that impact special districts. This new approach signals an opportunity for us to elevate the profile and influence of special districts and to provide CSDA with the firepower it needs to become a leading advocate and key resource on issues that impact special districts.

To get there, CSDA will continue to:

- Build support for special district issues by educating key decision-makers and the media about the value of special districts in providing essential services that voters want and need.

- Focus on common interests and help districts better serve their customers by placing a greater emphasis on top-notch education and training in advocacy, governance, administration, risk management and finance.
- Strengthen our connection and value to special districts by improving our communications channels, information sources and membership forums.
- Focus on the Special District Leadership Academy—the only curriculum endorsed by the Special District Leadership Foundation.

Grassroots mobilization

CSDA's effectiveness on legislative matters is directly linked to the level of participation of special districts and we need active engagement in our advocacy programs to establish a strong and lasting presence. This means being continually responsive to calls for action and cultivating relationships with your constituencies and key decision-makers on the state and local levels to build a strong coalition of support.

CSDA is committed to an effective grassroots mobilization effort. As a special district board member/trustee, you may have relationships to state legislators that would be beneficial to the entire special district community in California. CSDA has a survey to find out who exactly you know in the Capitol so we can make that important connection when an important vote is needed to promote and protect special districts.

CSDA CORE BELIEFS

The CSDA Board of Directors believes that special districts are closest to the community and the most responsive form of local government in California.

The Board therefore believes that CSDA can and should:

- Be the leading and passionate voice for all special districts.
- Be aggressive and resolute in representing and advocating for the needs of all special districts.
- Strengthen support for special districts by educating the public, media and public policy makers on all levels on the value and function of special districts.
- Capitalize on the strengths of the diversity of special districts, fully representing all types and forms of districts.
- Be the premiere training provider for all special districts, striving for effective governance, leadership and administration.
- Provide a wide range of high-quality services and resources to member districts.

COMMUNICATING WITH THE MEDIA



In your term as a special district board member/trustee, you will undoubtedly be involved with some type of media contact. Whether it's a local newspaper, trade journal, television or radio station, independent journalist or being asked to participate in a news conference, it's imperative that you be prepared. These are a few general talking points that you can use to ensure that you have a consistent message and focused answers to tough questions.

Key Media Messages

Special districts are an integral part of the local government framework.

Special districts work hand-in-hand with cities and counties to fulfill all of California's public service needs.

Special districts are a form of local government. They are not cities; they are not counties; they are not school districts; they are not Mello-Roos districts; and they are not state government. Special districts are limited-purpose local governments providing only the services their constituents want and need.

Special districts fill voids in city and county services and heighten the level of services desired by their constituencies.

Special districts can serve single or multiple functions and can serve small neighborhoods or large regions. They tailor their services to citizen demand.

Special districts are funded either through a share of local property tax revenue and/or fees generated from their constituents who vote to form them and hold them accountable for all that they do.

Special districts are special because they provide focused services that residents in their communities want, need and approve at the ballot box.

No special district can operate without the consent of voters deciding what services they want for their communities.

Nearly all of California residents rely on special districts for some form of service that is delivered to their homes, businesses and/or communities.

Everyday, millions of Californians are served by special districts. This includes the water that brews our coffee in the morning, the parks our children enjoy, the street lights and the fire trucks we depend on, an evening BBQ without mosquitoes, the books that enrich our knowledge—all thanks to special districts.

Special districts serve the public by delivering critical, life-saving fire and police protection, as well as essential healthcare services.

Special districts are closest to the communities they serve and therefore provide expedient and responsive services to customers.

Independent special districts are governed by their own boards of directors. They are elected by voters in their district or appointed to fixed terms by elected officials in their district who are accountable to their constituents.

Special district board members and trustees all take an ethics training course every two years to ensure what they do on a day-to-day basis is compliant with state law and to best serve their constituents.

Special districts only provide the services that their constituents want and need.

(continued)

COMMUNICATING WITH THE MEDIA

Special districts can link costs to benefits. That is, only those who benefit from special district services pay for them. Those who do not benefit do not pay.

Special districts are open, visible and accountable to their constituents.

Special districts are visible because their services are either used or seen almost everyday by their constituents.

As public agencies, special districts must comply with the Brown Act, which means meetings of their governing boards must be open and publicly announced.

Special districts cannot be formed without the consent of a majority of voters in their districts, and they cannot raise taxes without two-thirds support.

Special districts are accountable to voters and the customers who use their services. They must submit annual financial reports to the State Controller and also must follow state laws pertaining to public meetings, bonded debt, record keeping and elections.

Special districts do their jobs and do their jobs well. Like any public entity, not much is reported about them when customers are pleased and things are going well. It's typically when controversy arises like a rate hike or service reduction that they become more apparent. As the Little Hoover Commission agrees: "No news is good news. The vast majority of special districts are successful and clearly many are."

Special districts and the core services they provide will be devastated if the state continues to balance the books off the backs of local governments.

Special districts have lost \$10 billion since the state began shifting local property tax revenue to offset its own debt and spending obligations as far back as 1992 and it continues to shift over \$500 million per year.

Property tax revenue losses are particularly difficult for independent special districts because, unlike cities and counties, property tax revenue is often the sole or primary source of funding for the provision of services.

Loss of additional local government revenue to the state presents a serious hardship for many independent special districts that can only be absorbed by program cuts and staff and service reductions.

It's unfair to ask residents of special districts to replace the property tax revenue taken by the state that they originally voted to go to special districts. This could result in double taxation on these residents just to restore the same services to their original level.

RESPONSES

to tough questions

Why are some special districts supported by property taxes, others by fees or both?

Special districts designated as “non-enterprise districts” are funded through a portion of property taxes. They don’t lend themselves to fees because the services benefit the entire community and not just individual residents. About three-quarters of the state’s special districts are non-enterprise districts. Some of them include libraries, police and fire protection, mosquito and vector control, and public cemeteries. Though non-enterprise districts rely overwhelmingly on property taxes for their operational expenses, certain services, such as a park district’s pool, can generate a small amount of fee revenue.

Special districts that are designated as “enterprise districts” run more like a business enterprise and therefore charge customers “user fees” for specific services provided. For example: water rates for the amount of water consumed or room charges for patient hospital stays. Virtually all water, wastewater and healthcare districts are enterprise districts.

Both enterprise and non-enterprise districts can pursue bonds to pay for capital improvements—for instance, to pay for a new dam or library building. In such cases they must receive a two-thirds majority vote to issue general obligation bonds backed by property taxes.

While some enterprise districts are supported by both property taxes and user fees, the property tax revenue they receive is typically minimal and primarily used to pay for their bond debts and/or stabilize rates.

How are special districts staffed? Don’t they have board members who are heavily compensated for doing very little?

The staffing of special districts is based on size and budget. Some rural districts operate only with volunteers or staff that is paid minimally. For others, the administration or staffing may require a larger commitment of resources. The budget allocated for the operational needs of the special district is approved by an elected board in a public meeting. Board member compensation is set in statute by the Legislature. Some districts have the statutory authority to adjust their board member compensation.

Can special districts tax a resident without his/her consent?

No. Proposition 13 limited property taxes to one percent of property value. Many special districts get a share of these revenues and if they require additional revenue, they must get the approval of voters by a two-thirds majority.

Once a special district is formed, how much is a resident taxed for the services received?

The individual is taxed based on a portion of what is reallocated to that special district from the total amount of property tax revenue collected for local government purposes.

If a special district wants more than what the original allocation provided, it can request “special taxes” but Prop 13 and state law require that special taxes be approved by a two-thirds majority vote. A general obligation bond that raises property taxes also requires two-thirds voter approval.

Special assessments are another way voters can pay for special district services. But unlike special taxes, property owners pay benefit assessments only for the projects or services that directly benefit their property such as sewers, parks and water systems. In such cases, the amount of the assessment must be directly related to the benefit received. Proposition 218 enacted in 1996 required local governments, including special districts, to get weighted ballot approval from property owners before they can levy benefit assessments.

Why do we have Mello-Roos districts and special districts funding our services? Doesn’t that amount to double taxation?

Mello-Roos is just a funding mechanism. You cannot visit or see a Mello-Roos district. Special districts deliver services; Mello-Roos districts do not. California law allows many special districts along with cities and counties and schools to establish Mello-Roos districts to finance public works and public services. Local governments use Mello-Roos solely as a financing tool to provide the essential services their constituents want and need.

Wouldn’t you say special districts are the worst form of fragmented government?

Special districts actually are the best real-world solution to meet the essential public service needs of citizens that are not already being met by cities and counties because of a lack of funding or infrastructure.

RESPONSES

to tough questions

There are approximately 2,100 special districts compared to 480 cities and 58 counties. Why so many and why can't they be consolidated to save taxpayers money?

What really matters is the quality of services and how well a special district responds to the customers it serves. Consolidation may work in some cases. In fact, CSDA and special districts are open to reorganization if it is deemed to be cost-effective, lead to increased efficiency and is supported by the constituents they serve.

But when special districts merge into a larger district, they must serve a much larger area. And when that happens, they may become further removed from the neighborhood residents who originally created them. Consolidation, often, may end up costing customers more in the long run. First, costly studies must be conducted to determine if merging is even feasible or acceptable to voters. After that is done, the districts may find that they lack the infrastructure to consolidate if, for instance, existing sewer or water pipes cannot be connected or replaced to cover larger areas.

Aren't special districts seen as inefficient because of the abundance of services that seem to overlap or are duplicative?

While special districts may dot many local landscapes, they are the closest public agencies to the communities they serve and therefore are able to provide the most expedient and responsive services. Furthermore, because special districts focus on a single function or limited functions, they are able to focus their efforts, which leads to discipline and innovation.

Every county has a Local Agency Formation Commission (LAFCO) that ensures the services provided by special districts and other local agencies do not overlap. LAFCOs also conduct Municipal Service Reviews on special districts every 5 years.

What is ERAF?

ERAF is the Education Revenue Augmentation Fund. During the recession of the early 1990s, the state took property taxes from special districts, cities and counties and shifted them into ERAF to offset its debt and spending obligations. That mandated property tax shift of precious local government revenue continues today despite the fiscal hardships it has caused local governments.

How much has been lost because of ERAF?

Since ERAF began in 1992, the state has shifted over \$10 billion in local property tax revenue from special districts, and continues to shift about \$500 million per year.

If special districts are hurting for so much funding because of ERAF and Prop 13, why do some have such huge reserves?

Special districts, like cities and counties, need reserves to ensure they can respond to their constituents in the event of emergencies or disasters like flooding and earthquakes. Prudent reserves often are needed to accumulate the capital to pay for large public works projects. In addition, reserves provide a safety cushion in lean years, stabilizing consumers' rates.

CSDA has developed the Special District Reserve Guidelines, a comprehensive guide for accumulation and management

of special district reserves. The report sets strict policy procedures and high standards for all independent special district members to follow in handling their fiduciary responsibilities.

Note: The Guidelines are available through CSDA at no cost to members.

What's to stop some special district administrators from using these reserves for high-priced junkets or for "official meetings" that turn out to be nothing more than free vacations?

Local accountability is key here. As the public agencies that are closest to the people they serve, special districts are directly accountable to their constituents. As such, their leaders will be held to answer to the voters who elected them or elected officials who appointed them for any actions that come into question.

How are special districts scrutinized? Who are they accountable to and how often must they undergo checks and balances?

Special districts are accountable to the voters who elect their boards of directors and the customers who use their services—just like city council members, boards of supervisors, and state and federal legislators. Special districts must submit annual financial reports to the California State Controller and also must follow state laws pertaining to public meetings, bonded debt, record keeping and elections.

As public agencies, special districts must comply with the Brown Act. Meetings must be open and public. Special districts cannot form, their rates cannot increase nor can their governing boards be elected without the consent of a majority of voters in their district.

IN SUMMARY

In summary, being a special district board member/trustee is an important job and one that should be taken seriously. Clearly, the position requires that elected or appointed officials wear numerous hats and be knowledgeable in a wide range of areas. The California Special Districts Association (CSDA) has developed this handbook to provide board members/trustees with some of the core information that is needed to be an effective and productive official within a special district. CSDA encourages officials to do further research, use the resources referenced throughout the handbook, participate in continuing education opportunities and seek the expertise of legal counsel where appropriate.

Most importantly, use CSDA as the first resource on special district issues. We welcome any feedback on this handbook or how CSDA can better serve special districts in California. 877-924-2732.

“ The most remarkable thing about our country is that; ordinary citizens control almost every major institution, public and private ... Does this make sense? What it makes is a democracy. We, the people, govern ourselves.”

Henry N. Brickell, Regina H. Paul in Time for Curriculum



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THE COMMUNITY SERVICES DISTRICT LAW

GOVERNMENT CODE SECTION 61000-61009

61000. This division shall be known and may be cited as the Community Services District Law.

61001. (a) The Legislature finds and declares all of the following:

(1) The differences among California's communities reflect the broad diversity of the state's population, geography, natural resources, history, and economy.

(2) The residents and property owners in California's diverse communities desire public facilities and services that promote the public peace, health, safety, and welfare.

(3) Responding to these communities' desires, the Legislature enacted the Community Services District Law in 1951, and reenacted the Community Services District Law in 1955.

(4) Between 1955 and 2005, the voters in more than 300 communities have formed community services districts to achieve local governance, provide needed public facilities, and supply public services.

(5) Since then, the Legislature has amended the Community Services District Law in many ways, resulting in a statute that can be difficult for residents, property owners, and public officials to understand and administer.

(6) There is a need to revise the Community Services District Law to achieve statutory clarity and provide a framework for local governance that California's diverse communities can adapt to their local conditions, circumstances, and resources.

(7) The enactment of this division is necessary for the public peace, health, safety, and welfare.

(b) The Legislature finds and declares that for many communities, community services districts may be any of the following:

(1) A permanent form of governance that can provide locally adequate levels of public facilities and services.

(2) An effective form of governance for combining two or more special districts that serve overlapping or adjacent territory into a multifunction special district.

(3) A form of governance that can serve as an alternative to the incorporation of a new city.

(4) A transitional form of governance as the community approaches cityhood.

(c) In enacting this division, it is the intent of the Legislature:

(1) To continue a broad statutory authority for a class of limited-purpose special districts to provide a wide variety of public facilities and services.

(2) To encourage local agency formation commissions to use their municipal service reviews, spheres of influence, and boundary powers, where feasible and appropriate, to combine special districts that serve overlapping or adjacent territory into multifunction community services districts.

(3) That residents, property owners, and public officials use the powers and procedures provided by the Community Services District Law to meet the diversity of the local conditions, circumstances, and resources.

61002. Unless the context requires otherwise, as used in this division, the following terms shall have the following meanings:

(a) "At large" means the election of members of the board of directors all of whom are elected by the voters of the entire district.

(b) "Board of directors" means the board of directors of a district that establishes policies for the operation of the district.

(c) "By divisions" means the election of members of the board of directors who are residents of the division from which they are elected only by voters of the division.

(d) "District" means a community services district created pursuant to this division or any of its statutory predecessors.

(e) "From divisions" means the election of members of the board of directors who are residents of the division from which they are elected by the voters of the entire district.

(f) "General manager" means the highest level management appointee who is directly responsible to the board of directors for the implementation of the policies established by the board of directors.

(g) "Graffiti abatement" means the power to prevent graffiti on public or private property, receive reports of graffiti on public or private property, provide rewards not to exceed one thousand dollars(\$1,000) for information leading to the arrest and conviction of persons who apply graffiti on public or private property, abate graffiti as a public nuisance pursuant to Section 731 of the Code of Civil Procedure, remove graffiti from public or private property, and use the services of persons ordered by a court to remove graffiti.

(h) "Latent power" means those services and facilities authorized by Part 3 (commencing with Section 61100) that the local agency formation commission has determined, pursuant to subdivision (i) of Section 56425, that a district did not provide prior to January 1, 2006.

(i) "President" or "chair" means the presiding officer of the board of directors.

(j) "Principal county" means the county having all or the greatest portion of the entire assessed valuation, as shown on the last equalized assessment roll of the county or counties, of all taxable property in the district.

(k) "Secretary" means the secretary of the board of directors.

(l) "Voter" means a voter as defined by Section 359 of the Elections Code.

(m) "Zone" means a zone formed pursuant to Chapter 5 (commencing with Section 61140) of Part 3.

61003. (a) This division provides the authority for the organization and powers of community services districts. This division succeeds the former Division 3 (commencing with Section 61000) as added by Chapter 1746 of the Statutes of 1955, as subsequently amended, and any of its statutory predecessors.

(b) Any community services district organized or reorganized pursuant to the former Division 3 or any of its statutory predecessors which was in existence on January 1, 2006, shall remain in existence as if it had been organized pursuant to this division.

(c) Any improvement district of a community services district formed pursuant to the former Chapter 5 (commencing with Section 61710) of the former Part 5 or any of its statutory predecessors which was in existence on January 1, 2006, shall be deemed to be a zone as if it had been formed pursuant to Chapter 5 (commencing with Section 61140) of Part 3.

(d) Any zone of a community services district formed pursuant to the former Chapter 2 (commencing with Section 61770) of the former Part 6 or any of its statutory predecessors which was in existence on January 1, 2006, shall remain in existence as if it had been organized pursuant to this division.

(e) Any indebtedness, bond, note, certificate of participation, contract, special tax, benefit assessment, fee, election, ordinance, resolution, regulation, rule, or any other action of a district taken pursuant to the former Division 3 or any of its statutory predecessors which was taken before January 1, 2006, shall not be voided solely because of any error, omission, informality, misnomer, or failure to comply strictly with this division.

(f) Any approval or determination, including, but not limited to, terms and conditions made with respect to a district by a local agency formation commission prior to January 1, 2006, shall remain in existence.

61004. This division shall be liberally construed to effectuate its purposes.

61005. If any provision of this division or the application of any provision of this division in any circumstance or to any person, county, city, special district, school district, the state, or any agency or subdivision of the state is held invalid, that

invalidity shall not affect other provisions or applications of this division that can be given effect without the invalid provision or application of the invalid provision, and to this end the provisions of this division are severable.

61006. (a) Any action to determine the validity of the organization of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(b) Any action to determine the validity of any bonds, warrants, contracts, obligations, or evidences of indebtedness of a district shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(c) Any judicial action to compel performance of an action by a district, its officers, or its directors shall be brought pursuant to Section 1084 of the Code of Civil Procedure.

(d) Any judicial review of any administrative act taken after a hearing by a district shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure.

61007. (a) Territory, whether incorporated or unincorporated, whether contiguous or noncontiguous, whether in one or more counties, may be included in a district.

(b) Except as provided in this part, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5, shall govern any change of organization or reorganization of a district. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(c) A district shall be deemed an "independent special district," as defined by Section 56044, except when a county board of supervisors or a city council is the board of directors.

61008. (a) Except as otherwise provided in this division, districts are subject to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

(b) A board of directors may require that the election of members to the board of directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.

(c) A district may conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000) of the Elections Code.

(d) A district may hold advisory elections pursuant to Section 9603 of the Elections Code.

61009. Whenever the boundaries of a district or a zone change, the district shall comply with Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5.

GOVERNMENT CODE

SECTION 61010-61014.5

61010. A new district may be formed pursuant to this chapter.

61011. (a) A proposal to form a new district may be made by petition. The petition shall do all of the things required by Section 56700. In addition, the petition shall do all of the following:

(1) State which of the services listed in Section 61100 it is proposed that the district be authorized to provide upon formation.

(2) Set forth the proposed methods, including, but not limited to, special taxes, benefit assessments, and fees, by which the district will finance those services.

(3) Propose a name for the district.

(4) Specify the method of selecting the initial board of directors, as provided in Chapter 1 (commencing with Section 61020) of Part 2.

(b) The petitions, the proponents, and the procedures for certifying the sufficiency of the petitions shall comply with Chapter 2 (commencing with Section 56700) of Part 3 of Division 5. In the case of any conflict between that chapter and this chapter, the provisions of this chapter shall prevail.

(c) The petition shall be signed by not less than 25 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission.

61012. (a) Before circulating any petition, the proponents shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district, the proposed services that the district will provide, and the proposed methods by which the district will be financed. The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by one or more of the proponents, and shall be in substantially the following form:

"Notice of Intent to Circulate Petition"

"Notice is hereby given of the intention to circulate a petition proposing to form the _____ [name of the district]. The reasons for forming the proposed district are: _____.

The proposed service(s) that the district will provide are: _____. The proposed method(s) by which the district will finance those services are: _____."

(c) Within five days after the date of publication, the proponents shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper or newspapers in which the notice was published certifying to the fact of the publication.

(d) After the filing required by subdivision (c), the petition may be circulated for signatures.

61013. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county, city, or special district that contains any of the territory proposed to be included in the district. Except for the provisions regarding the signers, the signatures, and the proponents, a resolution of application shall contain all of the matters specified for a petition in Section 61011.

(b) Before adopting a resolution of application, the legislative body shall hold a public hearing on the resolution. Notice of the hearing shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the county, city, or special district. At least 20 days before the hearing, the legislative body shall give mailed notice of its hearing to the executive officer of the local agency formation commission of the principal county. The notice shall generally describe the proposed formation of the district and the territory proposed to be included in the district.

(c) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

61014. (a) Once the proponents have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Part 3 (commencing with Section 56650) of Division 3 of Title 5.

(b) Notwithstanding any other provision of law, a local agency formation commission shall not approve a proposal that includes the formation of a district unless the commission determines that the proposed district will have sufficient revenues to carry out its purposes.

(c) Notwithstanding subdivision (b), a local agency formation commission may approve a proposal that includes the formation of a district where the commission has determined that the proposed district will not have sufficient revenue provided that the commission conditions its approval on the concurrent approval of special taxes or benefit assessments that will generate those sufficient revenues. In approving the proposal, the commission shall provide that, if the voters or property owners do not approve the special taxes or benefit assessments, the proposed district shall not be formed.

(d) If the local agency formation commission approves the proposal for the formation of a district, then the commission shall proceed pursuant to Part 4 (commencing with Section 57000) of Division 3 of Title 5.

(e) Notwithstanding Section 57075, the local agency formation commission shall take one of the following actions:

(1) If a majority protest exists in accordance with Section 57078, the commission shall terminate proceedings.

(2) If no majority protest exists, the commission shall do either of the following:

(A) Order the formation subject to the approval by the voters.

(B) Order the formation subject to the approval by the voters of a special tax or the approval by the property owners of a special benefit assessment, pursuant to subdivision (c).

(f) If the local agency formation commission orders the formation of a district pursuant to paragraph (2) of subdivision (e), the commission shall direct the board of supervisors to direct county officials to conduct the necessary elections on behalf of the proposed district.

61014.5. Notwithstanding Section 61014, in the case of the proposed formation of the East Garrison Community Services District, if the Local Agency Formation Commission of Monterey County finds that the affected territory contains no registered voters and no landowners that are not public agencies, the Local Agency Formation Commission of Monterey County may, as a term and condition of approving the formation, dispense with an election, complete the proceedings for the formation of the East Garrison Community Services District, and order the Board of Supervisors of the County of Monterey to designate the members of the initial board of directors pursuant to Section 61029.5.

GOVERNMENT CODE

SECTION 61020-61022

61020. The initial board of directors of a district formed on or after January 1, 2006, shall be determined pursuant to this chapter.

61021. (a) Except as provided in this chapter, the initial board of directors shall be elected.

(b) The directors may be elected by one of the following methods:

(1) At large.

(2) By divisions.

(3) From divisions.

(c) The elections and terms of office shall be determined pursuant to the Uniform District Election Law, Part 4 (commencing with Section 10500) of the Elections Code.

61022. (a) In the case of a proposed district which contains only unincorporated territory in a single county and less than 100 voters, the local agency formation commission may provide, as a term and condition of approving the formation of the district, that the county board of supervisors shall be the initial board of directors until conversion to an elected board of directors.

(b) The board of supervisors shall adopt a resolution pursuant to subdivision (b) of Section 61027, placing the question of having an elected board of directors on the ballot when any of the following occurs:

(1) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded 500.

(2) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded a lower number specified by the local agency formation commission as a term and condition of approving the formation of the district.

(3) Ten years after the effective date of the district's formation.

(4) The local agency formation commission has required, as a term and condition of approving the formation of the district, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the district's formation.

(c) At the election, the voters shall also elect members to the district's board of directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

GOVERNMENT CODE

SECTION 61025-61030

61025. (a) If a majority of the voters voting upon the question are in favor of the question at a general district or special election, a board of directors may be elected by one of the following methods:

(1) At large.

(2) By divisions.

(3) From divisions.

(b) The board of directors may adopt a resolution placing the question on the ballot. Alternatively, upon receipt of a petition signed by at least 25 percent of the registered voters of the district, the board of directors shall adopt a resolution placing the question on the ballot.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) If the majority of voters voting upon the question approves of the election of directors either by divisions or from divisions, the board of directors shall promptly adopt a resolution dividing the district into five divisions. The resolution shall assign a number to each division. Using the last decennial census as a basis, the divisions shall be as nearly equal in population as possible. In establishing the boundaries of the divisions, the board of directors may give consideration to the following factors:

(1) Topography.

(2) Geography.

(3) Cohesiveness, contiguity, integrity, and compactness of territory.

(4) Community of interests of the divisions.

(e) If the majority of voters voting upon the question approves of the election of directors either by divisions or from divisions, then at the next election, the members of the board of directors shall be so elected. Each member elected by division or from division shall be a resident of the election division by which or from which he or she is elected. At the district general election, following the approval by the voters of the election of directors either by divisions or from divisions, the board of directors shall assign vacancies on the board of directors created by the expiration of terms to the respective divisions and the vacancies shall be filled either by or from those divisions.

(f) If the majority of voters voting on the question approves of the election of directors at large, the board of directors shall promptly adopt a resolution dissolving the divisions which had existed.

61026. In the case of a board of directors elected by divisions or from divisions, the board of directors shall adjust the boundaries of the divisions before November 1 of the year following the year in which each decennial census is taken. If at any time between each decennial census, a change of organization or reorganization alters the population of the district, the board of directors shall reexamine the boundaries of its divisions. If the board of directors finds that the population of any division has varied so that the divisions no longer meet the criteria specified in subdivision (d) of Section 61025, the board of directors shall adjust the boundaries of the divisions so that the divisions shall be as nearly equal in population as possible. The board of directors shall make this change within 60 days of the effective date of the change of organization or reorganization.

61027. (a) This section applies only to a district where the board of supervisors is the district's board of directors and more than five years have passed since the effective date of the district's formation.

(b) Upon receipt of a petition signed by at least 10 percent of the voters of the district, the board of directors shall adopt a resolution placing the question on the ballot. Alternatively, the board of directors may adopt a resolution placing the question on the ballot. The petition or resolution shall specify whether the board of directors will be elected at large, by divisions, or from divisions.

(c) If a majority of the voters voting upon the question at a general election or special election are in favor, the district shall have an elected board of directors.

(d) At the election, the voters shall also elect members to the district's board of directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board of directors are in favor of the question.

(e) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

61028. (a) Before circulating any petition pursuant to Section 61025 or Section 61027, the proponents shall publish a notice of intention, which shall include a written statement not to exceed 500 words in length, setting forth the reasons for the proposal. The notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the district. If the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each county.

(b) The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

"Notice of Intent to Circulate Petition"

"Notice is hereby given of the intention to circulate a petition affecting the Board of Directors of the _____ (name of the district). The petition proposes that _____ (description of the proposal)."

(c) Within five days after the date of publication, the proponents shall file with the secretary of the board of directors a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required by subdivision (c), the petition may be circulated for signatures.

(e) Sections 100 and 104 of the Elections Code shall govern the signing of the petition and the format of the petition.

(f) A petition may consist of a single instrument or separate counterparts. The proponents shall file the petition, together with all counterparts, with the secretary of the board of directors. The secretary shall not accept a petition for filing unless the signatures have been secured within six months of the date on which

the first signature was obtained and the proponents submitted the petition to the secretary for filing within 60 days after the last signature was obtained.

(g) Within 30 days after the date of filing a petition, the secretary of the board of directors shall cause the petition to be examined by the county elections official, in accordance with Sections 9113 to 9115, inclusive, of the Elections Code, and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(h) If the certificate of the secretary shows the petition to be insufficient, the secretary shall immediately give notice, by certified mail, of the insufficiency to the proponents. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the proponents may file with the secretary a supplemental petition bearing additional signatures.

(i) Within 10 days after the date of filing a supplemental petition, the secretary shall cause the supplemental petition to be examined by the county elections official.

(j) The secretary shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the secretary's examination. The secretary shall mail a copy of the certificate of sufficiency to the proponents.

(k) Once the proponents have filed a sufficient petition, the board of directors shall take the actions required pursuant to Section 61025 or Section 61027.

61029. (a) Notwithstanding any other provision of this chapter, the Board of Supervisors of San Joaquin County shall be the Board of Directors of the Mountain House Community Services District, until conversion to a directly elected board of directors.

(b) When the registrar of voters certifies in writing that the number of voters in the district has reached or exceeded 1,000, the Board of Supervisors of San Joaquin County shall adopt a resolution placing the question of having an elected board of directors on the ballot. The resolution shall specify whether the board of directors will be elected at large, by divisions, or from divisions.

(c) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(d) If a majority of voters voting upon the question approves of electing the board of directors, the members of the board of directors shall be elected at the next general district election.

61029.5. (a) Notwithstanding any other provision of this division, the Board of Directors of the East Garrison Community Services District shall be the Board of Supervisors of the County of Monterey, until conversion to a directly elected board of directors.

(b) The Board of Supervisors of the County of Monterey shall adopt a resolution, placing the question of having an elected board of directors on the ballot when any of the following occurs:

(1) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded 500.

(2) When the registrar of voters certifies in writing that the number of voters in the East Garrison Community Services District has reached or exceeded a lower number specified by the Local Agency Formation Commission of Monterey County as a term and condition of approving the formation of the East Garrison Community Services District.

(3) Ten years after the effective date of the East Garrison Community Services District's formation.

(4) The Local Agency Formation Commission of Monterey County has required, as a term and condition of approving the formation of the East Garrison Community Services District, placing the question of having an elected board of directors on the ballot in less than 10 years after the effective date of the East Garrison Community Services District's formation.

(c) At the election, the voters shall also elect members to the East Garrison Community Services District's Board of Directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board are in favor of the question.

(d) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of the election and ballot shall contain a statement of the question.

61030. (a) Notwithstanding any other provision of this part, the local agency formation commission, in approving either a consolidation or reorganization of two or more special districts into a single community services district, may, pursuant to subdivisions(k) and (n) of Section 56886, temporarily increase the number of members to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11, who shall be members of the boards of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Upon the expiration of the terms of the members of the board of directors of the consolidated or reorganized district whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number of members equals five.

(c) In addition to the powers granted under Section 1780, in the event of a vacancy on the board of directors of the consolidated or reorganized district at which time the total number of members of the board of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy. In that event, the total membership of the board of directors shall be reduced by one member. Upon making the determination not to fill a vacancy, the board of directors shall notify the board of supervisors of its decision.

(d) This section applies only to a consolidation or reorganization in which each subject agency was an independent special district prior to the initiation of the consolidation or reorganization.

(e) As used in this section, "consolidation" means a consolidation as defined by Section 56030, "special district" means a special district as defined by Section 56036, "independent special district" means an independent special district as defined by Section 56044, and "reorganization" means a reorganization as defined by Section 56073.

GOVERNMENT CODE

SECTION 61040-61048

61040. (a) A legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall

not be considered an incompatible office with service as a member of a board of directors.

(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

61041. Notwithstanding subdivision (a) of Section 65040, this section applies only to those districts that on December 31, 2005, had boards of directors that consisted of three members. Those districts shall continue to have boards of directors that consist of three members until the next general district election after January 1, 2006, after which date those districts shall have boards of directors that consist of five members. At that election, the voters shall fill the two vacancies on the board of directors. Those two members of the board of directors shall serve for the terms of office determined pursuant to Section 10506 of the Elections Code.

61042. (a) The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election.

(b) For districts formed before January 1, 2006, where the members of the board of directors are not serving staggered terms, at the first meeting after January 1, 2006, the members shall classify themselves by lot into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the terms of the offices that begin after the next general district election shall be four years. For the class that has two members, the initial terms of the offices that begin after the next general district election shall be two years. Thereafter, the terms of all members shall be four years.

(c) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780.

61043. (a) Within 45 days after the effective date of the formation of a district, the board of directors shall meet and elect its officers. Thereafter, within 45 days after each general district or unopposed election, the board of directors shall meet and elect the officers of the board of directors. A board of directors may elect the officers of the board of directors annually.

(b) The officers of a board of directors are a president and a vice president. The president shall preside over meetings of the board of directors and the vice president shall serve in the president's absence or inability to serve.

(c) A board of directors may create additional offices and elect members to those offices, provided that no member of a board of directors shall hold more than one office.

61044. A board of directors shall hold a regular meeting at least once every three months. Meetings of the board of directors are subject to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

61045. (a) A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business.

(b) The board of directors shall act only by ordinance, resolution, or motion.

(c) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the board of directors to take action.

(d) The minutes of the board of directors shall record the aye and no votes taken by the members of the board of directors for the passage of all ordinances, resolutions, or motions.

(e) The board of directors shall keep a record of all its actions, including financial transactions.

(f) The board of directors shall adopt rules or bylaws for its proceedings.

(g) The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.

61046. (a) Ordinances may be passed by the voters by initiative pursuant to Article 1 (commencing with Section 9300) of Chapter 4 of Division 9 of the Elections Code.

(b) Legislative acts may be disapproved by the voters by referendum pursuant to Article 2 (commencing with Section 9340) of Chapter 4 of Division 9 of the Elections Code.

(c) Members of the board of directors may be recalled by the voters pursuant to Chapter 1 (commencing with Section 11000) of Division 11 of the Elections Code.

61047. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for each day of service. A member of the board of directors shall not receive compensation for more than six days of service in a month.

(b) The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation that may be received by members of the board of directors.

(c) The board of directors may provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

(d) A member of the board of directors may waive any or all of the payments permitted by this section.

(e) For the purposes of this section, a "day of service" means any of the following:

(1) A meeting conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.

(2) Representation of the district at a public event, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public event.

(3) Representation of the district at a public meeting or a public hearing conducted by another public agency, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public meeting or public hearing.

(4) Representation of the district at a meeting of a public benefit nonprofit corporation on whose board the district has membership, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the corporation's meeting.

(5) Participation in a training program on a topic that is directly related to the district, provided that the board of directors has previously approved the member's participation at a board of directors' meeting, and that the member delivers a written report to the board of directors regarding the member's participation at the next board of directors' meeting following the training program.

61048. A board of directors may appoint one or more advisory committees to advise the board of directors about the district's finances, policies, programs, or operations.

GOVERNMENT CODE

SECTION 61050-61053

61050. (a) The board of directors shall appoint a general manager.

(b) The county treasurer of the principal county shall serve as the treasurer of the district. If the board of directors designates an alternative depository pursuant

to Section 61053, the board of directors shall appoint a district treasurer who shall serve in place of the county treasurer.

(c) The board of directors may appoint the same person to be the general manager and the district treasurer.

(d) The general manager and the district treasurer, if any, shall serve at the pleasure of the board of directors.

(e) The board of directors shall set the compensation, if any, for the general manager and the district treasurer, if any.

(f) The board of directors may require the general manager to be bonded. The board of directors shall require the district treasurer, if any, to be bonded. The district shall pay the cost of the bonds.

61051. The general manager shall be responsible for all of the following:

(a) The implementation of the policies established by the board of directors for the operation of the district.

(b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.

(c) The supervision of the district's facilities and services.

(d) The supervision of the district's finances.

61052. (a) Except as provided by Section 61053, the county treasurer of the principal county shall be treasurer of the district and shall be the depository and have the custody of all of the district's money.

(b) All claims against a district shall be audited, allowed, and paid by the board of directors by warrants drawn on the county treasurer.

(c) As an alternative to subdivision (b), the board of directors may instruct the county treasurer to audit, allow, and draw his or her warrant on the county treasury for all legal claims presented to him or her and authorized by the board of directors.

(d) The county treasurer shall pay the warrants in the order in which they are presented.

(e) If a warrant is presented for payment and the county treasurer cannot pay it for want of funds in the account on which it is drawn, the treasurer shall endorse the warrant, "NOT PAID BECAUSE OF INSUFFICIENT FUNDS" and sign his or her name and the date and time the warrant was presented. From that time until it is paid, the warrant bears interest at the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2.

61053. (a) Notwithstanding Section 61052, a district may establish an alternative depository pursuant to this section.

(b) The board of directors shall appoint a district treasurer who shall serve in the place of the county treasurer.

(c) The board of directors shall adopt a resolution that does each of the following:

(1) State its intention to withdraw its money from the county treasury.

(2) Fix the amount of the bond for the district treasurer and other district employees who will be responsible for handling the district's finances. The district shall pay the cost of the bonds.

(3) Adopt a system of accounting and auditing that shall completely and at all times show the district's financial condition. The system of accounting and auditing shall adhere to generally accepted accounting principles.

(4) Adopt a procedure for drawing and signing checks, provided that the procedure adheres to generally accepted accounting principles. The procedure shall provide that bond principal and salaries shall be paid when due. The procedure may provide that checks to pay claims and demands need not be approved by the board of directors before payment if the district treasurer determines that the claims and demands conform to the district's approved budget.

(5) Designate a bank, a savings and loan association, or a credit union as the depository of the district's money. A bank, savings and loan association, or credit union may act as a depository, paying agent, or fiscal agency for the holding or handling of the district's money, notwithstanding the fact that a member of the board

of directors, whose funds are on deposit in that bank or savings and loan association is an officer, employee, or stockholder of that bank or savings and loan association, or of a holding company that owns any of the stock of that bank or savings and loan association.

(d) The board of directors and the board of supervisors of the principal county shall determine a mutually acceptable date for the withdrawal of the district's money from the county treasury, not to exceed 15 months from the date on which the board of directors adopts its resolution.

(e) In implementing this section, the district shall comply with Article 1 (commencing with Section 53600) and Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5. Nothing in this section shall preclude the district treasurer from depositing the district's money in the county treasury of the principal county or the State Treasury pursuant to Article 11 (commencing with Section 16429.1) of Chapter 2 of Part 2 of Division 4 of Title 2.

(f) The district treasurer shall make quarterly or more frequent written reports to the board of directors, as the board of directors shall determine, regarding the receipts and disbursements and balances in the accounts controlled by the district treasurer. The district treasurer shall sign the reports and file them with the general manager.

GOVERNMENT CODE

SECTION 61060-61070

61060. A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(a) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3.

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100).

(c) To sue and be sued in its own name.

(d) To acquire any real or personal property within or outside the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey, and encumber the property, and to create a leasehold interest in the property for the benefit of the district.

(e) To acquire by eminent domain any real or personal property within or outside the district. If a district acquires real or personal property of a public utility by eminent domain, the district shall also pay for the cost of the removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles that must be moved to a new location.

(f) To appoint employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.

(g) To engage counsel and other professional services.

(h) To enter into and perform all contracts, including, but not limited to, contracts pursuant to Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code.

(i) To adopt a seal and alter it.

(j) To enter joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1.

(k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1.

(l) To provide training that will assist the members of the board of directors in the governance of the district.

(m) To construct any works along, under, or across any street, road, or highway, subject to the consent of the governing body in charge, and along, under, or across any other property devoted to a public use.

(n) To take any and all actions necessary for, or incidental to, the powers expressed or implied by this division.

61061. (a) A district shall have perpetual succession.

(b) A board of directors may, by resolution, change the name of the district. The resolution shall comply with the requirements of Chapter 23 (commencing with Section 7530) of Division 7 of Title 1. Notwithstanding Section 7530, any district formed on and after January 1, 2006, and any district that changes its name on or after January 1, 2006, shall have the words "community services district" within its name. Within 10 days of its adoption, the board of directors shall file a copy of its resolution with the Secretary of State, the State Board of Equalization, the county clerk, the county auditor, the board of supervisors, and the local agency formation commission of each county in which the district is located.

(c) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1.

61062. (a) When acquiring, improving, or using any real property, a district shall comply with Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5, and Article 7 (commencing with Section 65400) of Chapter 1 of Division 1 of Title 7.

(b) When disposing of surplus land, a district shall comply with Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

61063. (a) Each district shall adopt policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment not governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5.

(b) A district may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf pursuant to Section 10298 of the Public Contract Code.

(c) A district may request the purchasing agent of the principal county to make purchases of materials, equipment, or supplies on its behalf pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.

(d) A district may request the purchasing agent of the principal county to contract with persons to provide projects, services, and programs authorized by this division pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.

61064. (a) Violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.

(b) Any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.

(c) To protect property and to preserve the peace at facilities owned or managed by a district, a board of directors may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

61065. (a) The Meyers-Milias-Brown Act, Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 applies to all districts.

(b) A board of directors may establish an employee relations system that may include, but is not limited to, a civil service system or a merit system.

61066. A board of directors may require any employee or officer to be bonded. The district shall pay the cost of the bonds.

61067. A board of directors may provide for any program for the benefit of its employees and members of the board of directors pursuant to Chapter 2 (commencing with Section 53200) of Part 1 of Division 2 of Title 5.

61068. A board of directors may authorize its members and the employees of the district to attend professional or vocational meetings and conferences. A board of directors may reimburse its members and the employees of the district for their documented, actual, and necessary traveling and incidental expenses while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

61069. (a) A district may request an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. The warrant shall state the location which it covers and shall state its purposes. A warrant may authorize district employees to enter property only to do one or more of the following:

(1) Inspect to determine the presence of public nuisances that the district has the authority to abate.

(2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.

(3) Determine if a notice to abate a public nuisance has been complied with.

(b) Where there is no reasonable expectation of privacy and subject to the limitations of the United States Constitution and the California Constitution, employees of a district may enter any property within the district for any of the following purposes:

(1) Inspect the property to determine the presence of public nuisances that the district has the authority to abate.

(2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.

(3) Determine if a notice to abate a public nuisance has been complied with.

61070. A district may contract with any local agency, state department or agency, federal department or agency, or any tribal government for the provision by or to the district of any facilities, services, or programs authorized by this division, within or without the district, subject to compliance with Section 56133.

GOVERNMENT CODE

SECTION 61100-61107

61100. Within its boundaries, a district may do any of the following:

(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(b) Collect, treat, or dispose of sewage, wastewater, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(c) Collect, transfer, and dispose of solid waste, and provide solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

(d) Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(e) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

(f) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

(g) Acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements.

(h) Provide for the surveillance, prevention, abatement, and control of vectors and vectorborne diseases in the same manner as a mosquito abatement and vector control district formed pursuant to the Mosquito Abatement and Vector Control District Law, Chapter 1 (commencing with Section 2000) of Division 3 of the Health and Safety Code.

(i) Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

(j) Provide security services, including, but not limited to, burglar and fire alarm services, to protect lives and property.

(k) Provide library services, in the same manner as a library district formed pursuant to either Chapter 8 (commencing with Section 19400) or Chapter 9 (commencing with Section 19600) of Part 11 of the Education Code.

(l) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.

(m) Convert existing overhead electric and communications facilities, with the consent of the public agency or public utility that owns the facilities, to underground locations pursuant to Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code.

(n) Provide emergency medical services pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(o) Provide and maintain public airports and landing places for aerial traffic, in the same manner as an airport district formed pursuant to the California Airport District Act, Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code.

(p) Provide transportation services.

(q) Abate graffiti.

(r) Plan, design, construct, improve, maintain, and operate flood protection facilities. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within the boundaries of another special district that provides those facilities unless the other special district gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities in unincorporated territory unless the board of supervisors gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within a city unless the city council gives its written consent.

(s) Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities.

(t) Abate weeds and rubbish pursuant to Part 5 (commencing Section 14875) of the Health and Safety Code. For that purpose, the board of directors shall be deemed to be a "board of supervisors" and district employees shall be deemed to be the "persons" designated by Section 14890 of the Health and Safety Code.

(u) Acquire, construct, improve, maintain, and operate hydroelectric power generating facilities and transmission lines, consistent with the district's water supply and wastewater operations. The power generated shall be used for district purposes, or sold to a public utility or another public agency that generates, uses, or sells electrical power. A district shall not acquire hydroelectric power generating facilities unless the facilities' owner agrees.

(v) Acquire, construct, improve, maintain, and operate television translator facilities.

(w) Remove snow from public streets, roads, easements, and rights-of-way. A district may remove snow from public streets, roads, easements, and rights-of-way

owned by another public agency, only with the written consent of that other public agency.

(x) Provide animal control services pursuant to Section 30501 of the Food and Agricultural Code. Whenever the term "board of supervisors," "county," "county clerk," or "animal control officer" is used in Division 14 (commencing with Section 30501) of the Food and Agricultural Code, those terms shall also be deemed to include the board of directors of a district, a district, the general manager of the district, or the animal control officer of a district, respectively. A district shall not provide animal control services in unincorporated territory unless the county board of supervisors gives its written consent. A district shall not provide animal control services within a city unless the city council gives its written consent.

(y) Control, abate, and eradicate pests, in the same manner as a pest abatement district, formed pursuant to Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code. A district's program to control, abate, or eradicate local pine bark beetle infestations shall be consistent with any required plan or program approved by the Department of Forestry and Fire Protection.

(z) Construct, maintain, and operate mailboxes on a district's property or rights-of-way.

(aa) Provide mail delivery service under contract to the United States Postal Service.

(ab) Own, operate, improve, and maintain cemeteries and provide interment services, in the same manner as a public cemetery district, formed pursuant to the Public Cemetery District Law, Part 4 (commencing with Section 9000) of Division 8 of the Health and Safety Code.

(ac) Finance the operations of area planning commissions formed pursuant to Section 65101.

(ad) Finance the operations of municipal advisory councils formed pursuant to Section 31010.

(ae) Acquire, own, improve, maintain, and operate land within or without the district for habitat mitigation or other environmental protection purposes to mitigate the effects of projects undertaken by the district.

(af) If a private person or entity is unable or unwilling to deploy broadband service, construct, own, improve, maintain, and operate broadband facilities and to provide broadband services. For purposes of this section, broadband has the same meaning as in subdivision (a) of Section 5830 of the Public Utilities Code. The district shall first make a reasonable effort to identify a private person or entity willing to deploy service. The authority granted by this subdivision shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate broadband facilities and to provide broadband services, and to sell those services at a comparable cost and quality of service as provided by the district. At that time, the district shall do one of the following:

(1) Diligently transfer its title, ownership, maintenance, control, and operation of those broadband facilities and services at a fair market value to that private person or entity.

(2) Lease the operation of those broadband facilities at a fair market value to that private person or entity.

61101. A district may provide the facilities and services authorized by Section 61100 outside its boundaries, subject to Section 56133.

61102. A district may provide electricity within its boundaries if the local agency formation commission designated the district as the successor to another special district that was extinguished as the result of any change of organization or reorganization, and that other special district had provided electricity pursuant to the principal act under which that other special district had operated.

61103. (a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works pursuant to subdivision (1) of Section 61100 shall have the powers, duties, and authority of a county for those works, including, but not limited to, the following:

(1) Chapter 2 (commencing with Section 940), Chapter 5.5 (commencing with Section 1450), and Chapter 6 (commencing with Section 1480) of Division 2 of the Streets and Highways Code.

(2) Part 3 (commencing with Section 8300) of the Streets and Highways Code.

(3) Division 11 (commencing with Section 21000) of the Vehicle Code.

(4) Article 4 (commencing with Section 35700) of Chapter 5 of Division 15 of the Vehicle Code.

(b) A district shall not exercise those powers, duties, and authority for any of those works if it is owned by another public agency unless that other public agency gives its written consent.

61104. (a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental work pursuant to subdivision (1) of Section 61100 may grant franchises pursuant to any of the following:

(1) Section 53066.

(2) Chapter 6 (commencing with Section 49500) of Part 8 of Division 30 of the Public Resources Code.

(3) Division 3 (commencing with Section 6001) of the Public Utilities Code.

(b) A district shall not grant a franchise over any work owned by another public agency unless that other public agency gives its consent.

61105. (a) The Legislature finds and declares that the unique circumstances that exist in certain communities justify the enactment of special statutes for specific districts. In enacting this section, the Legislature intends to provide specific districts with special statutory powers to provide special services and facilities that are not available to other districts.

(b) (1) The Los Osos Community Services District may borrow money from public or private lenders and loan those funds to property owners within the district to pay for the costs of decommissioning septic systems and constructing lateral connections on private property to facilitate the connection of those properties to the district's wastewater treatment system. The district shall lend money for this purpose at rates not to exceed its cost of borrowing and the district's cost of making the loans. The district may require that the borrower pay the district's reasonable attorney's fees and administrative costs in the event that the district is required to take legal action to enforce the provisions of the contract or note securing the loan. The district may elect to have the debt payments or any delinquency collected on the tax roll pursuant to Section 61116. To secure the loan as a lien on real property, the district shall follow the procedures for the creation of special tax liens in Section 53328.3 of this code and Section 3114.5 of the Streets and Highways Code.

(2) (A) Except as otherwise provided in this paragraph, on and after January 1, 2007, the Los Osos Community Services District shall not undertake any efforts to design, construct, and operate a community wastewater collection and treatment system within, or for the benefit of, the district. The district shall resume those powers on the date specified in any resolution adopted pursuant to subdivision (j) of Section 25825.5.

(B) Nothing in this paragraph shall affect the district's power to do any of the following:

(i) Operate wastewater collection and treatment facilities within the district that the district was operating on January 1, 2006.

(ii) Provide facilities and services in the territory that is within the district, but outside the prohibition zone.

(iii) Provide facilities and services, other than wastewater collection and treatment, within the prohibition zone.

(C) Promptly upon the adoption of a resolution by the Board of Supervisors of the County of San Luis Obispo requesting this action pursuant to subdivision (h) of Section 25825.5, the district shall convey to the County of San Luis Obispo all retained rights-of-way, licenses, other interests in real property, funds, and other personal property previously acquired by the district in connection with construction projects for which the district awarded contracts in 2005.

(c) The Heritage Ranch Community Services District may acquire, construct, improve, maintain, and operate petroleum storage tanks and related facilities for its own use, and sell those petroleum products to the district's property owners, residents, and visitors. The authority granted by this subdivision shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate petroleum storage tanks and related facilities, and sell those petroleum products to the district and its property owners, residents, and visitors. At that time, the district shall either (1) diligently transfer its title, ownership, maintenance, control, and operation of those petroleum tanks and related facilities at a fair market value to that private person or entity, or (2) lease the operation of those petroleum tanks and related facilities at a fair market value to that private person or entity.

(d) The Wallace Community Services District may acquire, own, maintain, control, or operate the underground gas distribution pipeline system located and to be located within Wallace Lake Estates for the purpose of allowing a privately owned provider of liquefied petroleum gas to use the underground gas distribution system pursuant to a mutual agreement between the private provider and the district or the district's predecessor in interest. The district shall require and receive payment from the private provider for the use of that system. The authority granted by this subdivision shall expire when the Pacific Gas and Electric Company is ready, willing, and able to provide natural gas service to the residents of Wallace Lake Estates. At that time, the district shall diligently transfer its title, ownership, maintenance, control, and operation of the system to the Pacific Gas and Electric Company.

(e) The Cameron Park Community Services District, the El Dorado Hills Community Services District, the Golden Hills Community Services District, the Mountain House Community Services District, the Rancho Murieta Community Services District, the Salton Community Services District, the Stallion Springs Community Services District, and the Tenaja Meadows Community Services District, which enforced covenants, conditions, and restrictions prior to January 1, 2006, pursuant to the former Section 61601.7 and former Section 61601.10, may continue to exercise the powers set forth in the former Section 61601.7 and the former Section 61601.10.

(f) The Bear Valley Community Services District, the Bell Canyon Community Services District, the Cameron Estates Community Services District, the Lake Sherwood Community Services District, the Saddle Creek Community Services District, the Wallace Community Services District, and the Santa Rita Hills Community Services District may, for roads owned by the district and that are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, by ordinance, limit access to and the use of those roads to the landowners and residents of that district.

(g) Notwithstanding any other provision of law, the transfer of the assets of the Stonehouse Mutual Water Company, including its lands, easements, rights, and obligations to act as sole agent of the stockholders in exercising the riparian rights of the stockholders, and rights relating to the ownership, operation, and maintenance of those facilities serving the customers of the company, to the Hidden Valley Community Services District is not a transfer subject to taxes imposed by Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

(h) The El Dorado Hills Community Services District and the Rancho Murieta Community Services District may each acquire, construct, improve, maintain, and operate television receiving, translating, or distribution facilities, provide television and television-related services to the district and its residents, or authorize the construction and operation of a cable television system to serve the district and its residents by franchise or license. In authorizing the construction and operation of a cable television system by franchise or license, the district shall have the same powers as a city or a county under Section 53066.

(i) The Mountain House Community Services District may provide facilities for television and telecommunications systems, including the installation of wires, cables, conduits, fiber optic lines, terminal panels, service space, and appurtenances required to provide television, telecommunication, and data transfer services to the district and its residents, and provide facilities for a cable television system, including the installation of wires, cables, conduits, and appurtenances to service the district and its residents by franchise or license, except that the district may not provide or install any facilities pursuant to this

subdivision unless one or more cable franchises or licenses have been awarded under Section 53066 and the franchised or licensed cable television and telecommunications services providers are permitted equal access to the utility trenches, conduits, service spaces, easements, utility poles, and rights-of-way in the district necessary to construct their facilities concurrently with the construction of the district's facilities. The district shall not have the authority to operate television, cable, or telecommunications systems, except as provided in Section 61100. The district shall have the same powers as a city or county under Section 53066 in granting a franchise or license for the operation of a cable television system.

61106. (a) If a board of directors desires to exercise a latent power, the district shall first receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3.

(b) After receiving the approval of the local agency formation commission, the board of directors may, by ordinance, order the exercise of that power.

61107. (a) If a board of directors desires to divest itself of a power that is authorized pursuant to this chapter and if the termination of that power would require another public agency to provide a new or higher level of services or facilities, the district shall first receive the approval of the local agency formation commission. To the extent feasible, the local agency formation commission shall proceed pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3. After receiving the approval of the local agency formation commission, the board of directors may, by ordinance, divest itself of that power.

(b) Notwithstanding subdivision (a) of Section 56824.14, the local agency formation commission shall not, after a public hearing called and held for that purpose pursuant to subdivisions (b) and (c) of Section 56824.14, approve a district's proposal to exercise a latent power if the local agency formation commission determines that another local agency already provides substantially similar services or facilities to the territory where the district proposes to exercise that latent power.

(c) If a board of directors desires to divest itself of a power that is authorized pursuant to this chapter and if the termination of that power would not require another public agency to provide a new or higher level of services or facilities, the board of directors may, by ordinance, divest itself of that power.

GOVERNMENT CODE

SECTION 61110-61119

61110. (a) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors may adopt a preliminary budget that conforms to generally accepted accounting and budgeting procedures for special districts.

(b) The board of directors may divide the preliminary budget into categories, including, but not limited to, the following:

- (1) Maintenance and operation.
- (2) Services and supplies.
- (3) Employee compensation.
- (4) Capital outlay.
- (5) Interest and redemption for indebtedness.
- (6) Designated reserve for capital outlay.
- (7) Designated reserve for contingencies.

(c) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors shall publish a notice stating all of the following:

(1) Either that it has adopted a preliminary budget or that the general manager has prepared a proposed final budget which is available for inspection at a time and place within the district specified in the notice.

(2) The date, time, and place when the board of directors will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items.

(d) The board of directors shall publish the notice at least two weeks before the hearing in at least one newspaper of general circulation in the district pursuant to Section 6061.

(e) At the time and place specified for the hearing, any person may appear and be heard regarding any item in the budget or regarding the addition of other items. The hearing on the budget may be continued from time to time.

(f) On or before September 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors shall adopt a final budget that conforms to generally accepted accounting and budgeting procedures for special districts. The general manager shall forward a copy of the final budget to the auditor of each county in which the district is located.

61111. (a) At any regular meeting or properly noticed special meeting after the adoption of its final budget, the board of directors may adopt a resolution amending the budget and ordering the transfer of funds between categories, other than transfers from the designated reserve for capital outlay and the designated reserve for contingencies.

(b) The board of directors may authorize the general manager to transfer funds between budget categories, other than transfers from the designated reserve for capital outlay and the designated reserve for contingencies.

61112. (a) In its budget, the board of directors may establish a designated reserve for capital outlay and a designated reserve for contingencies. When the board of directors establishes a designated reserve, it shall declare the exclusive purposes for which the funds in the reserve may be spent. The funds in the designated reserve shall be spent only for the exclusive purposes for which the board of directors established the designated reserve. The reserves shall be maintained according to generally accepted accounting principles.

(b) Any time after the establishment of a designated reserve, the board of directors may transfer any funds to that designated reserve.

(c) If the board of directors finds that the funds in a designated reserve are no longer required for the purpose for which it established the designated reserve, the board of directors may, by a four-fifths vote of the total membership of the board of directors, discontinue the designated reserve or transfer any funds that are no longer required from the designated reserve to the district's general fund.

(d) Notwithstanding any other provision of this section, in a state of emergency or in a local emergency, as defined in Section 8558, a board of directors may temporarily transfer funds from the designated reserve for capital outlay or the designated reserve for contingencies to the district's general fund. The board of directors shall restore these funds to the designated reserves when feasible.

(e) The board of directors of each district that has designated an alternative depository pursuant to Section 61053 and appointed a district treasurer shall adopt and annually review a policy for the management of reserves.

61113. (a) On or before July 1 of each year, the board of directors shall adopt a resolution establishing its appropriations limit, if any, and make other necessary determinations for the following fiscal year pursuant to Article XIII B of the California Constitution and Division 9 (commencing with Section 7900).

(b) Pursuant to subdivision (c) of Section 9 of Article XIII B of the California Constitution, this section shall not apply to a district which existed on January 1, 1978, and which did not as of the 1977-78 fiscal year levy an ad valorem tax on property in excess of 12 1/2 cents per one hundred dollars (\$100) of assessed value.

(c) This section shall not apply to any district that has previously transferred services and all of the property tax revenue allocation associated with those services to another local agency.

61114. The auditor of each county in which a district is located shall allocate to the district its share of property tax revenue pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

61115. (a) The board of directors may, by resolution or ordinance, do the following:

(1) Establish rates or other charges for services and facilities that the district provides.

(2) Provide for the collection and enforcement of those rates or other charges.

(3) Among the permissible methods for collection and enforcement are:

(A) To provide that the charges for any of these services and facilities may be collected with the rates or charges for any other services and facilities provided by the district, and that all charges may be billed on the same bill and collected as one item.

(B) To provide that if all or part of a bill is not paid, the district may discontinue any or all services.

(C) To provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The board of directors may provide for the collection of these penalties.

(b) The board of directors may provide that any charges and penalties may be collected on the tax roll in the same manner as property taxes. The general manager shall prepare and file with the board of directors a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. The general manager shall give notice of the filing of the report and of the time and place for a public hearing by publishing the notice pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel. At the public hearing, the board of directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the board of directors may adopt or revise the charges and penalties. The board of directors shall make its determination on each affected parcel and its determinations shall be final. On or before August 10 of each year following these determinations, the general manager shall file with the county auditor a copy of the final report adopted by the board of directors. The county auditor shall enter the amount of the charges and penalties against each of the affected parcels of real property as they appear on the current assessment roll. The county tax collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and collect the charges and penalties in the same manner as property taxes.

(c) The board of directors may recover any charges and penalties by recording in the office of the county recorder of the county in which the affected parcel is located, a certificate declaring the amount of the charges and penalties due, the name and last known address of the person liable for those charges and penalties. From the time of recordation of the certificate, the amount of the charges and penalties constitutes a lien against all real property of the delinquent property owner in that county. This lien shall have the force, effect, and priority of a judgment lien. Within 30 days of receipt of payment for all amounts due, including the recordation fees paid by the district, the district shall record a release of the lien. In filing any instrument for recordation, the district shall pay the fees required by Article 5 (commencing with Section 27360) of Chapter 6 of Part 3 of Title 3.

(d) A district shall reimburse the county for the reasonable expenses incurred by the county pursuant to this section.

(e) Any remedies for the collection and enforcement of rates or other charges are cumulative and the district may pursue remedies alternatively or consecutively.

61116. (a) A district may accept any revenue, money, grants, goods, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district.

(b) In addition to any other existing authority, a district may borrow money and incur indebtedness pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840), Article 7.6 (commencing with Section 53850), and Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5.

61117. The board of directors may establish a revolving fund pursuant to Article 15 (commencing with Section 53950) of Chapter 4 of Part 1 of Division 2 of Title 5.

61118. (a) The board of directors shall provide for regular audits of the district's accounts and records pursuant to Section 26909.

(b) The board of directors shall provide for the annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5.

61119. All claims for money or damages against a district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1.

GOVERNMENT CODE

SECTION 61120-61124

61120. Whenever the board of directors determines that the amount of revenue available to the district or any of its zones is inadequate to meet the costs of operating and maintaining the facilities, programs, and services authorized by this division, the board of directors may raise revenues pursuant to this chapter or any other provision of law.

61121. A district may levy special taxes pursuant to:

(a) Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

(b) The Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5.

61122. A district may levy benefit assessments for operations and maintenance consistent with the requirements of Article XIII D of the California Constitution, including, but not limited to, benefit assessments levied pursuant to any of the following:

(a) The Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) The Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code.

(c) The Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(d) The Landscaping and Lighting Assessment Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, notwithstanding Section 22501 of the Streets and Highways Code.

(e) Any other statutory authorization enacted on or after January 1, 2006.

61123. (a) A board of directors may charge a fee to cover the cost of any service which the district provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged.

(b) Before imposing or increasing any fee for property-related services, a board of directors shall follow the procedures in Section 6 of Article XIII D of the California Constitution.

(c) A board of directors may charge residents or taxpayers of the district a fee authorized by this section that is less than the fee which it charges nonresidents or nontaxpayers.

(d) A board of directors may authorize district employees to waive the payment, in whole or in part, of a fee authorized by this section when the board of directors determines that payment would not be in the public interest. Before authorizing any

waiver, a board of directors shall adopt a resolution that specifies the policies and procedures governing waivers.

61124. (a) A district may charge standby charges for water, sewer, or water and sewer services pursuant to the Uniform Standby Charge Procedures Act, Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5.

(b) If the procedures set forth in the former Chapter 1 (commencing with Section 61750) of the former Part 6 of the former Division 1 as it read at the time a standby charge was established were followed, the district may, by resolution, continue to collect the charge in successive years at the same rate from parcels within the district to which water or sewers are made available for any purpose by the district, whether the water or sewers are actually used or not. If new, increased, or extended assessments are proposed, the district shall comply with the notice, protest, and hearing procedures in Section 53753.

GOVERNMENT CODE

SECTION 61125-61131

61125. Whenever the board of directors determines that the amount of revenue available to the district or any of its zones is inadequate to acquire, construct, improve, rehabilitate, or replace the facilities authorized by this division, or for funding or refunding any outstanding indebtedness, the board of directors may incur debt and raise revenues pursuant to this chapter or any other provision of law.

61126. (a) Whenever a board of directors determines that it is necessary to incur a general obligation bond indebtedness for the acquisition or improvement of real property, the board of directors may proceed pursuant to Article 11 (commencing with Section 5790) of Chapter 4 of Division 5 of the Public Resources Code.

(b) Notwithstanding subdivision (a), a district shall not incur bonded indebtedness pursuant to this section that exceeds 15 percent of the assessed value of all taxable property in the district at the time that the bonds are issued.

61127. A board of directors may finance any enterprise and issue revenue bonds pursuant to the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5.

61128. A district may finance facilities and issue bonds pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5.

61129. A district may levy benefit assessments to finance facilities consistent with the requirements of Article XIII D of the California Constitution, including, but not limited to, benefit assessments levied pursuant to any of the following:

(a) The Improvement Act of 1911, Division 7 (commencing with Section 5000) of the Streets and Highways Code.

(b) The Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code.

(c) The Municipal Improvement Act of 1913, Division 12 (commencing with Section 10000) of the Streets and Highways Code.

(d) The Landscaping and Lighting Assessment Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, notwithstanding Section 22501 of the Streets and Highways Code.

(e) Any other statutory authorization enacted on or after January 1, 2006.

61130. A district may acquire and improve land, facilities, or equipment and issue securitized limited obligation notes pursuant to Article 7.4 (commencing with Section 53835) of Chapter 4 of Part 1 of Division 2 of Title 5.

61131. (a) A district may issue promissory notes to borrow money and incur indebtedness for any lawful purpose, including, but not limited to, the payment of current expenses, pursuant to this section.

(b) The total amount of indebtedness incurred pursuant to this section outstanding at any one time shall not exceed 5 percent of the district's total enterprise and nonenterprise revenues in the preceding fiscal year. Any indebtedness incurred pursuant to this section shall be repaid within five years from the date on which it is incurred. Any indebtedness incurred pursuant to this section shall bear interest at a rate which shall not exceed the rate permitted under Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5.

(c) Each indebtedness incurred pursuant to this section shall be authorized by resolution adopted by a four-fifths vote of the total membership of the board of directors and shall be evidenced by a promissory note signed by the president of the board of directors and the general manager.

GOVERNMENT CODE

SECTION 61140-61226.5

61140. (a) Whenever a board of directors determines that it is in the public interest to provide different services, provide different levels of service, provide different facilities, or raise additional revenues within specific areas of the district, it may form one or more zones pursuant to this chapter.

(b) The board of directors shall initiate proceedings for the formation of a new zone by adopting a resolution that does all of the following:

(1) States that the proposal is made pursuant to this chapter.

(2) Sets forth a description of the boundaries of the territory to be included in the zone.

(3) States the reasons for forming the zone.

(4) States the different services, different levels of service, different facilities, or additional revenues that the zone will provide.

(5) Sets forth the methods by which those services, levels of service, or facilities will be financed.

(6) Proposes a name or number for the zone.

(c) A proposal to form a new zone may also be initiated by a petition signed by not less than 10 percent of the registered voters residing within the proposed zone. The petition shall contain all of the matters required by subdivision (b).

(d) Upon the adoption of a resolution or the receipt of a valid petition, the board of directors shall fix the date, time, and place for the public hearing on the formation of the zone. The board of directors shall publish notice of the hearing, including the information required by subdivision (b), pursuant to Section 6061 in one or more newspapers of general circulation in the district. The board of directors shall mail the notice at least 20 days before the date of the hearing to all owners of property within the proposed zone. The board of directors shall post the notice in at least three public places within the territory of the proposed zone.

61141. (a) At the hearing, the board of directors shall hear and consider any protests to the formation of the zone. If, at the conclusion of the hearing, the board of directors determines either that more than 50 percent of the total number of voters residing within the proposed zone have filed written objections to the formation, or that property owners who own more than 50 percent of the assessed value of all taxable property in the proposed zone have filed written objections to the formation, then the board of directors shall terminate the proceedings. If the board of directors determines that the written objections have been filed by 50 percent or less of those voters or property owners who own 50 percent or less than the assessed value of all taxable property, then the board of directors may proceed to form the zone.

(b) If the resolution or petition proposes that the zone use special taxes, benefit assessments, fees, standby charges, bonds, or notes to finance its purposes,

the board of directors shall proceed according to law. If the voters or property owners do not approve those funding methods, the zone shall not be formed.

61142. A board of directors may change the boundaries of a zone or dissolve a zone by following the procedures in Sections 61140 and 61141.

61143. A local agency formation commission shall have no power or duty to review and approve or disapprove a proposal to form a zone, a proposal to change the boundaries of a zone, or a proposal to dissolve a zone.

61144. (a) As determined by the board of directors, a district may provide any service, any level of service, or any facility within a zone that the district may provide in the district as a whole.

(b) As determined by the board of directors and pursuant to the requirements of this division, a district may exercise any fiscal powers within a zone that the district may exercise in the district as a whole.

(c) Any special taxes, benefit assessments, rates, fees, charges, standby charges, bonds, or notes which are intended solely for the support of services or facilities within a zone, shall be levied, assessed, and charged within the boundaries of the zone.

(d) A district shall not incur a general obligation bonded indebtedness for the benefit of a zone pursuant to this section that exceeds 5 percent of the assessed value of all taxable property in the zone at the time that the bonds are issued. In computing this limit, the 5 percent shall include any other general obligation bonded indebtedness applicable to that zone.

(e) A district shall not issue promissory notes for the benefit of a zone pursuant to Section 61131 that exceed 5 percent of the zone's total enterprise and nonenterprise revenues in the preceding fiscal year. In computing this limit, the 5 percent shall include any other promissory notes applicable to that zone.

61226.5. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6.

THE RALPH M BROWN ACT

Government Code Section 54950-54963

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

54950.5. This chapter shall be known as the Ralph M. Brown Act.

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

54952. As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity

shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

54952.1. Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature

that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations,

connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), when a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and that number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(4) This subdivision shall remain in effect only until January 1, 2009.

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination,

or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The

agenda shall include information regarding how, to whom, and when a request for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

54954.3. (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision

(b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time

allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers) or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question) or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.) (h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY BUREAU OF STATE AUDITS

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision

(c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at

least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decision making process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

- (1) The property owners subject to the assessment.
- (2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24

hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

54956.5. (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This

notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

54956.7. Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.75. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

54956.8. Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local

agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

54956.81. Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

54956.86. Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

54956.87. (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters

pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

54956.9. Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(a) Litigation, to which the local agency is a party, has been initiated formally.

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

(A) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(B) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or

plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(D) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(E) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(F) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the subdivision of this section that authorizes the closed session. If the session is closed pursuant to subdivision (a), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

54956.95. (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

54957. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

54957.1. (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

54957.5. (a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

54957.7. (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

54957.8. (a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are

willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54957.10. Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

54959. Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. (a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

54960.1. (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action as taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

54961. (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortuous sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

54962. Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

54963. (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to

a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

**THE RALPH M. BROWN ACT
AND RELATED STATUTES
(EFFECTIVE JANUARY 1, 2004)**



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Ralph M. Brown Act (Government Code)

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This chapter shall be known as the Ralph M. Brown Act.

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting scheduled fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other

**Section 54950.
Declaration of
intent**

**Section 54950.5.
Name of law**

**Section 54951.
Local agency
defined**

**Section 54952.
Legislative body
defined**

(Section 54952.
continued)

multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

Section 54952.1. Duties of elected members before seated

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

Section 54952.2. What is a meeting?

(a) As used in this chapter, "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

(b) Except as authorized pursuant to Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on any item by the members of the legislative body is prohibited.

(Section 54952.2.
continued)

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person.

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(Section 54952.2.
continued)

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

**Section 54952.6.
Action taken
defined**

As used in this chapter, “action taken” means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

**Section 54952.7.
Distribution of
Brown Act copies**

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

**Section 54953.
Meetings to be
public; attendance
by phone**

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise

applicable provisions of law relating to a specific type of meeting or proceeding.

(Section 54953.
continued)

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

**Section 54953.1.
Testimony of
members before
grand jury**

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

**Section 54953.2.
Compliance with
ADA**

**Section 54953.3.
No conditions to
attending meeting**

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

**Section 54953.5.
Rules governing
recording
meetings**

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

**Section 54953.6.
Restrictions on
broadcasts of
proceedings**

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises

**Section 54953.7.
Allowance of
greater access to
meetings**

**Section 54954.
Time and place
for regular
meetings; special
meetings;
emergencies**

OPEN MEETING LAWS

(Section 54954.
continued)

jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district except under the circumstances enumerated in subdivision(b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of the superintendent of that district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

(a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation,

**Section 54954.1.
Mailed notice of
meetings**

**Section 54954.2.
Agenda contents
and posting**

(Section 54954.2.
continued)

including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

[Intentionally Omitted]

**Section 54954.3.
Opportunity for
public to address
legislative body;
adoption of
regulations; public
criticism of
policies**

**Section 54954.4.
Reimbursement to
local agencies and
school districts for
costs**

Section 54954.5. Recommended closed session item descriptions

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

(Section 54954.5. continued)

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/ RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

OPEN MEETING LAWS

(Section 54954.5.
continued)

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure; (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/ deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term “new or increased assessment” does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or change, unless a special district’s principal act requires the service charge, rate, or charge to conform to the requirement of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days’ public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision

**Section 54954.6.
New or increased
taxes or
assessments;
public meetings
and public
hearing, joint
notices**

OPEN MEETING LAWS

(Section 54954.6.
continued)

(a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision.

The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(Section 54954.6.
continued)

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice must also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expense imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or

(Section 54954.6.
continued)

more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraph (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional part district, regional park and open-space district, or regional open-space district formed pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to this assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

**Section 54955.
Adjournment;
adjourned
meetings**

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or reconvened to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

**Section 54955.1.
Continuance of
hearings**

A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing. The

**Section 54956.
Special meetings;
call; notice**

Section 54956.
continued)

notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

Section 54956.5. Emergency meetings

(a) For purposes of this section, “emergency situation” means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by

the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(Section 54956.5.
continued)

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the roll call vote, any and actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

**Section 54956.6.
Fees**

Section 54956.7.
Closed sessions,
licensing;
rehabilitated
criminals

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

Section 54956.8.
Real property
negotiations

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, the negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from

holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

(Section 54956.8.
continued)

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint in an open session rather than a closed session.

**Section 54956.86.
Closed sessions
for health plan
enrollees**

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

**Section 54956.87.
Records and
meetings of
certain health
plans**

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting

(Section 54956.87.
continued)

held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f) of Section 32106 of the Health and Safety Code, shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria.

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

**Section 54956.9.
Litigation;
attorney-client
privilege**

Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(a) Litigation, to which the local agency is a party, has been initiated formally.

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

(A) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(B) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the

(Section 54956.9.
continued)

agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(D) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(E) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(F) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the subdivision of this section that authorizes the closed session. If the session is closed pursuant to subdivision (a), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do

so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

A local agency shall be considered to be a “party” or to have “significant exposure to litigation” if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers’ compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers’ compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, or a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public’s right of access to public services or public facilities.

**Section 54956.95.
Closed sessions;
insurance pooling**

**Section 54957.
Closed sessions;
exclusion of
witnesses**

(Section 54957.
continued)

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

**Section 54957.1.
When public
reports of action
taken are required**

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Approval of an agreement concluding real estate

negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:

(Section 54957.1.
continued)

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in any action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement

(Section 54957.1.
continued)

becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is

completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in paragraph (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

**Section 54957.2.
Minute book for
closed sessions;
inspection**

**Section 54957.5.
Agenda and other
writings
distributed for
discussion or
consideration at
public meetings;
public records;
inspection; closed
sessions**

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.7, or 6254.22.

(b) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(c) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily-provided scope of representation. Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives. Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representative of employee organizations and unrepresented employees. However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference

**Section 54957.6.
Closed sessions;
salaries and
benefits**

**Section 54957.7.
Disclosure of
items discussed in
closed sessions**

(Section 54957.7.
continued)

to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

**Section 54957.8.
Closed sessions;
legislative body of
a multijurisdictional
drug law
enforcement
agency**

Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional drug law enforcement agency, or an advisory body of a multijurisdictional drug law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional drug law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

“Multijurisdictional drug law enforcement agency,” for purposes of this section, means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, which provides drug law enforcement services for the parties to the joint powers agreement.

The Legislature finds and declares that this section is within the public interest, in that its provisions are necessary to prevent the impairment of ongoing law enforcement investigations, to protect witnesses and informants, and to permit the discussion of effective course of action in particular cases.

In the event that any meeting is wilfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are wilfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for wilfully disturbing the orderly conduct of the meeting.

**Section 54957.9.
Disorderly conduct
of general public
during meeting;
clearing of room**

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

**Section 54957.10
Withdrawal from
deferred
compensation plan**

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

**Section 54958.
Application of
chapter**

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

**Section 54959.
Penalty for
unlawful meeting**

(a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to

**Section 54960.
Action to stop or
prevent violations;
validity of rules on
recording closed
sessions**

OPEN MEETING LAWS

(Section 54960.
continued)

actions or threatened future action of the legislative body, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to tape record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to tape record its closed sessions and preserve the tape recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The tapes shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the tape is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, 54960.1 alleging that a violation of this chapter has occurred in a closed session which has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency which has custody and control of the tape recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency which has custody and control of the recording.

(ii) An affidavit which contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications which are protected by the attorney-client privilege.

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

**Section 54960.1.
Unlawful action by
legislative body;
action for
mandamus or
injunction**

(Section 54960.1.
continued)

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54945.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was notice pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed

pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

(a) No legislative body of a local agency shall conduct any meeting in a facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

**Section 54960.5.
Costs and attorney
fees**

**Section 54961.
Meetings to be
accessible;
identity of victims
of tortious sexual
conduct or child
abuse**

**Section 54962.
Closed session by
legislative body
prohibited**

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Governmental Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body or any local agency.

**Section 54963.
Confidential
information**

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, “confidential information” means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of

law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(Section 54963.
continued)

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

Related Statutes

County Hospitals (Health & Safety Code)

Notwithstanding any other provisions of law, the board of directors of any hospital subject to this chapter may order that any hearings on the reports of hospital medical audit or quality assurance committees be held in closed session. An applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing. Deliberations of the board of directors in connection with matters pertaining to these hearings may be held in closed sessions.

**Section 1461.
Closed session
meetings; public
meeting requests**

(a) Except as provided in this section or Section 1461, all of the sessions of the board of directors of any hospital subject to this chapter, whether regular or special, shall be open to the public.

**Section 1462.
Public meetings;
quorum; trade
secrets**

(b) The board of directors may order that a meeting held solely for the purpose of discussion or deliberation, or both, of reports involving hospital trade secrets to be held in closed session. Except as provided in this subdivision, the closed session shall meet all applicable requirements of Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code.

(Section 1462.
continued)

(c) “Hospital trade secrets” as used in this section, means a “trade secret,” as defined in subdivision (d) of Section 3426.1 of the Civil Code, and which meets both of the following:

(1) Is necessary to initiate a new hospital service or program or add a hospital facility.

(2) Would, if prematurely disclosed, create a substantial probability of depriving the hospital of substantial economic benefit.

(d) The exemption provided in subdivision (b) to the general open meeting requirements for a meeting of the board of directors, shall not apply to a meeting where there is action taken, as defined in Section 54952.6 of the Government Code.

(e) Nothing in this section shall be construed to permit the board of directors to order a closed meeting for the purposes of discussing or deliberating, or to permit the discussion or deliberation in any closed meeting of, any proposals regarding:

(1) The sale, conversion, contract for management, or leasing of any county hospital or the assets thereof, to any for-profit or not-for-profit entity, agency, association, organization, governmental body, person, partnership, corporation, or other district.

(2) The conversion of any county hospital to any other form of ownership by the county.

(3) The dissolution of the county hospital.

**Section 32106.
Public meetings;
quorum; trade
secrets**

District Hospitals (Health & Safety Code)

(a) Except as provided in this section or Section 32155, or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) all of the sessions of the board of directors, whether regular or special, shall be open to the public, and a majority of the members of the board shall constitute a quorum for the transaction of business.

(b) The board of directors may order that a meeting held solely for the purpose of discussion or deliberation, or both, of reports involving district trade secrets be held in closed session. Except as provided in this subdivision, the

closed session shall meet all applicable requirements of Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code, including Section 54957.7.

(Section 32106.
continued)

(c) “Health care facility trade secrets,” as used in this section, means a “trade secret,” as defined in subdivision (d) of Section 3426.1 of the Civil Code, and in addition meets all of the following:

(1) Is necessary to initiate a new district service or program or add a district health care facility.

(2) Would, if prematurely disclosed, create a substantial probability of depriving the district of a substantial economic benefit.

(d) The exception provided in subdivision (b) to the general open meeting requirements for a meeting of the board of directors, shall not apply to a meeting where there is action taken, as defined in Section 54952.6 of the Government Code.

(e) Nothing in this section shall be construed to permit the board of directors to order a closed meeting for the purposes of discussing or deliberating, or to permit the discussion or deliberation in any closed meeting of any proposals regarding:

(1) The sale, conversion, contract for management, or leasing of any district health care facility or the assets thereof, to any for-profit or nonprofit entity, agency, association, organization, governmental body, person, partnership, corporation, or other district.

(2) The conversion of any district health care facility to any other form of ownership by the district.

(3) The dissolution of any district.

The board of directors may order that the hearing pursuant to this article, and hearings on the reports of the hospital medical audit or quality assurance committees, be held in private or executive session, provided, that an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing. Deliberations of the board of directors in connection with matters pertaining to this article may be held in executive session.

**Section 32155.
Private or public
hearings;
executive sessions**

**Section 37606.
Public meetings;
quorum; trade
secrets**

Municipal Hospitals (Government Code)

(a) Except as provided in this section or Section 37624.3, all of the sessions of the board of trustees, whether regular or special, shall be open to the public, and a majority of the members of the board shall constitute a quorum for the transaction of business.

(b) The board of trustees may order a meeting held solely for the purpose of discussion or deliberation, or both, of reports involving hospital trade secrets to be held in closed session. Except as provided in this subdivision, the closed session shall meet all applicable requirements of Chapter 9 (commencing with Section 54950) of Division 2 of Title 5.

(c) "Hospital trade secrets," as used in this section, means a "trade secret," as defined in subdivision (d) of Section 3426.1 of the Civil Code, and which meets all of the following:

(1) Is necessary to initiate a new hospital service or program or add a hospital facility.

(2) Would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

(d) The exception provided in subdivision (b) to the general open meeting requirements for a meeting of the board of trustees, shall not apply to a meeting where there is action taken, as defined in Section 54952.6.

(e) Nothing in this section shall be construed to permit the board of trustees to order a closed meeting for the purposes of discussing or deliberating, or to permit the discussion or deliberation in any closed meeting of, any proposals regarding:

(1) The sale, conversion, contract for management, or leasing of any municipal hospital or the assets thereof, to any for-profit or nonprofit entity, agency, association, organization, governmental body, person, partnership, corporation, or hospital district.

(2) The conversion of any municipal hospital to any other form of ownership by the city.

(3) The dissolution of the municipal hospital.

The governing body of the hospital may order that the hearing pursuant to this article, and hearing on the reports on the hospital medical audit or quality assurance committees, be held in private or executive session, provided, that an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing. Deliberations of the governing body in connection with matters pertaining to this article may be held in executive session.

**Section 37624.3
Hearings; private
or executive
sessions**

School Districts (Education Code)

A special meeting of the governing board of a school district may be called at any time by the presiding officer of the board, or by a majority of the members thereof, by delivering personally or by mail written notice to each member of the board, and to each local newspaper of general circulation, radio, or television station requesting notice in writing. The notice shall be delivered personally or by mail at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at those meetings by the governing board. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the board a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

**Section 35144.
Special meetings**

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public and district employees.

All meetings of the governing board of any school district shall be open to the public and shall be conducted in accordance with Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code. All actions authorized or required by law of the governing board shall be taken at the meetings and shall be subject to the following requirements:

**Section 35145.
Public meetings;
posting of agenda;
commencing
lawsuits**

(Section 35145.
continued)

(a) Minutes shall be taken at all of those meetings, recording all actions taken by the governing board. The minutes are public records and shall be available to the public.

(b) An agenda shall be posted by the governing board, or its designee, in accordance with the requirements of Section 54954.2 of the Government Code. Any interested person may commence an action by mandamus or injunction pursuant to Section 54960.1 of the Government Code for the purpose of obtaining a judicial determination that any action taken by the governing board in violation of this subdivision or Section 35144 is null and void.

**Section 35145.5.
Legislative intent;
agenda; public
participation**

It is the intent of the Legislature that members of the public be able to place matters directly related to school district business on the agenda of school district governing board meetings. Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the governing board on any item of interest to the public, before or during the governing board's consideration of the item, that is within the subject matter jurisdiction of the governing board. Governing boards shall adopt reasonable regulations to insure that this intent is carried out. The regulations may specify reasonable procedures to insure the proper functioning of governing board meetings.

This subdivision shall not preclude the taking of testimony at regular meetings on matters not on the agenda which any member of the public may wish to bring before the board, provided that, except as authorized by Section 54954.2 of the Government Code, no action is taken by the board on such matters at the same meeting at which such testimony is taken. Nothing in this paragraph shall be deemed to limit further discussion on the same subject matter at a subsequent meeting.

**Section 35146.
Closed sessions,
expulsions**

Notwithstanding the provisions of Section 35145 of this code and Section 54950 of the Government Code, the governing body of a school district shall, unless a request by the parent has been made pursuant to this section, hold closed sessions if the board is considering the suspension of, or disciplinary action or any other action except expulsion in connection with any pupil of the school

district, if a public hearing upon such question would lead to the giving out of information concerning school pupils which would be in violation of Article 5 (commencing with Section 49073) of Chapter 6.5 of Part 27 of this code.

(Section 35146.
continued)

Before calling such closed session of the governing board of the district to consider these matters, the governing board of the district shall, in writing, by registered or certified mail or by personal service, if the pupil is a minor, notify the pupil and his or her parent or guardian, or the pupil if the pupil is an adult, of the intent of the governing board of the district to call and hold such closed session. Unless the pupil, or his or her parent, or guardian shall, in writing, within 48 hours after receipt of such written notice of intention, request that the hearing of the governing board be held as a public meeting, then the hearing to consider such matters shall be conducted by the governing board in closed session. If such written request is served upon the clerk or secretary of the governing board, the meeting shall be public except that any discussion at such meeting that might be in conflict with the right to privacy of any pupil other than the pupil requesting the public meeting or on behalf of whom such meeting is requested, shall be in closed session. Whether the matter is considered at a closed session or at a public meeting, the final action of the governing board of the school district shall be taken at a public meeting and the result of such action shall be a public record of the school district.

(a) Except as specified in this section, any meeting of the councils or committees specified in subdivision (b) is exempt from the provisions of this article, the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Division 3 of Title 2 of the Government Code), and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

**Section 35147.
Open meeting law
exceptions and
application;
notice; agenda;
conduct; materials**

(b) The councils and schoolsite advisory committees established pursuant to Sections 52012, 52065, 52176, and 52852, subdivision (b) of Section 54425, Sections 54444.2, 54724, and 62002.5, and committees formed pursuant to Section 11503 or Section 2604 of Title 25 of the United States Code, are subject to this section.

(Section 35147.
continued)

(c) Any meeting held by a council or committee specified in subdivision (b) shall be open to the public and any member of the public shall be able to address the council or committee during the meeting on any item within the subject matter jurisdiction of the council or committee. Notice of the meeting shall be posted at the schoolsite, or other appropriate place accessible to the public, at least 72 hours before the time set for the meeting. The notice shall specify the date, time, and location of the meeting and contain an agenda describing each item of business to be discussed or acted upon. The council or committee may not take any action on any item of business unless that item appeared on the posted agenda or unless the council or committee members present, by unanimous vote, find that there is a need to take immediate action and that the need for action came to the attention of the council or committee subsequent to the posting of the agenda. Questions or brief statements made at a meeting by members of the council, committee, or public that do not have a significant effect on pupils or employees in the school or school district or that can be resolved solely by the provision of information need not be described on an agenda as items of business. If a council or committee violates the procedural meeting requirements of this section and upon demand of any person, the council or committee shall reconsider the item at its next meeting, after allowing for public input on the item.

(d) Any materials provided to a schoolsite council shall be made available to any member of the public who requests the materials pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

**Section 47608.
Meetings;
compliance with
Ralph M. Brown
Act**

All meetings of the governing board of the school district and the county board of education at which the granting, revocation, appeal, or renewal of a charter petition is discussed shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with section 54950) of Division 2 of Title 5 of the Government Code).

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PUBLIC MEETINGS AND THE BROWN ACT



California Special Districts Association
February 2, 2016


Presented by:
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Who the Heck Is Ralph M. Brown?



California Special Districts Association
Districts Stronger Together



Ralph Milton Brown (1908 – 1966) was a member of the California State Assembly representing the 30th State Assembly district from 1943 to 1961.

Born in Kentucky and a resident of Modesto, he was Speaker of the Assembly from January 1959 until he resigned in September 1961 to accept appointment to the California Court of Appeal, Fifth Appellate District.

He is best known for authoring the Brown Act, California's first "sunshine law," which was enacted in 1953.



What is the Brown Act?



Intent of the Brown Act Government Code § 54950

“...It is the intent of the law that [Public Agency] actions be taken openly and their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them.”



PROFESSIONAL
DEVELOPMENT

Purpose

The purpose of the Brown Act is to facilitate public participation in local government and to curb misuse of democratic process by secret legislation by public bodies.

Boyle v. City of Redondo Beach
(1999) 70 Cal.App.4th 1109, 1116.]



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Proposition 59

November 2, 2004, the voters of California adopted Proposition 59.

Proposition 59 does the following:

- Adds to the state Constitution the requirement that meetings of public bodies and writings of public officials and agencies be open to the public.
- Provides that statutes and rules furthering public access be broadly construed, or narrowly construed, if they limit public access.
- Requires that new statutes and rules limiting access contain findings justifying the necessity of the limitation.
- Preserves the constitutional rights of privacy, due process, and equal protection; and expressly preserves existing constitutional and statutory limitations restricting access to certain meetings and records of government bodies.



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The "Rule"

- **All meetings of the legislative body of a local agency shall be open and public**, and all persons shall be permitted to attend any **meeting** of the legislative body of a local agency, **except as otherwise provided in this chapter**.

Gov. Code, § 54953

- If a given entity fits within any definition of a legislative body, then it is subject to the various requirements of the Brown Act.



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Legislative Bodies and Members



Legislative Bodies

- Commissions, committees, boards, or other bodies of a local agency, whether permanent or temporary, decision-making or advisory, **created by resolution or some other formal action** of a legislative body.

Gov. Code, § 54952(b)



“Examples of Legislative Bodies”

- The governing body of a local agency or any other local body created by state or federal statute
- Personnel commissions
- Boards of supervisors
- Auxiliary Organizations



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Not Legislative Bodies

- **Advisory** committees composed **solely** of the members of the legislative body which are less than a quorum of the legislative body.

Gov. Code, § 54952(b)
- E.g., Ad hoc committee comprised solely of less than a quorum of the board created for the purpose of advising the full board on the qualifications of candidates for appointment to a vacant position is not a legislative body.
- Except: **Standing committees** of a legislative body, irrespective of their composition, which have a **continuing subject matter jurisdiction**, or a meeting schedule fixed by resolution or other formal action of a legislative body, **are legislative bodies** for purposes of the Brown Act.



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Members



- “Member of a legislative body” includes: any person elected to serve as a member of a legislative body who has not yet assumed the duties of office.
 - Such persons must conform their conduct to the requirements of the Act as if they had already assumed office.
- Gov. Code, § 54952.1
- A legislative body may require that each member and/or any person who has been elected to serve, but has not yet assumed office, be given a copy of the Act.
 - But when is a candidate declared elected? Based on the rule of liberal construction: when election results are known.



What is a Meeting?



What is a Meeting?



- “Meeting” means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

Gov. Code, § 54952.2(a)

- “Deliberate” includes the collective acquisition and exchange of facts preliminary to an ultimate decision.
- “Action taken” means a collective decision by a majority of the members of the legislative body, a collective commitment or promise by a majority of the members of a legislative body, to make a positive or a negative decision, or an actual vote of the body.



PROFESSIONAL
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Has this Board Violated the Brown Act?

- A. At a CSDA conference, as part of the official program, a majority of the board speaks about the district’s water purification program.
- B. All five board members attend a welcome reception for the new general manager. Each one tells the general manager about his/her biggest pet peeve.
- C. Three of five board members show up at a city council meeting. They talk about an employee discipline case while waiting for the meeting to start.
- D. Three of five board members show up at a planning commission meeting and each speaks out during public comment about the impacts of a new housing development.



PROFESSIONAL
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Answer

- C. Three of five board members show up at a city council meeting. They talk about an employee discipline case while waiting for the meeting to start.



What is a “Serial Meeting”?



A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

Gov. Code, § 54952.2(b)(1)

What is a Not a “Serial Meeting”?

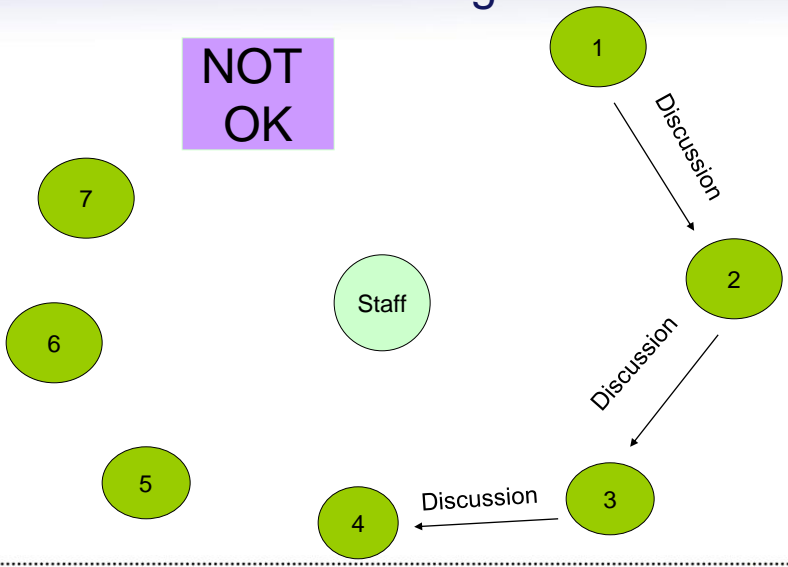
An **employee or official** of a local agency may engage in **separate conversations or communications** outside of a meeting with members of a legislative body in order **to answer questions or provide information** regarding a matter within the jurisdiction of the agency, if that person does **not communicate to members of the legislative body the comments or position of any other member** or members of the legislative body.

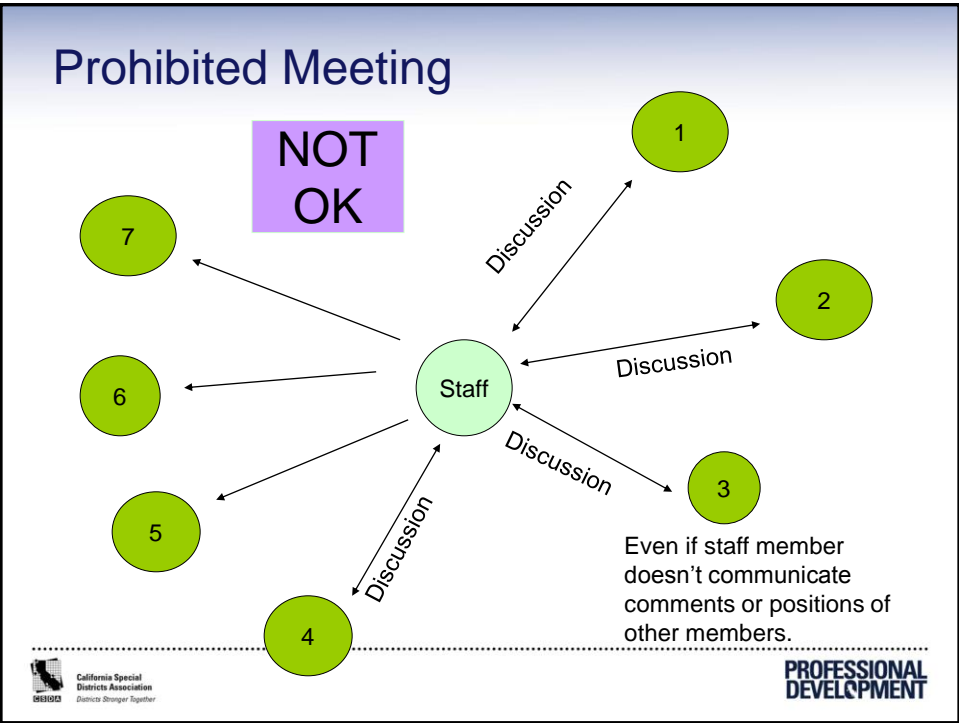
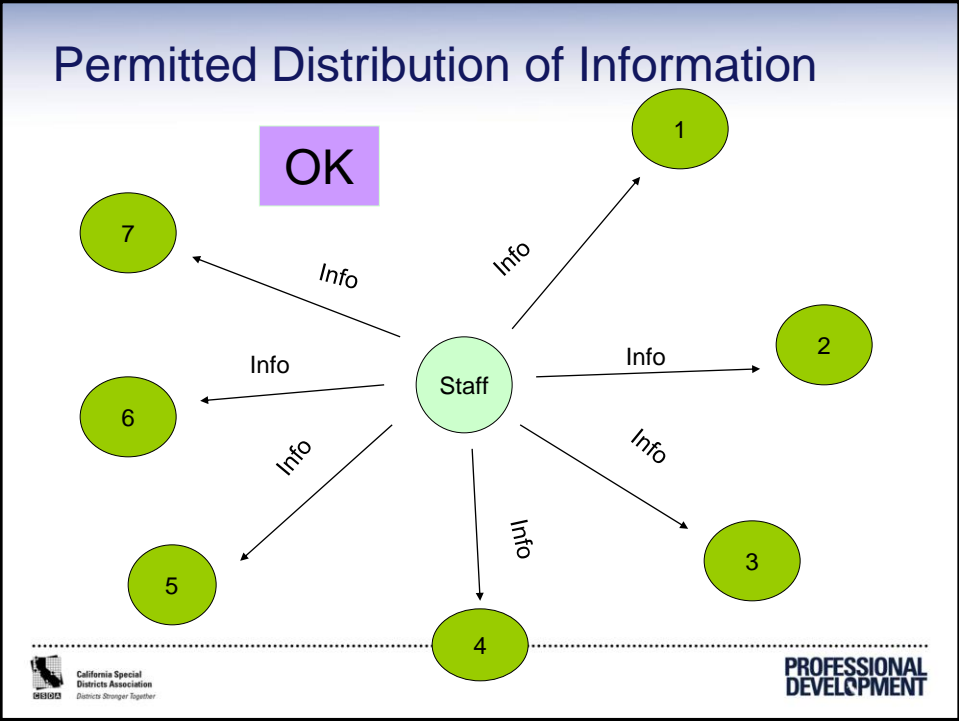
Gov. Code, § 54952.2(b)(2)

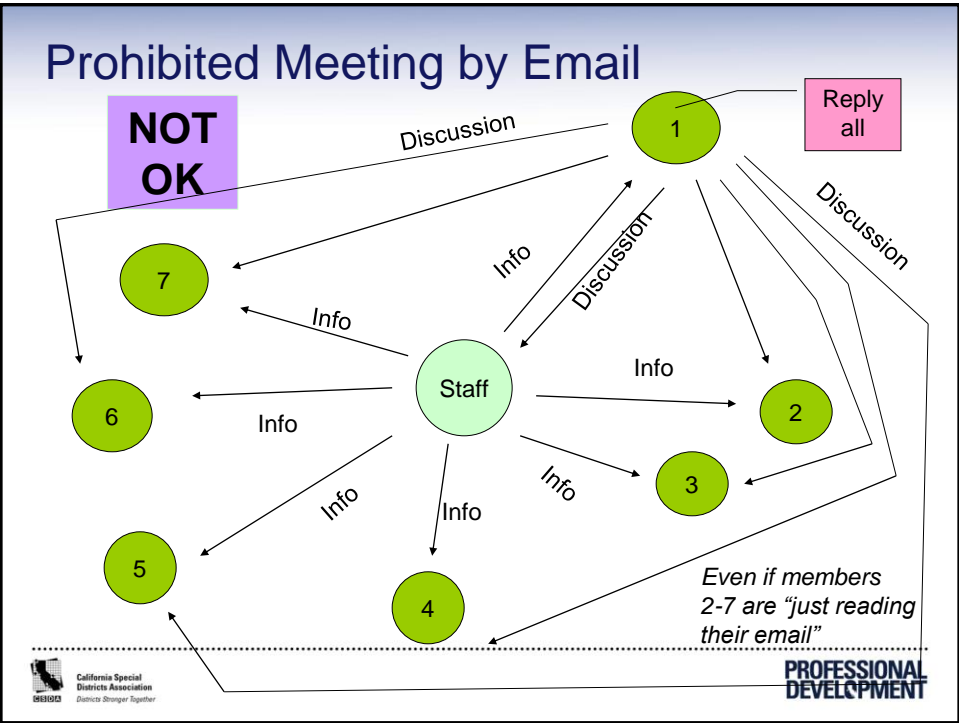
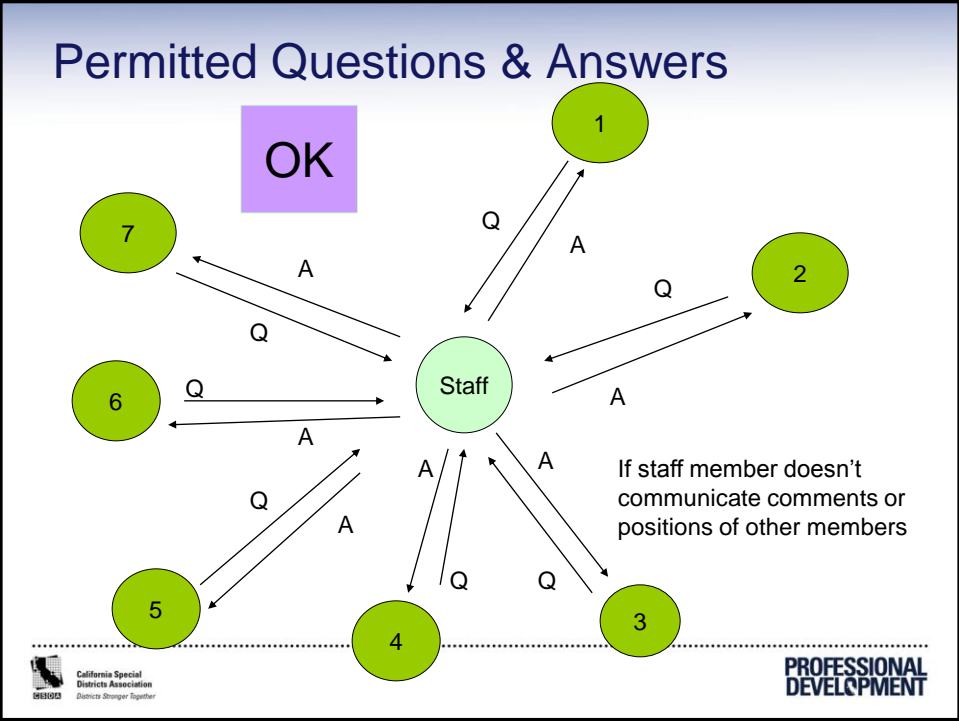


Prohibited Serial Meeting

NOT OK







Which of These Is a “Serial Meeting” of a Governing Board that would Violate the Brown Act?

- A. The general manager calls each member of the board to find out what would be a good date for a special meeting.
- B. One board member talks to another board member at a staff picnic about whether a district engineer should be fired.
- C. The general manager has her secretary call each member of the board to determine whether there is support for acquiring a piece of equipment.
- D. A district board goes to Sacramento to meet with state officials regarding funding for water programs.



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Answer

- C. The general manager has her secretary call each member of the board to determine whether there is support for acquiring a piece of equipment.



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What is a Not a “Meeting”?

- **Individual contacts or conversations** between a member of a legislative body and any other person.
 - Who is or is not any other person?

Gov. Code, § 54952.2(c)(1)

- **Attendance of a majority** of members at a **conference** or similar gathering **open to the public** discussing **issues of general concern** to the public or agencies, provided members **do not discuss** among themselves, **other than as part of the meeting, business** of a specific nature that is within the jurisdiction of the local agency.

Gov. Code, § 54952.2(c)(2)



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Public Meeting Procedures and Public Participation



PROFESSIONAL
DEVELOPMENT

Public Meeting Procedures



- Certain boards must meet at least monthly and must, by rule, fix the time and place for their regular meetings.

Gov. Code, § 54954



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Location of Meetings



- Regular and special meetings must be held **within the territory of the district**, except:
 - Court order or to attend a proceeding as a party;
 - Inspect real or personal property;
 - Attend noticed meetings of multi-agency significance within the territory of one of the agencies;
 - Closest meeting facility if the agency has no meeting facility within the district;
 - Meet with state or federal officials to discuss legislative or regulatory matters affecting the district.



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Meeting Material – The Agenda

- Any person may request that a copy of the agenda or the documents constituting the agenda packet be mailed to that person.
- If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to person with a disability as required by the ADA, 42 USC §12132.
- Upon receipt of the written request, the legislative body, or its designee, shall cause the requested materials to be mailed at the time the agenda is posted, or upon distribution to all, or a majority of all, of the member of a legislative body, whichever occurs first.

Gov. Code, § 54954.1



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Meeting Material – The Agenda

- The agenda shall include information regarding how, to whom, and when, a request for disability-related modification or accommodation, including auxiliary aids or services, may be made.

Gov. Code, § 54954.2(a)(1)

- Any request to receive agenda materials is valid for the calendar year in which the request is filed, and must be renewed after January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet.
- The fee shall not exceed the cost of providing the service.
- Effective January 1, 2012, agendas must be posted online.



**PROFESSIONAL
DEVELOPMENT**

Meeting Material – Public Records

- Agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act and shall be made available upon request without delay.
- This requirement does not apply to certain records made exempt from public disclosure by the Public Records Act.

Gov. Code, § 54957.5(a)



**PROFESSIONAL
DEVELOPMENT**

Meeting Material – Public Records

- If a public record that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to Section 54957.5(b)(2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

Gov. Code, § 54957.5(b)(1)

- The district must make any writing described above available for public inspection at a public office or location that the agency designates for this purpose.



**PROFESSIONAL
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Meeting Material – Public Records

- Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency.
- The local agency also may post the writing on the local agency's Internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.
- Documents prepared by the district must be made available for public inspection at the meeting; documents prepared by any other person must be made available after the meeting.

Gov. Code, § 54957.5(c)



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Meeting Material – Public Records

- Nothing in the Act prevents the district from charging a fee or deposit for a copy of a public record as authorized by the Public Records Act.

Gov. Code, §§ 54957.5(d) and 6253

- No additional charge may be imposed on persons with disabilities in order to make these documents available in appropriate alternative formats.

Gov. Code, § 54957.5 (b)(2) and (d)



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Notice of Meetings and Agendas

- The agenda for a regular meeting must be conspicuously posted at least 72 hours prior to the time of the meeting in a location freely accessible to members of the public.

Gov. Code, § 54954.2(a)



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Notice of Meetings and Agendas

- The location where the agenda is posted must be publicly accessible at all times during the required 72-hour period.
- The agenda shall specify the time and location of the regular meeting.



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The Executive Assistant Has Made a Mistake when she:

- A. Posts the agenda for a regular meeting four days in advance.
- B. Posts two days in advance a notice of a special meeting that starts one hour before the regular meeting.
- C. Posts the agenda on a bulletin board in the inside reception area of the district office.
- D. The Executive Assistant does not make mistakes.



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Answer

- C. Posts the agenda on a bulletin board in the inside reception area of the district office.



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Notice of Meetings and Agendas

- A regular meeting agenda may **not** be **changed** within the 72 hours preceding the meeting, **unless**:
 - A majority determines that an emergency exists pursuant to Gov. Code, § 54956.5; or
 - Two-thirds of the board members present determine that there is a need for immediate action and the need to take action came to the district's attention after the posting of the agenda; or
 - The item was previously posted for a meeting occurring not more than five days prior and the item was continued to the next meeting.
- Gov. Code, § 54954.2(b)
- If no exception applies, the board must either postpone consideration of the item for at least 72 hours, or call and notice a special meeting.



Notice of Meetings and Agendas

- The agenda must reasonably apprise the public of the matters to be considered in sufficient detail to allow the public to determine whether to participate at the meeting.
- Carlson v. Paradise Unified School District*
(1971) 18 Cal.App.3d 196
- The Act requires that the agenda contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A “brief general description” of an item generally need not exceed 20 words.



Notice of Meetings – Special Meetings

- Special Meetings – 24 Hour Notice

Gov. Code, § 54956

- May be called by either the president or upon the written request of three members to the president.
- The board may only consider business specified in the notice.
- The board may hold a closed session as part of a special meeting.
- Public speakers must be heard, but only on items appearing on the agenda.

Gov. Code, § 54954



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Which of the Following Statements Is Incorrect?

- A. A special meeting can be scheduled by posting an agenda 24 hours in advance and faxing the agenda to local media.
- B. The board president can call a special meeting without consulting the rest of the board.
- C. The board may consider closed session business during a special meeting.
- D. The board can decide to reschedule the date of its next regular meeting.



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Answer

D. The board can decide to reschedule the date of its next regular meeting.



Public Participation and Meeting Practices



- Members of the public must be able to address the board regarding items on the agenda **before or during the governing board's consideration** of the item.

Gov. Code, § 54954.3



Public Participation



- Every regular meeting agenda shall provide an opportunity for members of the public to address the board on any ***item of interest*** to the public, ***within the subject matter jurisdiction*** of the board.
- No action shall be taken until the matter is properly noticed on an agenda or an exception to the 72-hour rule is established.
- Every notice of a special meeting shall provide an opportunity for members of the public address the legislative body concerning any item appearing on that agenda.



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Public Participation

- The board may adopt ***reasonable rules and regulations*** in order to ensure the proper functioning of the meeting.
- Establish clear maximum time limits subject to extension or reduction.
- “The legislative body . . . shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.”

Gov. Code, § 54954.3(c)



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Responses to Public Statements

- The Act limits board members' responses to public comments at any public meeting. Board members and staff may only:
 - Briefly respond to statements made or questions posed by persons making public comments;
 - Ask clarifying questions or make brief announcements;
 - Provide a reference to staff or other resources for factual information; and/or
 - Request staff to report back or place a matter on the agenda for a future meeting.

Gov. Code, § 54954.2(a)(2)

- Doing otherwise would be the discussion of a non-agendized topic.



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Meeting Practices

- No action may be taken by secret ballot.

Gov. Code, § 54953(c)



- Any person attending a public meeting has the right to record the meeting by still or motion picture camera, or by video or audio tape, absent a finding by the board of persistent disruption of the proceedings.

Gov. Code, § 54953.5(a)



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Meeting Practices

- A board may not prohibit or restrict the broadcast of its proceedings.

Gov. Code, § 54953.6

- Any recording made by or at the direction of the board shall be subject to inspection as a public record, but may be destroyed or erased 30 days after recording.

- Inspection of any video or audio recording shall be provided without charge on a machine made available by the district.

Gov. Code, § 54953.5(b)



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In Case of Substantial Disruption of a Board Meeting Rendering Orderly Conduct of the Meeting Unfeasible, the Board Has the Following Options, Except:

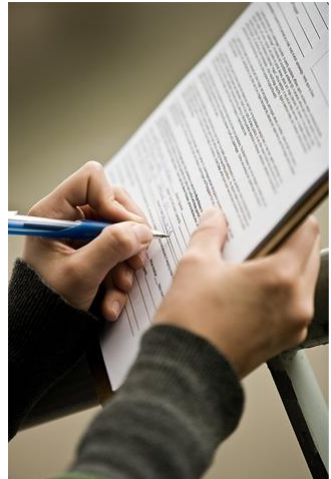
- A. Immediately order the room cleared and continue in session.
- B. Adjourn the meeting to a new time and place.
- C. Remove the individuals causing the commotion.
- D. If removing individuals does not restore order, retreat to an inner chamber and continue the meeting, admitting properly credentialed press who were not participating in the disruption.



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Answer

A. Immediately order the room cleared and continue in session.



Closed Session



Closed Sessions – Litigation Advice of Counsel

- A board may meet in closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session would prejudice the position of the district in the litigation.

Gov. Code, § 54956.9
- The board must either state on the agenda or publicly announce the authority for the closed session and, when known, the title of the case.
- Litigation is pending when:
 - Proceedings before a court, administrative body, hearing officer, or arbitrator have been initiated;
 - Based on existing facts and circumstances, there is a significant exposure to litigation; or
 - Deciding whether to initiate litigation.



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Closed Sessions – Litigation Advice of Counsel

- Significant exposure to litigation based on “existing facts or circumstances” consists of:
 - Facts and circumstances that might result in litigation which are not known to the potential plaintiff;
 - Facts and circumstances that might result in litigation which are known to the plaintiff and which are publicly stated on the agenda or announced;
 - Receipt of a tort claim or other writing threatening litigation, which shall be available for public inspection;
 - A statement made in a public meeting threatening litigation; or
 - A statement threatening litigation outside of a public meeting for which there is a contemporaneous record that is made available for public inspection.

Gov. Code, § 54956.9



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Settlement of Litigation

- While Section 54956.9 does not expressly so provide, it has been construed to permit a local legislative body to approve settlements in closed session.
- As “emphasized” in the Attorney General’s manual on the Brown Act, “the purpose of [Section 54956.9] is to permit the body to receive legal advice and make litigation decisions only; it is not to be used as a subterfuge to reach non-litigation oriented policy decisions.” (Cal. Atty. Gen. Office, The Brown Act (2003), p. 40.)
- However, the litigation exception does not authorize boards to take or agree to take, as part of a non-publicly ratified litigation settlement, action that by substantive law may not be taken without a public hearing and an opportunity for the public to be heard.



Closed Session Discussions are Confidential

- No person may publicly disclose information that has been received and discussed in closed session concerning pending litigation or any other subject unless the information is authorized by law to be disclosed.

Gov. Code, § 54963

- “We agree with the Attorney General. Disclosure of closed session proceedings by the members of a legislative body necessarily destroys the closed session confidentiality which is inherent in the Brown Act.”



Examples of “Safe Harbor” Agenda Descriptions

- CONFERENCE WITH REAL PROPERTY NEGOTIATORS
 - Property: (address or parcel number)
 - Agency negotiator: (name of agent)
 - Negotiating parties: (name of other party)
 - Under negotiation: (price, terms, or both)
- CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
 - Name of case: (name or case number)
 - Case name unspecified: (indicate whether disclosure would jeopardize service of process or settlement negotiations)



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Prior to Closed Session

- Prior to closed session, the board must disclose ***in open session*** the items to be discussed in closed session.
- The announcement can either repeat all of the information already stated on the agenda, or it may simply refer to the items as they are listed on the agenda by number or letter.

Gov. Code, § 54957.7



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After Closed Session

- After closed session, the board must reconvene in open session (prior to adjournment) and report any action taken in closed session, including the vote or abstention of every member present.

Gov. Code, § 54957.1

- The reports may be made either orally or in writing.

Gov. Code, § 54957.1(b)

- Any documents referred to in a report of final action must be made available on the next business day following the meeting or, in the case of substantial amendments, when any necessary rewriting is complete.

Gov. Code, § 54957.1(c)



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Reports from Closed Session

- Approval given to a settlement of pending litigation shall be reported after the settlement is final
 - If the board accepts a settlement offer signed by the opposing party, the board shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.
 - If final approval rests with the other party or the court, the board shall disclose the fact of approval and the substance of the agreement upon inquiry by any person as soon as the settlement becomes final.



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Reports from Closed Session

- If none of these specified types of “actions” is “taken” during the closed session, there is no duty to report the body’s deliberations or the members’ votes or abstentions with respect thereto.
- When the legislative body of a local agency meets in closed session to consider the proposed dismissal of a public employee, but ultimately rejects that proposal and retains the employee, the legislative body is not thereafter required to publicly report its decision and the vote or abstention of each member.



The Board Must Report Out Which of the Following Decisions Reached in Closed Session?

- A. Approval given to settle litigation. The other side has not yet signed the settlement agreement.
- B. Acceptance of the resignation of the Assistant General Manager.
- C. Approval given to terminate an employee. The employee still has appeal rights to binding arbitration.
- D. After holding an employee dismissal hearing, the board decides the employee deserves no discipline.



Answer

B. Acceptance of the resignation of the Assistant General Manager.



Enforcement



Enforcement – Civil Remedies

- Civil remedies such as injunction, mandamus, or declaratory relief are available for the purpose of stopping or preventing violations of the Act, or to determine the applicability of the Act to ongoing actions of the legislative body. Such actions may be commenced by the district attorney or by any interested person.

New as of January 1, 2013

- These remedies are also available to determine the applicability of the Act to past actions of the legislative body. There are new procedural requirements which must be satisfied in order to seek these remedies.

Gov. Code, § 54960



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Enforcement – Civil Remedies

New Procedures

- Prior to commencing an action to determine the applicability of the Act to a past action, the district attorney or interested party must submit a “cease and desist” letter to the Board.
 - Within nine (9) months of the alleged violation
- The Board has thirty (30) days to respond with an “unconditional commitment” to cease, desist from, and not repeat the past action. There is a format for such a response in the law. The response must be approved in open session, not as a consent item. The response is not considered an admission of wrongdoing. The issuance of the commitment stops any legal action challenging the past action of the legislative body.



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Enforcement – Civil Remedies

- A legal action can be commenced against the District within sixty (60) days of the Board responding that it will not issue an “unconditional commitment” letter or sixty (60) days after expiration of the 30-day time period for the Board to respond.

Gov. Code, § 54960.2



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Enforcement – Civil Remedies

- Violations of the meeting notice and agenda provisions may cause an action to be null and void. Such actions may be commenced by the district attorney or by **any interested person**.

Old Procedures Still Valid

- Prior to commencing an action for violation of the meeting notice and agenda provisions, the interested party, or DA, must demand in writing that the board "cure or correct" the alleged violation.
 - Within 90 days of the action, or 30 days if the action was taken in open session in violation of the agenda requirements.
- Any civil action must be commenced within 15 days of the board's refusal to cure, or expiration of 30 days after the demand, whichever is earlier.

Gov. Code, § 54960.1



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Enforcement

- A successful plaintiff is entitled to recover attorney's fees.
- A court may award court costs and reasonable attorney fees to a local agency defendant in an action only where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

Gov. Code, § 54960.5



Thank You

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Districts Association**
Districts Stronger Together

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**California Special
Districts Association**
Districts Stronger Together

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OPEN & PUBLIC IV:

A Guide to the Ralph M. Brown Act

— 2ND EDITION, REVISED JULY 2010 —



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CHAPTER 1:

IT IS THE PEOPLE'S BUSINESS



THE RIGHT OF ACCESS

BROAD COVERAGE

NARROW EXEMPTIONS

PUBLIC PARTICIPATION
IN MEETINGS

CONTROVERSY

BEYOND THE LAW—GOOD
BUSINESS PRACTICES

ACHIEVING BALANCE

HISTORICAL NOTE

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OPEN & PUBLIC IV

A GUIDE TO THE RALPH M. BROWN ACT



CH. 1: IT IS THE PEOPLE'S BUSINESS

CH. 2: LEGISLATIVE BODIES

CH. 3: MEETINGS

CH. 4: AGENDAS, NOTICES, AND
PUBLIC PARTICIPATION

CH. 5: CLOSED SESSIONS

CH. 6: REMEDIES

OPEN & PUBLIC IV:
A GUIDE TO THE RALPH M. BROWN ACT, 2ND EDITION

Revised July 2010



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League of California Cities

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FOREWORD

The goal of this publication is to explain the requirements of the Ralph M. Brown Act, California's open meeting law, in lay language so that it can be readily understood by local government officials and employees, the public and the news media. We offer practical advice—especially in areas where the Brown Act is unclear or has been the subject of controversy—to assist local agencies in complying with the requirements of the law.

A number of organizations representing diverse views and constituencies have contributed to this publication in an effort to make it reflect as broad a consensus as possible among those who daily interpret and implement the Brown Act. The League thanks the following organizations for their contributions:

Association of California Healthcare Districts
Association of California Water Agencies
California Association of Sanitation Agencies (CASA)
California Attorney General—Department of Justice
City Clerks Association of California
California Municipal Utilities Association
California Redevelopment Association
California School Boards Association
California Special Districts Association
California State Association of Counties
Community College League of California
California First Amendment Project
California Newspaper Publishers Association
Common Cause
League of Women Voters of California

This publication is current as of June 2010. Updates to the publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment.

This publication is not intended to provide legal advice. A public agency's legal counsel is responsible for advising its governing body and staff and should always be consulted when legal issues arise.

To improve the readability of this publication:

- Most text will look like this;
- Practice tips are in the margins;
- **Hypothetical examples are printed in blue; and**
- Frequently asked questions, along with our answers, are in shaded text.

Additional copies of this publication may be purchased by visiting CityBooks online at www.cacities.org/store.

CHAPTER 1:

IT IS THE PEOPLE'S BUSINESS



■ THE RIGHT OF ACCESS

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards, and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."¹

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."²

The Brown Act's other unchanged provision is a single sentence:

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."³

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Practice Tip:

The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

■ BROAD COVERAGE

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common e-mail practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an Internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, personal digital assistants, or cellular telephones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

■ NARROW EXEMPTIONS

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.⁴

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body don't discuss issues related to their local agency's business. Meetings of temporary advisory committees—as distinguished from standing committees—made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.⁵

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires—with certain specific exceptions to protect the community and preserve individual rights—that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.



Practice Tip:

Think of the government's house as being made of glass. The curtains may be drawn only to further the public's interest.

■ PUBLIC PARTICIPATION IN MEETINGS

In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public's participation is further enhanced by the Brown Act's requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

■ CONTROVERSY

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately—such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business—the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises—are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

■ BEYOND THE LAW—GOOD BUSINESS PRACTICES

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney's fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.⁶ Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act doesn't provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.



Practice Tip:

Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly;
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency's right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.

An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law—but if the law were enough this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

■ ACHIEVING BALANCE

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

■ HISTORICAL NOTE

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Gov. Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the “Brown Act”, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws—such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Practice Tip:

The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.



Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Legislature in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

Endnotes

- 1 California Government Code section 54950
- 2 California Constitution, Art. 1, section 3 (b)(1)
- 3 California Government Code section 54953 (a)
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the state's Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2)
- 5 California Government Code section 54952.2 (c); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533
- 6 California Government Code section 54953.7

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CHAPTER 2:

LEGISLATIVE BODIES



WHAT IS A "LEGISLATIVE BODY"
OF A LOCAL AGENCY?

WHAT IS NOT A "LEGISLATIVE BODY"
FOR PURPOSES OF THE BROWN ACT?

CHAPTER 2:

LEGISLATIVE BODIES



The Brown Act applies to the legislative bodies of local agencies. It defines “legislative body” broadly to include just about every type of decision-making body of a local agency.¹

■ WHAT IS A “LEGISLATIVE BODY” OF A LOCAL AGENCY?

A “legislative body” includes:

- **The “governing body”** of a local agency or any other local body created by state or federal statute.² This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A “local agency” is any city, county, school district, municipal corporation, redevelopment agency, district, political subdivision, or other public agency.³ A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.⁴ The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.⁵ Entities created pursuant to joint powers agreements are local agencies within the meaning of the Brown Act.⁶
- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.⁷ Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

Practice Tip:

The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

- **Appointed bodies**—whether permanent or temporary, decision-making or advisory—including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and “blue ribbon committees” created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate and met only to exchange information, they would have been exempt from the Brown Act.⁸
- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction, or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.⁹ Even if comprised of less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, function over form controls. For example, a statement by the legislative body that “the advisory committee shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.¹⁰ “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹¹
- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.¹² These include some nonprofit corporations created by local agencies.¹³ If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.¹⁴ When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.¹⁵

Practice Tip:

It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

Q: The local chamber of commerce is funded in part by the city. The mayor sits on the chamber’s board of directors. Is the chamber board a legislative body subject to the Brown Act?

A: *Maybe. If the chamber’s governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*

Q: If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

A: *Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain kinds of hospital operators.** A lessee of a hospital (or portion of a hospital) first leased under Health and Safety Code subsection 32121(p) after Jan. 1, 1994, which exercises “material authority” delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.¹⁶

■ **WHAT IS NOT A “LEGISLATIVE BODY” FOR PURPOSES OF THE BROWN ACT?**

- A temporary advisory committee **composed solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.¹⁷ Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.¹⁸
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.¹⁹

Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

A. *No, because the committee has not been established by formal action of the legislative body.*

Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

A. *Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.*

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.²⁰
- County central committees of political parties are also not Brown Act bodies.²¹

Endnotes

- 1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123
- 2 California Government Code section 54952(a)
- 3 California Government Code section 54951. *But see*: Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
- 4 *Torres v. Board of Commissioners* (1979) 89 Cal.App.3d 545
- 5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990)
- 6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354
- 7 California Government Code section 54952.1
- 8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799
- 9 California Government Code section 54952(b)
- 10 79 Ops. Cal.Atty.Gen. 69 (1996)
- 11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781
- 12 California Government Code section 54952(c)(1)(B). The same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)
- 13 California Government Code section 54952(c)(1)(A); *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal.App.4th 287; *Epstein v. Hollywood Entertainment Dist. II Business Improvement District* (2001) 87 Cal.App.4th 862; *see also*: 81 Ops.Cal.Atty.Gen. 281 (1998); 85 Ops.Cal.Atty.Gen. 55
- 14 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal.App.4th 287, 300 fn. 5
- 15 "The Brown Act," California Attorney General (2003), p. 7
- 16 California Government Code section 54952(d)
- 17 California Government Code section 54952(b); *see also*: *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821
- 18 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123
- 19 56 Ops.Cal.Atty.Gen. 14 (1973)
- 20 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870
- 21 59 Ops.Cal.Atty.Gen. 162 (1976)

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CHAPTER 3:

MEETINGS



BROWN ACT MEETINGS

**SIX EXCEPTIONS TO THE MEETING
DEFINITION**

COLLECTIVE BRIEFINGS

**RETREATS OR WORKSHOPS OF
LEGISLATIVE BODIES**

SERIAL MEETINGS

INFORMAL GATHERINGS

TECHNOLOGICAL CONFERENCING

LOCATION OF MEETINGS

CHAPTER 3:

MEETINGS



The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: "... any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."¹ Under the Brown Act, the term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well.

■ BROWN ACT MEETINGS

Brown Act gatherings include a legislative body's regular meetings, special meetings, emergency meetings and adjourned meetings.

- "Regular meetings" are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.²
- "Special meetings" are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings.³
- "Emergency meetings" are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.⁴
- "Adjourned meetings" are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.⁵

■ SIX EXCEPTIONS TO THE MEETING DEFINITION

The Brown Act creates six exceptions to the meeting definition: ⁶

Individual Contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.



Community Meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. Again, a majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

"I see we have four distinguished members of the city council at our meeting tonight," said the chair of the Environmental Action Coalition.

"I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?"

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

- Q.** The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?
- A.** Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.



Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency and (2) a legislative body of another local agency.⁷ Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their local agency's subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

- Q.** The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?
- A.** *No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.*
- Q.** The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?
- A.** *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.*

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).⁸

- Q.** The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?
- A.** *She may attend, but only as an observer; she may not participate.*

Social or Ceremonial Events

The sixth and final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the local agency.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the local agency is discussed. So long as no local agency business is discussed, there is no violation of the Brown Act.

■ COLLECTIVE BRIEFINGS

None of these six exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

■ RETREATS OR WORKSHOPS OF LEGISLATIVE BODIES

There is consensus among local agency attorneys that gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or on team building and group dynamics.⁹

- Q.** The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?
- A.** *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

■ SERIAL MEETINGS

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority.

The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful participation in legislative body decision-making. The Brown Act provides that “[a] majority of the members of a legislative body shall not, outside a meeting...use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”¹⁰

The serial meeting may occur by either a “daisy-chain” or a “hub-and-spoke” sequence. In the daisy-chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated or taken action on an item within the legislative body's subject matter jurisdiction. The hub-and-spoke process involves, for example, a staff member (the hub) communicating with members of a legislative body (the spokes) one-by-one for a decision on a proposed action,¹¹ or a chief executive officer briefing a majority of redevelopment agency members prior to a formal meeting and, in the process, information about the members' respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”¹²

The Brown Act has been violated however, if several one-on-one meetings or conferences leads to a discussion, deliberation or action by a majority. In one case, a violation occurred when a quorum of a city council directed staff by letter on an eminent domain action.¹³



A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.¹⁴ Such a memo, however, may be a public record.¹⁵

The phone call was from a lobbyist. "Say, I need your vote for that project in the south area. How about it?"

"Well, I don't know," replied Board Member Aletto. "That's kind of a sticky proposition. You sure you need my vote?"

"Well, I've got Bradley and Cohen lined up and another vote leaning. With you I'd be over the top."

Moments later, the phone rings again. "Hey, I've been hearing some rumbles on that south area project," said the newspaper reporter. "I'm counting noses. How are you voting on it?"

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff and news media against revealing such positions of others.

The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."¹⁶ Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."

"Glad to be of assistance," replied the planning director. "Any idea what the other council members think of the problem?"

The planning director should not ask, and the member should not answer. A one-on-one meeting that involves communicating the comments or position of other members violates the Brown Act.

- Q.** The agency's Web site includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?
- A.** Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate or take action on matters of agency business.
- Q.** A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?
- A.** No, the Brown Act expressly allows this kind of communication, though the members should avoid discussing the merits of what is to be taken up at the meeting.

Practice Tip:

When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply to all” button that may inadvertently result in a Brown Act violation.

■ INFORMAL GATHERINGS

Often members are tempted to mix business with pleasure—for example, by holding a post meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.¹⁷ A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an adequate opportunity to hear or participate in the deliberations of members.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop’s Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues. But it is the kind of situation that should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive’s presence in no way lessens the potential for a violation of the Brown Act.

- Q.** The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?
- A.** *Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.*

■ TECHNOLOGICAL CONFERENCING

In an effort to keep up with information age technologies, the Brown Act now specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.¹⁸ While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary within the body.

“Teleconference” is defined as “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.”¹⁹ In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following specific requirements:²⁰

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction;
- Additional teleconference locations may be made available for the public;



Practice Tip:

Legal counsel for the local agency should be consulted before teleconferencing a meeting.

- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

- Q.** A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?
- A.** *She may not participate or vote because she is not in a noticed and posted teleconference location.*

The use of teleconferencing to conduct a legislative body meeting presents a variety of new issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

■ LOCATION OF MEETINGS

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.²¹

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:

- Comply with state or federal law or a court order, or for a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property, which cannot be conveniently brought into the local agency's territory, provided the meeting is limited to items relating to that real or personal property;

- Q.** The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?
- A.** *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be able to attend.*

- Participate in multiagency meetings or discussions, however, such meetings must be held within the boundaries of one of the participating agencies, and all involved agencies must give proper notice;
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries or at its principal office if that office is located outside the territory over which the agency has jurisdiction;

- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or
- Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.²²

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential employee from another district.²³ A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.²⁴

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.²⁵

Endnotes:

- 1 California Government Code section 54952.2(a)
- 2 California Government Code section 54954(a)
- 3 California Government Code section 54956
- 4 California Government Code section 54956.5
- 5 California Government Code section 54955
- 6 California Government Code section 54952.2(c)
- 7 California Government Code section 54952.2(c)(4)
- 8 California Government Code section 54952.2(c)(6)
- 9 “The Brown Act,” California Attorney General (2003), p. 10
- 10 California Government Code section 54952.2(b)(1)
- 11 *Stockton Newspaper Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95
- 12 California Government Code section 54952.2(b)(2)
- 13 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518
- 14 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 15 California Government Code section 54957.5(a)
- 16 California Government Code section 54952.2(b)(2)
- 17 California Government Code section 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964)
- 18 California Government Code section 54953(b)(1)
- 19 California Government Code section 54953(b)(4)
- 20 California Government Code section 54953
- 21 California Government Code section 54954(b)
- 22 California Government Code section 54954(b)(1)-(7)
- 23 California Government Code section 54954(c)
- 24 California Government Code section 54954(d)
- 25 California Government Code section 54954(e)

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CHAPTER 4:

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



AGENDAS FOR REGULAR MEETINGS

MAILED AGENDA UPON WRITTEN REQUEST

NOTICE REQUIREMENTS FOR SPECIAL MEETINGS

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CONTINUED MEETINGS AND HEARINGS

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MEETINGS

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RESPONDING TO THE PUBLIC

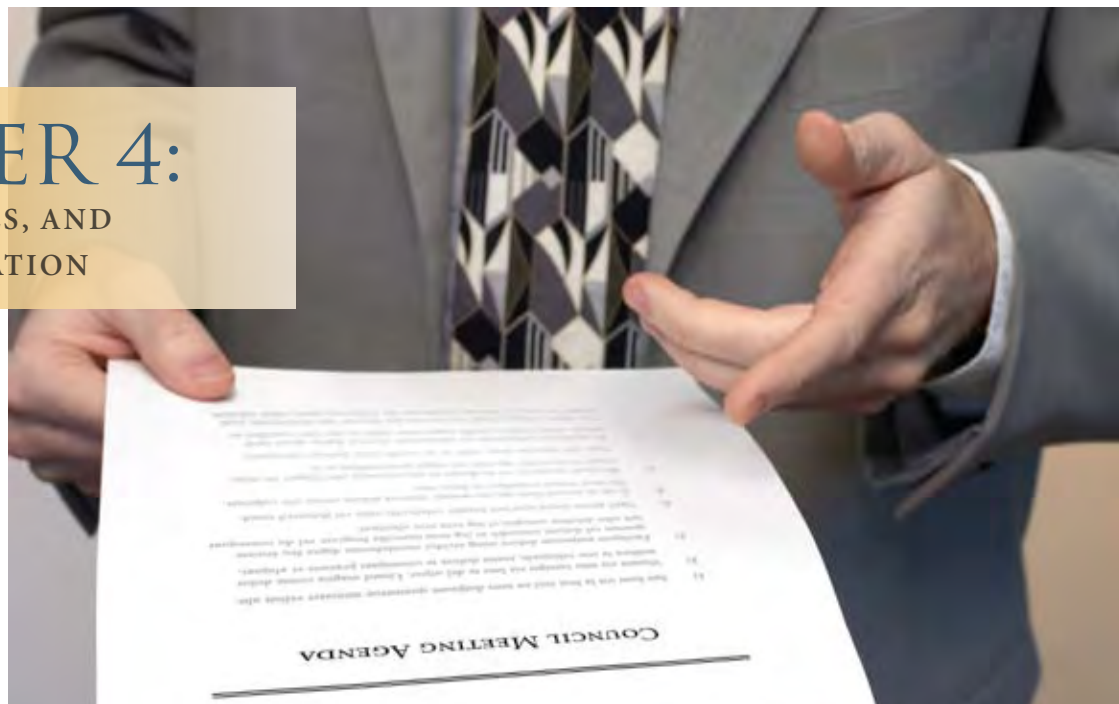
THE RIGHT TO ATTEND MEETINGS

RECORDS AND RECORDINGS

THE PUBLIC'S PLACE ON THE AGENDA

CHAPTER 4:

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

■ AGENDAS FOR REGULAR MEETINGS

Every regular meeting of a legislative body of a local agency—including advisory committees, commissions, or boards, as well as standing committees of legislative bodies—must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.”¹ The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this provision to require posting in locations accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.² Posting may also be made on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.³ However, only posting an agenda on an agency’s Web site is inadequate since there is no universal access to the internet. The agenda must state the meeting time and place and must contain “a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.”⁴

Practice Tip:

Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- “Consideration of a report regarding traffic on Eighth Street”
- “Consideration of contract with ABC Consulting”

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read “consideration of a contract with ABC Consulting in the amount of \$50,000 for traffic engineering services regarding traffic on Eighth Street.”*

Q. The agenda includes an item entitled “City Manager’s Report,” during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

A. Yes, so long as it does not result in extended discussion or action by the body.

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

■ MAILED AGENDA UPON WRITTEN REQUEST

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed Jan. 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.⁵



■ NOTICE REQUIREMENTS FOR SPECIAL MEETINGS

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed. Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda—with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act’s safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements. The special meeting notice must also be posted at least 24 hours prior to the special meeting in a site freely accessible to the public. The body cannot consider business not in the notice.⁶

■ NOTICES AND AGENDAS FOR ADJOURNED AND CONTINUED MEETINGS AND HEARINGS

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.⁷ If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.⁸ A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.⁹

■ NOTICE REQUIREMENTS FOR EMERGENCY MEETINGS

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.¹⁰ News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.

News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings—although notification may be advisable in any event to avoid controversy.

■ EDUCATIONAL AGENCY MEETINGS

The Education Code contains some special agenda and special meeting provisions,¹¹ however, they are generally consistent with the Brown Act. An item is probably void if not posted.¹² A school district board must also adopt regulations to make sure the public can place matters affecting district's business on meeting agendas and to address the board on those items.¹³

■ NOTICE REQUIREMENTS FOR TAX OR ASSESSMENT MEETINGS AND HEARINGS

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased general tax or assessment.¹⁴ At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which public testimony may be given before the legislative body proposes to act on the tax or assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.¹⁵

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.¹⁶ As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.

■ NON-AGENDA ITEMS

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:¹⁷

- When a majority decides there is an "emergency situation" (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.



Practice Tip:

Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one ahead of schedule—believe it or not—and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: (a) that there is an immediate need to take action and (b) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

■ RESPONDING TO THE PUBLIC

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities.¹⁸ However, caution should be used to avoid any discussion or action on such items.

Council Member A: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street—are there problems with this project?

City Manager: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member B: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.



It is clear from this dialogue that the Elm Street project was not on the council's agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

■ THE RIGHT TO ATTEND AND OBSERVE MEETINGS

A number of other Brown Act provisions protect the public's right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise "fulfill any condition precedent" to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.¹⁹

No meeting can be held in a facility that prohibits attendance based on race, religion color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.²⁰ This does not mean however that the public is entitled to free entry to a conference attended by a majority of the legislative body.²¹

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.²²

Action by secret ballot, whether preliminary or final, is flatly prohibited.²³

Q: The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A: *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward—or even counterproductive—does not justify a secret ballot.*

There can be no semi-closed meetings, in which some members of the public are permitted to attend as spectators while others are not; meetings are either open or closed.²⁴

The legislative body may remove persons from a meeting who willfully interrupt proceedings. If order still cannot be restored, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.²⁵



■ RECORDS AND RECORDINGS

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.²⁶ A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.²⁷

Q: In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

A: *No. The memorandum is a privileged attorney-client communication.*

Q: In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

A: *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*

A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location.²⁸ A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.²⁹

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.³⁰ The agency may impose its ordinary charge for copies.³¹

In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.³²

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.³³

■ THE PUBLIC'S PLACE ON THE AGENDA

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.³⁴

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But, the Brown Act provides no immunity for defamatory statements.³⁵

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.*

The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.³⁶

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.³⁷

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.³⁸

Practice Tip:

Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record, but must respect a speaker's desire for anonymity.

Endnotes

- 1 California Government Code section 54954.2(a)(1)
- 2 78 Ops.Cal.Atty.Gen. 327 (1995)
- 3 88 Ops.Cal.Atty.Gen. 218 (2005)
- 4 California Government Code section 54954.2(a)(1)
- 5 California Government Code section 54954.1
- 6 California Government Code section 54956
- 7 California Government Code section 54955
- 8 California Government Code section 54954.2(b)(3)
- 9 California Government Code section 54955.1
- 10 California Government Code section 54956.5
- 11 Education Code sections 35144, 35145 and 72129
- 12 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196
- 13 California Education Code section 35145.5
- 14 California Government Code section 54954.6
- 15 California Government Code section 54954.6(g)
- 16 See: Cal.Const.Art.XIIIC, XIIID and California Government Code section 54954.6(h)
- 17 California Government Code section 54954.2(b)
- 18 California Government Code section 54954.2(a)(2)
- 19 California Government Code section 54953.3
- 20 California Government Code section 54961(a); California Government Code section 11135(a)
- 21 California Government Code section 54952.2(c)(2)
- 22 California Government Code section 54953(b)
- 23 California Government Code section 54953(c)
- 24 46 Ops.Cal.Atty.Gen. 34 (1965)
- 25 California Government Code section 54957.9
- 26 California Government Code section 54957.5
- 27 California Government Code section 54957.5(d)
- 28 California Government Code section 54957.5(b)
- 29 California Government Code section 54957.5(c)
- 30 California Government Code section 54953.5(b)
- 31 California Government Code section 54957.5(d)
- 32 California Government Code section 54953.5(a)
- 33 California Government Code section 54953.6
- 34 California Government Code section 54954.3(a)
- 35 California Government Code section 54954.3(c)
- 36 California Government Code section 54954.3(b); *Chaffee v. San Francisco Public Library Com.* (2005) 134 Cal. App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)
- 37 California Government Code section 54954.3(a)
- 38 California Government Code section 54954.3(a)

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CHAPTER 5:

CLOSED SESSIONS



AGENDAS AND REPORTS

LITIGATION

REAL ESTATE NEGOTIATIONS

PUBLIC EMPLOYMENT

LABOR NEGOTIATIONS

LABOR NEGOTIATIONS—SCHOOL AND
COMMUNITY COLLEGE DISTRICTS

OTHER EDUCATION CODE EXCEPTIONS

GRAND JURY TESTIMONY

LICENSE APPLICANTS WITH CRIMINAL RECORDS

PUBLIC SECURITY

MULTIJURISDICTIONAL DRUG LAW
ENFORCEMENT AGENCY

HOSPITAL PEER REVIEW AND TRADE SECRETS

THE CONFIDENTIALITY OF CLOSED SESSION
DISCUSSIONS

CHAPTER 5:

CLOSED SESSIONS



The Brown Act begins with a strong statement in favor of open meetings; private discussions among a majority of a legislative body are prohibited, unless expressly authorized under the Brown Act. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter must be discussed in public. As an example, a board of police commissioners cannot generally meet in closed session, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.¹

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session. Individuals who do not have an official role in advising the legislative body on closed session subject matters must be excluded from closed session discussions.²

Practice Tip:

Meetings are either open or closed. There is no “in between.”

- Q.** May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?
- A.** *No, attendance in closed sessions is reserved exclusively for the agency’s advisors.*

In general, the most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the agency or compromise the privacy interests of employees. Closed sessions should be conducted keeping those narrow purposes in mind.

In this chapter, the grounds for convening a closed session are called “exceptions” because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, the Brown Act does not authorize closed sessions for general contract negotiations.

■ AGENDAS AND REPORTS

Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption. An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.

The Brown Act supplies a series of fill-in-the-blank sample, agenda descriptions for various types of authorized closed sessions, which provide a “safe harbor” from legal attacks. These sample agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional drug cases, hospital boards of directors, and medical quality assurance committees.³

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.⁴

Following a closed session the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session.⁵ The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.⁶

The Brown Act does not require minutes, including minutes of closed session. A confidential “minute book” may be kept to record actions taken at closed sessions.⁷ If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.⁸ A court may order the disclosure of minute books for the court’s review if a lawsuit makes sufficient claims of an open meeting violation.

Practice Tip:

Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

Practice Tip:

Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session.

■ LITIGATION

There is an attorney/client relationship, and legal counsel may use it for privileged written and verbal communications—outside of meetings—to members of the legislative body. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.⁹

The Brown Act expressly authorizes closed sessions to discuss what is considered litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is a party.¹⁰ The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body's conferring with its own legal counsel. For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body and an adverse party or to hold a closed session for the purpose of participation in a mediation.¹¹

The California Attorney General believes that if the agency's attorney is not a participant, a litigation closed session cannot be held.¹² In any event, local agency officials should always consult the agency's attorney before placing this type of closed session on the agenda, in order to be certain that it is being done properly.

Litigation that may be discussed in closed session includes the following three types of matters:

Existing litigation

- Q.** May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?
- A.** *Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.*

In general, the most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the agency or compromise the privacy interests of employees. Closed sessions should be conducted keeping those narrow purposes in mind.

Grounds for convening a closed session in this chapter are called "exceptions" because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. It is improper in these cases, to convene a closed session, even to protect confidential information. For example, the Brown Act does not authorize closed sessions for general contract negotiations.

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or to consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation that requires actions that are subject to public hearings cannot be approved in closed session.¹³

Threatened litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of specific facts and circumstances that suggest that the local agency has significant exposure to litigation. The Brown Act lists six separate categories of such facts and circumstances.¹⁴ The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff.

Initiation of litigation by the local agency

A closed session may be held under the pending litigation exception when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

In certain cases, the circumstances and facts justifying the closed session must be publicly noticed on the agenda or announced at an open meeting. Before holding a closed session under the pending litigation exception, the legislative body must publicly state which of the three basic situations apply. It may do so simply by making a reference to the posted agenda.

Certain actions must be reported in open session at the same meeting following the closed session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.

Each agency attorney should be aware of and should make other disclosures that may be required in specific instances.



■ REAL ESTATE NEGOTIATIONS

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A "lease" includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body's negotiator on price and terms of payment.¹⁵ Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.¹⁶

Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase "price and terms of payment" in connection with real estate closed sessions. Many agency attorneys believe that any term that directly affects the economic value of the transaction falls within the ambit of "price and terms of payment." Others take a narrower, more literal view of the phrase.*

The agency's negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiator, the real property that the negotiations may concern and the names of the persons with whom its negotiator may negotiate.¹⁷

After real estate negotiations are concluded, the approval and substance of the agreement must be reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval as soon as informed of it. Once final, the substance of the agreement must be disclosed to anyone who inquires.



“Our population is exploding, and we have to think about new school sites,” said Board Member Jefferson.

“Not only that,” interjected Board Member Tanaka, “we need to get rid of a couple of our older facilities.”

“Well, obviously the place to do that is in a closed session,” said Board Member O’Reilly. “Otherwise we’re going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar.”

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites—which must be identified at an open and public meeting.

■ PUBLIC EMPLOYMENT

The Brown Act authorizes a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee.”¹⁸ The purpose of this exception—commonly referred to as the “personnel exception”—is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.¹⁹ The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.²⁰ That authority may be delegated to a subsidiary appointed body.²¹

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.²² If the employee is not given notice, any disciplinary action is null and void.²³

Practice Tip:

Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

- Q.** Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?
- A.** *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.²⁴

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.²⁵ An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. An example of the latter is a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.²⁶ Action on individuals who are not “employees” must also be public—including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee’s ability to fill that job may be considered in closed session. Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.²⁷ However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.²⁸

“I have some important news to announce,” said Mayor Garcia. “We’ve decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we’ve negotiated six months severance pay.”

“Unfortunately, that has some serious budget consequences, so we’ve had to delay phase two of the East Area Project.”

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager’s evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

- Q.** The school board is meeting in closed session to evaluate the superintendent and to consider giving her a pay raise. May the superintendent attend the closed session?
- A.** *The superintendent may attend the portion of the closed session devoted to her evaluation, but may not be present during discussion of her pay raise. Discussion of the superintendent’s compensation in closed session is limited to giving direction to the school board’s negotiator. Also, the clerk should be careful to notice the closed session on the agenda as both an evaluation and a labor negotiation.*

Practice Tip:

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

■ LABOR NEGOTIATIONS

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,²⁹ on employee salaries and fringe benefits for both union and non-union employees. For represented employees, it may also consider working conditions that by law require negotiation. These sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.³⁰

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.³¹ The labor sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees. For purposes of this prohibition, an “employee” includes an officer or an independent contractor who functions as an officer or an employee. Independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.

■ LABOR NEGOTIATIONS—SCHOOL AND COMMUNITY COLLEGE DISTRICTS

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

- (1) A negotiating session with a recognized or certified employee organization;
- (2) A meeting of a mediator with either side;
- (3) A hearing or meeting held by a fact finder or arbitrator; and
- (4) A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.³²

Public participation under the Rodda Act also takes another form.³³ All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.³⁴ The final vote must be in public.

Practice Tip:

Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.



■ OTHER EDUCATION CODE EXCEPTIONS

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.³⁵

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.³⁶ Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.³⁷

■ GRAND JURY TESTIMONY

A legislative body, including its members as individuals, may testify in private before a grand jury, either individually or as a group.³⁸ Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act, since the body would not be meeting to make decisions or reach a consensus on issues within the body's subject matter jurisdiction.

■ LICENSE APPLICANTS WITH CRIMINAL RECORDS

A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.³⁹

■ PUBLIC SECURITY

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.⁴⁰ Action taken in closed session with respect to such public security issues is not reportable action.

■ MULTIJURISDICTIONAL DRUG LAW ENFORCEMENT AGENCY

A joint powers agency formed to provide drug law enforcement services to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.⁴¹

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.⁴²

Practice Tip:

Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

■ HOSPITAL PEER REVIEW AND TRADE SECRETS

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.⁴³

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss “reports involving trade secrets”—provided no action is taken.

A “trade secret” is defined as information which is not generally known to the public or competitors and which: (1) “derives independent economic value, actual or potential” by virtue of its restricted knowledge; (2) is necessary to initiate a new hospital service or program or facility; and (3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district’s dissolution.⁴⁴

■ THE CONFIDENTIALITY OF CLOSED SESSION DISCUSSIONS

It is not uncommon for agency officials to complain that confidential information is being leaked from closed sessions. The Brown Act prohibits the disclosure of confidential information acquired in a closed session by any person present and offers various remedies to address willful breaches of confidentiality.⁴⁵ It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.⁴⁶ Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.⁴⁷

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long believed that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information received during a closed session regarding pending litigation,⁴⁸ though the Attorney General has also concluded that a local agency may not go so far as to adopt an ordinance criminalizing public disclosure of closed session discussions.⁴⁹ In any event, the Brown Act now prescribes remedies for breaches of confidentiality. These include injunctive relief, disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.⁵⁰

The duty of maintaining confidentiality, of course, must give way to the obligation to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, the Brown Act exempts from its prohibition against disclosure of closed session communications disclosure of closed session information to the district attorney or the grand jury due to a perceived violation of law, expressions of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action, and disclosing information that is not confidential.⁵¹

Practice Tip:

There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

The interplay between these possible sanctions and an official's first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

"I want the press to know that I voted in closed session against filing the eminent domain action," said Council Member Chang.

"Don't settle too soon," reveals Council Member Watson to the property owner, over coffee.
"The city's offer coming your way is not our bottom line."

The first comment to the press is appropriate—the Brown Act requires that certain final votes taken in closed session be reported publicly.⁵² The second comment to the property owner is not—disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

Endnotes

- 1 61 Ops.Cal.Atty.Gen. 220 (1978)
- 2 82 Ops.Cal.Atty.Gen. 29 (1999)
- 3 California Government Code section 54954.5
- 4 California Government Code sections 54956.9 and 54957.7
- 5 California Government Code section 54957.1(a)
- 6 California Government Code section 54957.1(b)
- 7 California Government Code section 54957.2
- 8 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal.Code Regs. section 18702.1(c)
- 9 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 10 California Government Code section 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
- 11 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471
- 12 "The Brown Act," California Attorney General (2003), p. 40
- 13 *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172
- 14 Government Code section 54956.9(b)
- 15 California Government Code section 54956.8
- 16 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 172; see also ___ Ops.Cal.Atty.Gen. ___ (May 21, 2010) (2010 WL 2150433) (concluding it is impermissible for a redevelopment agency to meet in closed session to discuss the terms of a rehabilitation loan to a business that was leasing property from the agency when the terms and conditions of the lease itself were not also a matter of discussion.)
- 17 California Government Code section 54956.8
- 18 California Government Code section 54957(b)
- 19 63 Ops.Cal.Atty.Gen. 215 (1980); but see: *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session).
- 20 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002)
- 21 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty.Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.
- 22 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860
- 23 California Government Code section 54957
- 24 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87
- 25 *Moreno v. City of King* (2005) 127 Cal.App.4th 17
- 26 California Government Code section 54957
- 27 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165
- 28 California Government Code section 54957.1(a)(5)

- 29 California Government Code section 54957.6
- 30 57 Ops.Cal.Atty.Gen. 209 (1974)
- 31 California Government Code section 54957.1(a)(6)
- 32 California Government Code section 3549.1
- 33 California Government Code section 3540
- 34 California Government Code section 3547
- 35 California Education Code section 48918, but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings.)
- 36 California Education Code section 72122
- 37 California Education Code section 60617
- 38 California Government Code section 54953.1
- 39 California Government Code section 54956.7
- 40 California Government Code section 54957
- 41 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354
- 42 California Government Code section 54957.8
- 43 California Government Code section 54962
- 44 California Health and Safety Code section 32106
- 45 Government Code section 54963
- 46 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327; see also: California Government Code section 54963
- 47 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 48 80 Ops.Cal.Atty.Gen. 231 (1997)
- 49 76 Ops.Cal.Atty.Gen. 289 (1993)
- 50 California Government Code section 54963
- 51 California Government Code section 54963
- 52 California Government Code section 54957.1

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CHAPTER 6:

REMEDIES



INVALIDATION

CIVIL ACTION TO PREVENT
FUTURE VIOLATIONS

COSTS AND ATTORNEY'S FEES

CRIMINAL COMPLAINTS

VOLUNTARY RESOLUTION

CHAPTER 6:

REMEDIES



Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials' interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

■ INVALIDATION

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.¹ Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law;
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the meeting at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action, the nature of the claimed violation, and the "cure" sought. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendized items are acted on by the governing body during a meeting.² The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days.

The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and to start over.

Although just about anyone has standing to bring an action for invalidation,³ the challenger must show prejudice as a result of the alleged violation.⁴ An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.⁵

■ CIVIL ACTION TO PREVENT FUTURE VIOLATIONS

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.⁶ Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.⁷

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

■ COSTS AND ATTORNEY'S FEES

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.⁸ When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorneys fees will be awarded against the agency if a violation of the Act is proven.

An attorney fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.⁹

■ CRIMINAL COMPLAINTS

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.¹⁰

A criminal violation has two components. The first is that there must be an overt act—a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.¹¹

"Action taken" is not only an actual vote, but also a collective decision, commitment or promise by a

Practice Tip:

A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options.



Practice Tip:

Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

majority of the legislative body to make a positive or negative decision.¹² If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.¹³ In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act—not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member “to deprive the public of information to which the member knows or has reason to know the public is entitled” by the Brown Act.¹⁴

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

■ VOLUNTARY RESOLUTION

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

Endnotes

- 1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); and 54956 (special meetings). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 5490.1.
- 2 California Government Code section 54960.1 (b) and (c)(1)
- 3 *McKee v. Orange Unified School District* (2003) 110 Cal.App.4th 1310
- 4 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 571
- 5 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1117-18
- 6 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524. *Accord Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 916 & fn.6
- 7 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36
- 8 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal.App.4th 1313, 1324-27 and cases cited therein.
- 9 California Government Code section 54960.5
- 10 California Government Code section 54959. A misdemeanor is punishable by a fine of up to \$1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
- 11 California Government Code section 54959
- 12 California Government Code section 54952.6
- 13 61 Ops.Cal.Atty.Gen.283 (1978)
- 14 California Government Code section 54959

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Practice Tip:

Training and exercising good judgment can help avoid Brown Act conflicts. If an arguably meritorious procedural challenge is raised, it may be more prudent to voluntarily re-notice and reconsider the action subject to the challenge.





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The ABCs of Open Government Laws

The underlying philosophy of the open government laws is that public agency processes should be as transparent as possible. Such transparency is vital in promoting public trust in government.

This concept of governmental transparency is so important to the public that some 83 percent of voters supported adding it to California's constitution by adopting Proposition 59 in 2004.

California's open government laws require public officials to:

A

Conduct meetings of public bodies openly, except for limited circumstances under which the law allows the public's business to be conducted privately in closed sessions.

B

Allow the public to participate in meetings of public bodies through a public comment process.

C

Allow inspection and copying of public records, except when non-disclosure is authorized by law.

This pamphlet summarizes these three requirements in general terms.

Local officials are also encouraged to consult with their agency attorneys for information about how these requirements apply in any given situation or more information about this area of the law.

The Institute is able to make this resource available to local officials and others as a result of much appreciated financial support from:



The Institute is grateful for this firm's ongoing commitment to public service ethics and public service ethics education.

All decisions regarding the final content of this pamphlet were the Institute's.

A Conducting the Public's Business in Public

General Rules

- Elected and most appointed local-agency bodies – which include many advisory committees – must conduct their business in open and public meetings.
- A “meeting” is any situation involving a majority of a public body in which agency business is transacted or discussed. In other words, a majority of the body cannot talk privately about a matter of agency business no matter how the communication occurs, whether by telephone or e-mail, or at a local coffee shop.
- The public must be informed of 1) the time and place of and 2) the issues to be addressed at each meeting. In general, public officials may only discuss and act on items included on the posted agenda for a meeting. The agenda must be posted at least 72 hours in advance of a regular meeting and written in a way that informs people of what business will be discussed. Many local agencies are required to post agendas on their websites (if they have one). Members of the public may request a copy of the agenda packet be mailed to them at the time the agenda is posted or upon distribution to the governing body. Some agencies also maintain e-mail lists to distribute agendas and related materials.

Key Things to Know

- **Advisory Bodies.** Advisory bodies formally created by the governing body are subject to the open meeting laws. In some cases, committees of less than a quorum of the public body are also subject to these laws.
- **Serial Meetings.** Avoid unintentionally creating a “serial” meeting—a series of communications that result in a majority of the body's members discussing, deliberating, or taking action on a matter of agency business.

A Conducting the Public's Business in Public

- **Permissible Gatherings.** Not every gathering of members of a public body outside a noticed meeting violates the law. For example, a violation would not occur if a majority of the members attend the same educational conference or attend a meeting not organized by the local agency as long as members do not discuss among themselves agency business except as part of the gathering. Nor is attendance at a social or ceremonial event in itself a violation. The basic rule to keep in mind is a majority of the members cannot gather *and* discuss agency business except at an open and properly noticed meeting.
- **Closed Sessions.** The open meeting laws include provisions for private discussions under very limited circumstances. The reasons for holding the closed session must be noted on the agenda and different disclosure requirements apply to different types of closed sessions.
- **Posting and Following the Agenda.** In general, public officials may only discuss and act on items included on the posted agenda for a meeting. However, they or staff may briefly respond to questions or statements during public comments that are unrelated to the agenda items. Officials can also request staff to look into a matter or place a matter on the agenda for a subsequent meeting. Only under unexpected circumstances can matters that are not on the agenda be discussed or acted upon.

Consequences of Non-Compliance with Open Meeting Requirements

- **Nullification of Decision.** Many decisions that are not made according to the open meeting laws are voidable. After asking the agency to cure the violation, either the district attorney or any interested person may sue to have the action declared invalid.
- **Criminal Sanctions.** Additionally, members of the body who intentionally violate the open meeting laws may be guilty of a misdemeanor. The penalty for a misdemeanor conviction is imprisonment in county jail for up to six months, a fine of up to \$1,000 or both.
- **Other Measures.** Either the district attorney or any interested person may sue to remedy past and prevent future violations of the open meeting laws. Another remedy, under certain circumstances, is for a court to order that all closed sessions be tape-recorded. Regulations of public participation beyond those allowed by applicable statutory and constitutional principals can be a civil rights violation.
- **Attorneys' Fees and Costs.** Attorneys' fees and costs may be awarded to those who successfully challenge open meeting violations.

Example

If two members of a five-member public body consult outside of a public meeting (which is not in and of itself a violation) about a matter of agency business and then one of those individuals consults with a third member on the same issue, a majority of the body has consulted on that issue. Note the communication does not need to be in person and can occur through a third party. For example, sending or forwarding e-mail can be sufficient to create a serial meeting, as can a staff member's polling the body's members in a way that reveals the members' positions to one another.

- **Taping or Recording of Meetings Is Allowed.** Anyone attending a meeting may photograph or record it with an audio or video recorder unless the governing body makes a finding that the noise, illumination, or obstruction of view will disrupt the meeting. Any meeting tape or film made by the local agency becomes a public record that must be made available to the public for at least 30 days.
- **Sign-In Must Be Voluntary.** Members of the public cannot be required to register their name or satisfied any other condition for attendance. If an attendance list is used, it must clearly state that signing the list is voluntary.

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General Rules

- **Democracy in Action.** The public has a right to address the public body at any meeting. A public official's role is to both hear and evaluate these communications.
- **The Public's Right to be Heard.** Generally, every regular meeting agenda must provide an opportunity for the public to address the public body on any item within the body's jurisdiction. If the issue of concern is one pending before the body, the opportunity must be provided before or during the body's consideration of that issue.

Open-Government-Is-Good-Politics Note

The media are highly vigilant in monitoring compliance with open government requirements—and quick to report on perceived violations.

Key Things to Know

- **Anonymous Speech Must Be Permitted.** Members of the public cannot be required to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card, or identify themselves "for the record," but must respect a speaker's desire for anonymity.
- **Reasonable Time Limits May Be Imposed.** Local agencies may adopt reasonable regulations to ensure everyone has an opportunity to be heard in an orderly manner. For example, some agencies impose a uniform time limit on each person providing public comments on an issue.
- **Dealing with Dissension.** The chair cannot stop speakers from expressing their opinions or their criticism of the body. If an individual or group willfully interrupts a meeting and order cannot be restored, the room may be cleared. Members of the media must be allowed to remain and only matters on the agenda can be discussed.

General Rules

- Public agencies must generally make their records available for inspection by the public. Disclosure is the rule; withholding is the exception. In addition, there are a number of state laws that require affirmative disclosure of certain kinds of information (for example, by posting the information on the agency's website).

Key Things to Know

- **Agenda and Meeting Materials.** Copies of the agenda materials and other documents not exempt from disclosure distributed to the body must be available to the public. Any nonexempt materials prepared by the local agency must be available for public inspection at the meeting. Materials prepared and distributed by some other person must be made available after the meeting.
- **Scope of Access.** The public has the right to see nonexempt materials that are created as part of the conduct of the people's business. These materials include any writing that was prepared, owned, used, or retained by a public agency. This can include documents, computer data, e-mails, facsimiles, and photographs.
- **Presumption and Exceptions.** Written materials are presumed to be a public record unless an exception applies. There are a number of exceptions. For example, personnel records are typically exempt from disclosure because their release may violate an employee's privacy rights.

The public's right of access to public records is broadly construed and applies to many documents that public officials might otherwise assume are protected from disclosure.

Consequences of Violation

Anyone can sue the agency to enforce his or her right to access public records subject to disclosure. If the agency loses or otherwise produces the records as the result of the lawsuit, it must pay costs and attorneys fees.

It is important to note that the requirements discussed in this pamphlet are legal minimums for local government transparency in decision-making. Local agencies can provide for greater transparency.

In thinking about how an agency might provide for greater transparency, questions local agency officials might ponder include the following:

- 1 How can the agency make public information more readily available and easily understandable by the public in order to promote public trust and confidence in the agency and demonstrate the agency's commitment to transparency?
- 2 Are there kinds of information that are already publicly available in some form, but could be made available more conveniently to the public (for example, through voluntarily posting the information on the agency's website or including links on the agency's website to where information is available on other websites)?
- 3 What kinds of information might be of interest to a cross-section of the public relating to the agency's operations and decision-making processes? Are there ways this information can be made available without individual members of the public having to ask for it?

Ongoing consideration of these kinds of questions enables a local agency's officials to engage in collective discussion and decision-making about ways in which their agency can set its sights higher than the minimum requirements of the law.

A Note on Civility in Public Discourse

For communities to be able to work through difficult issues, it's important that people be able to express differing opinions about what best serves the public's interests in a respectful and civil manner.

This includes focusing on the *merits* of one's position. Even if people disagree about what's best for the community in this situation, it doesn't mean that those holding different views are bad people. Treat others with the same respect as one would like to be treated. Questioning others' motives or intelligence, being hostile, engaging in name-calling or making threats undermines one's effectiveness.

No matter how passionate one is about an issue, the goal is to conduct oneself in a way that will add to one's credibility and standing as a thoughtful member of the community.

California's open government laws are complex and extensive. Consult the following resources for more information on these laws.

- Understanding the *Basics of Public Service Ethics: Transparency Laws*, available at www.ca-ilg.org/Understanding-Public-Service-Ethics-Laws (includes discussions of other kinds of disclosure laws, in addition to Open Meeting Law and Public Records Act).
- *Open and Public IV: A User's Guide to the Ralph M. Brown Act, 2d Edition*, 2010. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.
- *The People's Business: A Guide to the California Public Records Act*, 2008. Available on the League of California Cities website at www.cacities.org or by calling 916.658.8200.

Local officials should also consult their agency counsel with questions.

The Attorney General also offers guides on these laws; they are available from the Attorney General's website: http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Brown Act Guide) and http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf (Public Records Act).



The Institute for Local Government promotes good government at the local level with practical, impartial, and easy-to-use resources for California communities.

ILG is the research and education affiliate of the California State Association of Counties, the League of California Cities and the California Special Districts Association.

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Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

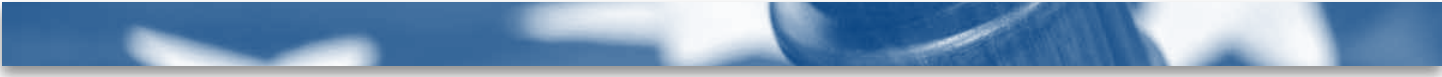


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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

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

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

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

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

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

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

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

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

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

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

The chair usually initiates the motion in one of three ways:

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

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

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

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

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

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

Multiple Motions Before the Body

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

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

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

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

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

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

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

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

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

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

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

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

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

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

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

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

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

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

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

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

Courtesy and Decorum

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

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

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

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

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

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

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

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

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

Special Notes About Public Input

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

Rule One: Tell the public what the body will be doing.

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

Rule Three: When the body has acted, tell the public what the body did.




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Lake Shastina Community Services District

Personnel Policy

Approved: 5/21/04

**Revised: 7/20/05, 1/17/07, 2/21/07, 9/19/07, 2/08/08, 9/17/08,
4/21/10, 5/16/10, 3/16/11, 7/20/11, 6/20/12, 5/15/13, 12/18/13,
8/20/14, 11/19/14, 10/21/15, 11/18/15, 2/17/16, 3/16/16, 7/18/18**

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POLICY TITLE: Executive Officer
POLICY NUMBER: 1000

1000.10 The General Manager shall be the Executive Officer of the Lake Shastina Community Services District and for the Board of Directors.

1000.20 The terms and conditions of the General Manager's employment shall be specified in the agreement of employment established between the General Manager and the Board of Directors. The agreement of employment shall be for the period of time as specified therein.

1000.30 Whenever the agreement of employment established between the General Manager and the Board of Directors is in conflict with any District policy, said agreement of employment shall prevail.

POLICY TITLE: Lake Shastina Professional Services
POLICY NUMBER: 1002

1002.10 The purpose of this policy is to define the professional services agencies used by the Lake Shastina Boards.

1002.20 Medical

2002.21 The LSCSD has entered into an agreement with a local physician to perform physical examinations as required for pre-employment and return to work purposes. He has been given a set of policies and job descriptions and can make decisions as to the fitness to perform duties relative to these requirements and policies. The primary contact is Drs. Phil and Jill Miller of Lake Shastina Health Care Services. Their address and phone number is:

16337 Everhart Drive
Weed, CA 96094
(530) 938-2297

1002.30 Legal

1002.31 The LSCSD uses Kirsher, Winston & Boston, a Law Corporation, for legal counsel. The primary contact is Bob Winston. They have two offices:

150 Alamo, Suite 103, P.O. Box 669
Weed, CA 96094 (530) 938 3438
Fax (530) 938 3247

205 N. Mt Shasta Blvd., Suite 400, P.O. Box 177
Mt. Shasta, CA 96067 (530) 926 3444
Fax (530) 926 3599

1002.32 The LSPOA uses Stein & Baydaline LLP, Attorneys at Law, for legal counsel. The primary contact is Deon Stein. Their address and phone number is:

895 University Avenue
Sacramento, CA 95825
Tel: (916) 669-3500
Fax: (916) 669-3501

1002.40 CPA

1002.41 The LSCSD uses Aiello, Goodrich & Teuscher, Certified Public Accountants, for audits, reviews and other financial reporting matters. Primary contact is Steve Drageset. Their address and phone number is:

205 N. Mt. Shasta Blvd #300
Mt. Shasta, CA 96067
Tel: 530-926-3881
Fax: 530-926-6296

1002.42 The LSPOA also uses Aiello, Goodrich, & Teuscher, Certified Public Accountants, for audits, reviews and other financial reporting matters. The primary contact is Lynn Teuscher. Their address and phone number is:

205 Mt. Shasta Blvd., Suite 300
Mt. Shasta, CA 96067
Tel: (530) 926 3881
Fax: (530) 926 6296

Lake Shastina Community Services District Personnel Policy

Approved: 05/21/04

Revised: 7/18/18

1002.50 Pension The LSCSD uses Associated Pension Consultants to administer the Money Purchase Pension Plan for the Police Department Officer eligible employees. The primary contact is Bob deMontigny. (Revised 3/16/11) Their address and phone number is:

P.O. Box 1282
Chico, CA 95927
Tel: 530-343-4233
Fax: 530-343-5078

1002.60 The LSCSD uses California Public Employee Retirement Systems to administer the Retirement Plan for other Administrative and Public Works eligible employees. The primary contact is Laurie Ball, Employer Representative. (Revised 3/16/11) Their address and phone number is:

Lincoln Plaza, 400 P Street
P.O. Box 942709
Sacramento, CA 942709
Tel: 916-658-1268
Fax: 916-326-3005

1002.70 401(k) Profit Sharing Retirement Plan The LSCSD uses Associated Pension Consultants to administer the 401(k) Plan. The LSCSD uses Edward Jones to direct investments for the 401(k) Plan. (Revised 3/16/11) Their address and phone number is:

206 S. Mt. Shasta Blvd. Suite A
Mt. Shasta, CA 96067
Tel: 530-926-0682
Fax: 888-799-2283

1002.80 457(b) Deferred Compensation Program The LSCSD uses CalPERS to administer the deferred compensation program for all regular CalPERS employees, except police. Revised 09/17/08. Their address and phone number is:

CalPERS 457 Program
Attn: Plan Administrator
P.O. Box 2647
Lewiston, ME 04241
Tel: 800-696-3907

POLICY TITLE: Employee Status
POLICY NUMBER: 1005 (Revised 8/20/14)

1005.10 A "Regular" employee is one who has been hired to fill a regular position in any job classification, has completed his/her probationary period and works on a regular full-time basis in excess of 30 hours per week. Regular employees are eligible for benefits. The currently approved regular full-time employee positions are as follows: (revised 8/20/14)

1005.11 Department of Public Safety (revised 5/15/13)
One (1) Chief of Public Safety, POST Certified (revised 5/15/13)
Two (2) full-time Police Officers, POST Certified

1005.12 Public Works Department (revised 6/16/10)
One (1) Public Works Supervisor
One (1) Wastewater Leadman
One (1) Water Leadman
Five (5) Maintenance Worker Personnel (revised 5/15/13)

1005.13 Administration / Accounting Department
One (1) Administrator / General Manager
One (1) Senior Accounting Clerk (revised 04/21/10)
One (1) Administrative Secretary
One (1) Accounts Receivable Clerk
One (1) Accounts Payable Clerk
One (1) CCR Compliance Officer – Position funded by LSPOA

1005.20 A "Probationary" employee is one who has been hired to fill a regular or part-time position in any job classification and has less than twelve (12) continuous months of service with the District. Upon completion of twelve (12) months of continuous service with the District in said classification, and upon the General Manager's decision to retain said employee, said employee shall be granted regular or part-time employee status. Probationary employees may be dismissed without cause and without appeal by the hiring authority.

1005.20.10 (added 9/19/07) Prior to the expiration of the original or extended term of probationary status of any employee, probationary employee status may be extended by the General Manager, in the General Manager's discretion, upon written notice to the employee.

1005.30 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 generally ranges from one (1) day to a maximum of one (1) year of continuous service. A period of more than one (1) year may be required in special circumstances with the approval of the General Manager. Temporary employees, working 30 hours per week or less, are not eligible for benefits or holiday pay. CalPERS benefits will commence and Social Security will cease upon 1000 hours of work for qualifying Miscellaneous employees. If a qualifying Miscellaneous employee is a previous CalPERS member, then CalPERS will commence upon hire. (revised 8/20/14)

1005.40 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 work load increases to a level that regular employees cannot accommodate it. He/she also works standby as discussed in Policy #1010, "Hours of Work and Overtime." Part-time employees are not eligible for fringe benefits or holiday pay. CalPERS benefits will commence and Social Security will cease upon hire if employee is hired to work a minimum of 20 hours per week. If employee is hired to work less than 20 hours per week, CalPERS benefits will commence and Social Security will cease upon 1000 hours of work. If a qualifying Miscellaneous employee is a previous CalPERS member, then CalPERS will commence upon hire. The currently approved regular part-time employee positions are as follows: (revised 8/20/14)

Lake Shastina Community Services District Personnel Policy

Approved: 05/21/04

Revised: 7/18/18

1005.41 Department of Public Safety

One (1) part-time Police Officer, POST Certified

One (1) part-time combination Community Services Officer (not POST Certified) / Clerk

One (1) part-time Administrative Fire Captain (not POST Certified)

Two (2) part-time Seasonal Fire Fighters (not POST Certified), annually if approved by the Board

1005.43 Administration / Accounting Department

One (1) Administrative Office Assistant (part-time)

1005.50 (Removed 5/15/13)

POLICY TITLE: Hours of Work and Overtime
POLICY NUMBER: 1010 (Revised 6/16/10)

1010.10 The work-week for all employees, except police, shall consist of seven (7) consecutive days from 12:01 o'clock A.M. Saturday, through midnight Friday. Police hours of work and overtime are delineated in paragraph 1010.50.

1010.20 The regular hours of work each day, except police, shall be from 8:00 AM to 4:30 PM Monday through Friday with one-half hour off for lunch for all public works employees. The office is open to the public from 8:00 AM to 4:30 PM. The administrative office staff shall work 8:00 AM to 4:30 PM with a half hour lunch. Lunch period coverage shall be determined by the General Manager. The General Manager shall have the discretion to alter these hours to accommodate extended hourly coverage or extended periods of hardship.

1010.30 Overtime shall only be used in situations determined by the General Manager or department heads to be of necessity. Every effort shall be made to give employees advanced notice of at least four (4) hours. Inability to provide four (4) hours notice shall be considered by department head to be of an emergency nature. Since the General Manager, Chief of Police and Fire Chief are "salaried" employees, whose employment is determined by contract, overtime is not generally available except in rare situations and only with prior approval of 3/5 of the board. Overtime is defined as:

1010.31 Except for Police, time worked in excess of forty (40) hours in a work-week; and in excess of eight (8) hours on a scheduled workday if a five (5) day, Eight (8) hour per day work-week (except police) is in effect; or

1010.32 Except for Police, time worked on a designated holiday; or

1010.33 Other than regular hours of work, any time worked by an employee (except police), in emergency repair or emergency maintenance of facilities of any agency shall be compensated at the overtime rate of pay.

1010.40 Overtime for non-police officers shall be compensated at the rate of one and one-half times the regular rate of pay or compensatory time for each 15 minute interval. Overtime shall also be paid for the first eight (8) hours worked on the seventh consecutive day in the work week. Double time shall be paid for all hours worked over twelve (12) hours in a day and after eight (8) hours worked on the seventh consecutive in a work week. Compensatory time is only earned at the rate of one and one half hours for every one overtime hour worked (cannot be earned at double time). Compensatory time may only be granted by the General Manager at the request of the employee. An employee may accrue and carry up to no more than sixteen (16) hours of compensatory time. More than sixteen (16) hours must be used as it is earned, within the pay period or the employee shall be compensated at an overtime rate. NOTE: The employer prefers to pay overtime and in no way forces an employee to take compensatory time unless specifically requested by the employee.

1010.50 Because of the nature of Police work, their hours shall be scheduled by the Chief of Police in accordance with law enforcement portion of the Fair Labor Standards Act (FLSA). Police officers shall be scheduled to work in eight (8) hour shifts of five (5) days worked and two (2) days off in each work-week in-so-far as practical. The Chief of Police shall make every effort to accommodate officers who are required to work outside their regularly scheduled shift (such as court) by adjusting the officer's regular duty shift, but only by mutual agreement. Overtime for police officers is paid in accordance with the FLSA. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid on a "work period" basis. The LSCSD "work period" is defined as 28 consecutive days in length. Law enforcement personnel must receive overtime after 171 hours worked during a 28 day period. Overtime for police officers shall be compensated at the rate of one and one-half times the regular rate of pay or compensatory time for each 15 minute interval. Compensatory time is earned at the rate of one and one half hours for every one overtime hour worked. Compensatory time may only be granted by the Chief of Police at the request of the employee. Overtime is calculated using Exhibit A.

- 1010.60** The fire department is volunteer. The Fire Chief is responsible for training and meeting schedules.
- 1010.70** An Employee On-Call Schedule for public works employees shall be maintained by the Lead Maintenance Worker. The Chief of Police shall maintain an on-call schedule for police officers. 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.
- 1010.71** When a public works 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 of time. Notification of an emergency repair/ maintenance work need may also be given verbally, in person or telephonically, by the General Manager or Police Officer on duty.
- 1010.72** When a public works employee is on-call, he/she shall be free to utilize his/her time as desired, but must remain within the general Lake Shastina Community Services District area, going no farther than 60 minutes travel time away from any District facility.
- 1010.73** Public works employees who are called back after they have completed their work shift, shall receive a minimum of two (2) hours of pay at the overtime rate. Hours worked in excess of the two (2) hours shall also be paid at the overtime rate. Overtime compensation shall commence at the time the employee reaches the place where he/she is directed to report.
- 1010.74** Police officers, who are "on-call", shall be compensated at the minimum rate established by the State of California, for every hour of "on-call" status, except for those hours when they are called back to work and remain working or are being paid the minimum two (2) hour call back. Public Works employees are not compensated for "on-call" time.
- 1010.75** Police officers shall be compensated at the overtime rate for time spent in court if such appearance is immediately following a regular work shift, or if such appearance is set within one (1) hour of the beginning of a regular work shift. A court appearance or court standby outside a regularly scheduled duty shift shall be considered a minimum of two (2) hours of overtime and compensated at the overtime rate.

Exhibit A
Lake Shastina Police Department
Calculation of Overtime

Employee's Name _____ Date _____

FOR OFFICE USE ONLY FOR 28 DAY PERIOD _____

1st Pay Period _____ Hours worked

2nd Pay Period _____ Hours worked (a)
(Recapped on last line)

Monthly Summary _____ Hours worked

Less FLSA -171 in 28 days, balance subject to Overtime

28 Day Closure _____ becomes (b) = _____ OT

FLSA Adjusted
2nd Pay Period _____ Regular (a-b) + _____ OT Total hours Worked in 2nd pay period
(Total hours must balance with second pay period)

Overtime Calculations

Total compensation (\$) _____ divided by _____ equals effective OT rate \$ _____ per hr.
Includes value of hours worked & o/c pay Total hours worked (no o/c hours)

Effective rate of pay _____ x 1.5 = OT rate of pay _____ (Federal Sec. 778...)

POLICY TITLE: Vacation
POLICY NUMBER: 1020 (Revised 6/16/10)

1020.10 This policy shall apply to regular and probationary employees in all classifications.

1020.20 Revised 3/16/11

1020.21 Regular employees with less than five years of continuous employment with the District and less than 160 hours of accrued vacation shall accrue vacation at the rate of .0385 hours for each hour of the first 80 hours of compensated time per pay period. Maximum accrual is 160 hours.

1020.22 Regular employees with more than five and less than ten years of continuous employment with the District and less than 240 hours of accrued vacation shall accrue vacation at the rate of .0577 hours for each hour of the first 80 hours of compensated time per pay period. Maximum accrual is 240 hours.

1020.23 Regular employees with more than ten years of continuous employment with the District and less than 320 hours of accrued vacation shall accrue vacation at the rate of .0769 hours for each hour of the first 80 hours of compensated time per pay period. Maximum accrual is 320 hours.

1020.30 Employees who have completed twelve (12) months in regular status may take their vacation time all at once, or gradually. No vacation may be taken until the employee has completed at least twelve (12) months in regular employee status unless approved by the General Manager.

1020.40 Vacation taken before it is credited may only be granted by the General Manager. If an approved District holiday falls during an employee's vacation, vacation shall not be counted.

1020.50 At termination of employment for any reason, the District shall compensate a regular employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination. NOTE: Though accruing at the above monthly rates, vacation time will be computed to the nearest tenth of an hour of the final day of work or fraction thereof.

1020.60 Vacation may be authorized on a request basis at any time. Previously prescheduled vacation shall take precedence. To pre-schedule vacation a request shall be submitted to the Chief of Police (Police Officers), General Manager (Public Works Employees) or the General Manager (Administration Office Employees) for approval. All department heads will submit their requests to the General Manager for approval. The General Manager will submit request to the board for approval. Vacations shall be assigned on a seniority basis when conflicts occur. Efforts shall be made to distribute requests for days surrounding holidays and other popular times regardless of seniority.

1020.70 The District will not require an employee to take vacation time in lieu of sick leave or leave of absence 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.

1020.80 Probationary employees shall not accrue vacation time during the probationary period. However, if a probationary employee becomes a regular employee of the District, after twelve (12) months of employment with the District, the period which the employee occupied probationary status shall be included in calculating his/ her entitlement to vacation with pay.

1020.90 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 is not allowed unless approved by the General Manager due to extenuating circumstances.

POLICY TITLE: Holiday Benefit
POLICY NUMBER: 1030

1030.10 This policy shall apply to all regular employees.

1030.20 The following days shall be recognized and observed as paid holidays:

- 1030.201** New Years Day;
- 1030.202** Martin Luther King, Jr. Birthday;
- 1030.203** President's Day;
- 1030.204** Memorial Day;
- 1030.205** Independence Day;
- 1030.206** Labor Day;
- 1030.207** Columbus Day;
- 1030.208** Veterans Day;
- 1030.209** Thanksgiving Day;
- 1030.210** Friday after Thanksgiving;
- 1030.211** ½ day - Christmas Eve Day;
- 1030.212** Christmas Day;
- 1030.213** Floating Holiday
- 1030.214** Employee's Birthday

1030.30 All regular work shall be suspended and employees shall receive one (1) day's pay for each of the holidays listed above. An employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on vacation, sick leave, compensatory time, or had notified the General Manager and received permission to be absent from work on that specific day or days. Employees in a non-pay status are not eligible for holiday pay.

1030.40 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

1030.50 Holidays occurring within the employee's normal work-week schedule are to be compensated for at straight time for the number of hours scheduled. (Revised 3/16/11)

1030.60 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

1030.70 If any employee, except police, works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1.5) times his/her regular rate of pay, or as otherwise specified under Policy #1010, "Hours of Work and Overtime." Police Officers will be paid for holidays worked at 1 time his/her regular rate of pay.

1030.80 The Floating Holiday is booked at the time of hire and rebooked Jan. 1 of each year. This holiday is required to be used within the calendar year or will be lost.

1030.90 The Birthday Holiday is booked at the time of hire and rebooked Jan. 1 of each year. This holiday is required to be used within the calendar year or will be lost. (Revised 3/16/11)

POLICY TITLE: Sick Leave Benefit
POLICY NUMBER: 1040

1040.10 This policy shall apply to regular employees in all classifications.

1040.20 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 the appropriate department head and approved by the General Manager. Leaves of more than three (3) days shall require the Lake Shastina Doctor's certificate or require a supervisors visit indicating the necessity for absence from work and authorization to return to work.

1040.30 Employees shall earn sick leave at the rate of one (1) working day per month cumulative to a maximum of one hundred and forty four (144) working days. Sick leave with pay is not available to probationary employees until after two (2) full months of employment. Sick leave for regular employees scheduled to work less than forty (40) hours per week shall be computed based on the average hours worked per week during each month said sick leave is accruing. The determination of total accumulated sick leave days shall be made on January 2 of each year.

1040.40 Sick leave is not a privilege, which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family.

1040.41 The definition of "immediate family" shall be the same as specified in Section 1050.30 of the Bereavement Leave Policy (#1050).

1040.50 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.

1040.60 Upon separation (resignation, lay-off or dismissal) of employee, unused sick leave time shall be compensated to employee by the District at a percentage basis specified as follows:

<u>HOURS</u>	<u>% PAID</u>
0 – 49	0%
50 - 99	5%
100-199	10%
200-299	15%
300-399	20%
400-499	25%
500-599	30%
600-699	35%
700-799	40%
800-899	45%
900-1152	50%

1040.70 Absence due to pregnancy will be deducted from accrued sick leave and vacation time. If there is insufficient sick leave and vacation time on the books, accrued vacation time already earned may also be used. If there is still insufficient time available further absence without pay may be authorized by department head and approved by General Manager subject to the provisions of the law addressing maternity leaves.

1040.80 Any approved LSCSD Holiday which falls during an employee's sick leave shall not be considered a day of sick leave.

1040.85 Employees who have been on sick leave due to injury or long illness (2 weeks or more) shall be required to see a LSCSD named doctor prior to returning to work at the District's expense. The LSCSD named doctor shall make the determination of whether or not the employee is sufficiently recovered to resume regular duties or will require "light duty" for a period of time, based upon the employee's job description.

1040.851 It is the responsibility of the Fire Chief to make sure that volunteers are in good health. If the Fire Chief has any doubts about a volunteer's health, he/she should have the volunteer see the Lake Shastina Doctor for clearance to return to "active" fire fighting status. Volunteers who have been injured as a result of fire fighting duty or training or who have filed Workers' Compensation claims shall provide a Lake Shastina Doctor's certificate prior to being reinstated to "active" fire fighting status to the General Manager and General Manager shall review with Fire Chief before reinstatement.

1040.90 When an employee is on sick leave due to an illness or injury for which he/she receives compensation from State Compensation Insurance Fund:

The pay received from the employer while on leave shall be at a rate, which compensates the employee for the difference between the workers compensation payment and the regular rate of pay. Sick leave or vacation time charged will be the difference between the amount of workers compensation insurance and the employee's regular rate of pay.

Whenever the employee receives a check from the State Compensation Insurance Fund, he/she shall report the amount of the workers compensation check and the period it covers to the General Manager. An additional check shall be drawn in favor of the employee for the difference between the compensation check and the employee's normal pay, provided there is sufficient accrued sick leave or vacation time to justify said pay.

1040.95 If an employee's injury results from the negligence of a third party, the employee is entitled to damages from that party. However, the employer has subrogation rights, which entitles them for first lien on all third party recovery for their expenditures of compensation and medical expense.

1040.96 For sickness in employee's family requiring absence of employee, effective January 1, 2000, there is a new sick leave law set forth in Labor Code 233 called the Family Medical Leave Act (FMLA). The statute requires an employer to permit an employee to use up to half of his or her annual sick leave accrual to attend to an ill child, parent or spouse (i.e. LSCSD provides 12 days per year of which six days may be used for family sick leave).

1040.97 When an employee needs to be absent to care for a seriously ill family member, effective January 1, 2004, Employees will contribute to this fund to cover the new California Paid Family Leave (PFL) program. Effective July 1, 2004, Employees may take up to six (6) weeks of paid family leave to care for a seriously ill family member.

POLICY TITLE: Fitness for Duty (Police Officers)

POLICY NUMBER: 1045

1045.10 Government Code §1031 requires that all Police Officers be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officer of the District remain fit for duty and able to perform their job functions.

1045.11 Employee Responsibilities:

- (a) It shall be the responsibility of each Police Officer of the District to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
- (b) Each Police Officer of the District shall perform their respective duties without physical, emotional, and/or mental constraints.
- (c) During work hours, all Police Officers are required to be alert, attentive and capable of performing their assigned responsibilities.
- (d) Any Police Officer of the District who feels unable to perform his/her duties shall promptly notify his/her supervisor. In the event that an employee believes that another employee is unable to perform their duties, such observations and/or belief shall be promptly reported to a supervisor.

1045.12 Supervisor Responsibilities:

- (a) A Supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform their duties shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, a Supervisor should attempt to ascertain the reason or source of the problem and, in all cases, a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform their duties.
- (c) In the event that the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable treatment, all reasonable efforts should be made to provide such care.
- (d) The Chief of Police shall make a determination whether or not the employee should be temporarily relieved from their duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1045.13 Non-Work Related Conditions: Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other “accrued time” such as vacation and/or holidays in order to obtain medical treatment or other reasonable rest period.

1045.14 Work Related Conditions: Any employee suffering from a work related condition, which warrants a temporary relief from duty, shall be required to comply with District Personnel Policies and Guidelines for processing such claims.

1045.15 Physical and Physiological Examination:

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with District Personnel to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) “The examining physician” or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee’s ability to perform job duties. (Civil Code §56.10(c)(8)(A)). (NOTE: If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding. (Civil Code §56.10(c)(B)). The Chief of Police shall make a determination whether or not the employee should be temporarily relieved from their duties.
- (c) In order to facilitate the examination of any employee, the department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

- (e) Any employee ordered to receive “fitness for duty” examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed “fit for duty” by the examining physician or therapist, the employee will be notified to resume their duties.

POLICY TITLE: Bereavement Leave Benefit
POLICY NUMBER: 1050

1050.10 This policy shall apply to regular employees in all classifications.

1050.20 In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three (3) days. This is in addition to regular sick leave and vacation time. Certification may be required by the General Manager.

1050.30 "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.

POLICY TITLE: Court and Governmental Service Benefit
POLICY NUMBER: 1060

1060.10 This policy shall apply to regular employees in all classifications.

1060.20 An employee shall be granted leave with pay for appearances legally required of them in court as a witness, as part of their job duties or for jury service. Military service as a member of the National Guard, reserve unit or other Governmental agency requiring their presence qualifies for leave with pay (not to exceed 3 weeks). Any employee so serving shall receive their regular pay, less any compensation paid by the agency, excluding mileage. Due to a limited number of employees available to conduct business of the agencies covered by this policy, employees absent from work for extended periods of time are encouraged to use vacation time on the books if said vacation hours on the books exceed 80 hours.

NOTE: Police Officers required to appear in court as part of their job duties are compensated as defined in Policy 1010 Hours of Work and Overtime.

1060.30 If a returning employee cannot be qualified for his/her previous position, or his/her inability to qualify is related to a service incurred or aggravated disability, he/she will be re-employed in any position for which he/she is qualified but with full seniority.

1060.40 If military service is as a member of the National Guard, reserve unit, or other governmental agency requiring their presence for leave with pay (not to exceed 3 weeks), he/she shall receive regular pay, less any compensation paid by the agency, excluding mileage. Due to the limited number of employees available to conduct the business of the District, employees absent from work for extended periods of time are encouraged to use vacation time on the books, if said vacation hours exceeds 80 hours.

POLICY TITLE: Continuity
POLICY NUMBER: 1070 (Revised 6/16/10)

1070.10 All 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.

1070.20 Continuous service with the District will start with the date of employment and will continue until one of the following occurs:

1070.21 An employee is discharged for cause,

1070.22 An employee voluntarily terminates his/her employment; or,

1070.23 An employee is laid off.

1070.30 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:

1070.31 Absence by reason of industrial disability;

1070.32 Authorized absence without pay for less than thirty (30) days in a calendar year; or,

1070.33 Absences governed by applicable state and/or federal laws such as military or National Guard service.

1070.40 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:

1070.41 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,

1070.42 He/she has seniority, as defined above.

1070.50 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 1070.40, above, shall be called. If an individual is called to work three (3) 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.

1070.60 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.

1070.70 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.

1070.80 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.

POLICY TITLE: Uniforms Protective Clothing and Dress Code
POLICY NUMBER: 1080 (Revised 3/16/11)

1080.10 This policy shall apply to all regular and probationary employees, all temporary and part-time employees, all fire fighting employees, volunteer or paid, and customers using the front window in the administration office.

1080.20 Regular Public Works employees are provided uniforms consisting of 5 pairs of jeans (employee to be responsible for laundering), one pair of work boots (up to \$150) per year, and short sleeve shirts with collars and CSD identification. Part-time and temporary Public Works employees are not provided uniforms, however, are expected to wear clothing appropriate with the work they are performing. Cleaning of personal clothing is not covered by the District.

1080.30 All Police employees are required to wear regulation uniforms. The District has the option of authorizing reimbursements to qualifying employees upon proof of purchase or, arranging with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements, and bill the District for the total cost of all products purchased. Police are responsible for the cleaning of their own uniforms.

1080.40 Volunteer as well as paid fire fighters shall be provided all uniforms and equipment necessary to perform their jobs. Cleaning of uniforms is reimbursed by the district.

1080.50 When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated for any reason prior to completing three (3) continuous months of service after said purchase, a portion of the cost of said items shall be retained from his/her final payment. That portion retained shall be a percentage of the total cost of said items equal to 100% less the ratio of the amount of time worked to three (3) continuous months of regular work.

1080.60 (Removed 3/16/11)

1080.70 Employees and volunteers working in the administration building are expected to come to work looking neat and clean and dressed in good taste. Administrative employees are also required to be neat and clean and to dress appropriately. Management requests the following dress to be excluded from the work place:

- Blue jeans (colored jeans are okay as long as they are not faded and in good condition)
- Shorts
- Short dresses (more than 2 inches above the knee)
- Plain t-shirts (such as men style t-shirts)
- Midriffs and/or halter tops (tank tops are acceptable if in good taste)
- Sweat shirts and/or sweat pants

1080.80 (Removed 3/16/11)

POLICY TITLE: Out-of-Pocket Expense Reimbursement
POLICY NUMBER: 1100

1100.10 When an employee, Board Member, or Agent (volunteer) is authorized to use his/her personal vehicle in the performance of District work, or attend training, or meetings associated with the business of the District, he/she shall be reimbursed for the cost of out-of-pocket expenses.

1100.20 Use of Personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational. When necessary, Community Services District employees, board members or agents shall be reimbursed for use of personal automobile for business purposes when prior authorization has been obtained from management. Said reimbursement shall be at the standard rate set by IRS at the time for per-mile deductions, provided a claim is submitted showing the date, miles traveled and business purpose of each trip

1100.30 Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work.

1100.40 Proof of adequate insurance covering 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. A Proof of Insurance Form must be filled out prior to driving vehicle for District business. Refer to Exhibit A.

1100.50 Community Services District employees, board members or agents shall be reimbursed for per diem expenses including meals, lodging, parking, tolls, and other documented expenses when prior approval has been obtained from the General Manager or the Board of Directors for the business trip and not to exceed the yearly P.O.S.T. Rate for meals and lodging and the yearly update IRS allowance for personal vehicle mileage.

- A. Meals:

Breakfast	Must leave before 6:00 AM
Lunch	Must leave before 11:00 AM
Dinner	Must arrive (home) after 7:00 PM

B. Lodging: Actual cost for authorized lodging when prior approval has been obtained and reservations are made in the name of the Community Services District for the attendee. Whenever possible, it is desired that the attendee lodge at the conference’s recommended location at the “conference rate” that is offered by the host, in order to better network with other attendees and fellow constituents. (Revised 3/16/11)

C. In ALL cases, receipts shall be obtained and submitted for all expenses with a signed Request for Reimbursement available from the Accounts Payable Department within 30 days of expense. Receipts shall be submitted to General Manager for approval prior to payment. Reimbursement requests from the General Manager shall be reviewed and approved by two members of the Board of Directors prior to payment.

Exhibit A

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

EMPLOYEE PERSONAL VEHICLE

PROOF OF VEHICLE INSURANCE

****DISCLOSURE FORM****

My vehicle insurance coverage expires on: _____ (minimal limits of \$15,000.00). Upon this renewal date, a new insurance card will be provided to the Department Head to be kept on file at the administration office.

I have read and understand the terms of this memo and have attached a copy of my vehicle insurance card.

Employee

Date

Department Head

Date

General Manager

Date

Exhibit B

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

Out-of-Pocket Reimbursement Schedule

(Revised 6/16/10)

- 1) Mileage when using private vehicle shall be reimbursed at the approved IRS rate for that time period. IRS mileage rates are available online at www.irs.gov by searching “key word” mileage rates.

Use IRS mileage rate for current year

- 2) Parking fees shall be at reimbursed at the actual rate and requires proper receipt
- 3) Lodging shall be obtained at the conference facility at the “conference rate” whenever possible. If lodging is not available at the conference facility, lodging will be reimbursed for actual expense with prior authorization. (Revised 3/16/11)
- 4) Reimbursement for meals and incidentals will follow the current State recommended P.O.S.T. rate guidelines, which are derived from the State of California DPA (www.dpa.ca.gov/jobinfo/statetravel) website and shall be for the actual expense up to the total allowed per day as follows:

Breakfast	6.00
Lunch	10.00
Dinner	18.00
Incidentals	<u>6.00</u>
Total daily expense allowable	\$40.00

Note: Proper receipts and a formal “Request for Reimbursement” form are required for recovery of any Out-of-Pocket expense by employees, Board members or Agents.

POLICY TITLE: Personal Use of Office Equipment
POLICY NUMBER: 1105 (Revised 6/16/10)

1105.10 This policy applies to all regular and probationary employees.

1105.20 Personal telephone calls:

1105.21 Employees are requested to keep incoming telephone calls to a minimum during working hours. It is recognized that confirmations of doctor's and dentist appointments and other such calls may come during working hours, however, all other calls should be handled during lunch hour or required break times. Employees are requested to inform friends and family members of this procedure.

1105.22 Employees may use the telephone system for necessary personal outgoing telephone calls on their required breaks. Long distance personal calls shall be reimbursed to the District.

1105.30 Copy Machines, Fax Machines, and Printers:

1105.31 Employees may use these machines for personal use on a reasonable basis during lunch or off hours.

1105.40 Computer Usage:

1105.41 District computers and e-mail systems are the property of the District and should be used solely for District purposes. The District provides access to the internet for District business. Accessing the internet for personal use is prohibited. The District reserves the right to access each computer and check e-mail and other internet accessed information from time to time without notice. Employees acknowledge that their computer system is not considered to be private and that by using the system, employees consent to the District's access to it.

1105.42 No software, screen-savers, etc. may be installed or downloaded from the internet in District computers unless it is under the direction of the General Manager. When new software is installed in the computers it should be recorded in the configuration document.

1105.43 All computer files shall be closed when leaving the office upon conclusion of the work day, so that they will be included in the nightly system backup. All monitors must be turned off daily.

1105.50 Postage Meter:

1105.51 Use of the postage meter for personal use is discouraged. Any personal use shall be promptly reimbursed to the District. Future use shall be denied if privilege is abused. Employees are encouraged to purchase postage needs at the Post Office.

1105.50 Vehicles:

1105.61 Employees shall not use District vehicles for personal business or errands.

1105.62 Employees shall not allow persons who are not District employees, officers, or agents to be passengers in District vehicles. An exception is allowed for passengers while they are engaging in activities for the benefit of the District.

1105.63 No smoking is permitted within any District vehicle.

POLICY TITLE: Health and Welfare Benefits
POLICY NUMBER: 1110 (Revised 3/16/11)

1110.10 Medical Insurance. Medical, dental and vision insurance to cover regular employees in all job classifications, and their dependents, shall be provided by the District. Life Insurance is not available for employees through the employer, unless included in the basic medical policy provided. Insurance coverage will continue for a non-working, disabled employee until pay status terminates, but not less than three months. Insurance coverage shall continue while employee is on paid sick leave. Employee will be given notice 30 days prior to the termination of employer paid benefits so the employee can elect to continue to make payments through COBRA coverage if he or she so desires.

1110.11 The premiums may be shared. The scope of coverage, worker eligibility, insurance provider, and the payment of premiums is subject to periodic review and revision by the Board of Directors.

1110.12 Coverage to be provided for regular full time employees and may be extended to employee's spouse and their dependents.

1110.13 Medical Insurance coverage shall commence for "new hire" eligible employees on the first day of the month following the month of their employment. For eligible employees already employed but not covered, they may opt to join coverage at the open enrollment period prior to January 1.

1110.14 An employee eligible to receive medical benefits may elect to receive a cash payment "*in-lieu*" of medical insurance with evidence of other coverage when hired or may elect to change to this option on January 1st of every year. The district shall pay the employee 1/3 of the District's cost of the monthly medical premium based on the Employee + 1 coverage then currently provided. Pursuant to insurance provider's requirements, if the number of employees which may exercise this option is limited, this option may be provided on a seniority basis. However, in the event an employee with less seniority is receiving this cash payment option, they may not be superseded by one who is more senior and decides they want to participate and there are no openings available. (For example, if 75% of eligible employees must be covered under our plan, only 25% of eligible employees could opt for the cash in lieu of program.)

1110.20 Workers' Compensation Insurance. All District employees, volunteers while working for the District or on District premises, and Board members for the LSCSD, LSPOA, and the ECC committee of the LSPOA will be insured against injuries received while on the job as required by State law.

1110.30 Retirement Plans. Upon achieving full-time status, all police officers, shall be enrolled in the District's Money Purchase Pension Plan. All regular employees may elect to participate in the District's 401(K) Profit Sharing Retirement Plan. All regular employees, except Police Officers, will be included in CalPERS Retirement Plan and may elect to participate in CalPERS 457(b) Deferred Compensation Program.

1110.31 Money Purchase Pension Plan. Police Officers who are at least 21 years of age are eligible to participate in the Money Purchase Pension Plan. Employees are eligible to receive the funds in the Money Purchase Pension Plan upon retirement; normally the first of month coincident with or following attainment of age 60, and completion of 5 years of participation. The District will contribute an amount equal to 6% of the employee's current rate of straight time compensation. The employee is 100% vested in year 5 and 0% vested until year 5. Vesting is determined on a fiscal year basis starting each July 1. An employee is considered to have worked in a year and can count that year for vesting purposes if he/she has worked for at least 1000 hours. Upon termination for any reason, a fully vested employee will be paid a lump sum the next fiscal year ending June 30th following termination.

1110.32 401(K) Profit Sharing Retirement Plan – (Elective). All Regular employees may elect to participate in a cash or deferred profit sharing plan as authorized under IRS Code sections 401(a), 401(k), 402(g) and other code sections of their own choosing. Each new employee is responsible for setting up a plan with the Investment company defined in policy #1002.70, and providing the necessary paper work for payroll deductions to the Payroll Clerk. The plan year shall be for a 12-month period beginning July 1st and ending on June 30th of each year. Upon termination for any reason, payment will be made to the employee no later than 90 days after receiving written request from the employee. An employee may elect to withdraw funds at any time with approval from the investment company. Such withdrawals may include tax penalties.

1110.33 CalPERS Retirement Plan . All Regular employees, except police, will be included in the CalPERS Retirement Plan by contributing 7%. Employer will contribute the percentage required by CalPERS for the 2% @ 55 program. This program is in place of Social Security program through the IRS. CalPERS will commence and Social Security will cease upon hire for all Regular employees and part-time employees that work in excess of 20 hours per week. CalPERS will commence and Social Security will cease upon 1000 hours worked for all temporary employees and part-time employees that work less than 20 hours per week.

1110.34 CalPERS 457(b) Deferred Compensation Program – (Elective). All CalPERS employees may elect to participate in a deferred compensation plan as authorized under IRS Code sections 457(b). Each new employee is responsible for managing their investments with CalPERS defined in policy #1002.80, and providing the completed paper work for payroll deductions to the Payroll Clerk. Upon termination for any reason, payment will be made by CalPERS to the employee no later than 90 days after receiving written request from the employee.

POLICY TITLE: Educational Assistance
POLICY NUMBER: 1120 (Revised 6/16/10)

1120.10 Employees of the District are encouraged to pursue educational opportunities, which are related to their present work, which will prepare them for foreseeable future opportunities within the District, or which will prepare them for future career advancement.

1120.20 The District will reimburse regular employees for approved courses of study on the following criteria:

1120.21 A refund of the entire cost of tuition and required class materials will be made if the employee received a passing grade.

1120.22 The entire cost of travel and living for seminar type classes will be refunded upon proof of attendance.

1120.23 Refunds of the entire cost of tuition and required class materials will be made if the district required the employee to take the class.

1120.30 To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the General Manager. Requests for reimbursement should be submitted in writing. The employee will be notified of final approval, or the reasons for disapproval. Those requests for reimbursement which are received after the class begins will be eligible for only one-half (1/2) of the usual reimbursement.

1120.40 Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the General Manager.

1120.50 Two types of classes are generally eligible for reimbursement per this policy:

1120.51 Classes which are related to the employee's present work assignment or which may prepare him or her for future foreseeable opportunities within the District. Such classes may be taken individually and need not be directed toward a degree or certificate. These classes may be taken at an accredited school or by correspondence.

1120.52 Classes which are taken as part of the requirement for a degree or certificate. In this case the employee must first have completed the equivalent of two (2) full years of college level study and have reached the equivalent of the "junior" year of a four-year degree program.

1120.60 Only residence courses are approved for reimbursement. Correspondence courses are not reimbursable under this policy.

1120.70 Time off for classes or travel to classes during working hours will not be compensated except with the approval of the General Manager. Time may be made up at regular pay at off-hours with the approval of the General Manager.

POLICY TITLE: Pay Periods
POLICY NUMBER: 1130

1130.10 The salaries and wages of all District employees shall be paid bi-weekly on alternate Thursdays. All timecards must be turned into the payroll clerk no later than 9:00 a.m. the Monday before payday.

1130.20 In the event a payday falls on one of the holidays listed in Policy #1030, "Holidays", the immediate previous working day shall become the pay day.

POLICY TITLE: Advancement of Wages
POLICY NUMBER: 1140

1140.10 This policy shall apply to all District employees.

1140.20 Employees requesting payment of wages in advance of regular pay days as defined in Policy No.1150, "Compensation," shall submit said request to the General Manager.

1140.30 The General Manager 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.

1140.40 Advancement of wages prior to a regular payday is not a privilege, which an employee may use at his/her discretion, but may be authorized by the General Manager at his/her discretion in case of employee necessity and/or personal financial emergency.

1140.50 Requests for advancement of wages may be submitted only once in any pay period, and frequent requests shall be grounds for denial of authorization.

POLICY TITLE: Compensation
POLICY NUMBER: 1150

1150.10 This policy shall apply to all District employees.

1150.20 Compensation at Hiring.

1150.21 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. Salary ranges are available at the administration office.

1150.22 Advanced Step Hiring. If the General Manager finds that qualified applicants cannot be successfully recruited at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range. Whenever advanced step hiring is approved an employee being paid at a lower salary step in the same range may be advanced to the step at which the new employee is appointed.

1150.23 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.

1150.30 Merit Advancement Within Range.

1150.31 Performance Evaluation Required. The General Manager may authorize 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. See policy 1170, "Performance Evaluation".

1150.32 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:

1150.321 New Employees. A person hired as a new employee may have a merit advancement date, which is six (6) months following the appointment date.

1150.322 Promotion or Demotion. An employee who is promoted or demoted may have a new merit advancement date, which shall be one (1) year from the date of promotion or demotion.

1150.323 Voluntary Demotion. An employee who voluntarily demotes to a position at a lower salary range shall have no change in merit advancement date.

1150.324 Change in Range Allocation. If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

1150.325 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 may have a new merit advancement date which is one (1) year following the effective date of the position reclassification.

1150.326 Non-Merit Step Adjustments. An employee whose salary step is adjusted to a higher step for reasons other than regular merit advancement may have a new merit advancement date effective one (1) year from the date of said adjustment.

1150.33 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 may delay authorizing the merit advancement up to ninety (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 authorization. If authorization for a merit advancement is delayed beyond ninety (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.

1150.40 (Removed 3/16/11)

1150.50 Cost of Living Adjustments. Cost of living adjustments shall be made to each regular employee's current level of compensation, as well as the salary ranges for each job classification and only if monies are available in the budget. The cost of living adjustments are made on the first Saturday of July of the year that the trigger has been met on January 1st. The trigger is a four (4) % increase since the last cost of living adjustment. The adjustment is ninety (90%) after calculation of the percentage of the CPI increase. (CPI to be used is the Bureau of Labor Statistics, U.S. Government Consumers Price Index "All U.S. Cities" Dec. value.) Use the following calculation:

Take the current Dec. value of the CPI Index .

Subtract the Dec. value of the CPI index the last time the trigger was met.

Divide the result by the CPI index the last time the trigger was met.

Multiply the result by .9 and convert to %.

If the value is greater than 4, then apply the total % value from the step above to all current regular employees salaries and all salary ranges on the first Saturday of July.

1150.51 Salary Surveys. It is the goal of the district to stay competitive within the county. Therefore, every five years (years ending with a 0 or 5), a salary survey may be made in January using salaries for comparable job descriptions from comparable agencies within Siskiyou County. If the salaries in effect by the district do not fall within the upper 50% range of comparable salaries, additional adjustments to bring them into the upper 50% range shall be made on the first Saturday of July. (Note: Only applies if monies are available in the budget).

1150.60 Pay Periods. The salaries and wages of all District employees shall be paid bi-weekly on alternate Thursdays. In the event a payday falls on one of the holidays listed in Policy 1030, "Holidays", the immediately previous working day shall become the payday.

1150.70 Check Availability. Checks may only be distributed to employees, unless an alternate designee has been authorized by the employee in writing. Automatic deposit is available and may be started by completing an automatic deposit form.

1150.80 Salary Range Scale. The salary range scale for all regular employee positions is kept on file at the accounting office. This scale may change every five years depending on salary and wages survey updates upon board approval.

POLICY TITLE: Family and Medical Leave
POLICY NUMBER: 1160

1160.10 The purpose of this policy is to clarify how the Lake Shastina Community Services District will implement the Family and Medical Leave Act of 1993 (FMLA) and the Paid Family Leave of January 1, 2004 per Employment Development Department.

1160.20 Eligibility To be eligible for leave under the FMLA, an employee must have: (1) been employed by the Lake Shastina Community Services District for at least 12 months, which need not be consecutive; and (2) worked for at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

1160.30 Leave Benefit Under FMLA (Family Medical Leave Act)

1160.31 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.

1160.32 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 the Lake Shastina Community Services 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.

1160.33 Employees on leave who were previously covered by Lake Shastina Community Services 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.

1160.34 At the end of the leave the employee will be reinstated to their 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. The Lake Shastina Community Services District may also require the employee to obtain medical certification from a LSCSD named doctor at the District's expense, that they are able to resume work. The employee shall be entitled to any cost of living adjustments made to his/her salary range, which took place during his/her leave.

1160.40 Paid Family Leave – Employment Development Department

1160.41 When an employee needs to be absent to care for a seriously ill family member, effective January 1, 2004, employees will contribute to this fund under SDI rate to cover the new California Paid Family Leave (PFL) program. Effective, July 1, 2004, Employees may take up to six (6) weeks of paid family leave to care for a seriously ill family member.

1160.42 As with FMLA leave of absence, to be eligible for FTDI benefits, employers may require employees to provide medical certification showing that the leave is necessary. Additionally, an employee must verify that he or she is the only person who will be caring for a family member or domestic partner.

1160.50 Employee Obligations

1160.51 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/her supervisor with at least 30 days' 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 his/her supervisor with as much notice as practicable. If the employee

requests leave because of a serious health condition, the employee must provide his/her supervisor with 30 days' notice or with as much notice as practicable.

1160.52 Employees seeking leave on account of a serious health condition must provide his/her supervisor with medical certification, at the District's expense from a LSCSD named doctor regarding their condition. The employee may obtain, at his/her own expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed upon health care provider.

1160.53 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.

POLICY TITLE: Unauthorized Voluntary Absence
POLICY NUMBER: 1165

1165.10 Voluntary absence from work without permission for five (5) consecutive working days shall be considered an automatic resignation.

1165.11 After three (3) 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 a neutral fact finder.

1165.12 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 an informal hearing before a neutral fact finder.

1165.13 The informal fact finding hearing shall be held within ten (10) days after the end of the five consecutive days of unauthorized voluntary absence.

1165.14 The neutral fact finder shall be an impartial and disinterested decision-maker.

1165.20 The General Manager may, prior to the informal fact finding hearing, reinstate the employee who has been voluntarily absent without leave for five (5) 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.

1165.30 If the neutral fact finder determines, as a result of the evidence presented at the informal 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.

POLICY TITLE: Performance Evaluation
POLICY NUMBER: 1170 (Revised 3/16/11)

- 1170.10** All District employees may be given a performance evaluation annually. Every employee may be reviewed at least once a year and the review is to be retained in the departmental personnel file after all required signatures have been obtained. Performance evaluations will be used to determine merit increases. See policy 1150, "Compensation".
- 1170.20** The Boards of Directors of the Lake Shastina CSD and POA shall each appoint a member to conduct the performance evaluation of the General Manager. The CSD board shall appoint an evaluation committee to serve as the supervisor of the General Manager to review and sign performance evaluations of personnel reviewed by the General Manager. The General Manager, or designee, shall conduct performance evaluations of the Administration Staff, Public Works Supervisor, Lead Maintenance Worker(s), the Chief of Police, and the Fire Chief. Each department head shall conduct performance evaluations for their respective employees. The General Manager shall review and sign each performance evaluation performed by department heads. These evaluations shall be scheduled for each employee prior to the merit advancement date. The General Manager and department heads shall contact directors from other boards for input prior to the evaluation, when evaluations are to be performed for employees contracted to work for those boards.
- 1170.30** Performance evaluations shall be in writing for all employees. These evaluations shall provide recognition for effective performance and also identify areas, which need improvement.
- 1170.40** Each performance evaluation shall be signed by the evaluator and the evaluators' supervisor (if applicable) and shall be discussed with and signed by the employee.
- 1170.50** Unscheduled performance evaluations may be made at the discretion of the General Manager or his/her designated representative.

POLICY TITLE: Grievance Procedure
POLICY NUMBER: 1180

1180.10 This policy shall apply to all employees in all classifications.

1180.20 The purpose of this policy is to provide a procedure by which employees may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation or instruction.

1180.30 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; District Board of Directors resolutions, ordinances or minute orders, including decisions regarding wages, hours and terms and conditions of employment.

1180.40 Grievance Procedure Steps.

1180.41 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 (5) 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 (3) 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.

1180.42 Level II, General Manager. If the grievance has not been resolved at the Level I, the grievant must present his/her grievance in writing on a form provided by the District (attached hereto as Exhibit A to the General Manager within ten (10) working days after the occurrence of the act or omission giving rise to the grievance.

1180.421 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; and
- d. The specific remedy sought.

1180.422 The General Manager shall communicate his/her decision within five (5) 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 General 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 written decision by the General Manager. Within the above time limits either party may request a personal conference with the other.

1180.43 Level III, Board of Directors. 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's Board of Directors within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

1180.431 The Board of Directors, as soon as possible at a regular monthly meeting of the Board, shall schedule a hearing to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Board of Directors shall thereafter issue a written decision.

1180.50 Basic Rules.

1180.51 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.

1180.52 By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

1180.53 The General 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.

1180.54 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

POLICY TITLE: Drug and Alcohol Abuse
POLICY NUMBER: 1190

1190.10 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 and volunteers, 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.

1190.20 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.

1190.21 Employees are also prohibited from being under the influence of drugs, alcohol and/or other controlled substances during hours of work or hours of paid on call, where such substances could impair the fitness of an employee to perform his/her work.

1190.22 Commission of any of the actions described above will subject the employee to disciplinary action up to and including termination

1190.23 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.

1190.30 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 pending said employee's attempt at rehabilitation. The General Manager 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.

1190.31 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:

1190.311 Successfully complete an approved rehabilitation program;

1190.312 Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,

1190.313 Be subject to periodic testing without further reasonable cause.

1190.32 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.

1190.33 Discipline or termination should not be taken until a thorough investigation has been completed.

1190.40 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 LSCSD named doctor at District expense. If the LSCSD named doctor determines that a drug/alcohol test is warranted, said employee shall be subject to testing for the presence of alcohol or drugs in their bodies.

1190.41 Presence of such substances will result in disciplinary action up to and including termination, as described above.

- 1190.42** 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.
- 1190.50** If the LSCSD named doctor, as a part of the examination specified in Section 1002.20, 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.
- 1190.60** 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 Exhibit A.
- 1190.70** District employees are required to notify the General Manager in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
- 1190.80** STATEMENT ON THE DRUG-FREE WORKPLACE – Exhibit B.

Exhibit A
CONSENT AND RELEASE FORM
DRUG/ALCOHOL TESTING

I hereby authorize the Lake Shastina Community Services District, and any laboratories or medical facilities designated by Lake Shastina Community Services District, to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to the Lake Shastina Community Services District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with the Lake Shastina Community Services District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only drugs, medicine or mind-altering substances, including drugs prescribed by a physician and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol, Robitussin-DM, Allerest, Mediprin, etc.), that I have used in the last forty-five (45) days are as follows:

<u>DRUG/MEDICINE</u>	<u>WHEN USED</u>	<u>ISSUED BY: (IF PRESCRIPTION)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME OF EMPLOYEE: _____

FACILITY PERFORMING TEST: _____

DATE OF TEST: _____

SIGNATURE OF APPLICANT/EMPLOYEE

(Signature)

(Date)

SUPERVISOR REQUESTING TEST:

(Signature)

(Date)

Exhibit B

STATEMENT ON THE DRUG-FREE WORKPLACE

To comply with the enactment of Senate Bill 1120, (chapter 1170, Statutes of 1990), which established the Drug-Free Workplace Act of 1990, the Lake Shastina Community Services District accordingly provides this statement of compliance.

In order to maintain fund eligibility, state agencies, along with those in receipt of grant and contractual awards, must certify that they provide drug-free workplaces and have issued drug-free workplace statements to their employees (Section 8355(1) of the Government Code). Consequently, in accordance with this directive, this statement is issued to meet this requirement.

The Lake Shastina Community Services District, an agency within the State of California, has adopted this statement in compliance with legislation which addresses issues to avoid the dangers arising from drug and alcohol abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting from accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use illegal or unauthorized substances (Section 8355(b)(1)).

California law prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California state employees (Section 8355(a)).

Employees convicted of a violation of criminal drug statute, when the violation occurred at an employee's worksite, shall report the conviction to the granting and monitoring State agency upon conviction (Section 8356(a)(1)(2)).

In the event of the unlawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a State Worksite, the State may take disciplinary action pursuant to the law and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program (Section 8355(b)(4)).

The Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all agency employees. Procedures exist to ensure the confidentiality of EAP records. Contact your personnel office for further information.

It is the intent of the Lake Shastina Community Services District to ensure by execution of this statement of compliance that each employee shall abide by the terms of this drug-free workplace statement (Section 8355(c)).

POLICY TITLE: Use of Tobacco Products within District
POLICY NUMBER: 1195

1195.10 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. Places for employees to use tobacco products shall be provided by the District in areas outside buildings or confined areas.

1195.11 The successful implementation of this policy depends upon the thought-fullness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility of adhering to this policy.

1195.20 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.

1195.21 Members of the public who refuse to comply with this policy may be directed to leave District property.

1195.30 District employees who violate this policy will be subject to disciplinary action in accordance with Policy Section 1260.

POLICY TITLE: Harassment
POLICY NUMBER: 1215

1215.10 The Lake Shastina Community Services District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment and harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District - supervisors and co-workers. (Revised 3/16/11)

1215.20 Harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including but not limited to, the following behavior:

1215.21 Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments,

1215.22 Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures,

1215.23 Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis; and,

1215.24 Retaliation for having reported or threatened to report harassment.

1215.30 If any employee of the District believes that they have been harassed, they should provide a written complaint to their supervisor, or the General Manager as soon as possible after the incident. Their complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness(es). Staff receiving harassment complaints will refer them immediately to the General Manager or the President of the Board of Directors (in the event the complaint involves the General Manager) who will undertake an immediate, thorough and objective investigation of the harassment allegation(s).

1215.40 If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to and including termination.

1215.41 Whatever action is taken against the harasser will be made known to the employee lodging the complaint, and appropriate action will be taken to remedy any loss to the employee resulting from the harassment. Retaliation by management or co-workers against anyone filing a complaint will not be permitted or tolerated.

1215.50 Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

POLICY TITLE: Affirmative Action

POLICY NUMBER: 1220

1220.10 It is the policy of the Lake Shastina Community Services District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

1220.20 This policy contains two major commitments:

1220.21 To recognize both a moral and legal obligation to work toward a work force composition reflecting the mix of ethnic minorities and women in the labor markets from which the District draws its staff.

1220.22 To make a demonstrable and deliberate effort in hiring to solicit applications from minority and women candidates in all cases where their representation is below the labor force standard.

1220.30 Allegations of wrongdoing, such as arbitrary and discriminatory action, should be made through the "Grievance Procedure," as described in Section 1180 or complaints to regulatory agencies.

POLICY TITLE: Nepotism
POLICY NUMBER: 1230

1230.10 It is the policy of the Lake Shastina Community Services District to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of close relatives in any staff category in the same or different departments so long as the following standard is met:

2231.11 No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

2231.111 For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, and brother.

1230.20 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.

Lake Shastina Community Services District Personnel Policy

Approved: 05/21/04
Revised: 7/18/18

POLICY TITLE: Confidentiality
POLICY NUMBER: 1235

1235.10 An agreement to be signed by employees (voluntary) upon hire regarding confidentiality of personnel information, legal matters, lawsuits, address, telephone numbers and other business issues. This agreement is to notify employees that information as described in **Exhibit A**, should not be provided to persons outside of this office.

Exhibit A

CONFIDENTIALITY AGREEMENT

(Revised 3/16/11)

AGREEMENT and acknowledgement between Lake Shastina Community Services District and _____ (Undersigned).

(PLEASE PRINT NAME)

Whereas, the Lake Shastina Community Services District agrees to furnish the Undersigned access to certain confidential information relating to the affairs of the District solely for purposes of: Personnel and Personnel Matters, Payroll, Legal Matters regarding lawsuits or potential lawsuits, Addresses, Telephone Numbers and other business issues.

Whereas, the Undersigned agrees to review, examine, inspect or obtain such information only for the purposes described above, and to otherwise hold such information confidential and secret pursuant to the terms of this agreement.

BE IT KNOWN, that the District has or shall furnish to the Undersigned certain confidential information and may further allow suppliers, customers, employees, or representatives of the District, to disclose information to the Undersigned, all on the following conditions:

1. The Undersigned agrees to hold all confidential or proprietary information or trade secrets (“information”) in trust and confidence and agrees that it shall be used only for the contemplated purpose, and shall not be used for any other purpose or disclosed to any third party under any circumstances whatsoever.
2. No copies may be made or retained of any written information supplied.
3. At the conclusion of our discussions, or upon demand by the District, all information, including written notes, photographs, or memoranda shall be promptly returned to the District. The Undersigned shall retain no copies or written documentation relating thereto.
4. This information shall not be disclosed to any employee, consultant or third party unless said party agrees to execute and be bound by the terms of this agreement, and disclosure by the District is first approved.
5. It is understood that the Undersigned shall have no obligation with respect to any information known by the Undersigned or as may be generally known within the industry prior to the date of this agreement, or that shall become common knowledge within the industry thereafter.
6. The Undersigned acknowledges the information disclosed herein is proprietary or trade secrets and in the event of any breach, the District shall be entitled to injunctive relief as a cumulative and not necessarily successive or exclusive remedy to a claim for monetary damages.
7. This agreement shall be binding upon and inure to the benefit of the parties, their successors and assigns.
8. This constitutes the entire agreement.

General Manager

Date

Undersigned

POLICY TITLE: Outside Employment

POLICY NUMBER: 1240

1240.10 District employees are not permitted to accept employment in addition to or outside of District service if:

1240.11 The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,

1240.12 The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,

1240.13 The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

1240.20 Any 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.

POLICY TITLE: Separation from District Employment

POLICY NUMBER: 1250

1250.10 Resignation. To leave District service in good standing, an employee must file a written notice of resignation with the General Manager at least two (2) 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.

1250.20 Layoffs. Whenever, in the judgment of the District Board, 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 demoted.

1250.21 Regular Employees to be laid off shall be given at least fourteen (14) calendar days prior notice. Seasonal/Temporary employees shall be given 48 hours notice.

1250.22 Except as otherwise provided, whenever there is a reduction in the work force, the General Manager shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off (in accordance with section 1250.20 of this policy) is qualified.

1250.23 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.

1250.24 In order to retreat to a former or lower position, an employee must request displacement action in writing to the General Manager within five (5) working days of receipt of the layoff notice.

1250.241 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.

1250.25 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 tenured. 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 tenured 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:

1250.251 First, all employees having ratings of; 1 " Problem;"

1250.252 Second, all employees having ratings of; 2 "Acceptable;"

1250.253 Third, all employees having ratings of; 3 "Above standards;"

1250.254 Employees within each of the rating categories shall be laid off in order of least seniority first.

1250.26 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.

1250.27 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.

1250.30 Dismissal of Tenured Employees. A tenured employee may be dismissed at any time by the General Manager for cause, and after consulting with District Counsel.

1250.31 The following shall constitute sufficient cause for dismissal:

1250.311 Conviction of a felony;

1250.312 Fraud in securing employment;

1250.313 Misappropriation of District funds or property;

1250.314 Intentional or gross misconduct; and,

1250.315 Failure to respond or improve regarding an item specified in section 1260.20, "Grounds for Discipline," of section 1260, "Disciplinary Action," after an evaluation or corrective action plan has failed to produce an improvement to performance.

1250.316 Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties.

1250.317 Severe physical or mental disability.

1250.32 A probationary employee may be dismissed at any time during a probationary period without right of appeal or hearing. In case of such dismissal, the General Manager shall notify the dismissed probationary employee in writing that he/she is being separated from District service.

1250.33 Dismissal of the General Manager, Chief of Police, and Fire Chief shall be as outlined in their employment agreements with the District.

1250.40 Notice of Dismissal. All 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:

1250.41 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;

1250.42 A statement of the acts or omissions upon which the action is based;

1250.43 A statement that a copy of the materials upon which the action is based are attached or available for inspection upon request; and,

1250.44 In the case of a tenured employee, a statement advising the employee of the right to file an appeal as provided in section 1250.50 of this policy.

1250.50 Procedures for Disciplinary Action and Dismissal of Tenured Employees.

1250.51 A tenured employee may, upon receipt of a notice of dismissal or disciplinary action, appeal in writing to the General Manager within five (5) 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 (10) 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.

1250.6 References for former District employees shall be given only with the written consent of the former employee. The information provided in response to inquiries may include only dates of hire, termination, and positions held. The General Manager, in his or her discretion, may provide additional information. (added 9/19/07)

POLICY TITLE: Disciplinary Action

POLICY NUMBER: 1260

1260.10 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.

1260.20 Grounds for Discipline.

1260.201 Discourteous treatment of the public or fellow employees.

1260.202 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.

1260.203 Habitual absence or tardiness.

1260.204 Abuse of sick leave.

1260.205 Disorderly conduct.

1260.206 Incompetence or inefficiency.

1260.207 Being wasteful of material, property, or working time.

1260.208 Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination.

1260.209 Neglect of duty.

1260.210 Dishonesty.

1260.211 Misuse of District property.

1260.212 Willful disobedience.

1260.213 Refusal to seek treatment or resolution of personal problems, which affect work performance (including but not limited to: emotional or family problems, drug abuse or addiction, alcoholism).

1260.214 Gambling during the workday while on a duty status.

1260.215 Acceptance of gratuities or pressure designed to affect any Community Service Agency's response to the public or special interest groups (taking bribes for action).

1260.216 Sleeping on the job during work hours.

1260.217 Refusal to report for duty in an official emergency including water and sewer emergencies

1260.218 Falsifying CSD records.

1260.219 Conduct unbecoming a District employee.

1260.30 All acts of discipline will be accompanied by a letter of warning to the employee stating the reasons and grounds for such discipline. The employee must acknowledge receipt of the warning by signing the letter at the time of presentation; this signature signifies only receipt of the document, not necessarily agreement to the contents. The employee may, before the conclusion of the next regular working day, respond in writing to the contents of the letter of warning.

- 1260.40** All negative evaluations or letters of warning shall remain part of the employee's personnel file. Negative evaluation shall not be used by the General Manager in decisions to dismiss if the performance has improved or the action which merited a warning has not recurred, each/both for a period of at least one (1) year.
- 1260.50** Any disciplinary action which may result in suspension without pay shall be set forth in writing to the employee at least five (5) working days before the proposed effective date or dates. This notice shall be prepared by the General Manager after consultation with the District Counsel and shall contain the following:
- 1260.51** A description of the proposed action and its effective date or dates, and the ordinance, regulation, or rule violated;
- 1260.52** A statement of the acts or omissions upon which the action is based;
- 1260.53** A statement that a copy of the materials upon which the action is based is attached or available for inspection upon request;
- 1260.54** A statement advising the employee of the right to request a hearing as provided in section 1250.50 of Policy section 1250, "Separation from District Employment." (Revised 3/16/11)
- 1260.55** A date by which time the employee must respond in writing if he/she wishes to contest the action.
- 1260.60** All notices of proposed action shall be personally served or be mailed by certified mail, return receipt requested, to the last known address of the employee.

POLICY TITLE: Job Description - General Manager
POLICY NUMBER: 1300 (Revised 11/18/15)

1300.10 General Job Description

The General Manager is the Executive Officer and Secretary and Treasurer of the District He/she administers the District and has exclusive management and control of the administration, operations and works of the District and its associated contracted services, subject to approval by the board of Directors. He/she provides day-to-day leadership for the District, and has general charge, responsibility and control over all property of the District. (District is Police, Fire, Sewer, Water and Administration)

The General Managers primary duties include:

Attending the board meetings of Lake Shastina Community Services District (LSCSD) and such other meetings as the board specifies from time to time.

Employing such assistants and employees as he/she deems necessary for the proper administration and operation of Lake Shastina, in accordance with Policy #1005, "Employee Status," subject to approval by LSCSD 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.

Assuring that all required county, state, and federal records and reports are compiled and submitted.

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

Seeking to carry into effect the expressed policies of the Boards of Directors, including planning the short, medium and long-term work programs for the District, and facilitating constructive and harmonious Board relations. He/she shall communicate the goals, objectives, and priorities of the District Board to the community.

Preparing the budgets for LSCSD.

Representing LSCSD to all outside agencies.

Defining and managing all capital improvement projects.

Managing all aspects of Human Resources.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the District.

1300.20 Prerequisite Qualifications. He/she shall possess a bachelor's degree in public administration, a related field, and/or shall have five (5) years experience in an increasingly responsible public agency management position. He/she shall possess a valid California driver's license. Knowledge of all accounting practices.

1300.25 Additional Desirable Qualifications. A master's degree in public administration or a related field is desirable.

1300.30 Salary Range: The General Manager's salary is determined by contract.

1300.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicle; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1300.50 Marginal Job Physical Demands: Occasional lifting and carrying up to 25 lbs.; pushing; and pulling.

1300.60 Environmental Demands:

- Outside: Travels to do out-of-office business in a variety of weather conditions including, rain, snow and heat to +100 degrees Fahrenheit.
- Inside: Usually works indoors in temperature-controlled environment.
- Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.
- Noise/Vibration: Business/office machines, heavy equipment.

1300.70 Mental Requirements:

- Reading: Ability to read complex manuals and instructions for computer software and hardware, letters, reports, memos, messages, etc.
- Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office software.
- Math: Ability to work with mathematical concepts. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel spreadsheet software.
- Attention to Detail: High level concentration and attention to detail for extended periods of time.
- Repetition: Not a particularly repetitive job.
- Judgment: Ability to manage, prioritize work, and make decisions regarding the operation of the services to the District. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others. Ability to relate and communicate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.

POLICY TITLE: Job Description – Senior Accounting Clerk
POLICY NUMBER: 1308 (added 04/21/10)

1308.10 **General Job Description** Under the direction, and accountable for reporting to, the General Manager with a minimum of supervision, essential responsibilities and duties may include, but are not limited to, the following:

Perform a variety of duties related to the recording, classifying, examining and analyzing of agency financial transactions, associated data, records, and accounting systems; Provides oversight of accounts payable and accounts receivable processes in conjunction with the direction of the General Manager.

Perform a variety of specialized accounting duties in support of payroll, accounts payable and accounts receivable functions; assure accurate and timely payment of employees and financial obligations; process and evaluate a variety of forms and documents related to payroll, accounts payable and accounts receivable;

Monitor, evaluate and reconcile payroll, accounts payable, accounts receivable and other assigned accounts; verify and update accounts to reflect income, transfers and expenditures; initiate and process payroll and other fund transfers as needed; reconcile various fiscal statements to assure accurate fund accounting;

Works with all clerical/accounting staff to review work for accuracy to ensure compliance of the District guidelines and accuracy of the balance sheet accounts, including complete Income/Expense and Balance Sheet account reconciliation;

Provides and directs accounting services to management and the Boards of Directors by maintaining the books of accounts, accumulating cost and other similar data, preparing reports and statements;

Monitors all checking and investment accounts in accordance with established policies for the LSCSD and LSPOA; Monitor accounts for income and expenditures; notify General Manager of fund transfer needs as appropriate;

Assists in all aspects of the month-end close process including but not limited to, preparing journal entries; reviewing general ledger balances; income and expense analysis; report generation and distribution; Responsible for timely completion of all balance sheet reconciliations, including cash bank account reconciliations and all clearing accounts;

Analyzes monthly accounting procedures to improve process; prepare and review financial statements and other reports; Ensure that the books and records of the balance sheet are maintained in accordance with local and generally accepted accounting principles and in compliance with the District policies and procedures;

Monitors and maintains Lake Shastina agency's various insurance policies including workers comp to ensure appropriate coverage;

Provides support for computer usage and assists with the functions associated with the maintenance of the District's computer network; Operate a variety of office equipment including a copier, fax machine, typewriter, computer and assigned software;

Demonstrates safe work practices; facilitates safety meetings as required and advises General Manager of non-conforming or unsafe conditions;

Where directed by the General Manager, and with the assistance of other members of the District's management team, coordinates the formulation of budgets for the various agencies;

Perform other duties as assigned, assist with special projects and ability to prioritize multiple priorities;

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of accounting and administration tasks in support of the General Manager.

Work with other staff as part of a cohesive team and maintain an uninterrupted daily workflow when the General Manager or other staff members are out of the office; assist Accounts Payable/Payroll Clerk, Accounts Receivable Clerk and Administrative Assistant as needed; Attends meetings of the Boards of Directors when requested by the General Manager;

1308.20 Prerequisite Qualifications: Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. He/she shall have five years experience and/or training in accounting, payroll management, and bookkeeping; two years experience with accounting computer software and all Microsoft Office software or, equivalent combination of education and experience. He/she shall possess a valid California driver license and satisfactory driving record.

1308.30 Salary Range: Salary Range Scale available at the accounting office.

1308.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicle; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1308.50 Marginal Job Physical Demands: Occasional lifting and carrying up to 25 lbs.; pushing; and pulling.

1308.60 Environmental Demands:

Outside: Travels to do out-of-office business in a variety of weather conditions including, rain, snow and heat to +100 DEF.

Inside: Usually works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to various colognes/perfumes; infrequent exposure to fumes/dust from printing cartridges.

Noise/Vibration: Business/office machines.

1308.70 Mental Requirements:

Reading: Ability to read complex manuals and instructions for computer software and hardware, letters, reports, memos, messages, etc.

Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office software.

Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel spreadsheet software.

Attention to Detail: High level concentration and attention to detail for extended periods of time required to produce reports and spreadsheets.

Repetition: Repetitive data entry to journals and computer system for accounting purposes.

Judgment: Ability to work independently, prioritize work and make decisions regarding correct formatting of work and implementation of same. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis. Excellent communication skills, strong customer relationships, management skills and team building competencies.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description - Administrative Assistant
POLICY NUMBER: 1310 (Revised 6/16/10)

1310.10 General Job Description Under supervision of the General Manager:

Serves as Secretary to all of the Boards of Directors and the General Manager.

Attends to administrative detail on special matters assigned by the General Manager; composes correspondence on own initiative on matters not requiring personal attention of the General Manager; writes reports and letters; and, may act as office manager in the absence of the General Manager.

Prepares agenda and attends meetings of the Boards of Directors; transcribes and edits minutes; prepares drafts of agenda items requiring action by each Board; prepares Board packets for distribution to Board members; gives information to organizations, employees, customers and the general public regarding Board matters; and, prepares correspondence and maintains files on official actions of the Boards and the General Manager.

Acts as receptionist at front window and answers general and specific questions regarding the Lake Shastina community. Keeps on hand for distribution the following materials: CC&R's, newsletters, newspapers, Assessment sheets, New Home Construction (NHC) packets (or ECC forms), Community Center Guidelines and Applications, Street Maps, Boat Dock Key Policy Request Form, and Home Owner Complaint forms.

Acts as second line response for ECC in the absence of the CCR Compliance Officer. Processes new home construction packets to pass to CCR Compliance Officer.

Receives, sorts, and distributes mail, including the receipt of assessments (either by walk-in or mail). Receives and distributes other money including ECC related fees, boat ramp key deposits, copy fees, community center use fee, etc. Handles petty cash receipts and disbursements.

Maintain all office files and record binders (minute binders).

Attempts, at all times, to build a consensus among District personnel, through an exchange of ideas and facts, to facilitate the successful implementation of operational changes and policy administration.

Performs other duties as assigned.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of administration tasks in support of the General Manager.

1310.20 Prerequisite Qualifications. He/she must possess four (4) years of increasingly responsible clerical and secretarial experience, and in keeping or reviewing accounting or fiscal records. He/she should have knowledge of modern office methods, practices and equipment; techniques of business letter and report writing (typing at sixty (60) words per minute), and a knowledge of the use of Microsoft Office software. He/she shall possess a valid California driver's license.

1310.25 Additional Desirable Qualifications. Possession of a Notary Public certificate is desirable.

1310.30 Salary Range: Salary Range Scale available at the accounting office.

1310.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicle; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1310.50 Marginal Job Physical Demands: Occasional lifting and carrying up to 25 lbs.; pushing; and pulling.

1310.60 Environmental Demands:

- Outside: Travels to do out-of-office business in a variety of weather conditions including, rain, snow and heat to +100 DEF.
- Inside: Usually works indoors in temperature-controlled environment.
- Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.
- Noise/Vibration: Business/office machines.

1310.70 Mental Requirements:

- Reading: Ability to read complex manuals and instructions for computer software and hardware, letters, reports, memos, messages, etc.
- Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office software.
- Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel spreadsheet software.
- Attention to Detail: High level concentration and attention to detail for extended periods of time required to produce reports and spreadsheets.
- Repetition: No particular repetitive functions.
- Judgment: Ability to work independently, prioritize work and make decisions regarding correct formatting of work and implementation of same. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.
- Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Accounts Receivable Clerk
POLICY NUMBER: 1315 (Revised 6/16/10)

1315.10 General Job Description Under the direction of the General Manager and with a minimum of supervision:

Maintains and processes accounts receivable, the property owners address files, meter reading routes, and a schedule of tax roll receivables on the Microsoft Access Database Management System.

Uploads current account data into meter readers' handheld data recorders, and downloads meter readings from hand-held into computer.

Balances, evaluates, and summarizes daily, weekly, monthly, quarterly, and yearly transactions of various accounts and provides appropriate reports.

Performs activities associated with liens, title transfers, delinquent notices, water shut off notices, and annual meeting proxies and ballots.

Assists in the processing of accounts payable, types routine letters, and performs routine filing as required.

Prepares and processes customer monthly, quarterly and semi-annual utility billings.

Answers telephone, screens calls, and refers inquiries as appropriate.

Perform other duties as assigned.

1315.20 Prerequisite Qualifications: He/she should possess a high school equivalent diploma, a basic knowledge of accounting principles, ability to accurately type at a minimum speed of 40 words per minute, and the ability to proficiently use, or quickly learn the latest versions of Microsoft Office software (especially Access).

1315.25 Additional Desirable Qualifications: Possession of a Notary Public certificate is desirable.

1315.30 Salary Range: Salary Range Scale available at the accounting office

1315.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; lifting, pushing, pulling and carrying (up to 25 lbs.), driving vehicle; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1315.50 Marginal Job Physical Demands: Occasional lifting and carrying up to 25 lbs.; pushing; and pulling.

1315.60 Environmental Demands:

Outside: Travels to do out-of-office business in a variety of weather conditions including, rain, snow and heat to +100 DEF.

Inside: Usually works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.

Noise/Vibration: Business/office machines.

1315.70 Mental Requirements:

Reading: Ability to read complex manuals and instructions for computer software and hardware, letters, reports, memos, messages, etc.

- Writing:** Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office software.
- Math:** Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Access database software.
- Attention to Detail:** High level concentration and attention to detail for extended periods of time required to post data and produce reports.
- Repetition:** Routine daily work practices, including keyboarding and other office machines, filing, etc.
- Judgment:** Ability to work independently, prioritize work and make decisions regarding correct formatting of work and implementation of same. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and formulate appropriate instructions to achieve desired goals.
- Social Skills:** Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.
- Communication Skills:** Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Accounts Payable/Payroll Clerk
POLICY NUMBER: 1320 (Revised 3/16/11)

1320.10 General Job Description Under the direction of the General Manager and with a minimum of supervision:

Process time-sheets and prepare payroll, insure timely and accurate posting and maintenance of payroll related data including earned, accrued, and used leave benefits, comp time, and overtime bi-weekly.

Prepare purchase orders for and maintain inventory and accounting of office supplies and materials.

Prepare checks and inter-agency allocation for all invoices. Prepare inter-agency invoices for all regular and payroll expenses based upon inter-agency contracts.

Balance, evaluate, and summarize daily, weekly, monthly, quarterly, and yearly transactions of various accounts and ledgers and provide appropriate reports.

Assist in the processing of accounts receivable, types routine letters, and performs routine filing as required. Assist in researching and preparing schedules for payroll audits, special reports for annual CPA reviews and audits, and requests for data by various legal organizations.

Answer telephone, screen calls, and refer inquiries as appropriate.

Maintain employee records relating to health insurance and process statements, documents and correspondence relating thereto.

Provide insurance cross-billing.

Provides costs for jobs or job accounting under special reports.

Provide assistance to Senior Accounting Clerk regarding grant management and other projects as may be assigned.

Perform other duties as assigned.

1320.20 Prerequisite Qualifications: He/she should possess a high school equivalent diploma, a basic knowledge of accounting principles, ability to accurately type at a minimum speed of 40 words per minute, and the ability to proficiently use, or quickly learn the latest versions of Microsoft Office software.

1320.25 Additional Desirable Qualifications: Possession of a Notary Public certificate is desirable.

1320.30 Salary Range: Salary Range Scale available at the accounting office.

1320.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicle; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1320.50 Marginal Job Physical Demands: Occasional lifting and carrying up to 25 lbs.; pushing; and pulling.

1320.60 Environmental Demands:

Outside: Travels to do out-of-office business in a variety of weather conditions including, rain, snow and heat to +100 DEF.

Inside: Usually works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.

Noise/Vibration: Business/office machines.

1320.70 Mental Requirements:

Reading: Ability to read complex manuals and instructions for computer software and hardware, letters, reports, memos, messages, etc.

Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office and Accounting software (including payroll functions).

Math: Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Access database software.

Attention to Detail: High level concentration and attention to detail for extended periods of time required to post data and produce reports.

Repetition: Routine daily work practices, including keyboarding and other office machines, filing, etc.

Judgment: Ability to work independently, prioritize work and make decisions regarding correct formatting of work and implementation of same. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – CCR Compliance Officer
POLICY NUMBER: 1325 (Revised 6/16/10)

1325.10 General Job Description

This position is funded by the Lake Shastina Property Owners Association and requires a thorough understanding of the Association CCRs and procedures. Also requires strong computer and organizational skills as well as being able to work well with the public in conjunction with District staff on a daily basis. This position reports to the General Manager. Set hours shall be established for this position. Driver's license is required and ability to use own insured vehicle when company vehicle is unavailable.

Schedule appointments to assist home owners, contractors, tenants, and other governing agencies in the field and at the office.

Locate, report and act upon violations of the CCRs in a manner in which each may resolved in small claims court, if needed.

Establish/maintain home owner violation files which will include written documentation and photos.

Follow up on CCR violations using the various stages listed on the violation flowchart until violation is brought into compliance by scheduling and preparing documents and reporting to board for violation hearing, arbitration then small claims court, if applicable, when required. (Final stage).

Maintain new home construction files and modification files – such as changes submitted during project and project exceeding the completion deadline.

Attend ECC meetings, prepare ECC agendas, notify membership as may be required and take and prepare meeting minutes. Prepare new home construction and modification application files for meetings – identifying issues to be addressed on agenda through a plan review.

After meetings, notify applicants if project approved or not with explanation of non-approval.

Submit reports to the General Manager, LSPOA Board and ECC Committee and report at the board meetings, when requested.

Assist home owners in the office and field regarding violations and New Home Construction and/or addition/modification questions.

Schedule final site inspection, after new home is constructed, and pass all refund requests to AS for processing.

Resolve issues on projects which have not been closed. (new homes / modifications).

Prepare necessary documents for all variance requests and pass to AS.

Boundary Line Adjustments (BLA's): Before a BLA can be approved, AR Clerk will pass paperwork for inspection of any violations within three (3) days of receipt and submit final paperwork back to AR Clerk for processing.

Identify violations on homes for sale to be addressed through escrow. AR Clerk will pass HOA packet request or demand to be addressed within 1-2 days.

Compose monthly article for Shastina News. (Deadline currently 20th of every month).

Attend seminars and training and meet with other Code Enforcement Officers, quarterly.

Construct written documents so GM may pass to be submitted to legal counsel per questions.

Maintain timecard to include all time spent in the field and office listing unit/lot no. and description of duties.

Other field and office duties, as assigned.

1325.20 Prerequisite Qualifications. He/she shall have five (5) years experience in an increasingly responsible management position and work well with the public. He/she shall possess a valid California driver's license.

1325.30 Salary Range: As per LSPOA Board of Directors

1325.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicle; close and distance vision; speaking; hearing; use of hands to finger, handle, feel objects, tools or controls. Operation of telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1325.50 Marginal Job Physical Demands Occasional lifting and carrying up to 40 lbs.; pushing; and pulling.

1325.60 Environmental Demands:

- Outside: Travels to do out-of-office business in a variety of weather conditions including, rain, snow and heat to +100 DEF.
- Inside: Usually works indoors in temperature-controlled environment.
- Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.
- Noise/Vibration: Business/office machines.

1325.70 Mental Requirements:

- Reading: Ability to read complex manuals and instructions for computer software and hardware, letters, reports, memos, messages, etc.
- Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office software.
- Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel spreadsheet software. .
- Attention to Detail: High level concentration and attention to detail for extended periods of time.
- Repetition: Not a particularly repetitive job.
- Judgment: Ability to work independently, prioritize work, and make decisions regarding the operation of the services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.
- Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description–Assistant to CC&R Compliance Officer

POLICY NUMBER: 1326 (added 02/21/07)

1326.10 General Job Description. Under the direction of the CC & R Compliance Officer with minimum supervision and consulting with General Manager
(98% Administration 2% Field): Part time position, 20 hours per week

Develop agendas for ECC meeting, based on applications from home owners which have been reviewed by CC & R Compliance Officer.

Prepare and distribute minutes of ECC meetings based on action of the committee and direction of compliance officer.

Prepare correspondence to home owners using pre-approved formats advising home owners of ECC action on their application or requests. Correspondence should be mailed to home owners within 3 working days of ECC actions.

Prepare agenda packages for ECC member as directed by compliance officer. Packages should be available to member the Friday before the ECC meetings.

File completed agendas and minutes.

File completed home owner's applications or request with ECC action correspondence in appropriate files in an approved manor.

Prepare violation hearing packages at the direction of compliance officer, for Board of Directors; packages should be completed the Thursday prior to the next Board meeting.

Maintain files for active applications and violations by unit and or phase of activity.

Download digital photos and duplicate using computer and or printers.

Performs other duties as assigned.

1326.20 Prerequisite Qualifications. Must possess three (3) years increasingly responsible experience in filing systems administration; correspondence with general public and organizational skills; including setting priorities; must have excellent typing skills. Must possess the equivalent to graduation from high school, preferably supplemented with 2 years of college-level work in some phase of administration; Must have a working knowledge of computers and various software, related to administration of data basis, digital photos and correspondence. Must possess a valid Class A California driver license and satisfactory driving record.

1326.25 Additional Desirable Qualifications. Should have knowledge of the Lake Shastina community. Should possess knowledge of: principles of administration, management, methods, operational functions of Boards and Committees. Ability to use digital photo equipment including software to download and print photographs.

1326.30 Salary Range: Salary Range Scale available at the Accounting Office.

1326.35 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands and finger to handle computers and files. Upper and lower body flexibility; standing; lifting, pushing, pulling and carrying up to 25 lbs.

1326.40 Marginal Job Physical Demands: Able to transfer files and reorganize filing systems.

1326.45 Environmental Demands:

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- Outside: None anticipated, other than occasional field trips with staff.
- Inside: Works indoors frequently in temperature-controlled environment.
- Fumes/Gases: Some exposure thru operation of office equipment including copiers, printers and computers.
- Noise/Vibration: Light exposure to noise and vibration from office equipment.

1326.50 Mental Requirements:

- Reading: Ability to read technical manuals, written memos and directives, agendas, meeting minutes and notes, material data sheets and safety manuals.
- Writing: Ability to write correspondence to homeowners advising them of actions or asking for action, reports, memos, messages, and fills out other information forms.
- Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time to insure accurate, efficient and productive operations.
- Repetition: Computer operations
- Judgment: Ability to work independently, prioritize work and make decisions regarding correct application and implementation of work procedures. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and to formulate appropriate instructions to achieve desired goals.
- Social Skills: Ability to relate cooperatively with members of the public, and District personnel.
- Communication Skills: Ability to quickly organize and communicate thoughts orally and written. Ability to understand communications from others.

POLICY TITLE: Job Description – Project Manager
POLICY NUMBER: 1327 (added 01/17/07)

1327.10 General Job Description: Under direction of the General Manager performs special projects and provides assistance in the general administration of Lake Shastina Community Services District and Lake Shastina Property Owners Association office operations (50% Administration / 50% Field).

Meets with the General Manager daily and carries out assignments.

Performs research and analysis and prepares information regarding District issues and operations and provides recommendations to the General Manager and Staff. May serve on special Committees as directed.

Assists the General Manager with the goals and objectives of the District's Economic Development Program.

Manages special projects, specific community events, and various public facilities, including grant programs as required. As instructed by the General Manager, directs other employees in accomplishing various tasks.

Makes contact with District staff and others on behalf of the General Manager as directed. Receives telephone calls and visitors and filters inquiries, directing them as appropriate.

Prepares letters, correspondence, staff reports, other documents and resolutions and establishes and maintains filing and recordkeeping systems. Prepares various multimedia presentations as necessary. Purchases items for the District as directed by General Manager and/or Board of Directors with appropriate backup.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager, Administration and Board.

Performs other duties as assigned.

1327.20 Prerequisite Qualifications.

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Bachelors degree (B.A.) or equivalent in business administration, public administration or a related field; two years of progressively responsible related experience and/or training; or equivalent combination of education and experience. Valid California driver's license is mandatory, and every individual holding this position must possess and maintain all certificates, licenses and registrations required by law at the current time or in the future.

1327.25 Additional Desirable Qualifications. He/she should have knowledge of the Lake Shastina Community Services District and the Lake Shastina Property Owners Associations functions and holdings. He/she should possess knowledge of: principles of supervision and management; basic computer skills; methods, materials and equipment used in water, sewer and road construction, parks and recreation maintenance and repair; laws and regulations governing water, sewer and road and parks and recreation operation and maintenance; techniques used in planning and evaluation; and, engineering and surveying principles.

1327.30 Salary Range: Salary Range Scale available at the Accounting Office.

1327.35 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating office equipment, and driving a vehicle.

1327.40 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 25 lbs., and infrequently up to 100 lbs.)

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to sit and use hands to finger, handle, or feel. The employee is occasionally required to stand, walk, and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, color vision, and ability to adjust focus.

1327.45 Environmental Demands:

Outside: Works outside occasionally in a variety of weather conditions ranging from snow to +100 D F.

Inside: Frequently works indoors in temperature-controlled environment. The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The employee frequently works with a video display terminal for prolonged periods. The employee may be required to attend evening meetings, travel and may be required to work evenings or weekends. The noise level in the work environment is usually moderate.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1327.50 Mental Requirements:

Reading: Ability to read technical manuals, city maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to job costing and construction. Ability to perform research, analyze issues, compile data and Explain and enforce policies, regulations and specifications.

Writing: Ability to write daily work orders, reports, memos, marketing materials, multimedia presentations, schedules and time lines, messages, daily payroll entries, prepares as-built sketches, and fills out other information forms. Ability to operate a computer with basic computer skills, perform clerical work and administrative tasks.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time to insure safe, efficient and productive operations.

Repetition: Periodic repetitive data entry (typing, writing, sitting).

Judgment: Ability to work independently, prioritize work and make decisions regarding correct application, priority, and implementation of work procedures. Ability to define prob-

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lems, collect data, establish facts, and draw valid conclusions. Ability to work with others and to formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally and written. Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Janitorial Services Worker
POLICY NUMBER: 1330

1330.10 General Job Description Under the direction of the General Manager:

The Janitorial Services Worker shall clean the administration office once a week including lobby, restrooms, kitchen, offices and boardroom. Cleaning supplies are stored in the back control panel room. Duties include: vacuuming, dusting, sweeping, washing dishes, mopping floors and cleaning restroom toilets/sinks. Windows are washed, when necessary. This position is considered part-time.

1330.20 Prerequisite Qualifications. Because the services are performed in “off-hours”, the Janitorial Services Worker must be able to work unsupervised and be a responsible trustworthy person.

1330.25 Additional Desirable Qualifications. None

1330.30 Salary Range: Salary is determined by agreement with the General Manager.

1330.40 Essential Job Physical Demands: Use of hands to cleaning tasks; walking; climbing on ladders; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs.

1330.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs).

1330.60 Environmental Demands:

Outside: Works outside infrequently to wash windows.

Inside: Primarily works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from cleaning materials.

Noise/Vibration: Low exposure to noise and vibration from construction tools and equipment.

1330.70 Mental Requirements:

Required to work alone in “off-hours” unsupervised.

POLICY TITLE: Job Description – Administrative Office Assistant – Part-time (revised 12/18/13)
POLICY NUMBER: 1335

1335.10 General Job Description Under the direction of the General Manager and with a minimum of supervision:

Perform receptionist duties, including answering telephone and personally answering inquiries or directing callers to staff qualified to provide answers;

Prepare documents for mailing or courier delivery, including envelope stuffing, addressing and postage;

Perform routine clerical work, including filing, classifying and indexing records, copying, etc.

Perform other duties as assigned.

1335.20 Prerequisite Qualifications:

He/she must possess a high school diploma or the equivalency thereof; knowledge of basic math; ability to accurately type at a minimum speed of 40 words per minute; ability to proficiently operate basic business machines such as copier, fax machine, postage machine, etc.; and possess a valid California driver license and satisfactory driving record.

1335.25 Additional Desirable Qualifications:

Ability to proficiently use, or quickly learn Microsoft Office software.

1335.30 Salary Range: Salary Range Scale available at accounting office.

1335.40 Essential Job Physical Demands:

Sitting; standing; walking, kneeling, stooping, bending, squatting, twisting; close vision; occasionally lifting up to 25 lbs.; use of hands to finger, handle, or feel objects, tools or controls, type and use telephone; driving a vehicle.

1335.50 Marginal Physical Demands:

Pushing, pulling and carrying (up to 25 lbs.)

1335.60 Environmental Demands:

Outside: Seldom works outside in a variety of weather conditions ranging from snow to +100F.

Inside: Almost always works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to various colognes/perfumes, fumes from printing cartridges and dust from stored supplies.

Noise/Vibration: Office machines.

1335.70 Mental Requirements:

Reading: Reads letters, reports, memos, messages, operating manuals for office equipment.

Writing: Writes reports, letters, memos, messages; fills out forms and documents.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions and percentages to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time required to produce reports, correspondence, and documents.

Repetition: Routine daily work practices, including keyboarding and operation of other office machines, filing, etc.

Judgment: Ability to work independently, prioritize work and make decisions regarding correct formatting and implementation of work. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work face-to-face with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally and written. Ability to understand communications from others.

POLICY TITLE: Job Description – Public Works Supervisor
POLICY NUMBER: 1337 (Revised 6/16/10)

1337.10 General Job Description Under the direction of the General Manager and with a minimum of supervision (50% Administration / 50% Field):

Assigns, reviews, supervises and evaluates the work of all field personnel in the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Prepare and track until completion all work orders submitted to the Lead Man for distribution to field personnel.

Learn contents of public works files to meet future needs. Responsible for map storage and knowledge of contents required in planning of jobs, etc. Add required files to simplify the searching process.

Consults with the General Manager on general priorities, plans and policies.

Recommends and submits projects to the General Manager for inclusion in the annual budget.

Design and cost out specific improvements; Obtain written quotations.

Insures that operations, plans and personnel are sufficient to meet day-to-day as well as emergency situations.

Meet with contractors and other agencies required to accomplish desired goals.

Oversee that all reports are completed on a timely basis for future referencing.

Construct, review maintain/file check off sheets supporting employee actions, job results, facility improvement in a manner to help those in the future.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager, Administration and Board.

Performs other duties as assigned.

1337.20 Prerequisite Qualifications. He/she must possess five (5) years increasingly responsible experience in the construction, operation and maintenance of water and sewer facilities, including at least two (2) years in a supervisory capacity. He/she must possess the equivalent to graduation from high school, preferably supplemented with college-level work in some phase of engineering, construction inspection, mechanics, welding or industrial administration. He/she should have a working knowledge of pipe, valves, fittings, and other appurtenant materials, including costs, used in potable and non-potable water transmissions systems. Must have demonstrated competency in testing and repairing back-flow prevention assemblies and inspecting users' premises for cross connections, and should be certified in back-flow testing by AWWA. He/she must possess a valid Class A California driver license and satisfactory driving record.

1337.25 Additional Desirable Qualifications. He/she should have knowledge of the Lake Shastina water distribution system and possess a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution. He/she should possess knowledge of: principles of supervision and management; methods, materials and equipment used in water, sewer and road construction, parks and recreation maintenance and repair; laws and regulations governing water, sewer and road and parks and recreation operation and maintenance; techniques used in planning and evaluation; and, engineering and surveying principles.

1337.30 Salary Range: Salary Range Scale available at the Accounting Office.

1337.35 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating heavy equipment, and driving vehicle.

1337.40 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.)

1337.45 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1337.50 Mental Requirements:

Reading: Ability to read technical manuals, city maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Ability to write daily work orders, reports, memos, messages, daily payroll entries, prepares as-built sketches, and fills out other information forms.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time to insure safe, efficient and productive operations.

Repetition: Periodic repetitive entry of meter readings.

Judgment: Ability to work independently, prioritize work and make decisions regarding correct application and implementation of work procedures. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and to formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally and written. Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Assistant Public Works Director
POLICY NUMBER: 1338

1338.10 General Job Description: Under the direction of the General Manager and with a minimum of supervision (50% Administration / 50% Field):

Assigns, reviews, supervises and evaluates the work of all field personnel in the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Prepare and track until completion all work orders submitted to the Lead Man for distribution to field personnel.

Learn contents of public works files to meet future needs. Responsible for map storage and knowledge of contents required in planning of jobs, etc. Add required files to simplify the searching process.

Consults with the General Manager on general priorities, plans and policies.

Recommends and submits projects to the General Manager for inclusion in the annual budget.

Design and cost out specific improvements; Obtain written quotations.

Insures that operations, plans and personnel are sufficient to meet day-to-day as well as emergency situations.

Meet with contractors and other agencies required to accomplish desired goals.

Oversee that all reports are completed on a timely basis for future referencing.

Construct, review maintain/file check off sheets supporting employee actions, job results, facility improvement in a manner to help those in the future.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager, Administration and Board.

Performs other duties as assigned.

1338.20 Prerequisite Qualifications. He/she must possess five (5) years increasingly responsible experience in the construction, operation, and maintenance of water and sewer facilities, including at least two (2) years in a supervisory capacity. He/she must possess the equivalent to graduation from high school, preferably supplemented with college-level work in some phase of engineering, construction inspection, mechanics, welding or industrial administration. He/she should have a working knowledge of pipe, valves, fittings, and other appurtenant materials, including costs, used in potable and non-potable water transmissions systems. He/ she must possess a valid Class C California driver license and satisfactory driving record.

1338.25 Additional Desirable Qualifications. He/she should have knowledge of the Lake Shastina water distribution system and possess a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution. He/she should possess knowledge of: principles of supervision and management; basic computer skills; methods, materials and equipment used in water, sewer and road construction, parks and recreation maintenance and repair; laws and regulations governing water, sewer and road and parks and recreation operation and maintenance; techniques used in planning and evaluation; and, engineering and surveying principles.

1338.30 Salary Range: Salary Range Scale available at the Accounting Office.

1338.35 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing;

kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., and driving a vehicle.

1338.40 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.)

1338.45 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 D F.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1338.50 Mental Requirements:

Reading: Ability to read technical manuals, city maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Ability to write daily work orders, reports, memos, messages, daily payroll entries, prepares as-built sketches, and fills out other information forms.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time to insure safe, efficient and productive operations.

Repetition: Periodic repetitive entry of meter readings

Judgment: Ability to work independently, prioritize work and make decisions regarding correct application and implementation of work procedures. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and to formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally and written. Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Maintenance Leadman
POLICY NUMBER: 1400

1400.10 General Job Description Under the direction of the General Manager and with a minimum of supervision:

Assigns, reviews, supervises, and evaluates the work of all field personnel in the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Consults with the General Manager on general priorities, plans and policies.

Recommends and submits projects to the General Manager for inclusion in the annual budget.

Insures that operations, plans and personnel are sufficient to meet day-to-day as well as emergency situations.

Reads and interprets construction contracts, specifications, details and plans for the purpose of correctly installing, repairing and/or replacing pipeline and appurtenant facilities, irrigation structures (e.g. flumes, measuring structures, etc.), and appurtenant facilities, structural trench sections, and roadway pavement.

Performs inspection of private construction of Lake Shastina agency facilities.

Assures that vehicles, equipment and facilities are maintained in proper working order.

Coordinates work with other agencies including locating and delineating District facilities as requested by Underground Service Alert (USA), other agencies, utility companies, contractors, and property owners.

Meets customers and resolves complaints and problems.

Evaluates performance of subordinates.

Performs a wide variety of unskilled and semi-skilled manual and automated tasks including, but not limited to, the operation of mechanical and hydraulically operated construction equipment.

Removes, repairs, tests, and installs a variety of sizes and types of water meters and pressure regulators.

Organizes accounts into routes for optimal data collection efficiencies and reads and records water usage data from meters.

Conducts training programs and meetings to disseminate information regarding work assignments and safety issues, etc.

Ability to work on a periodic "On call" basis to respond to emergency call outs.

Performs both chemical and bacteriological sampling.

Tests and/or assigns on repairs back-flow prevention assemblies and inspects users' premises for cross connections.

Oversee that reports and as-builts are documented for future referencing.

Performs other duties as assigned.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager.

1400.20 Prerequisite Qualifications. He/she must possess five (5) years increasingly responsible experience in the construction, operation and maintenance of water and sewer facilities, including at least two (2) years in a supervisory capacity. He/she must possess the equivalent to graduation from high school, preferably supplemented with college-level work in some phase of engineering, construction inspection, mechanics, welding or industrial administration. He/she should have a working knowledge of pipe, valves, fittings, and other appurtenant materials, including costs, used in potable and non-potable water transmissions systems. Must have demonstrated competency in testing and repairing back-flow prevention assemblies and inspecting users' premises for cross connections, and should be certified in back-flow testing by AWWA. He/she must possess a valid Class A California driver license and satisfactory driving record.

1400.25 Additional Desirable Qualifications. He/she should have knowledge of the Lake Shastina water distribution system and possess a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution. He/she should possess knowledge of: principles of supervision and management; methods, materials and equipment used in water, sewer and road construction, maintenance and repair; laws and regulations governing water and sewer system operation and maintenance; techniques used in planning and evaluation; and, engineering and surveying principles.

1400.30 Salary Range: Salary Range Scale available at the Accounting Office.

1400.40 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating heavy equipment, and driving vehicle.

1400.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.)

1400.60 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1400.70 Mental Requirements:

Reading: Ability to read technical manuals, city maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Ability to write daily work orders, reports, memos, messages, daily payroll entries, prepares as-built sketches, and fills out other information forms.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time to insure safe, efficient and productive operations.

Repetition: Periodic repetitive entry of meter readings

Judgment: Ability to work independently, prioritize work and make decisions regarding correct application and implementation of work procedures. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and to formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally and written. Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Acting Maintenance Leadman

POLICY NUMBER: 1405

1405.10 General Job Description Under the direction of the Maintenance Leadman and with minimum supervision; Acts as Acting Leadman in absence of Leadman.

Perform tasks as associated with the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Read and interpret plans, drawings and specifications.

Assist in the field supervision and training of new personnel.

Perform heavy semi-skilled and skilled maintenance work.

Perform inspections of private construction of Lake Shastina facilities.

Operate heavy equipment to include, grader, tractor, trucks, rollers, loaders, backhoe and other equipment.

Advise supervisor of equipment operating condition and reporting the need for major mechanical adjustment and repair.

Estimates quantities of materials needed for a variety of projects related to sewer, water and roads.

Coordinates work with other agencies including locating and delineating District facilities as requested by Underground Service Alert (USA), other agencies, utility companies, contractors, and property owners.

Ability to work on a periodic "On call" basis to respond to emergency call outs.

Meets customers and resolves complaints and problems.

Perform both chemical and bacteriological sampling.

Test and repair back-flow prevention assemblies and inspects user premises for cross connections.

Perform other duties as assigned.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager.

1405.20 Prerequisite Qualifications. He/she must possess the equivalent to graduation from high school and at least three years experience in public works type construction and maintenance work, knowledge of capability and operation of heavy equipment, construction tools and mechanical and hydraulically operated construction equipment. He/she must possess a valid California driver license and satisfactory driving record.

1405.25 Additional Desirable Qualifications. The knowledge of water distribution systems and preferably possession of a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution is desirable. He she must possess a valid Class A California driver license and satisfactory driving record.

1405.30 Salary Range: Salary Range Scale available at the Accounting Office.

1405.40 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing,

pulling and carrying regularly up to 25 lbs., operating heavy equipment, manual digging, and driving vehicle.

1405.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.).

1405.60 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1405.70 Mental Requirements:

Reading: Ability to read technical manuals, city maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Ability to write work orders in the absence of the Leadman, annotates work orders with materials used, equipment used, as-built facility information, hours worked, and description of work done.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: Medium level concentration and attention to detail to produce acceptable level of workmanship.

Repetition: Periodic repetitive entry of meter readings and routine daily work practices.

Judgment: Ability to work independently, prioritize work and assist with making decisions regarding correct application and implementation of work procedures. Ability to define problems, collect data, establish facts and draw valid conclusions to assist Leadman. Ability to work with others and use good judgment, when required.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally or written. Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Maintenance Worker III
POLICY NUMBER: 1410

1410.10 General Job Description Under the direction of the Maintenance Leadman or Acting Leadman:

Performs tasks associated with the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Read and interpret plans, drawings and specifications.

Assist in the field supervision and training of new personnel.

Perform heavy semi-skilled and skilled maintenance work.

Perform inspections of private construction of Lake Shastina facilities.

Operate heavy equipment to include, grader, tractor, trucks, rollers, loaders, backhoe and other equipment.

Advises supervisor of equipment operating condition and reporting need for major mechanical adjustment and repair.

Estimates quantities of materials needed for a variety of projects related to sewer, water and roads.

Coordinates work with other agencies including locating and delineating District facilities as requested by Underground Service Alert (USA), other agencies, utility companies, contractors, and property owners.

Meets customers and resolves complaints and problems.

Perform both chemical and bacteriological sampling.

Test and repair back-flow prevention assemblies and inspects user premises for cross connections.

Ability to work on a periodic "On call" basis to respond to emergency call outs.

Performs other duties as assigned.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager.

1410.20 Prerequisite Qualifications. He/she must possess the equivalent to graduation from high school and at least three years experience in public works type construction and maintenance work, knowledge of capability and operation of construction tools and mechanical and hydraulically operated construction equipment. He/she must possess a valid California driver license and satisfactory driving record.

1410.25 Additional Desirable Qualifications. The knowledge of water distribution systems and preferably possession of a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution is desirable. He she must possess a valid Class A California driver license and satisfactory driving record.

1410.30 Salary Range: Salary Range Schedule available at the Accounting Office.

1410.40 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating heavy equipment, manual digging, and driving vehicle.

1410.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.).

1410.60 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1410.70 Mental Requirements:

Reading: Ability to read technical manuals, city maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Annotates work orders with materials used, equipment used, as-built facility information, hours worked, and description of work done.

Math: Ability to perform basic math calculations. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: Medium level concentration and attention to detail to produce acceptable level of workmanship.

Repetition: Periodic repetitive entry of meter readings and routine daily work practices.

Judgment: Ability to work independently, prioritize work and assist with making decisions regarding correct application and implementation of work procedures. Ability to define problems, collect data, establish facts and draw valid conclusions and report to Leadman/ Ability to work with others and use good judgment, when required.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to quickly organize and communicate thoughts orally or written. Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Maintenance Worker II
POLICY NUMBER: 1415

1415.10 General Job Description Under the direction of the Maintenance Leadman.

Performs tasks associated with the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Assist in the field supervision and training of new personnel.

Operate a variety of light and moderately heavy power driven equipment and perform the more difficult tasks which require greater personal skills to assist with sewer, water and road projects.

Assures that vehicles, equipment and facilities are maintained in proper working order.

Coordinates work with other agencies including locating and delineating District facilities as requested by Underground Service Alert (USA), other agencies, utility companies, contractors, and property owners.

Meets customers and resolves complaints and problems.

Performs one or more of a variety of skilled labor and semi-skilled trade jobs in maintenance of streets, water and sewer lines and services. but not limited to, the operation of mechanical and hydraulically operated light construction equipment.

Reads and records water usage data from meters.

Ability to work on a periodic “On call” basis to respond to emergency call outs.

Performs other duties as assigned.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager.

1415.20 Prerequisite Qualifications. He/she must possess the equivalent to graduation from high school, one to two years experience in public works type construction and maintenance work, including experience in the operation of light and moderately heavy power driven equipment; knowledge of capability and operation of construction tools and mechanical and hydraulically operated construction equipment. He/she must possess a valid California driver license and satisfactory driving record.

1415.25 Additional Desirable Qualifications. The knowledge of water distribution systems and possession of a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution is desirable.

1415.30 Salary Range: Salary range scale available at the accounting office.

1415.40 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating heavy equipment, manual digging, and driving vehicle.

1415.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.).

1415.60 Environmental Demands:

Lake Shastina Community Services District Personnel Policy

Approved: 05/21/04

Revised: 7/18/18

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1415.70 Mental Requirements:

Reading: Ability to read manuals, maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Annotates work orders with materials used, equipment used, as-built facility information, hours worked, and description of work done.

Math: Ability to perform basic math calculations. Ability to count and measure.

Attention to Detail: Medium level concentration and attention to detail to produce acceptable level of workmanship.

Repetition: Periodic repetitive entry of meter readings and routine daily work practices.

Judgment: Frequently works unsupervised; good judgment required.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Maintenance Worker I
POLICY NUMBER: 1420

1420.10 General Job Description Under the direction of the Lead Maintenance Employee:

Performs tasks associated with the installation, maintenance and repair of the roads, water and sewer facilities, as well as other property owned by the Lake Shastina agencies.

Performs inspections of private construction of Lake Shastina facilities.

Flushes hydrants periodically.

Assures that vehicles, equipment and facilities are maintained in proper working order.

Applies weed control chemicals to ditch banks and around above ground facilities.

Coordinates work with other agencies including locating and delineating District facilities as requested by Underground Service Alert (USA), other agencies, utility companies, contractors, and property owners.

Meets customers and resolves complaints and problems.

Performs a wide variety of unskilled and semi-skilled manual and automated tasks including, but not limited to, the operation of mechanical and hydraulically operated construction equipment.

Removes, repairs, tests, and installs a variety of sizes and types of water meters and pressure regulators.

Reads and records water usage data from meters.

Performs both chemical and bacteriological sampling.

Tests and repairs back-flow prevention assemblies and inspects user premises for cross connections.

Performs other duties as assigned.

Effectively works as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager.

1420.20 Prerequisite Qualifications. He/she must possess the equivalent to graduation from high school, knowledge of capability and operation of construction tools and mechanical and hydraulically operated construction equipment. He/she must possess a valid California driver license and satisfactory driving record.

1420.25 Additional Desirable Qualifications. The knowledge of water distribution systems and possession of a Water Distribution System Certificate from AWWA, California State University, Sacramento, or other qualified training institution is desirable. He she must possess a valid Class A California driver license and satisfactory driving record.

1420.30 Salary Range: Salary Range Scale available at the accounting office.

1420.40 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating heavy equipment, manual digging, and driving vehicle.

1420.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.).

1420.60 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from chlorine, bacteria, chemicals used in the treatment process, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1420.70 Mental Requirements:

Reading: Ability to read manuals, maps, written memos and directives, plans, specifications and details, work orders, material data sheets, safety manuals, and other documents appurtenant to the construction, repair and replacement of water distribution facilities.

Writing: Annotates work orders with materials used, equipment used, as-built facility information, hours worked, and description of work done.

Math: Ability to perform basic math calculations. Ability to count and measure.

Attention to Detail: Medium level concentration and attention to detail to produce acceptable level of workmanship.

Repetition: Periodic repetitive entry of meter readings and routine daily work practices.

Judgment: Frequently works unsupervised; good judgment required.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Temporary Maintenance Employee
POLICY NUMBER: 1425

1425.10 General Job Description Under the direction of the Lead Maintenance Employee:

Perform tasks associated with the installation, maintenance and repair of the assets owned and operated by the LSCSD, LSMWC, or LSPOA.

Apply weed control chemicals to ditch banks and around above ground facilities.

Perform a wide variety of unskilled and semi-skilled manual and automated tasks including, but not limited to, the operation of mechanical and hydraulically operated construction equipment.

Performs other duties as assigned.

Effectively work as a member of a problem-solving team to resolve, within set time schedules, a variety of operation and maintenance tasks in support of the General Manager.

1425.20 Prerequisite Qualifications. He/she must possess the equivalent to graduation from high school, knowledge of capability and operation of construction tools and mechanical and hydraulically operated construction equipment. He/she must possess a valid California driver license and satisfactory driving record.

1425.25 Additional Desirable Qualifications. Possession of a valid Class A California driver license.

1425.30 Salary Range: As per General Manager and Minimum Wage Laws

1425.40 Essential Job Physical Demands: Close and distance vision; color perception; hearing; clear speech; use of hands to finger, handle, or feel objects, tools or controls; walking over uneven ground; climbing; kneeling; stooping; bending; sitting; squatting; upper and lower body flexibility; standing; lifting, pushing, pulling and carrying regularly up to 25 lbs., operating heavy equipment, manual digging, and driving vehicle.

1425.50 Marginal Job Physical Demands: Lifting, pushing, pulling and carrying (frequently up to 50 lbs., and infrequently up to 100 lbs.).

1425.60 Environmental Demands:

Outside: Works outside frequently in a variety of weather conditions ranging from snow to +100 DEF.

Inside: Occasionally works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to fumes from internal combustion engines and other construction equipment, dust from construction operations, fumes from road maintenance materials, and fumes from weed control chemicals.

Noise/Vibration: Moderate exposure to noise and vibration from construction tools and equipment.

1425.70 Mental Requirements:

Reading: Ability to read manuals, maps, written memos and directives, plans, specifications and details, work orders, material data sheets, and safety manuals.

Writing: Annotates work orders with materials used, equipment used, as-built facility information, hours worked, and description of work done.

Math: Ability to perform basic math calculations. Ability to count and measure

Attention to Detail: Medium level concentration and attention to detail to produce acceptable level of workmanship.

Repetition: Periodic repetitive routine daily work practices.

Judgment: Frequently works unsupervised; good judgment required.

Social Skills: Ability to relate cooperatively with members of the public, and District personnel.

Communication Skills: Ability to understand communications from others. Ability to communicate all hand signals related to construction operations.

POLICY TITLE: Job Description – Chief of Police
POLICY NUMBER: 1500

1500.10 General Job Description

Under direction of the General Manager, the Chief of Police is responsible for managing the police force for the Lake Shastina Community Services District. The police force consists of three (3) full time officers, two (2) part time officers, and one (1) full time Community Services Officer/Clerk.

The Chief of Police’s primary duties include:

Perform duties as per written employment contract and be able to perform equivalent to what is required of post trained police officers of District.

Preparing written and oral reports for and attending the board meetings of the Lake Shastina Community Services District, and such other meetings as the board specifies from time to time.

Supervising officers in their tasks of patrolling in a radio equipped car, answering calls for the protection of life and property, enforcing all applicable laws, preventing and detecting crime, making house security calls, maintaining animal control, investigating crimes, responding to various emergencies, enforcing traffic laws, preparing complete and accurate reports, preparing cases for prosecution, appearing as a court witness, maintaining contact with citizens regarding police problems and preserving good relationships with the general public, and any other duties that may be required.

Assuring that all required county, state, and federal records and reports are compiled and submitted.

Maintaining cordial relations with all persons entitled to the services of Lake Shastina police force, and attempting to resolve all public and officer complaints. He/she shall encourage citizen participation in the affairs of Lake Shastina.

Preparing the budgets and disposition of various grants for the Police Department.

Representing Lake Shastina Police Department to all outside law enforcement agencies.

Defining, administering, and maintaining records for a training program for all police officers.

Defining and maintaining a set of Police Department Regulations and Standards for the conduct of Police activities.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Lake Shastina community.

1500.20 Prerequisite Qualifications. He/she must be a citizen of the United States, shall have graduated from a California POST approved Basic Academy and possession of a POST Advanced Certificate, possess a bachelors degree in police administration, a related field, and/or shall have five (5) years experience in an increasingly responsible police agency management position, height and weight proportional to each other, physical health, strength, stature and agility necessary to meet the demands of police work, vision correctable to 20/20, uncorrected to 20/100, a valid California driver's license, free from criminal record, and be of good moral character.

He/she must have a working knowledge of police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques and equipment, police records and reports, first aid, criminal law procedures apprehension and arrest, custody of persons, search and seizure, collection and preservation of evidence, offensive and defensive weapons, basic self defense, interviewing and interrogation techniques, civil actions, understanding and interpreting applications of law, departmental policies and regulations, and related rules pertaining to police work.

1500.25 Additional Desirable Qualifications. Possession of EMT I or II certificate or paramedic certificate.

1500.30 Salary Table. The Chief of Police's salary is determined by contract.

1500.40 Essential Job Physical Demands: Maintain a physical condition necessary to perform essential duties, as specified by POST certification. Activities may include effecting arrests; subduing resisting persons; chasing fleeing subjects; walking, running, crouching, or crawling during emergency operations; moving equipment and injured/deceased persons; climbing stairs/ladders; assisting in life saving and rescue procedures; walking, standing, or sitting for extended periods of time; operating assigned equipment and vehicles; effectively dealing with personal danger, which may include exposure to armed/dangerous persons, dangerous animals, communicable diseases, hazards of driving, natural and man-made disasters; maintaining effective audio-visual discrimination; and perception for making. Operation of telephone, two-way radio, fire arms, police vehicle for patrolling, computer and other related business machines, and access file storage facilities.

1500.50 Environmental Demands:

Outside: Occasionally patrols out-of-office and directs traffic in a variety of weather conditions including, rain, snow and heat to +100 DEG F.
Inside: Primarily works indoors in temperature-controlled environment.
Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.
Noise/Vibration: Business/office machines, use of fire arms.

1500.60 Mental Requirements:

Reading: Ability to read laws and regulations, letters, reports, memos, messages, etc.
Writing: Ability to write prompt, clear, and accurate reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn to use laptop computer and associated report software.
Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.
Attention to Detail: High level concentration and attention to detail for extended periods of time.
Repetition: Not a particularly repetitive job.
Judgment: Ability to react quickly and calmly in emergency or hazardous situations and adopt an effective course of action. Ability to observe and remember facts and details of incidents and learn information through interview and observations. Ability to manage, prioritize work, and make decisions regarding the operation of services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.
Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.
Communication: Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Chief of Public Safety
POLICY NUMBER: 1505 (Added 6/20/12)

1505.10 General Job Description

Under direction of the General Manager, the Chief of Public Safety is responsible for managing the police/fire force for the Lake Shastina Community Services District. The force consists of full time officers, part time officers, a full time Community Services Officer/Clerk, a 25 member volunteer Fire Department and a part time Administrative Fire Captain.

The Chief's primary duties include:

Perform duties as per written employment contract and be able to perform equivalent to what is required of post trained police officers of District.

Preparing written and oral reports for and attending the board meetings of the Lake Shastina Community Services District and such other meetings as the board specifies from time to time.

Supervising firefighters in their tasks of responding to fires and medical emergencies, protecting life and property, maintaining vehicles, operating various communications systems, office dispatching and reception, and preparing and writing reports.

Supervising officers in their tasks of patrolling in a radio equipped car, answering calls for the protection of life and property, enforcing all applicable laws, preventing and detecting crime, making house security calls, maintaining animal control, investigating crimes, responding to various emergencies, enforcing traffic laws, preparing complete and accurate reports, preparing cases for prosecution, appearing as a court witness, maintaining contact with citizens regarding police problems and preserving good relationships with the general public, and any other duties that may be required.

Assuring that all required county, state, and federal records and reports are compiled and submitted.

Maintaining cordial relations with all persons entitled to the services of Lake Shastina police/fire force, and attempting to resolve all public and officer complaints. He/she shall encourage citizen participation in the affairs of Lake Shastina.

Preparing the budgets and disposition of various grants for the Public Safety Department.

Representing Lake Shastina Public Safety Department to all outside fire and law enforcement agencies.

Defining, administering, and maintaining records for a training program for all fire members and police officers.

Defining and maintaining a set of Department Regulations and Standards for the conduct of activities.

Ability to obtain a Class C driver's license within one (1) month of hire.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Lake Shastina community.

1505.20 Prerequisite Qualifications. He/she must be a citizen of the United States, shall have graduated from a California POST approved Basic Academy and possession of a POST Advanced Certificate, possess a bachelors degree in police administration, a related field, and/or shall have five (5) years experience in an increasingly responsible police or fire agency management position, experience in a fire fighting agency, a current CPR Professional Certificate and be of good moral character, height and weight proportional to each other, physical health, strength, stature and agility necessary to meet the demands of police work, vision correctable to 20/20, free from criminal record, and be of good moral character.

He/she must have a working knowledge of public safety administration, fire administration, emergency and disaster preparedness, fire investigation, hazardous materials management and police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques and equipment, police records and reports, first aid, criminal law procedures apprehension and arrest, custody of persons, search and seizure, collection and preservation of evidence, offensive and defensive weapons, basic self-defense, interviewing and interrogation techniques, civil actions, understanding and interpreting applications of law, departmental policies and regulations, and related rules pertaining to police work.

1505.25 Additional Desirable Qualifications. Possession of a Management or Executive Certificate in law enforcement and EMT certificate.

1505.30 Salary. Salary is currently under review.

1505.40 Essential Job Physical Demands: Maintain a physical condition necessary to perform essential duties, as specified by POST certification. Activities may include effecting arrests; subduing resisting persons; chasing fleeing subjects; walking, running, crouching, or crawling during emergency operations; moving equipment and injured/deceased persons; climbing stairs/ladders; assisting in life saving and rescue procedures; walking, standing, or sitting for extended periods of time; operating assigned equipment and vehicles; effectively dealing with personal danger, which may include exposure to armed/dangerous persons, dangerous animals, communicable diseases, hazards of driving, natural and man-made disasters; maintaining effective audio-visual discrimination; and perception for making. Operation of telephone, two-way radio, fire arms, police vehicle for patrolling, computer and other related business machines, and access file storage facilities. Occasional running, lifting and carrying up to 100 lbs.; climbing ladders, pushing; and pulling.

1505.50 Environmental Demands:

Outside: Occasionally patrols out-of-office and directs traffic in a variety of weather conditions including, rain, snow and heat to +100 DEG F. Fights fires and performs training exercises out-of-office in a variety of weather conditions. Responds to medical emergencies both indoors and outside.

Inside: Work indoors in temperature-controlled environment.

Fumes/Gases: Exposure to smoke/dust.

Noise/Vibration: Business/office machines, use of fire arms, operation of large fire trucks and noise associate with fires.

1505.60 Mental Requirements:

Reading: Ability to read laws and regulations, letters, reports, memos, messages, etc.

Writing Ability to write prompt, clear, and accurate reports, memos, messages, and fill out information forms. Needs ability to use laptop computer and associated report software, and Microsoft Office software.

Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time.

Judgment: Ability to react quickly and calmly in emergency or hazardous situations and adopt an effective course of action. Ability to observe and remember facts and details of incidents and learn information through interview and observations. Ability to manage, prioritize work, and make decisions regarding the operation of services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables.

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Approved: 05/21/04

Revised: 7/18/18

Ability to work with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, fire volunteers, Directors, and District personnel on a constant and face-to-face basis.

Communication: Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Police Sergeant

POLICY NUMBER: 1508 (added 3/16/16)

1508.10 General Job Description:

Under the direction of the Police Chief, organize and direct law enforcement activities during an assigned shift including patrol functions, administration, traffic regulation and the enforcement of District, State, and Federal laws, codes, ordinances and regulations, accidents, emergency situations and other disturbances and requests for assistance; review evaluate and approve cases and arrests; train and evaluate the performance of assigned personnel. Also, as assigned, functions as Acting Police Chief during the absence of the Regular Police Chief for any reason.

1508.20 Prerequisite Licenses and Certificates:

1508.21 Must be a citizen of the United States of America

1508.22 Must hold a valid California Peace Officer Standards Training (POST) approved Basic Academy

1508.23 Must hold a valid POST Intermediate certification; or a certificate from a certified 80 (eighty) hour Supervisory Course that meets the POST mandate for promoted police sergeant supervisors

1508.24 Must maintain a valid California drivers' license at all times

1508.25 Must maintain valid First Aid and CPR certification issued by an accredited and/or authorized agency

1508.26 High school diploma or equivalency

150830 General Job Description and Duties (may include but are not limited to):

1508.31 Essential duties:

- a. Organize and direct law enforcement activities during an assigned shift including patrol functions, administration, traffic regulation and enforcement of District, State and Federal laws, codes, ordinances and regulations; establish shift schedules, and priorities; assure shift activities comply with established standards, requirements and procedures.
- b. Review, evaluate and approve cases and arrests performed by subordinates to assure compliance with established standards, requirements and procedures; evaluate arrests made by subordinates to determine appropriateness of detention and jailing; prepare cases and related evidence, reports and paperwork for filing of charges.
- c. Supervise and participate in patrolling District streets, parks, residential and commercial areas; identify traffic violations and suspicious or criminal activities including misdemeanors and felonies; coordinate response to emergency situations and observed or reported harmful or illegal conditions and activities by conducting investigations or taking appropriate actions; conduct follow-up investigations as needed.
- d. Train and evaluate the performance of assigned staff; interview and select employees and recommend transfer, reassignment, disciplinary, and termination actions; provide field supervision; schedule, assign and review the work of assigned officers, coordinate shift changes; review and audit reports prepared by subordinates for accuracy and completeness; conduct background investigation for new hires.
- e. Coordinate shift activities, communications, investigations and patrol units to safeguard the lives, property and constitutional rights of District citizens and visitors, monitor, evaluate and adjust shift activities in response to community law enforcement needs.
- f. Detect, apprehend, arrest and transport suspected or convicted criminals; enforce traffic laws; prepare and issue tickets for violations; investigate traffic accidents and determine causes, administer drug and alcohol test as appropriate; arrange for additional emergency and patrol vehicles as necessary.
- g. Organize, direct and participate in the inspection of crime scenes to identify and collect potential and actual evidence; observe, interview and interrogate victims, witnesses and suspects; search suspects for drugs, weapons and other illegal articles; supervise the property room and process incoming evidence as assigned; conduct surveillance as required; present evidence and testify in court as requested.
- h. Prepare a variety of detailed and concise police reports related to crimes, investigations, traffic accidents and assigned activities; maintain records and logs related to daily activities; prepare search warrants and press releases to criminal activity as assigned by the position.

- i. Coordinate and conduct field training for new officers; explain and demonstrate law enforcement principles, techniques, standards, requirements, policies and procedures; serve as the fire arms officer or POST training manager and conduct related officer tests as assigned by the position.
- j. Organize, direct and conduct special investigations for narcotics and other drug violations, missing persons, sexual abuse, mental health, homicide, shootings and other deaths as assigned.
- k. Communicate with other law enforcement agencies, District personnel and various outside organizations to exchange information, coordinate activities and resolve issues and concerns; collaborate with other law enforcement agencies in the investigation of various crimes as necessary and appropriate.
- l. Operate and maintain a variety of specialized equipment such as law enforcement vehicles, firearms, handcuffs, leg restraints, batons, flashlights, radars, departmental two-way radios, video equipment, pepper spray, intoxicilizers, sirens, vehicle light bars, and any other such relevant and required law enforcement equipment.
- m. Monitor and assess police department policies and procedures for community effectiveness and operational efficiency; assist with the development of policies and procedures; develop investigative plans and strategies, and determine appropriate for police activities as needed.
- n. Provide first aid, CPR, and rescue services at crime scenes, accidents, and other emergency situations as needed.
- o. Monitor inventory levels of designated law enforcement supplies and equipment as assigned; order receive and maintain adequate levels of supplies and equipment.
- p. Assure proper notification to the public or criminal and law enforcement situations and activities as needed; check houses for vacationing citizens as requested; check on the health and welfare of housebound or other citizens as requested.
- q. Attend, conduct and/or participate in various meetings as assigned; supervise any special programs that may be active or developed in the future such as DARE and Explorers and other assigned special functions and/or activities as assigned.
- r. Prepare and deliver oral reports and/or presentations concerning law enforcement activities to the District Board and/or the public as directed.

1508.40 Knowledge and Abilities:

1508.41 Knowledge:

Organization and direction of activities involved in safeguarding the lives, property and constitutional rights of citizens, including law enforcement activities, patrol functions and traffic regulation. Principals, practices, procedures and techniques used by law enforcement. District, County, State, Federal laws, codes ordinances and regulations. Good working knowledge of the geography of the District and specific areas of assignment. Interviewing and interrogations techniques, rules of evidence and laws of arrest. Crime scene investigation, evidence collection and preservation practices, procedures and techniques. Legal definitions and terminology of major crimes. Requirements for effective prosecution of criminal cases. Operations of a variety of specialized law enforcement vehicles and equipment. Recordkeeping and report preparation techniques. Principles and practices of supervision and training. Oral and written communication skills. Interpersonal skills using diplomacy, courtesy and patience. Health and safety laws and regulations. Legal and defensive driving practices. First aid and CPR procedures.

1508.42 Abilities:

Organize and direct activities involved in safeguarding the lives, property and constitutional rights of District citizens and visitors including law enforcement activities, patrol functions, administration and traffic regulations. Review, evaluate and approve cases and arrests performed by subordinates. Coordinate response to emergency situations and observed and reported harmful, or illegal conditions and activities by conducting investigations or taking appropriate actions. Train and evaluate the performance of assigned personnel. Interpret, apply, and enforce District, County, State and Federal laws, codes, ordinances and regulations. Detect, apprehend and arrest suspects. Investigate crimes and inspect crime scenes to identify and collect potential and actual; evidence. Maintain current knowledge of the law and modern law enforcement techniques. Operate a variety of specialized law enforcement vehicles and equipment. Analyze situations accurately and determine an effective course of action. Observe health and safety regulations. Plan, prioritize and organize work. Maintain records and prepare clear and concise reports. Administer first aid and CPR as necessary. Work independently with little direction or supervision. Observe legal and defensive driving practices.

Communicate effectively both orally and in writing. Establish and maintain cooperative and effective working relationships with others.

1508.50 Working Conditions:

1508.51 Environment:

Indoor and outdoor work conditions. Seasonal heat and cold or adverse weather conditions for working and driving. Evening or various shift hours and emergency call-out. Driving police vehicle in all road and weather conditions to conduct duties.

1508.52 Physical Demands:

Dexterity of hands and fingers to operate various law enforcement equipment as well as various office equipment. Hearing and speaking for the accurate exchange of information. Reaching overhead, above the shoulders and horizontally. Climb stairs, ladders and over other obstacles. Walking and running over rough or uneven terrain and other surfaces. Vision to accurately see for patrol and reading a variety of materials. Sitting or standing for extended periods of time. Bending at the waist, stooping, kneeling and crouching. Lifting, carrying, pushing or pulling heavy objects or individuals as assigned or required by the position. Physical agility and stamina.

1508.53 Hazards:

Exposure to danger on a daily basis, such as fighting and confrontations. Contact with dissatisfied, angry, confrontational and abusive individuals. Driving a vehicles during adverse road and weather conditions. Hazardous chemical exposure. Possible exposure to communicable diseases. Traffic hazards. Possible exposure to guns and explosives.

POLICY TITLE: Job Description – Police Officer
POLICY NUMBER: 1510

1510.10 General Job Description Must report directly to the Chief of Police. Primary duties include:

Patrols in a radio equipped car

Answers calls for the protection of life and property

Assists in life saving and rescue procedures and reacts calmly in emergency and hazardous situations.

Responds to various emergencies

Enforces traffic and all applicable laws

Prevents and detects crimes

Maintains a public service approach towards the community

Makes house security checks

Maintains animal control

Investigates crimes and enforces all traffic and applicable laws

Prepares accurate and complete reports and preserves good relationships with staff and the general public

1510.20 Prerequisite Qualifications. He/she must be a citizen of the United States, shall have graduated from a California POST approved Basic Academy. Must possess physical health, strength, stature and agility necessary to meet the demands of police work, vision correctable to 20/20, uncorrected to 20/100, a valid California driver's license, free from criminal record, and be of good moral character.

Must have Working knowledge of police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques and equipment, police records and reports, first aid, criminal law procedures apprehension and arrest, custody of persons, search and seizure, collection and preservation of evidence, offensive and defensive weapons, basic self defense, interviewing and interrogation techniques, civil actions, understanding and interpreting applications of law, departmental policies and regulations, and related rules pertaining to police work.

1510.25 Additional Desirable Qualifications. Possession of EMT I or II certificate or paramedic certificate.

1510.30 Salary Table. Salary Range Scale available at the accounting office.

1510.40 Essential Job Physical Demands: Maintain a physical condition necessary to perform essential duties, as specified by POST certification. Activities may include effecting arrests; subduing resisting persons; chasing fleeing subjects; walking, running, crouching, or crawling during emergency operations; moving equipment and injured/deceased persons; climbing stairs/ladders; assisting in life saving and rescue procedures; walking, standing, or sitting for extended periods of time; operating assigned equipment and vehicles; effectively dealing with personal danger, which may include exposure to armed/dangerous persons, dangerous animals, communicable diseases, hazards of driving, natural and man-made disasters; maintaining effective audio-visual discrimination; and perception for making. Operation of telephone, two-way radio, fire arms, police vehicle for patrolling, computer and other related business machines, and access file storage facilities.

1510.50 Environmental Demands:

- Outside: Occasionally patrols out-of-office and directs traffic in a variety of weather conditions including, rain, snow and heat to +100 DEG F.
- Inside: Primarily works indoors in temperature-controlled environment.
- Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.
- Noise/Vibration: Business/office machines, use of fire arms.

1510.60 Mental Requirements:

- Reading: Ability to read laws and regulations, letters, reports, memos, messages, etc.
- Writing: Ability to write prompt, clear, and accurate reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn to use laptop computer and associated report software.
- Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.
- Attention to Detail: High level concentration and attention to detail for extended periods of time.
- Repetition: Not a particularly repetitive job.
- Judgment: Ability to react quickly and calmly in emergency or hazardous situations and adopt an effective course of action. Ability to observe and remember facts and details of incidents and learn information through interview and observations. Ability to manage, prioritize work, and make decisions regarding the operation of services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.
- Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Reserve Police Officer
POLICY NUMBER: 1515 (Added 2/17/16)

1515.10 General Job Description Must report directly to the Chief of Police. Primary duties include:

Patrols in a radio equipped car

Answers calls for the protection of life and property

Assists in life saving and rescue procedures and reacts calmly in emergency and hazardous situations.

Responds to various emergencies

Enforces traffic and all applicable laws

Prevents and detects crimes

Maintains a public service approach towards the community

Makes house security checks

Maintains animal control

Investigates crimes and enforces all traffic and applicable laws

Prepares accurate and complete reports and preserves good relationships with staff and the general public

1515.20 Prerequisite Qualifications. He/she must be a citizen of the United States, shall have graduated from a California POST/Reserve approved Basic Academy. Must have a Level 1 Reserve officer certification. Must possess physical health, strength, stature and agility necessary to meet the demands of police work, vision correctable to 20/20, uncorrected to 20/100, a valid California driver's license, free from criminal record, and be of good moral character.

Must have Working knowledge of police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques and equipment, police records and reports, first aid, criminal law procedures apprehension and arrest, custody of persons, search and seizure, collection and preservation of evidence, offensive and defensive weapons, basic self-defense, interviewing and interrogation techniques, civil actions, understanding and interpreting applications of law, departmental policies and regulations, and related rules pertaining to police work.

1515.25 Additional Desirable Qualifications

1515.30 Salary Table. Salary Range Scale available at the accounting office.

1515.40 Essential Job Physical Demands: Maintain a physical condition necessary to perform essential duties, as specified by POST certification. Activities may include effecting arrests; subduing resisting persons; chasing fleeing subjects; walking, running, crouching, or crawling during emergency operations; moving equipment and injured/deceased persons; climbing stairs/ladders; assisting in life saving and rescue procedures; walking, standing, or sitting for extended periods of time; operating assigned equipment and vehicles; effectively dealing with personal danger, which may include exposure to armed/dangerous persons, dangerous animals, communicable diseases, hazards of driving, natural and man-made disasters; maintaining effective audio-visual discrimination; and perception for making. Operation of telephone, two-way radio, fire arms, police vehicle for patrolling, computer and other related business machines, and access file storage facilities.

1515.50 Environmental Demands:

- Outside: Occasionally patrols out-of-office and directs traffic in a variety of weather conditions including, rain, snow and heat to +100 DEG F.
- Inside: Primarily works indoors in temperature-controlled environment.
- Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.
- Noise/Vibration: Business/office machines, use of fire arms.

1515.60 Mental Requirements:

- Reading: Ability to read laws and regulations, letters, reports, memos, messages, etc.
- Writing: Ability to write prompt, clear, and accurate reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn to use laptop computer and associated report software.
- Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.
- Attention to Detail: High level concentration and attention to detail for extended periods of time.
- Repetition: Not a particularly repetitive job.
- Judgment: Ability to react quickly and calmly in emergency or hazardous situations and adopt an effective course of action. Ability to observe and remember facts and details of incidents and learn information through interview and observations. Ability to manage, prioritize work, and make decisions regarding the operation of services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals.
- Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Community Services Officer / Clerk
POLICY NUMBER: 1520 (Revised 11/19/2014)

1520.10 General Job Description Community Services Officer / Clerk

Primary duties include:

Maintaining and managing the Department of Public Safety Police Division records, perform animal control duties such as responding to complaints and apprehending animals, performing various clerical duties such as typing, filing, receiving, logging, and directing visitors and telephone calls, performing registration procedures with sex, arson, and narcotics offenders, including fingerprinting and photographing, providing support to the Department of Public Safety in the areas of animal control, house watch, etc., and any other duties that may be required.

Under direction of the Chief of Public Safety, performs routine, nonsworn, field and office law enforcement related duties. While the primary focus of Community Service Officer falls within the Operations Division of the Police Department, their utilization can be expected in any division of Departments where their talents could be of benefit. Community Service Officers make citizen contact and promote positive public relations for the department; write incident documentation; assist sworn personnel in special events; and perform other related work as assigned.

Maintaining cordial relations with the public regarding animal control law enforcement activities and attempting to resolve all public complaints. He/she shall encourage citizen participation in the affairs of Lake Shastina and shall promote, develop and maintain positive public relations between the Department of Public Safety and the community with an emphasis on customer service. Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Department of Public Safety.

Customary Work Hours: As outlined in the Department schedule

Customary Work Days: As outlined in the Department schedule

1520.20 Prerequisite Qualifications, Educational and/or Experience Requirements:

He/she must be a citizen of the United States, 21 years of age, possess the equivalent to graduation from high school, GED or higher education level, a valid California Class C driver's license, free from criminal record, and be of good moral character.

Job Related and Essential Qualifications:

Knowledge of:

- Report writing and documentation techniques.
- Proper use of English and grammar.
- Modern office practices, procedures, equipment and techniques, including computerized applications.
- Record keeping principles and procedures.
- Modern police methods and procedures relating to non-sworn activities encountered by a Community Service Officer.
- Current first aid and CPR applications.

Skills at:

- Interpreting and applying oral and/or written materials and instructions.
- Interpreting and applying laws and regulations.
- Operating telephone, computer, teletype and crime scene investigative material.
- Communicating clearly, concisely and effectively, both orally and in writing.
- Gathering, assembling, analyzing and evaluating facts and evidence, drawing logical conclusions and making proper recommendations.
- Responding quickly and effectively in difficult situations.
- Working with minimal supervision.

Ability to:

- Learn California statutory law as it pertains to incidents commonly documented and/or encountered by Community Service Officers.
- Write detailed, comprehensive reports.
- Learn radio codes in use by the department.
- Learn geography of the local area.
- Learn and perform job tasks related to code enforcement, crime prevention and evidence
- Apply first aid and CPR.
- Recognize, prioritize and accomplish needed tasks.
- Promote a customer service focus in forging cooperative public relations.
- Identify with management and District goals and objectives and understand District priorities and needs.
- Work in a team-based environment.
- Establish and maintain cooperative working relationships with District staff and Departments and others contacted in the course of work.
- Demonstrate continuing effectiveness in carrying out the knowledge, skills and requirements of the position.

A combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be through:

1. Education. Completion of formal or informal education sufficient to ensure the ability to read and write at the level required for successful job performance.
2. Experience: At least one (1) year of recent full-time experience dealing extensively with the general public or six (6) months of law enforcement and/or criminal justice system experience.

Other duties and requirements:

This job description lists the major duties and requirements of the job and is not all inclusive. Not all duties are necessarily performed by each incumbent. Incumbents may be expected to perform job-related duties other than those contained in this document and may be required to have specific job-related knowledge and skills, including duties involving animal control activities.

Incumbent must have a basic knowledge or the ability to quickly learn Law Enforcement methods and procedures, departmental policies and regulations, and the basic computer software.

1520.25 Additional Desirable Qualifications. College units in Police Science or AA degree and/or possession of EMT I or II certificate or paramedic certificate.

1520.30 Salary Range: Salary Range Scale available at the accounting office.

1520.40 Essential Job Physical Demands/Qualifications: Sitting; standing; stooping; bending; squatting; walking; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, police vehicle for patrolling, computer and other related business machines, and access file storage facilities. Animal control duties as assigned.

1. Working conditions in the office are clean, well lit and free from extremes of temperature and humidity.
2. Working conditions in the field are subject to variations in temperature, and may include wind, rain, snow and ice and other elements.
3. Requires ability to work safely out-of-doors in all weather, lift and carry equipment, materials and supplies alone frequently weighing up to 50 lbs., and up to 75 lbs. with assistance, walk and stand for extended periods, grasp and hold objects and tools with full range of motion in wrists and arms, work on slippery and uneven surfaces, and hearing capacity sufficient to understand conversations.
4. Reasonable accommodations will be made for some physical demands for otherwise qualified individuals who require and request such accommodations.
5. Working with animals and apprehending stray dogs; cleaning of kennels, feeding and caring of impounded animals.

1520.40 Essential Job Non-Physical Demands/Qualifications:

Must be able to:

1. Communicate information clearly and effectively on a number of different levels, both verbal and written.
2. Operate effectively under deadlines.
3. Be detail oriented and display the ability to see numerous projects through to a successful completion.
4. Demonstrate a high level of integrity.

1520.60 Environmental Demands/Conditions:

1. Exposure to chemicals, biohazards, electrical shock, drowning, heights, confined spaces, weather exposure, trip/all hazards, power tools and wild animals.
2. Working conditions in the office are clean, well lit, and free from extremes of temperature and humidity.
3. Working conditions in the field are subject to extreme variations in temperatures, humidity, and can include high wind and rain.
4. Incumbent may occasionally be required to work on slippery or uneven surfaces.

Outside: Occasionally drives out-of-office and may direct traffic in a variety of weather conditions including, rain, snow and heat to +100DEG F.

Inside: Primarily works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.

Noise/Vibration: Business/office machines, and driving a patrol car.

1520.70 Mental Requirements:

Reading: Ability to read laws and regulations, letters, reports, memos, messages, etc.

Writing: Ability to write prompt, clear, and accurate reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn to use laptop computer and associated report software.

Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time.

Repetition: Not a particularly repetitive job.

Judgment: Ability to observe and remember facts and details of incidents and learn information through interview and observations. Ability to manage, prioritize work, and make decisions regarding the operation of services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Public Safety/General Volunteer

POLICY NUMBER: 1525 (added 5/15/13)

1525.10 General Job Description

Under Direction of the Chief of Public Safety or General Manager, volunteers may be assigned and responsible for a variety of duties. Such duties may include the following:

Emergency Management Preparedness: Volunteer will help update manuals, prepare table top exercises and train with department and CSD staff and members of the community in emergency and natural disaster procedures

Mail Run: Volunteer will process the police department's mail and internal memorandums through the CSD and transport documents to the courts, DA, Probation, etc. as necessary and ensure other internal documents are sorted and delivered as necessary,

Grant Writing: Volunteer will assist administration in research, developing and writing grants for various divisions within the Department of Public Safety.

Fingerprinting: Volunteer will do the non-criminal fingerprinting for the department at designated times and do ident-a-child finger printing at the safety fair and at community events.

Records Receptionist: Volunteer will assist DPS personnel in answering phones, assisting the public at front counter, Operation Y.A.N.A. calls, maintaining positive public contact, processing paperwork, shredding, filing and copying reports.

Data Entry: Volunteer will assist in data entry, word processing and special projects as the need arises.

Radar Trailer: Volunteer will transport the Radar Trailer to various locations in the district as instructed by the chief, retrieve statistical data from the Smart Trailer's computer and prepare reports.

Vehicle Maintenance: Volunteer will transport police vehicles on a regular basis to the corporation yard for repair, to the car wash, to radio equipment repair shop and various other duties as instructed by the chief.

V.I.P. Patrol: Volunteer will patrol neighborhoods in designated DPS vehicles for the purpose of vacation checks, house watches, graffiti watch, parking hazards, reporting any suspicious activity to the on duty officer and assisting in traffic control or other duties as advised by the on duty officer or chief.

Investigations Assistant: Volunteer will assist Officers in various duties such as filing, answering phones, juvenile diversion letters, parking citation letters, victim letters, monthly statistics, transcribing, and data entry.

General Clerical: Volunteer will assist with updating manuals, files and data entry or other needed functions as assigned.

False Alarm Cards: Volunteer will process false alarm cards, send warning letters and prepare alarm reports for the Finance Department.

Neighborhood Watch Program: Volunteer will assist the chief in conducting Neighborhood Watch meetings, follow-up with home security inspections, and assist Neighborhood Watch leaders in maintaining the program.

Newsletter Editor: Volunteer will create, publish, edit and word process a newsletter for members of the V.I.P. program and assist the Crime Prevention Officer in the publication of the Neighborhood Watch Newsletter.

Special Events: Volunteer will assist the Crime Prevention Officer by manning the Crime Prevention Booth, distributing Crime Prevention materials, such as; balloons and junior police badges; taking photos and assisting the public at special events, such as the Safety Fair, National Night Out, Car Show, etc.

Fundraiser: Volunteer will develop, coordinate and plan fund raising events within the community to benefit the V.I.P. program, Kids Programs and other Crime Prevention programs.

Volunteer Coordinator Assistant: Volunteer will assist the Volunteer Coordinator in developing and maintaining the V.I.P. program, V.I.P. assignment scheduling, oversee monthly V.I.P. meetings, collecting data for the V.I.P. newsletter and other general office duties

1525.20 Prerequisite Qualifications. He/she must be a citizen of the United States, 18 years of age, possess a high school graduate, GED or higher education level, a valid California driver's license, free from criminal record, and be of good moral character.

He/she must have a basic knowledge or the ability to quickly learn police methods and procedures, appropriate Association's CC&Rs, departmental policies and regulations, and the basic Microsoft Office software.

1525.30 Salary Range: This is a volunteer position and does not receive compensation. Timesheet must be kept for worker's compensation coverage requirements.

1525.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of telephone, two-way radio, Public Safety volunteer vehicle, computer and other related business machines, and access file storage facilities.

1525.60 Environmental Demands:

Outside: Occasionally drives out-of-office and may work outside in a variety of weather conditions including, rain, snow and heat to +100DEG F.

Inside: Primarily works indoors in temperature-controlled environment.

Fumes/Gases: Exposure to various colognes/perfumes, infrequent exposure to fumes/dust from printing cartridges.

Noise/Vibration: Business/office machines and volunteer vehicle

1525.70 Mental Requirements:

Reading: Ability to read written instructions, letters, reports, memos, messages, etc.

Writing Ability to write prompt, clear, and accurate reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn to use computer, Microsoft Office software and associated report software.

Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Attention to Detail: High level concentration and attention to detail for extended periods of time.

Repetition: May or may not be a particularly repetitive job.

Judgment: Ability to observe and remember facts and details of incidents and learn information through interview and observations. Ability to manage, prioritize work, and make decisions regarding the operation of services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Fire Chief
POLICY NUMBER: 1600 (Revised 7/18/18)

1600.10 General Job Description:

Under direction of the General Manager, the Fire Chief is responsible for managing the Volunteer Fire Department for the Lake Shastina Community Services District. The Fire Department may consist of (1) Assistant Chief, Captain(s), Lieutenant(s), Firefighters and Cadet(s).

The Fire Chief's primary duties include:

Preparing written and oral reports for and attending the board meetings of the Lake Shastina Community Services District, and such other meetings as the board specifies from time to time, including the local Fire Safe Council.

Supervising firefighters in their tasks of responding to fires and medical emergencies, protecting life and property, maintaining vehicles as well as service logs, operating various communications systems, office dispatching, reception, preparing and writing reports.

Assuring that all required county, state, and federal records and reports are compiled and submitted.

Maintaining cordial relations with all persons entitled to the services of Lake Shastina Fire Department, and attempting to resolve all public and firefighter complaints.

Preparing the budgets and disposition of various grants for the Fire Department.

Representing Lake Shastina Fire Department to all outside fire fighting agencies and coordinating mutual aid and disaster support to the District.

Defining, administering, and maintaining records for a training program for all LSCSD fire fighters.

Defining, administering, and maintaining emergency response plans and procedures for the Lake Shastina Community.

Defining and maintaining a set of Fire Department Regulations and Standards for the conduct of Fire Department activities.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Lake Shastina Community Services District and Board of Directors.

1600.20 Prerequisite Qualifications: He/she must possess an associates degree in fire science or a related field, or a bachelors degree from a 4 year university, and/or shall have five (5) years experience in an increasingly responsible fire fighting agency management position, a current Emergency Medical Technician Certificate and CPR Certification, a Hazardous Materials Operational Certification, Confined Space Awareness Certification, Firefighter Survival Certification and a Valid California Class B Commercial drivers license, and be of good moral character.

He/she must have knowledge of public safety administration, fire administration, emergency and disaster preparedness, fire investigation, hazardous materials management, LSCSD local roads and water system, model fire and building codes, and state and local fire codes and regulations.

1600.25 Additional Desirable Qualifications: California State Fire Training Instructor series and Certified Instructor.

1600.30 Salary Range: The Fire Chief's salary is determined by contract or Salary.

1600.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicles (cars and fire-fighting equipment); lifting and carrying up to 25 lbs., close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of modern fire apparatus and fire-fighting equipment, medical equipment, telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities. He/she must be capable of passing a fit test on breathalyzer equipment and the Lake Shastina agility test for fire fighters,

1600.50 Marginal Job Physical Demands: Occasional running, lifting and carrying up to 100 lbs., climbing ladders, pushing and pulling.

1600.60 Environmental Demands:

Outside: Fights fires and performs training exercises out-of-office in a variety of weather conditions including rain and snow and is subjected to conditions of extreme heat. Responds to medical emergencies both indoors and outside.

Inside: Occasional training exercises indoors in temperature-controlled environment.

Fumes/Gases: Exposure to smoke and dust.

Noise/Vibration: Operation of large fire trucks and noise associated with fires.

1600.70 Mental Requirements:

Reading: Ability to read manuals and instructions for operation and maintenance of equipment, computer software and hardware, letters, reports, memos, messages, etc.

Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office Software.

Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel Spreadsheet Software.

Attention to Detail: High level of concentration and attention to detail for extended periods of time.

Repetition: Not a particularly repetitive job.

Judgment: Ability to manage, prioritize work, and make decisions for the operation of the services to the Lake Shastina Community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District personnel on a constant and face-to-face basis.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Volunteer Fire-Fighter
POLICY NUMBER: 1605 (Revised 7/18/18)

1605.10 General Job Description:

Under direction of the Fire Chief, volunteer fire-fighters are responsible for responding to fires and medical emergencies, protecting life and property. Participating in fire prevention programs, defined fire-fighting training program, maintaining fire-fighting equipment and vehicles as well as service logs, operating various communications systems, office dispatching, reception, preparing and writing reports.

Maintaining cordial relations with all persons entitled to the services of Lake Shastina Fire Department, and attempting to resolve all public and fire-fighter complaints.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Lake Shastina Community Services District.

1605.20 Prerequisite Qualifications: He/she must be a high school graduate or equivalent, possess a valid California Class C drivers license, and be of good moral character.

He/she must have knowledge of or be able to quickly learn modern fire-fighting methods, equipment operation and maintenance, accepted emergency medical service practices, emergency and disaster preparedness, fire investigation, hazardous materials management, LSCSD local roads and water system, model fire and building codes, and state and local fire codes and regulations.

1605.25 Additional Desirable Qualifications: Current Emergency Medical Responder or NREMT-B and CPR Certification are desirable. California Class A or B commercial or Class C with firefighter endorsement drivers license is desirable.

1605.30 Salary Range: Volunteer firefighters receive pay only during mutual aid “STRIKE TEAM” assignments or fires that are reimbursed by the CFAA agreement. Firefighters shall be paid at the current applicable payrate signed and agreed upon through the LSFDD MOU for strike team assignments for the current fiscal year.

1605.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicles (cars and fire-fighting equipment); lifting and carrying up to 25 lbs., close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of modern fire apparatus and fire-fighting equipment, medical equipment, telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities. They must be capable of passing a breathalyzer equipment fit test and the Lake Shastina fire fighters agility test.

1605.50 Marginal Job Physical Demands: Occasional running, lifting and carrying up to 100 lbs., climbing ladders, pushing and pulling.

1605.60 Environmental Demands:

Outside: Fights fires and performs training exercises out-of-office in a variety of weather conditions including rain and snow and is subjected to conditions of extreme heat. Respond to medical emergencies both indoors and outside.

Inside: Occasional training exercises indoors in temperature-controlled environment.

Fumes/Gases: Exposure to smoke and dust.

Noise/Vibration: Operation of large fire trucks and noise associate with fires.

1605.70 Mental Requirements:

- Reading: Ability to read manuals and instructions for operation and maintenance of equipment, computer software and hardware, letters, reports, memos, messages, etc.
- Writing Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office Software.
- Math: Ability to work with mathematical concepts such as algebra
- Attention to Detail: High level of concentration and attention to detail for extended periods of time.
- Repetition: Not a particularly repetitive job.
- Judgment: Ability to manage, prioritize work, and make decisions for the operation of the services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and formulate appropriate instructions to achieve desired goals
- Social Skills: Ability to relate cooperatively with members of the Public, Directors, and District Personnel on a constant and face-to-face basis.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Fire Department Volunteer Fire Cadet
POLICY NUMBER: 1610 (Revised 7/18/18)

1610.10 General Job Description:

Under direction of the Fire Chief, volunteer fire-fighter cadets are responsible for responding to fires and medical emergencies protecting life and property if at the minimum age of 17 years old. Participating in fire prevention programs and the defined fire-fighting training program, maintaining fire-fighting equipment and vehicles as well as service logs, operating various communications systems, office dispatching, reception, preparing and writing reports.

Maintaining cordial relations with all persons entitled to the services of Lake Shastina Fire Department, and attempting to resolve all public and fire-fighter complaints.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Lake Shastina Community Services District.

1610.20 Prerequisite Qualifications: He/she must be of good moral character, at minimum of 17 years of age, and shall acquire First Responder CPR / First Aid within 6 months of date of hire. Submission of a valid State of California Work Permit if under 18 years of age. In order to participate in CFAA and/or mutual aid strike team assignments he/she must be a minimum of 18 years of age, hold a valid red card and be in good physical health.

He/she must have knowledge of or be able to quickly learn modern fire-fighting methods, equipment operation and maintenance, accepted emergency medical service practices, emergency and disaster preparedness, fire investigation, hazardous materials management, LSCSD local roads and water system, model fire and building codes, and state and local fire codes and regulations.

1610.25 Additional Desirable Qualifications: Current California Class C driver license, current Emergency Medical Responder and/or EMT-B and CPR Certification are desirable.

1610.30 Salary Range: Volunteer firefighter cadets receive pay only during mutual aid “STRIKE TEAM” assignments or fires that are reimbursed by the CFAA agreement if he/she is at the minimum age of 18. Firefighter cadets shall be paid the current applicable payrate signed and agreed upon through the LSFDF MOU for strike team assignments for the current fiscal year.

1610.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; lifting and carrying up to 25 lbs., close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of modern fire apparatus and fire-fighting equipment, medical equipment, telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities. He/she must be capable of passing a breathalyzer equipment fit test and the Lake Shastina fire fighters agility test.

1610.50 Marginal Job Physical Demands: Occasional running, lifting and carrying up to 100 lbs., climbing ladders, pushing and pulling.

1610.60 Environmental Demands:

Outside: Fights fires and performs training exercises out-of-office in a variety of weather conditions including rain and snow and is subjected to conditions of extreme heat. Responds to medical emergencies both indoors and outside.

Inside: Occasional training exercises indoors in temperature-controlled environment.

Fumes/Gases: Exposure to smoke and dust.

Noise/Vibration: Operation of large fire trucks and noise associate with fires.

1610.70 Mental Requirements:

- Reading: Ability to read manuals and instructions for operation and maintenance of equipment, computer software and hardware, letters, reports, memos, messages, etc.
- Writing Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office Software.
- Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel Spreadsheet Software.
- Attention to Detail: High level of concentration and attention to detail for extended periods of time.
- Repetition: Not a particularly repetitive job.
- Judgment: Ability to manage, prioritize work, and make decisions for the operation of the services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals
- Social Skills: Ability to relate cooperatively with members of the public, Directors, and District Personnel on a constant and face-to-face basis.
- Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others.

POLICY TITLE: Job Description – Assistant Fire Chief (part-time)
POLICY NUMBER: 1615 (Added 7/20/11, Revised 10/21/15, 7/18/18)

1615.10 General Job Description:

Under General Direction of the Fire Chief:

Perform administrative duties regarding general Fire Department activities.

Keep medical supplies and equipment up to date and encourage EMT training for members/volunteers.

Perform administrative duties to insure purchase orders and invoices are processed in a timely manner for vendors.

Perform equipment checks on vehicles, keep an inventory of equipment and supplies.

Order supplies and equipment when authorized by the Chief.

Promote the department and its activities.

Work with the budget documents to keep the Chief informed of budget expenditures, etc.

Coordination and scheduling of training for volunteers in coordination with the Fire Chief.

Supervise Seasonal Firefighters assigned to daily operation or to special contract projects.

Coordinate with fire fighters in their tasks of responding to fires and medical emergencies.

1615.20 Prerequisite Qualifications: He/she shall have two (2) years experience in an increasingly responsible fire fighting agency position, a current Emergency Medical First Responder and CPR Certification, a valid California Class B drivers license, and be of good moral character.

He/she must have knowledge of public safety administration, fire administration, emergency and disaster preparedness, fire investigation, hazardous materials management, LSCSD local roads and water system, model fire and building codes, and state and local fire codes and regulations.

1615.25 Additional Desirable Qualifications: The ability to use or quickly learn business computer systems, Microsoft Office and other related business and training software.

1615.30 Salary Range: Salary Range Scale available at the accounting office.

1615.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicles (cars and fire-fighting equipment); lifting and carrying up to 25 lbs., close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of modern fire apparatus and fire-fighting equipment, medical equipment, telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities.

1615.50 Marginal Job Physical Demands: Occasional running, lifting and carrying up to 100 lbs., climbing ladders, pushing and pulling.

1615.60 Environmental Demands:

Outside: Fights fires and performs training exercises out-of-office in a variety of weather conditions including rain and snow and is subjected to conditions of extreme heat. Responds to medical emergencies both indoors and outside.

Inside: Occasional training exercises indoors in temperature-controlled environment.

Fumes/Gases: Exposure to smoke and dust.

Noise/Vibration: Operation of large fire trucks and noise associated with emergency activity including noise/vibration from equipment such as chainsaws, jaws equipment, sirens and air horns.

1615.70 Mental Requirements:

Reading: Ability to read manuals and instructions for operation and maintenance of equipment, computer software and hardware, letters, reports, memos, messages, etc.

Writing Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office Software.

Math: Ability to work with mathematical concepts such as algebra. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations. Ability to use or quickly learn Excel Spreadsheet Software.

Attention to Detail: High level of concentration and attention to detail for extended periods of time.

Repetition: Not a particularly repetitive job.

Judgment: Ability to manage, prioritize work, and make decisions for the operation of the services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of audit instructions in mathematical or verbal form, and deal with several abstract and concrete variables. Ability to work with others and formulate appropriate instructions to achieve desired goals

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District Personnel on a constant and face-to-face basis.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others, take messages and relay them accurately to other persons.

POLICY TITLE: Job Description – Extra Help / Seasonal Fire-Fighter
POLICY NUMBER: 1620 (Added 5/15/13, Revised 7/18/18)

1620.10 General Job Description:

Under direction of the Fire Chief, Extra Help / Seasonal Fire-Fighters are responsible for responding to fires and medical emergencies, protecting life and property, participating in fire prevention programs and the defined fire-fighting training program, maintaining fire-fighting equipment and vehicles as well as service logs, operating various communications systems, office dispatching, reception, preparing and writing reports. Other non-firefighting duties as assigned.

Maintaining cordial relations with all persons entitled to the services of Lake Shastina Fire Department, and attempting to resolve all public and fire-fighter complaints.

Effectively working as a member of a problem-solving team to resolve, within set time schedules, a variety of tasks in support of the Lake Shastina Community Services District.

1620.20 Prerequisite Qualifications: He/she must be a high school graduate or equivalent, possess a valid California Class C drivers license, and be of good moral character. Completion of a certified Firefighter I or volunteer Firefighter I training program or equivalent.

He/she must have knowledge of or be able to quickly learn modern fire-fighting methods, equipment operation and maintenance, accepted emergency medical service practices, emergency and disaster preparedness, fire investigation, hazardous materials management, LSCSD local roads and water system, model fire and building codes, and state and local fire codes and regulations.

1620.25 Additional Desirable Qualifications: California Class B drivers license. Current Emergency Medical Technician Certificate and CPR Certification are very desirable. Possession of an S212 certificate. Possession of a class A, B, or C faller certificate. The ability to use or quickly learn business computer systems, Microsoft Office and other related business and training software.

1620.30 Salary Range: Salary Range Scale available at the accounting office.

Lake Shastina CSD participates in the statewide Mutual Aid System. When the Lake Shastina Fire-Fighters respond to fire emergencies, Company Officers and Fire-Fighters shall receive the amount agreed to by resolution of the CSD Board of Directors and identified in Policy #1150 "Compensation". (Revised 3/16/11)

1620.40 Essential Job Physical Demands: Sitting; standing; stooping; bending; squatting; walking; driving vehicles (cars and fire-fighting equipment); lifting and carrying up to 25 lbs., close and distance vision; speaking; hearing; use of hands to finger, handle, or feel objects, tools or controls. Operation of modern fire apparatus and fire-fighting equipment, medical equipment, telephone, two-way radio, computer, copier, facsimile machine, printers, and other related business machines, and access file storage facilities. They must be capable of passing a self-contained breathing apparatus equipment fit test and the Lake Shastina fire fighters agility test.

1620.50 Marginal Job Physical Demands: Occasional running, lifting and carrying up to 100 lbs., climbing ladders, pushing and pulling.

1620.60 Environmental Demands:

Outside: Fights fires and performs training exercises out-of-office in a variety of weather conditions including rain and snow and is subjected to conditions of extreme heat. Respond to medical emergencies both indoors and outside. Operate chainsaws and other hand tools for long hours.

Inside: Occasional training exercises indoors in temperature-controlled environment.

Fumes/Gases: Exposure to smoke and dust.

Noise/Vibration: Operation of large fire trucks and noise associated with fires.

1620.70 Mental Requirements:

Reading: Ability to read manuals and instructions for operation and maintenance of equipment, computer software and hardware, letters, reports, memos, messages, etc.

Writing: Ability to write reports, memos, messages, and fill out information forms. Needs ability to use or quickly learn the latest versions of Microsoft Office Software.

Math: Ability to work with mathematical concepts such as algebra.

Attention to Detail: High level of concentration and attention to detail for extended periods of time.

Repetition: Not a particularly repetitive job.

Judgment: Ability to manage, prioritize work, and make decisions for the operation of the services to the Lake Shastina community. Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to work with others and formulate appropriate instructions to achieve desired goals.

Social Skills: Ability to relate cooperatively with members of the public, Directors, and District Personnel on a constant and face-to-face basis.

Communication Skills: Ability to quickly organize and communicate thoughts orally, written or graphically. Ability to understand communications from others. Ability to communicate all hand signals related to fire ground operations.

MEMORANDUM OF UNDERSTANDING

Between

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

and

**GENERAL TEAMSTERS,
PROFESSIONAL, HEALTH CARE
and PUBLIC EMPLOYEES**

LOCAL 137

June 28, 2021 – June 30, 2026

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MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made and entered into this seventeenth day of June 2021, by and between the representatives of the LAKE SHASTINA COMMUNITY SERVICES DISTRICT, hereinafter referred to as the District, and the representatives of the General Teamsters, Professional, Health Care and Public Employees Local 137, hereinafter referred to as Union,

WITNESSETH that:

WHEREAS, the parties hereto desire to facilitate the peaceful adjustment of differences that may from time to time arise between them, to promote harmony and efficiency to the end that the District, the Union and the general public may benefit therefrom, and to establish fair and equitable wages, hours and working conditions for certain hereinafter designated employees of the District,

NOW, THEREFORE, the parties hereto do agree as follows:

ARTICLE 1 - Preamble

- 1.1 This Memorandum of Understanding supersedes and replaces all previous Memoranda of Understanding and Letter Agreements between the parties as well as all previous Minute Orders, Resolutions and Ordinances of the District Board which are in conflict with this Memorandum of Understanding.
- 1.2 It is the policy of the District and the Union not to, and neither party will illegally interfere with, intimidate, restrain, coerce or discriminate against any employee because of race, creed, sex, age, color or national origin or Union membership or non-membership or the exercise of rights contained in Sections 3500, et. seq., of the Government Code of the State of California.
- 1.3 The District is engaged in rendering services to the public, and the District and the Union recognize their mutual obligation for the continuous rendition and availability of such services.
- 1.4 The District and the Union shall cooperate in promoting harmony and efficiency among District employees.
- 1.5 The parties have met and conferred in good faith and have reached agreement on procedures set forth in this Memorandum of Understanding for resolution of disputes between the parties.

ARTICLE 2 - Recognition

- 2.1 The District recognizes the Union as the Exclusive Representative of all employees of the Lake Shastina Community Services District who hold a classification listed on Exhibit "A" of this Memorandum of Understanding.
- 2.2 The provisions of this Memorandum of Understanding hereinafter set forth shall apply only to those employees of the District for whom the Union is the established Exclusive Representative.
- 2.3 The Union is entitled to an annual total of three (3) days per year for each Shop Steward to be used for the purpose of excusing Shop Stewards from District duty, without pay, in order to participate in Union seminars or conferences. The Union shall be allowed to designate one (1) unit member as Chief Shop Steward to serve as a representative in the meet and confer process with the District. The unit member designated as Chief Shop Steward shall be granted reasonable time from scheduled duties without loss of pay and benefits to prepare for and meet with the District representatives during the meet and confer process. The Union shall be allowed to designate two (2) unit members as co-stewards to serve as representatives in the meet and confer process with the District as long as it doesn't adversely affect the District.

ARTICLE 3 - Management Rights

- 3.1 It is understood and agreed that the District retains all of its powers and authority to direct, manage, and control to the full extent of the law. Further, it is agreed by the parties that District Rights include, by way of illustration and not by way of limitation, the following:
 - (a) The full and exclusive control of the management of the District.
 - (b) The supervision of all operations, methods, processes and means of performing any and all work.
 - (c) The control of the property and the composition, assignment, direction and determination of the size and the work hours of its working forces.
 - (d) The right to determine the work to be done by employees.
 - (e) The right to establish reasonable qualifications for employment.
 - (f) The right to establish reasonable work and productivity standards.
 - (g) The right to assign overtime.
 - (h) The right to make and enforce reasonable rules and regulations which are not in conflict with the provisions of this Memorandum of Understanding.
 - (i) The right to change or introduce new or improved operations, methods, means or facilities.
 - (j) The right to establish budget procedures and financial allocations.
 - (k) The right to hire, classify, schedule, promote, demote, transfer, evaluate, release, lay off and increase or reduce work hours of employees.
 - (l) The right to suspend, discipline and discharge employees for just cause.
 - (m) The right to otherwise maintain an orderly, effective and efficient operation.
- 3.2 The District's exercise of its powers, rights, authority, duties, and responsibilities, the adoption of policies, rules and regulations, and practices in furtherance thereof, and the use of judgment and discretion in connection therewith, shall be limited only by the specific and express terms of this Memorandum of Understanding, and then only to the extent such specific and express terms are in conformance with law.

ARTICLE 4 - Union Rights

- 4.1 Official representatives of the Union will be permitted access to District property to confer with District employees on matters of employer-employee relations but such representatives shall not interfere with work in progress without agreement of Management.
- 4.2 The District will provide the Union adequate bulletin board space in a location accessible to all employees for the purpose of posting thereon matters relating to official Union business.
- 4.3 Any employee, at the employee's request, shall be permitted representation by a Union representative. The foregoing shall apply to reprimands and disciplinary actions, providing there is no unreasonable delay in obtaining representation.
- 4.4 Joint Union-Management meetings shall be held as often as agreed upon by the Union and Management. The purpose of these meetings shall be to promote harmony and efficiency and to improve communications between employees and all levels of management. The meeting agenda shall be determined by those in attendance and there shall be no restrictions on the subject matter; provided, the meetings shall not substitute for normal grievance procedures or for formal negotiations between the parties. The meetings may be summarized in written minutes. Except that the provisions of this Section shall be observed, the meetings shall be self-organizing.
- 4.5 Upon request by the Union the District will provide a copy of the District Board meeting agenda.

ARTICLE 5 - Union Security

- 5.1(a) Except for temporary employees, every employee covered by this Memorandum of Understanding shall, as a condition of employment: (1) become a member of the Union and maintain the employee's membership in the Union in good standing in accordance with its Constitution and Bylaws; or (2) in the alternative, an employee can choose not to be a member of the Union, and will not be required to pay monthly dues.
- 5.1(b) Any employee appointed to any classification out of the bargaining unit covered by this Memorandum of Understanding may withdraw from membership in Union and the employee's obligation to pay an agency fee shall be suspended for the duration of such period as the individual is working for District in a job classification not covered by this Memorandum of Understanding.
- 5.2 Any employee who is or who becomes a member of Union shall, as a condition of employment, maintain the employee's membership in Union in good standing in accordance with its Constitution and Bylaws.

- 5.3 The District shall deduct from their wages the regular membership dues of employees who are members of the Union or agency fees of other employees provided for in 5.1(a) or 5.1(b), and who individually and voluntarily authorize such deductions in writing in accordance with the provisions of Section 1157.3 of the Government Code of the State of California.
- 5.4 Deductions shall be made each pay-period and a check for the total monthly deductions shall be submitted to the General Teamsters Professional, Health Care and Public Employees Local 137 within five (5) working days after the end of each month. The District will notify the Union each month at the time of the dues transmittal to Union of any changes since the previous dues transmittal and the reasons therefore.
- 5.5 Upon written request from the Union, the District shall, within twenty-one (21) calendar days, terminate the employment of any employee who fails to comply with the requirements of this Article.
- 5.6 The form of payroll deduction authorization shall be approved by both the District and the Union.
- 5.7 The District shall provide all new employees with Union membership application forms and payroll deduction authorization forms, on or before the first day of employment. Such materials will be furnished to the District by the Union.

ARTICLE 6 - Concerted Activities

- 6.1 It is agreed and understood that there will be no strike, work stoppage, slowdown, picketing, or refusal or failure to fully and faithfully perform job functions and responsibilities, or other interference with the operations of the District by the Union or by its officers, agents, or members during the term of this Memorandum of Understanding, including compliance with the request of other labor organizations to engage in such activity. Further, it is agreed and understood that the District shall not impose any lockout.
- 6.2 The Union recognizes the duty and obligation of its representatives to comply with the provisions of this Memorandum of Understanding, and to make every effort toward inducing all employees to do so. In the event of a strike, work stoppage, slowdown, or other interference with the operations of the District by employees who are represented by the Union, the Union agrees in good faith to take all necessary steps to cause those employees to cease such action.
- 6.3 It is agreed and understood that any employee violating this Article may be subject to discipline up to and including termination by the District.

ARTICLE 7 - Grievance Procedure

- 7.1 A grievance is defined as any dispute or disagreement which may arise between the Union or an employee and the District with respect to the interpretation or application of any of the terms of this Memorandum of Understanding. Probationary employees shall not be entitled to process grievances with respect to matters of discharge, demotion or discipline. This shall not, however, prevent a probationary employee from enforcing any other rights under this Memorandum of Understanding. Grievant as used herein is defined as an employee or group of employees of the District or the Union.
- 7.2 Step One: The initial step in the adjustment of a grievance shall be a discussion between the grievant or the grievant's representative and the immediate management-level supervisor, who will answer within seven (7) days. This step shall be started within seven (7) days of the date of the action complained of, or the date the grievant became aware of the incident which is the basis for the grievance. This step may be taken during the working hours of the grievant.
- 7.3 Step Two: If a grievance is not resolved in the first step, the second step shall be the presentation of the grievance in writing by either the grievant or the grievant's representative to the General Manager or designee, who shall answer, in writing, within seven (7) calendar days. The second step shall be taken within seven (7) calendar days of the date of the answer in Step One. The written presentation shall be a clear, concise statement of the grievance, the circumstances involved, the pertinent dates, the section of this Memorandum of Understanding alleged to be violated, and the specific remedy sought.
- 7.4 Step Three: If a grievance is not resolved in the third step, the fourth step shall be referral by the Union to mediation within seven (7) calendar days of the answer in Step Three. Whenever a grievance is referred to mediation, either party may request that the California State Mediation and Conciliation Service refer a state mediator. The state mediator shall assist the parties in the resolution of the grievance in the same manner as that which is normally used in the mediation of interest disputes. Referral to Step Five shall not occur until a mediator has released the parties from the mediation process.
- 7.5(a) Step Four: If a grievance is not resolved in the fourth step, the fifth step shall be referral by the Union to arbitration. The fifth step shall be taken within seven (7) days of the date of the answer in Step Four.
- 7.5(b) An arbitrator shall be appointed on each occasion that a grievance is submitted to arbitration. In the event that the District and Union are unable to agree on the selection of an arbitrator, they shall request the State of California Mediation and Conciliation Service to nominate five (5) persons to be the arbitrator. The District and Union each will alternately challenge two (2) of such nominees, the party having the first challenge to be determined by lot. The remaining nominee shall be accepted as the arbitrator, and his compensation and expenses shall be borne equally by the District and Union. The District and the Union shall pay the compensation and expenses of their respective appointees and

witnesses. At Union's request the District shall release from duty to participate in arbitration proceedings employees necessary to the adjudication process. Expense items requested by both parties or the arbitrator such as court reporters, transcripts, or room rent shall be borne equally by the parties. Expense items requested by only one (1) party shall be paid for by the requesting party.

- 7.5(c) The arbitrator shall hold such hearings and shall consider such evidence as to the arbitrator appears necessary and proper. The decision of the arbitrator shall be final and binding on the District, Union, and the aggrieved employee, provided, however, that such decision shall not in any way add to, disregard or modify any of the provisions of this Memorandum of Understanding.
- 7.5(d) Grievances referred to arbitration that are appeals of disciplinary suspensions of five days or less, or a disciplinary action with an equivalent dollar value, shall be subject to expedited arbitration, with no attorneys, no court reporters, and an immediate bench decision made by the arbitrator.
- 7.5(e) Failure by the grievant or the Union to meet any of the aforementioned time limits will result in forfeiture of the grievance. Except, however, that the aforementioned time limits may be extended by mutual agreement. Failure by the District or its representative to meet any of the aforementioned time limits will allow the grievant or the Union, as applicable, to proceed to the next step of the grievance procedure within seven (7) days of the last day for the District's answer as set forth above.
- 7.5(f) A grievant shall in no way interfere with the right of the District to proceed in carrying out its management responsibilities subject to a final decision on the grievance. In the event the grievance involved an order, requirement or other directive, the grievant shall fulfill or carry out such order, requirements or directives, pending the final decision of the grievance.
- 7.6 All documents resulting from the processing of a grievance shall be kept in a separate grievance file and shall not be placed in an employee's personnel file.

ARTICLE 8 - Safety

- 8.1 The District desires to maintain a safe place of employment for District employees and to that end District management shall make all reasonable provisions necessary for the safety of employees in the performance of their work.
- 8.2 Regular safety meetings will be held for the purpose of reviewing accidents and preventing their recurrence, eliminating hazardous conditions and familiarizing employees with safe work procedures and applicable State Safety Orders, and for training in first aid.
- 8.3 There shall be a member of the unit on the District's safety committee whose responsibility it is to review accidents and safety conditions and to make recommendations to District management. The representative shall be appointed by the Union.

- 8.4 Employees shall report unsafe equipment or working conditions to their immediate supervisor who shall determine the appropriate corrective action.

ARTICLE 9 - Industrial Disability

- 9.1 The District, the Union, and individual employees agree that they will comply with all aspects of Workers' Compensation and Industrial Disability laws and will support the rights of both the injured employee and the District in complying with these laws.
- 9.2 Whenever an employee is absent from work as a result of a work related disability, and is receiving temporary disability indemnity payments provided for by the Labor Code of the State of California, such employee may elect to utilize State Disability Insurance, accumulated sick leave, compensatory time off for overtime work, and accumulated PTO credits to supplement the employee's temporary disability indemnity payments up to a maximum of full salary.
- 9.3 An employee who is absent by reason of industrial disability may be returned to work by the District and given temporary light duties within the employee's ability to perform, with the consent of the employee's physician. The duration of any such period of temporary work shall be determined by the District. Such employees shall be compensated at their regular rate of pay while engaged in such temporary duties. The District may require an employee requesting to return to work after an absence caused by industrial disability to submit to a medical examination, at no expense to the employee, by a physician or physicians approved by the District for the purpose of determining that such employee is physically and mentally fit and able to perform the duties of the employee's position without hazard to the employee, or to fellow employees, or to the employee's own permanent health.
- 9.4 Employees who are receiving Workers' Compensation temporary disability benefits, may, at their option, maintain their group insurance coverage during the period in which they are receiving temporary disability compensation for up to a maximum of a cumulative total of three (3) months at the District's expense. Thereafter, the employee may maintain group insurance coverage at the employee's own expense during the period of receipt of Workers' Compensation temporary disability payments.

ARTICLE 10 - Employee Status

- 10.1 Employees will be designated as regular, probationary, temporary, or part-time, depending upon the purpose for which they are hired and their length of continuous service with the District.
- 10.2 A regular employee is defined as an employee who has six (6) months or more seniority with the District in full-time employment and works on a regular full-time basis in excess of 30 hours per week.

- 10.3 A probationary employee is defined as an employee hired for a full-time position that has been regularly established as an authorized position and is of indeterminate duration. A probationary employee shall receive not less than the minimum rate for the job and shall be eligible for sick leave pay, PTO pay, holiday pay, retirement plan participation, insurance coverage and items of a similar nature, as the employee becomes eligible. Upon completion of six (6) months of continuous full-time service with the District, a probationary employee shall be given the status of a regular employee. Notwithstanding any other provision of this Article, an employee's probationary period shall be extended by the duration of any unpaid absence of ten (10) or more consecutive work days
- 10.4 A temporary employee is defined as an employee hired for a period of less than one thousand (1,000) hours in a fiscal year. A temporary employee shall receive not less than the minimum rate for the job and may accrue one hour for every 30 hours worked, up to 24 hours, but shall not be eligible for PTO pay, insurance coverage, retirement plan participation or items of a similar nature; nor shall the employee accrue seniority or promotion and transfer rights, or leave of absence rights. If a temporary employee is reclassified to probationary status the employee shall be credited with all continuous service in determining completion of probationary status and eligibility for such benefits as may accrue to the employee in the new status. Upon completion of one thousand (1,000) hours of continuous service in a fiscal year with the District, a temporary employee shall be given the status of a probationary employee. Such employees shall not be used to permanently replace or supplant regular employees
- 10.5 A part-time employee is defined as an employee hired for employment of less than full-time (8 hours per day, 5 days per week) or whose work period is not necessarily regularly scheduled and who normally works less than full-time, and who has worked more than one-thousand (1,000) hours in a fiscal year and is regularly assigned to work more than half-time. A part-time employee shall receive not less than the minimum rate for the job, and shall be eligible for holiday pay, PTO pay, retirement plan participation, and items of a similar nature, on a prorated basis based on hours worked. The employee shall be eligible to participate in the District's insurance programs on the same basis as a full-time regular employee. The employee shall accrue seniority and leave of absence rights. If a part-time employee is reclassified to probationary or regular employee status, the employee shall be credited with all service as a part-time regular employee in determining eligibility for benefits, if any, as may accrue to the employee in the new status

ARTICLE 11 - Wages and Classifications

- 11.1 Attached hereto and made a part hereof is Exhibit "A" titled "Schedule of Wage Rates."

Employees' salaries shall be increased 2% effective the first full pay period starting June 28, 2021.

Employees' salaries shall be increased 2% effective the first full pay period following June 28, 2022.

Employees' salaries shall be increased 2% effective the first full pay period following June 28, 2023.

Employees' salaries shall be increased 2% effective the first full pay period following June 28, 2024.

Employees' salaries shall be increased 2% effective the first full pay period following June 28, 2025.

- 11.2 Employees shall be paid the wage established for their classification. Upon initial appointment to a classification, an employee shall normally be paid the lowest wage rate for that classification. An employee may, however, be paid a wage rate above the lowest wage rate if circumstances justify it. The effective date of promotion to a new classification or higher wage step shall be the first day of the pay period following qualification for the promotion. Whenever an employee is appointed to a higher paying classification, the employee shall be paid at the wage rate of the classification to which the employee is appointed, which is next higher to the employee's present wage rate, but not less than five (5) percent higher, and in any event not more than the top wage rate of the new classification. After one (1) full year of employment on any salary step except the top step, an employee shall be advanced to the next salary step effective the first day of the pay-period following completion of one (1) full year of service in the previous step.
- 11.3 The base salary of all eligible employees who have continually worked for the Lake Shastina Community Services District for fifteen (15) years shall be increased by five percent (5%).
- 11.4 Wages shall be paid at bi-weekly intervals on Thursday for a pay-period ending no earlier than the preceding Sunday. If a payday falls on a holiday, payment shall be made on the preceding workday.
- 11.5 When an employee is temporarily assigned to work in a higher classification, for a minimum of three working days, the employee shall be paid at a minimum of step 1 of the higher classification, but not less than five percent (5%) higher than their current wage, in any event not more than the top wage rate of the temporary classification. Employees so assigned shall continue to be covered by the provisions of this M.O.U.
- 11.6 When an employee is temporarily assigned to work in a classification lower than the employee's regular classification, the employee's rate of pay will not be reduced.

ARTICLE 12 - Hours and Overtime

- 12.1 Each employee shall report for work at a regularly established headquarters and shall return thereto at the conclusion of the day's work, except as otherwise directed by the employee's immediate supervisor. Time spent in traveling between an employee's headquarters and the work site shall be considered as time worked.
- 12.2(a) Except as otherwise provided herein, a work week is defined to consist of seven (7) consecutive calendar days, 12:01 AM Monday through 12:00 PM Sunday. The regular hours of work each day, except police, will be from 8:00 AM to 4:30 PM, Monday through Friday, with one-half hour off for lunch.
- 12.2(b) The foregoing work hours, work days, and work schedules may, however, be modified from time to time by the department head as he determines necessary by the needs of the District. Whenever it becomes necessary to reschedule any employee's work days and/or work hours the department head will give as much notice as possible. The District will not reschedule individual employees solely for the purpose of avoiding overtime work.
- 12.3 Each employee shall be entitled to a break of fifteen (15) minutes with pay during each one-half of the regularly scheduled work day. Whenever practicable, the break shall be taken at the work site. If travel from and to the work site is necessary, the travel time shall be included within the fifteen (15) minute break time. Missed breaks shall not be accumulated, nor shall the employee receive additional compensation for missed breaks.
- 12.4 Overtime is defined as: a) time worked in excess of eight (8) hours in a workday, b) time worked on a non-workday, and c) time worked on a holiday. Overtime work shall be computed to the nearest one-quarter ($\frac{1}{4}$) hour. For purposes of calculating overtime, "time worked" means all compensable hours (hours worked, PTO, compensation time off, holiday credit hours taken, sick leave, and paid travel time).
- 12.5 Compensation for overtime work shall be paid at a rate equivalent to one and one-half ($1\frac{1}{2}$) times the employee's regular rate of pay or at the employee's option, providing it is legally permissible, the employee may elect to receive time off with pay at the rate of one and one-half ($1\frac{1}{2}$) hours off for each overtime hour worked. Employees required to attend Board Meetings outside employee's regular schedule shall have the option to receive compensatory time off or be able to flex their work day. Overtime shall also be paid for the first eight (8) hours worked on the seventh consecutive day in the work week. Double time shall be paid for all hours worked over twelve (12) hours in a day and after eight (8) hours worked on the seventh consecutive in a work week. The maximum accumulation of compensatory time off (CTO) shall be eighty (80) hours. Compensatory time off with pay shall be scheduled in the same manner as PTOs are normally scheduled. Employees may elect to receive compensation for the employee's accumulated compensatory time off hours, up to eighty (80) hours per year. Employees whose employment with the District is

terminated for any reason shall, at the time of termination, receive compensation for any unused compensatory time off previously earned.

- 12.6 Employees who are required to report for work on their non-workdays or on holidays they are entitled to have off, or outside of their regular hours on workdays, shall be paid overtime compensation for the actual time worked plus one-quarter ($\frac{1}{4}$) hour travel time each way, but in any event for not less than three (3) hours compensation. If an employee who is called out for such work prior to the employee's regular hours on a workday continues to work into their regular work hours, the employee shall be paid overtime compensation only for the actual overtime worked. If an employee performs overtime work immediately following the end of the employee's regular shift, the employee shall be paid overtime compensation only for the actual overtime worked.
- 12.7 Overtime work shall be distributed as equitably as is practicable among those employees who are qualified and available and who volunteer for overtime work and the District shall not require employees who have worked overtime to take equivalent time off during regular work hours without pay.
- 12.8 On-call duty assigned by the department head shall be compensated as follows.
- a) Employees who are required to be on call outside of normal working hours shall be eligible for on-call pay.
 - b) On-call employees will be expected to respond to service call within one hour, weather, and road conditions permitting. Employees on call outside of normal duty hours shall be compensated as follows: Compensation is set at \$175 per week if they are on call for a full seven day week. If less than a full seven day week, on-call compensation shall be calculated on a prorated basis of \$25 per day. On-call schedule begins and ends at 4:30 PM Monday and covers a 24-hour period, including weekends and holidays.
 - c) Responding to a service call shall mean any call that requires the employee to respond away from the employee's residence, or any telephone call in excess of 10 minutes.
 - d) Employees on-call for one or more District recognized holidays within the same week of on-call will be compensated with four (4) hours compensated time off in addition to on-call pay.
- 12.9 No hourly employee shall be required to make, accept, receive, or respond to any afterhours email, text, or phone call, nor shall such employee be disciplined for not doing so. If any such employee makes, receives, or responds to such communication(s), he/she shall not be compensated for the time spent in doing so unless it exceeds, in the aggregate, ten (10) minutes in any calendar day, and if it does so the employee shall be paid for the time spent

by the employee at the appropriate rate (regular or overtime, according to law) to the nearest quarter hour.

ARTICLE 13 - Promotion and Transfer

- 13.1 All promotions and transfers shall be in accordance with standards and procedures as determined by the District.
- 13.2 Whenever new or additional positions are created by the District Board or vacancies other than temporary vacancies occur, the District shall post such position vacancies for ten (10) calendar days, in order to give employees the opportunity to apply for such position vacancies. In filling such positions, the District shall give first consideration to regular employees who are fully qualified for such position vacancies prior to employing a person from outside the bargaining unit. Whenever two (2) equally qualified employees have applied for the same position vacancy, the senior employee will receive first consideration for the position vacancy.
- 13.3 All promotional appointments will be for a probationary period of six (6) months. Whenever an employee's promotional appointment is terminated during the trial period, the employee shall either be returned to the previous classification in which either the probationary period or a previous trial period was completed or to another classification which is mutually acceptable.

ARTICLE 14 - Demotion and Layoff

- 14.1 When it becomes necessary for the District to layoff regular employees, the District will give employees involved as much notice as possible; but in no event will such employees receive less than two (2) weeks' notice of layoff. Where probationary, temporary, or part-time employees are to be laid off, no notice of layoff need be given. Within each classification, all employees, other than regular employees, shall be laid off prior to regular employees being laid off. Regular employees shall be laid off in the reverse order of District seniority with the least senior employee being laid off first provided the employee who is qualified to perform the work with the least seniority is laid off first.
- 14.2 An employee whose position has been abolished may elect to displace another employee in the bargaining unit provided the employee either is qualified to perform the duties of the other classification, or previously satisfactorily performed the duties of the other classification, and the employee has greater District seniority than the employee to be displaced. Employees who elect to displace to another classification shall be probationary for six (6) months unless the employee has previously served at least six (6) months in the other classification. Whenever an employee demotes to a lower-paying classification the employee shall be placed on the salary step which has a wage rate closest to the employee's previous wage rate.

- 14.3 Laid-off employees' names shall be kept on a re-employment list for a period of one (1) year from the date of layoff, and shall have preferential re-hire rights to the classification from which laid off in the reverse order of layoff. Whenever it becomes necessary for the District to notify a laid off employee of a re-employment opportunity, the District shall do so by use of registered mail to the employee's last known address. If an employee does not accept such offer of reemployment within seven (7) calendar days, the employee's name shall be removed from the reemployment list and the employee shall no longer have re-employment rights.
- 14.4 Employees who have elected to demote into a lower paying classification shall have preferential promotion rights to the classification from which they demoted in the reverse order of demotion for a period of one year from the date of the employee's demotion. If an employee does not accept an offer of promotion to the classification from which the employee was demoted, the employee will lose all preferential rights to re-promotion.

ARTICLE 15 - Leave of Absence

- 15.1 Leave of absence without pay may be granted to regular employees by the General Manager for urgent and substantial reasons, up to a maximum of one (1) year, providing satisfactory arrangements can be made to perform the employee's duties without undue interference with the normal routine of work. Inability to return to work after an employee's sick leave has been exhausted shall be considered as an urgent and substantial reason and in such cases a leave will be granted.
- 15.2 A leave of absence will commence on and include the first workday on which the employee is absent and terminates with and includes the workday preceding the day the employee returns to work.
- 15.3 All applications for leave of absence shall be made in writing except when the employee is unable to do so. The conditions under which an employee will be restored to employment on the termination of leave of absence shall be clearly stated by the General Manager in conjunction with the granting of a leave of absence. Upon an employee's return to work after a leave of absence, the employee will be reinstated to the employee's former position and working conditions, providing that the employee is capable of performing the duties of the employee's former position, except that if there has been a reduction of forces or the position has been eliminated during said leave, the employee will be returned to the position the employee would be in, had the employee not been on a leave of absence.
- 15.4 An employee's status as a regular employee will not be impaired by such leave of absence and the employee's seniority will accrue.
- 15.5 If an employee fails to return immediately on the expiration of the employee's leave of absence or if the employee accepts other full-time employment while on leave, the employee will thereby forfeit the leave of absence and terminate employment with the District.

- 15.6 An employee on an unpaid leave of absence in excess of thirty (30) days as provided herein shall not accrue PTO or sick leave benefits nor maintain group insurance coverage. An employee may, however, at the employee's option and expense, maintain the employee's group insurance coverage providing the full monthly premium is received by the District on or before the first day of the month for which the premium is intended.
- 15.7 The District will provide the provision of FMLA, CFRA, Kin Care, PFL, Military, School Leave and other state and federal mandated leaves to all bargaining unit employees.

ARTICLE 16 - Expenses

- 16.1 Whenever an employee uses the employee's personal automobile for the District's convenience, the employee will be reimbursed therefor at the rate per mile as established by the Internal Revenue Service.
- 16.2 Employees who are assigned to temporary work at such distance from their regular headquarters that it is impractical for them to return thereto each day, or to their regular place of abode, will be allowed expenses for board and lodging in amounts as established by the District from time to time for the duration of such assignment, provided they board and lodge at places to be designated by the District. Future modifications of the District's policies relative to the foregoing shall not result in a reduction in the reimbursement rates as established as of the date of execution of this Memorandum of Understanding.
- 16.3 If the District requires an employee to perform emergency overtime work outside of the regular work hours on either work days or non-work days, the District will provide meal breaks to the employees at intervals of approximately four (4) hours but not more than five (5) hours insofar as it is practicable for the District to do so, and for as long as the work continues. The cost of such meals at the District's expense shall be limited to the regularly established per diem rates as established by the State of California. If an employee's meal exceeds the per diem rates, the excess shall be paid by the employee.

ARTICLE 17 - Sick Leave

- 17.1 Prior to June 28, 2021, employees were entitled to sick leave with pay shall be accumulated for each regular and probationary employee at the rate of eight (8) hours per calendar month. Sick leave used during first ninety (90) days must be approved by management. Employees with 14 or more years of service with the District as of July 1, 2021 will maintain their sick leave bank. Employees with less than 14 years of service as of July 1, 2021 will have their sick leave banks transferred to their Paid Time Off (PTO) banks.
- 17.2 Sick leave shall be allowed for a non-work related absence due to the inability of an employee to be present or perform the employee's duties because of personal illness, off-duty injury, confinement for medical treatment, or serious illness or disability of a member

of the employee's immediate family up to a maximum of twenty-four (24) hours. Immediate family as used herein shall be as defined in Section 18.1. Whenever any employee is entitled to receive sick leave with pay and also disability insurance benefits, sick leave compensation shall be added to all disability insurance benefits up to a maximum of full pay but in any event the combination of sick leave compensation and disability insurance pay shall not exceed one-hundred percent (100%) of the employee's regular pay rate.

- 17.3 If a holiday which an employee is entitled to have off with pay occurs on a workday during the time an employee is absent on sick leave, the employee shall receive pay for the holiday as such, and it shall not be counted as a day of sick leave.
- 17.4 Whenever an employee takes sick leave, such sick leave shall be charged at the same number of hours per shift for which each employee is assigned.
- 17.5 The District will provide the employees with all the provisions of State and Federal Law (i.e. FMLA/CFRA, Kin Care, School leave, PFL, Military, etc..).
- 17.6 Upon separation (resignation, lay-off or dismissal) the employee may elect to be compensated for unused sick leave by the District at a percentage basis specified as follows:

<u>HOURS</u>	<u>% PAID</u>
0 – 49	0%
50 - 99	5%
100-199	10%
200-299	15%
300-399	20%
400-499	25%
500-599	30%
600-699	35%
700-799	40%
800-899	45%
900-1152	50%

ARTICLE 18 - Funeral Leave

- 18.1 Regular and probationary employees who are absent from work due to the death of a member of the employee's "immediate family" will receive compensation at the regular rate of pay for the time necessary to be absent from work, but not to exceed three days. "Immediate family" as used herein includes only employee's spouse, children, step-children, grandchildren, brothers, sisters, parents, step-parents, parents-in-law, brother-in-law, sister-in-law, grandparents or any other person who is a legal dependent of the employee.
- 18.2 The General Manager may grant additional funeral leave from sick leave credits, if any, where special circumstances warrant.

ARTICLE 19 - Catastrophic Leave

- 19.1 Catastrophic Leave is intended to provide an eligible employee authorized paid time-off through voluntary donation of management leave, comp time earned and/or PTO hours. Donated leave must be specifically designated for the employee who has been approved for Catastrophic Leave Benefits. Catastrophic Leave shall not exceed a maximum of six months and must be used within one (1) year of the date the application for Catastrophic Leave is approved. Only one request for Catastrophic Leave will be approved in a twelve (12) month period. The recipient will not accrue CTO, holiday and seniority upon receiving Catastrophic Leave. The recipient will receive their normal rate of pay, be taxed normal payroll deductions, and the recipient must prepay the employee portion of the cost of the health premium each month if they wish to have this benefit. Catastrophic Leave applications may be obtained from the Personnel Department. The employee requesting Catastrophic Leave benefits must meet the conditions set forth in the adopted Catastrophic leave policy, as show in "Exhibit B."

ARTICLE 20 - Holidays

- 20.1 Regular, probationary, and part time (part time prorated to normal hours worked) employees except as otherwise provided herein, shall be entitled to have the following holidays off with pay:
1. January 1, known as "New Year's Day"
 2. Third Monday in January, known as "Dr. Martin Luther King Jr.'s birthday"
 3. Third Monday in February, known as "Presidents Day"
 4. Last Monday in May, known as "Memorial Day"
 5. July 4, known as "Independence Day"
 6. First Monday in September, known as "Labor Day"
 7. The second Monday in October
 8. November 11, known as "Veterans Day"
 9. Thanksgiving Day
 10. The day following Thanksgiving Day
 11. ½ workday before Christmas Day
 12. December 25, known as "Christmas Day"
 13. Floating Holiday
 14. Employee's Birthday

If any of the foregoing holidays fall on a Sunday, the Monday following shall be observed as the holiday, except by those employees who are regularly scheduled to work on Sunday, other than on an overtime basis. Employees who are regularly scheduled to work on Sundays shall observe such holidays on Sunday. If any of the foregoing holidays fall on a Saturday, the preceding Friday shall be observed as a holiday except by those employees who are regularly scheduled to work on Saturday, other than on an overtime basis.

Employees who are regularly scheduled to work on Saturdays shall observe such holidays on Saturday. If any of the foregoing holidays fall on any day from Monday through Friday, inclusive, and that day is a regularly scheduled non-workday for an employee, such regular and probationary employees shall be entitled to receive eight (8) hours pay and part time employees are based on the hours normally worked at the employee's regular hourly wage rate. Notwithstanding the foregoing, an employee may observe the employee's birthday holiday on the employee's birthday or the holiday may be deferred and scheduled in the same manner as PTOs are normally scheduled. The Floating Holiday is scheduled at the time of hire and again on January 1st of each year and cannot be carried into the following year.

- 20.2 Notwithstanding the foregoing, employees may be scheduled to work on holidays, in which event any such employee, in addition to the employee's holiday pay, will be compensated therefore at the overtime rate of pay for all time worked on such days.
- 20.3 If an employee is in a non-pay status on both workdays immediately adjacent to the holiday, the employee shall not receive pay for the holiday.

ARTICLE 21 - Paid Time Off

21.1(a) Regular and probationary employees of the District shall accrue Paid Time Off (PTO) with pay as follows based on a forty (40) hour work week; 8, 10, or 12 hour day:

Years with District	Hours of PTO
1-4	152
5-9	192
10-14	232

Part time employees prorate based on the hours worked.

- 21.1(b) For each full year of service after fifteen (15) continuous years of service, employees shall be granted an additional eight hours accrual of PTO in addition to that set forth in 21.1(a), above, up to a maximum accumulation of three hundred and twelve hours (312) hours per year.
- 21.2 PTO cannot be accrued while an employee is in a non-pay status.
- 21.3 PTO shall be scheduled by the department head after consideration of the wishes of the employee and the needs of the District. No employee shall be permitted to take more than twenty (20) consecutive working days of PTO without the authorization of the General Manager. No employee may take accumulated PTO time prior to the completion of six (6) full months of service to the District without authorization of the General Manager.

- 21.4 If a holiday which an employee is entitled to have off with pay occurs on a workday during the time an employee is absent on PTO, the employee shall receive pay for the holiday as such, and it shall not be counted as a day of PTO.
- 21.5 A maximum of 500 hours of PTO may be accumulated. An employee will be given notice and the opportunity to schedule an appropriate amount of PTO time off with pay. Whenever an employee would lose PTO credits as a result of the foregoing maximum and the employee is not at fault in scheduling PTO time off, the District may, in its discretion, either allow the maximum PTO accumulation to be exceeded or may compensate the employee for any PTO time in excess of the maximum accumulation.
- 21.6 Whenever any employee has accrued one hundred twenty (120) hours or more PTO allowance as set forth in 21.1 (a-b), the District will, at the employee's option and with General Manager approval, compensate the employee for up to forty (40) hours of accumulated PTO per fiscal year.
- 21.7 Employees whose employment with the District is terminated for any reason shall, at the time of termination, receive compensation for any unused PTO previously earned.
- 21.8 Whenever an employee takes PTO leave, such PTO leave shall be charged at the same number of hours per shift for which each employee is assigned.

ARTICLE 22 - Uniforms

- 22.1 The District will provide uniforms for those employees who are required as a condition of employment to wear such uniforms while on duty. Such employees will provide all maintenance and cleaning for such uniforms.
- 22.2 Regular Public Works employees are provided uniforms consisting of five (5) pairs of jeans (up to \$250 and employee to be responsible for laundering), one (1) pair of work boots (up to \$350) per year, and five (5) short sleeve shirts with collars and District (CSD) identification. The shirts will be provided by the District and employees must purchase the jeans and boots, but will be reimbursed the cost up to the specified amounts upon submittal of a receipt to the District.
- 22.3 The District will provide protective clothing and maintenance of such clothing to those employees who are required to work with grease, chemicals, or other substances which are hazardous to the employees or their clothing.
- 22.4 All Police employees are required to wear regulation uniforms. The District has the option of authorizing reimbursements to qualifying employees upon proof of purchase or, arranging with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements, and bill the District for the total cost of all products purchased. Police are responsible for the cleaning of their own uniforms.

- 22.5 The District will provide rain coats with hoods or rain hats, rain pants and rain boots for all employees who are required to work outdoors during inclement weather.

ARTICLE 23 - Employee Evaluations

- 23.1 Each employee shall be evaluated in writing by their management-level supervisor at least once each year. The supervisor shall discuss the evaluation with the employee and shall provide the employee a copy of the written evaluation. The employee shall have the right to respond to negative evaluations and to attach a written response to the evaluation.
- 23.2 Probationary employees shall be evaluated prior to attaining regular status.
- 23.3 An employee who disagrees with the evaluator's statements or conclusions with respect to the employee evaluation report shall have the right to review such evaluation report with the department head and upon request, shall have the right to have a Union representative present. The employee shall also have the right to attach a written rebuttal within fifteen (15) days of the date of the review of the evaluation.

ARTICLE 24 - Employee Discipline

- 24.1 During the probationary period, any employee shall be subject to disciplinary action, including termination, and shall not have the right to a hearing nor the right to file a grievance with respect thereto except, however, such employee shall have the right to meet with the department head to discuss the disciplinary action. Upon completion of the probationary period employees shall be subject to disciplinary action for just cause as prescribed herein.
- 24.2 The District has the right to take appropriate disciplinary action against regular status employees including, but not limited to, oral or written reprimand, suspension with or without pay, reduction in compensation, retention on the same step of the salary schedule, transfer, demotion and discharge. The District will follow progressive disciplinary steps, except that no warning notices need to be given to an employee before he/she is discharged if the cause of such discharge is one of the following:
- a) being under the influence of intoxicating beverages or illegal drugs
 - b) gross insubordination
 - c) theft
 - d) fighting on District property or District time
- 24.3 No disciplinary action shall be taken for any cause which arose prior to the employee becoming regular, unless such cause was concealed or not disclosed by such employee when it can be reasonably assumed that the employee should have disclosed the facts to the District.

24.4 Causes for disciplinary action include, but are not limited to, the following:

- a) Possession, use, or being under the influence of intoxicating beverages or drugs while on the job.
- b) Conviction of any criminal law which affects employee's ability to function on the job.
- c) Insubordination.
- d) Dishonesty.
- e) Absence without proper advance notification to the District, unless it is impossible to provide such notice.
- f) Willful misconduct to the detriment of the District.
- g) Inefficiency in the performance of an employee's duties.
- h) Filing false claims for sick leave or workers' compensation benefits.
- i) Willful damage to public property or equipment or waste of public supplies.
- j) Fraud in securing employment.
- k) Interference with other employees in the performance of their duties to the detriment of the District.
- l) Carelessness or negligence in the use of public property or equipment.
- m) Discourteous, offensive, or abusive conduct or language toward another employee or the public.
- n) Providing false information to the District, including but not limited to information supplied on employment application forms, employment records, or any other documents in connection with an employee's duties.
- o) Violation of, or refusal to obey, reasonable rules and regulations of the District or laws or regulations of the State of California.
- p) Repeated or unexcused tardiness.
- q) Failure to possess or keep in effect any required license, certificate, or similar employment requirements specified in the employment class specification, or as otherwise necessary for the employee to perform the duties of the position.
- r) Misuse or unauthorized use of District credit card or account to the benefit of any person and/or to the damage of the District.
- s) Unauthorized use or removal of District real or personal property, including personal use of the same.
- t) Conduct of a business enterprise on District property or while on the job.
- u) Causing or allowing a fraudulent taking or use of District services for the benefit of any person and/or to the damage of the District.
- v) Making any threat against, or committing a battery or assault of, any other employee or member of the public.

24.5 Prior to the imposition of discipline of a regular status employee other than an oral or written reprimand or a suspension of five (5) or fewer days, the District shall serve personally on the employee or mail to the employee's last known address by certified mail a Notice of Proposed Disciplinary Action containing the specific charges in writing, stating the cause for the disciplinary action, the proposed type of discipline, as well as copies of

any documents or evidence proposed to be used against the employee. The notice shall indicate the effective date of the disciplinary action and shall contain a statement of the rights to a hearing on such charges, and the right of representation. The time within which such hearing may be requested shall not be less than five (5) calendar days after service of the notice on the employee. Failure of the employee to file a request for hearing within the time specified shall constitute a waiver of the employee's right to a hearing. In the event that the employee does so appeal, the District designee(s) shall hear the appeal and shall notify the employee in writing of the disposition of the appeal.

- 24.6 The District may, upon written notice to the employee, immediately place any such employee on Administrative leave at any time, with full regular pay and benefits.

ARTICLE 25 - Miscellaneous

- 25.1 A regular or probationary employee who is summoned for jury duty and is thus unable to perform the employee's regular duties will be paid for the time lost at the employee's regular rate of pay.
- 25.2 No derogatory material shall be placed in an employee's personnel file without the employee's knowledge. Any employee, at the employee's request, shall be permitted to review the employee's own personnel file and to receive a copy of any document contained therein. The file may not, however, be removed from the Office.
- 25.3 The District will provide cell phones to Public Works employees or reimbursement of \$50 per month per Public Works employee for use of personal cell phones.
- 25.4 Management level supervisors of employees covered by this Memorandum of Understanding shall not regularly perform the duties which are regularly performed by employees holding classifications covered by this Memorandum of Understanding. It is understood, however, that a management-level supervisor may not be prevented from performing any duties necessary to accomplish the goals of the District.
- 25.5 Whenever any employee is required to have a State of California driver license of a class level higher than the normal California driver license, the District will pay the additional state license fee and the periodic physical examination cost. The District will also allow the employee to use District vehicles for any such required driving test and will allow the employee time off with pay during regular working hours to take any state-required driver license tests.
- 25.6 Employees who complete authorized courses with a passing grade may, upon application, be reimbursed for their tuition and expenses provided the employee obtained prior approval from their Department Director and the General Manager and the course is related to the employee's job or job advancement opportunities.

ARTICLE 26 - Police Department

- 26.1 A Police employee who obtains an Emergency Medical Technician certificate may increase the employee's base pay by 2.5%.
- 26.2 In order for any college degree to be considered as the basis for an Education Pay increase, the institution which issued the degree must have been accredited by the Accrediting Committee for Community and Junior Colleges or the Accrediting Committee for Senior Colleges and Universities of the Western Association of Schools and Colleges. The Education Pay increase authorized hereunder shall be in the reasonable discretion of the Chief of Police, who shall determine whether the degree enhances the employee's qualifications and/or ability to perform his/her work. Any degree earned during the employee's tenure with the District in police science, administration of justice, psychology, communications, public administration, conflict resolution, sociology, forensic science, criminology, management, behavioral science, business administration, or similar fields shall be presumed to satisfy this requirement. Additionally, Intermediate POST Certificate and Advanced POST Certificate shall be presumed to satisfy this requirement. Employee to be entitled to 2.5% per qualifying degree/certificate to a maximum of 5%. The decision of the Chief of Police on this issue shall be appealable as a grievance by the subject employee.
- 26.3 Overtime Pay: Police employees shall earn Overtime Pay for time authorized in advance by the General Manager or his/her designee. Overtime shall be paid for time worked in excess of 80 hours during a 14-day work period, or in excess of their regularly scheduled shift of 8, 10, or 12 hours in a work day. Overtime Pay shall be earned at the rate of one and one-half times the employee's regular pay. Only hours worked, PTO, compensation time off, holiday credit hours taken, sick leave, and paid travel time may be used for the calculation overtime compensation within an 80 hour, 14-day work period.
- 26.4 On-Call Pay: A Police employee who is on-call, shall be compensated at the minimum rate established by the State of California, for every hour of "on-call" status, except for those when they are called back to work and remain working are being paid the minimum three (3) hour call back.
- 26.5 A Police employee on-call for one or more District recognized holidays will be compensated with four (4) hours compensated time off in addition to on-call pay.
- 26.6 Call Back Pay: When a Police employee is ordered to return to work after the employee has completed the employee's scheduled work shift, and has left the work site, the employee shall earn Call Back Pay. An employee who has been called back shall earn Call Back Pay in an amount equal to a minimum of three hours of Overtime Pay or the hours actually worked, whichever is greater.
- 26.7 When a Police employee is off duty and is required to appear in court such employee shall earn Overtime Pay.

26.7(a) Police employees shall receive a minimum of two hours of Overtime Pay or the Overtime Pay for the hours actually in appearance, whichever is greater. The employee's travel time to and from the courthouse shall count towards Overtime Pay.

26.7(b) Police employees subpoenaed are to be considered on court standby. If an employee is subpoenaed to appear in court while off duty, and the employee receives notice of cancellation of the subpoena at least 24 hours before the time for appearance, the employee shall not be eligible for court standby. If the employee receives notice of cancellation at any time after this, the employee will earn Court Standby Pay in an amount equal to two hours Overtime Pay.

26.8 Training Attendance: Police employees attending approved training sessions shall earn Regular Pay if the training is held during the employee's usual work shift.

26.9 Footwear: District to provide boot allowance of \$350, reimbursable with submitted receipt, per fiscal year.

ARTICLE 27 - Employee Benefit Programs

27.1 Retirement: CalPERS - the District will continue with the current retirement benefit plans for the term of this agreement.

27.2 Group Insurance: The District will make the full monthly contributions per eligible employee into the Northern California General Teamsters' Security Trust Fund, Teamsters Select Plus with no deductible, for the term of this Agreement.

27.3 These payments shall secure medical, drug, dental, vision and orthodontic coverage for the employee and his/her dependents and shall be subject to the provisions of the Subscriber Agreement for Northern California General Teamsters' Security Trust Fund, and the actions of the trustees in reviewing and/or amending the provisions of such Trust.

27.4 Eligible employees are all regular, probationary and part time employees who are on the payroll the 1st of the month. Benefits are to be effective the first day of the month that follows the first day of employment.

ARTICLE 28 - Savings Provision

28.1 If any provisions of this Memorandum of Understanding are held to be contrary to law by a court of competent jurisdiction, or held to be outside the scope of negotiations, such provisions will not be deemed valid and subsisting except to the extent permitted by law, but all other provisions will continue in full force and effect.

ARTICLE 29 - Effect of Memorandum of Understanding

- 29.1 It is understood and agreed that the specific provisions contained in this Memorandum of Understanding shall prevail over District practices and procedures, to the extent of a conflict, and over State laws, to the extent permitted by State law.

ARTICLE 30 - Entire Agreement

- 30.1 Except as specifically provided in Article 31 - Term, during the term of this Memorandum of Understanding, the Union expressly waives and relinquishes the right to meet and negotiate on wages, hours of employment, and terms and conditions of employment, and agrees that the District shall not be obligated to meet and negotiate with respect to any subject or matter whether referred to or covered in this Memorandum of Understanding or not, even though such subject or matters may not have been within the knowledge or contemplation of either or both the District or the Union at the time they met and negotiated on and executed this Memorandum of Understanding, and even though such subjects or matters were proposed and later withdrawn. Notwithstanding the foregoing, however, if the District exercises its right to contract out bargaining unit work or services, at the Union's request, the District will meet and confer with the Union on the impact of the District's decision.


ARTICLE 31 - Term

- 31.1 This Agreement shall remain in full force and effect up to and including June 28, 2021 through June 30, 2026, and thereafter shall continue in effect year-by-year unless one (1) of the parties notifies the other in writing no later than March 1, beginning in the year 2026 of its request to modify, amend or terminate the Agreement.
- 31.2 Whenever notice is given for changes, the general nature of the changes desired must be specified in the notice, and until a satisfactory conclusion is reached in the matter of such changes, the original provision shall remain in full force and effect.

31.3 This Memorandum of Understanding shall not be amended or supplemented except by agreement of the parties hereto, reduced to writing and duly signed by each.

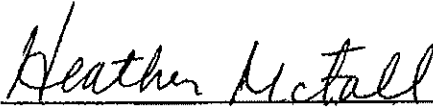
Lake Shastina Community Service District

General Teamsters 137




Robert Moser, General Manager

Date: 7/14/2021



Heather McFall, Business Manager

Date: : 7/15/21




Paula Mitchell, Board President

Date: 14 July 2021

31.3 This Memorandum of Understanding shall not be amended or supplemented except by agreement of the parties hereto, reduced to writing and duly signed by each.

Lake Shastina Community Service District

General Teamsters 137

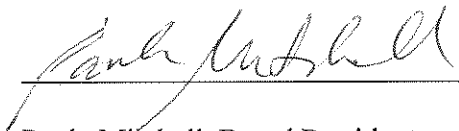


Robert Moser, General Manager

Heather McFall, Business Manager

Date: 7/14/2021

Date: : _____



Paula Mitchell, Board President

Date: 14 July 2021

EXHIBIT A - CLASSIFICATIONS AND SCHEDULE OF WAGE RATES

TEAMSTERS LOCAL 137 CLASSIFICATIONS:

Department of Public Safety

Police Officers
Police Sergeant
Community Services Officer
Fire Fighters
Clerk

Public Works Department

Public Works Supervisor
Wastewater Leadman
Water Leadman
Maintenance Worker

Administration / Accounting Department

Senior Accounting Clerk
Administration Assistant
Accounts Receivable Clerk
Accounts Payable Clerk/Payroll Clerk

Administration / Accounting Department

Administrative Office Assistant

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

2021/2022

SALARY STEP SCHEDULE

All Classifications

Wages effective June 28,2021 for all classifications per 7/1/2021 MOU

Reflects 2% COLA June 28, 2021

Updated -AOA and CSO effective 6/28/2021

POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
ADMINISTRATION:					
Senior Accounting Clerk	25.07	26.33	27.64	29.02	30.47
Administrative Assistant	21.80	22.89	24.03	25.23	26.49
Accounts Receivable Clerk	18.72	19.65	20.64	21.67	22.75
Accounts Payable/Payroll Clerk	18.12	19.02	19.97	20.97	22.02
Administrative Office Assistant	17.27	18.13	19.04	19.99	20.79
MAINTENANCE:					
Public Works Supervisor	27.27	28.64	30.07	31.57	33.15
Leadman	28.38	29.80	31.28	32.85	34.49
Leadman - Cert Pay 2.6%	29.11	30.57	32.09	33.70	35.38
Leadman - w 2nd Cert Pay 2.6%	29.88	31.37	32.94	34.58	36.31
Maintenance Worker I	17.63	18.51	19.43	20.40	21.42
Maintenance Worker I Cert Pay 2.6%	18.08	18.99	19.94	20.94	21.98
Maintenance Worker I w 2nd Cert Pay 2.6%	18.56	19.49	20.47	21.49	22.56
Maintenance Worker II	22.22	23.33	24.49	25.72	27.00

Maintenance Worker II Cert Pay 2.6%	22.80	23.94	25.13	26.39	27.71
Maintenance Worker II w 2nd Cert Pay 2.6%	23.40	24.57	25.80	27.09	28.44
POLICE DEPT:					
Police Sergeant	27.30	28.66	30.09	31.60	33.18
With 1st Education/EMT Pay increase 2.5%	27.98	29.38	30.85	32.39	34.01
With 2nd Education/EMT Pay increase 2.5%	28.67	30.11	31.61	33.19	34.85
With 2nd Education & EMT Pay increase 2.5%	29.40	30.87	32.41	34.03	35.73
Police Officer	19.90	20.90	21.94	23.04	24.19
With 1st Education/EMT Pay increase 2.5%	20.40	21.42	22.49	23.62	24.80
With 2nd Education/EMT Pay increase 2.5%	20.91	21.96	23.05	24.21	25.42
With 2nd Education & EMT Pay increase 2.5%	21.44	22.51	23.64	24.82	26.06
Police Clerk - CSO - not filled/budgeted	20.40	21.42	22.49	23.62	24.80
Approved 6/28/2021					

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

2022/2023

SALARY STEP SCHEDULE

All Classifications

Wages effective July 1,2022 for all classifications

Reflects 2% COLA July 1,2022

Updated -AOA and CSO effective 6/28/2021

POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
ADMINISTRATION:					
Senior Accounting Clerk	25.57	26.85	28.20	29.62	31.09
Administrative Assistant	22.24	23.35	24.52	25.74	27.03
Accounts Receivable Clerk	19.09	20.05	21.05	22.10	23.21
Accounts Payable/Payroll Clerk	18.48	19.41	20.38	21.40	22.47
Administrative Office Assistant	17.62	18.50	19.42	20.39	21.21
MAINTENANCE:					
Public Works Supervisor	27.82	29.21	30.67	32.20	33.81
Leadman	28.95	30.39	31.91	33.51	35.19
Leadman - Cert Pay 2.6%	29.69	31.18	32.74	34.37	36.09
Leadman - w 2nd Cert Pay 2.6%	30.48	32.00	33.60	35.28	37.05
Maintenance Worker I	17.98	18.88	19.83	20.82	21.86
Maintenance Worker I Cert Pay 2.6%	18.44	19.36	20.33	21.35	22.42
Maintenance Worker I w 2nd Cert Pay 2.6%	18.93	19.88	20.87	21.92	23.01
Maintenance Worker II	22.66	23.80	24.99	26.24	27.55

Maintenance Worker II Cert Pay 2.6%	23.26	24.42	25.64	26.92	28.27
Maintenance Worker II w 2nd Cert Pay 2.6%	23.87	25.06	26.31	27.63	29.01
POLICE DEPT:					
Police Sergeant	27.85	29.24	30.70	32.24	33.85
With 1st Education/EMT Pay increase 2.5%	28.54	29.97	31.46	33.04	34.69
With 2nd Education/EMT Pay increase 2.5%	29.24	30.71	32.24	33.85	35.55
With 2nd Education & EMT Pay increase 2.5%	29.99	31.49	33.06	34.71	36.45
Police Officer	20.30	21.31	22.38	23.50	24.67
With 1st Education/EMT Pay increase 2.5%	20.81	21.85	22.94	24.09	25.29
With 2nd Education/EMT Pay increase 2.5%	21.33	22.39	23.51	24.69	25.92
With 2nd Education & EMT Pay increase 2.5%	21.87	22.96	24.11	25.32	26.58
Police Clerk - CSO	20.81	21.85	22.94	24.09	25.29

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

2023/2024

SALARY STEP SCHEDULE

All Classifications

Wages effective July 1,2023 for all classifications

Reflects 2% COLA July 1,2023

Updated -AOA and CSO effective 6/28/2021

POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
ADMINISTRATION:					
Senior Accounting Clerk	26.08	27.39	28.76	30.21	31.71
Administrative Assistant	22.68	23.82	25.01	26.26	27.57
Accounts Receivable Clerk	19.47	20.45	21.47	22.54	23.67
Accounts Payable/Payroll Clerk	18.85	19.79	20.78	21.82	22.91
Administrative Office Assistant	17.97	18.87	19.81	20.81	21.64
MAINTENANCE:					
Public Works Supervisor	28.38	29.80	31.28	32.85	34.49
Leadman	29.53	31.01	32.56	34.18	35.89
Leadman - Cert Pay 2.6%	30.28	31.80	33.39	35.06	36.81
Leadman - w 2nd Cert Pay 2.6%	31.09	32.64	34.28	35.99	37.79
Maintenance Worker I	18.34	19.26	20.22	21.23	22.29
Maintenance Worker I Cert Pay 2.6%	18.81	19.75	20.74	21.77	22.86
Maintenance Worker I w 2nd Cert Pay 2.6%	19.31	20.27	21.29	22.35	23.47
Maintenance Worker II	23.11	24.27	25.48	26.76	28.09

Maintenance Worker II Cert Pay 2.6%	23.73	24.91	26.16	27.46	28.84
Maintenance Worker II w 2nd Cert Pay 2.6%	24.35	25.56	26.84	28.19	29.59
POLICE DEPT:					
Police Sergeant	28.41	29.83	31.32	32.88	34.53
With 1st Education/EMT Pay increase 2.5%	29.11	30.57	32.09	33.70	35.38
With 2nd Education/EMT Pay increase 2.5%	29.82	31.32	32.88	34.53	36.25
With 2nd Education & EMT Pay increase 2.5%	30.59	32.12	33.73	35.41	37.18
Police Officer	20.71	21.74	22.83	23.97	25.17
With 1st Education/EMT Pay increase 2.5%	21.23	22.29	23.40	24.57	25.80
With 2nd Education/EMT Pay increase 2.5%	21.76	22.84	23.99	25.19	26.45
With 2nd Education & EMT Pay increase 2.5%	22.31	23.42	24.59	25.82	27.11
Police Clerk - CSO	21.23	22.29	23.40	24.57	25.80

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

2024/2025

SALARY STEP SCHEDULE

All Classifications

Wages effective July 1,2024 for all classifications

Reflects 2% COLA July 1,2024

Updated -AOA and CSO effective 6/28/2021

POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
ADMINISTRATION:					
Senior Accounting Clerk	26.60	27.93	29.34	30.82	32.35
Administrative Assistant	23.13	24.29	25.50	26.78	28.12
Accounts Receivable Clerk	19.86	20.85	21.89	22.99	24.14
Accounts Payable/Payroll Clerk	19.23	20.19	21.20	22.26	23.37
Administrative Office Assistant	18.33	19.25	20.21	21.22	22.07
MAINTENANCE:					
Public Works Supervisor	28.95	30.39	31.91	33.51	35.19
Leadman	30.12	31.63	33.21	34.87	36.61
Leadman - Cert Pay 2.6%	30.89	32.43	34.05	35.75	37.54
Leadman - w 2nd Cert Pay 2.6%	31.71	33.30	34.96	36.71	38.55
Maintenance Worker I	18.71	19.64	20.62	21.66	22.74
Maintenance Worker I Cert Pay 2.6%	19.19	20.15	21.15	22.21	23.32
Maintenance Worker I w 2nd Cert Pay 2.6%	19.70	20.68	21.72	22.80	23.94
Maintenance Worker II	23.57	24.75	25.99	27.29	28.65

Maintenance Worker II Cert Pay 2.6%	24.20	25.41	26.69	28.02	29.42
Maintenance Worker II w 2nd Cert Pay 2.6%	24.84	26.08	27.38	28.75	30.19
POLICE DEPT:					
Police Sergeant	28.98	30.43	31.95	33.55	35.22
With 1st Education/EMT Pay increase 2.5%	29.69	31.18	32.74	34.37	36.09
With 2nd Education/EMT Pay increase 2.5%	30.42	31.94	33.53	35.21	36.97
With 2nd Education & EMT Pay increase 2.5%	31.20	32.76	34.40	36.12	37.93
Police Officer	21.12	22.18	23.29	24.45	25.68
With 1st Education/EMT Pay increase 2.5%	21.65	22.74	23.87	25.07	26.32
With 2nd Education/EMT Pay increase 2.5%	22.20	23.30	24.47	25.69	26.98
With 2nd Education & EMT Pay increase 2.5%	22.76	23.89	25.09	26.34	27.66
Police Clerk - CSO	21.65	22.74	23.87	25.07	26.32

LAKE SHASTINA COMMUNITY SERVICES DISTRICT

2025/2026

SALARY STEP SCHEDULE

All Classifications

Wages effective July 1,2025 for all classifications

Reflects 2% COLA July 1,2025

Updated -AOA and CSO effective 6/28/2021

POSITION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
ADMINISTRATION:					
Senior Accounting Clerk	27.13	28.49	29.92	31.43	32.99
Administrative Assistant	23.59	24.77	26.01	27.31	28.68
Accounts Receivable Clerk	20.26	21.27	22.33	23.45	24.62
Accounts Payable/Payroll Clerk	19.61	20.60	21.63	22.71	23.84
Administrative Office Assistant	18.70	19.63	20.61	21.64	22.51
MAINTENANCE:					
Public Works Supervisor	29.53	31.01	32.56	34.18	35.89
Leadman	30.72	32.26	33.87	35.57	37.34
Leadman - Cert Pay 2.6%	31.51	33.08	34.74	36.47	38.30
Leadman - w 2nd Cert Pay 2.6%	32.34	33.96	35.66	37.44	39.31
Maintenance Worker I	19.08	20.04	21.04	22.09	23.20
Maintenance Worker I Cert Pay 2.6%	19.57	20.55	21.58	22.66	23.79
Maintenance Worker I w 2nd Cert Pay 2.6%	20.09	21.10	22.15	23.26	24.42
Maintenance Worker II	24.04	25.24	26.51	27.83	29.22

Maintenance Worker II Cert Pay 2.6%	24.68	25.92	27.21	28.57	30.00
Maintenance Worker II w 2nd Cert Pay 2.6%	25.34	26.60	27.93	29.33	30.80
POLICE DEPT:					
Police Sergeant	29.56	31.04	32.59	34.22	35.93
With 1st Education/EMT Pay increase 2.5%	30.28	31.80	33.39	35.06	36.81
With 2nd Education/EMT Pay increase 2.5%	31.03	32.58	34.21	35.92	37.72
With 2nd Education & EMT Pay increase 2.5%	31.82	33.42	35.09	36.84	38.68
Police Officer	21.54	22.62	23.75	24.94	26.18
With 1st Education/EMT Pay increase 2.5%	22.08	23.19	24.35	25.56	26.84
With 2nd Education/EMT Pay increase 2.5%	22.64	23.78	24.97	26.21	27.52
With 2nd Education & EMT Pay increase 2.5%	23.22	24.38	25.59	26.87	28.22
Police Clerk - CSO	22.08	23.19	24.35	25.56	26.84

EXHIBIT B - CATASTROPHIC LEAVE POLICY

Catastrophic Leave is intended to provide an eligible employee authorized paid time-off through voluntary donation of management leave, comp time earned and/or PTO hours. Donated leave must be specifically designated for the employee who has been approved for Catastrophic Leave Benefits. Catastrophic Leave shall not exceed a maximum of six months and must be used within one (1) year of the date the application for Catastrophic Leave is approved. Only one request for Catastrophic Leave will be approved in a twelve (12) month period. The recipient will not accrue CTO, holiday and seniority upon receiving Catastrophic Leave. The recipient will receive their normal rate of pay, be taxed normal payroll deductions, and the recipient must prepay the employee portion of the cost of the health premium each month if they wish to have this benefit.

1. The recipient of the Catastrophic Leave benefits must have a medically verifiable long-term illness or injury, or have an immediate family member who has a medically verifiable long-term illness or injury for which the employee is the primary caregiver as certified by the attending physician. Immediate family as used herein includes only the employee's spouse, children or stepchildren, grandchildren, brothers or stepbrothers, sisters or stepsisters, aunts, uncles, parents or stepparents or grandparents of either spouse or other persons who are living in the employee's household. The statement from the physician should protect the privacy of the employee's medical information by not identifying the prognosis and/or diagnosis.
2. The recipient must have exhausted all accrued composite leave, or in some cases prior sick leave hours, comp time (CTO) and holiday credits and be eligible for approved leave without pay.
3. The recipient cannot be receiving combined payments from the Catastrophic Leave Donation Program and: Workers' Compensation, State Disability Insurance, or any other source of income attributed to earnings that exceed the employee's gross bi-weekly salary.

The following procedure must be followed in order to apply for Catastrophic Leave payments:

1. The recipient must complete the "Catastrophic Leave Recipient Application" and attach a medical statement signed by a physician, along with any other documents which verify the long-term illness, or injury to recipient or immediate family. If the employee requesting Catastrophic Leave benefits will be taking care of an immediate family member as defined above, then the employee shall also provide documentation verifying the employee is the primary caregiver as certified by the attending physician. The application and supporting documents should be submitted to the General Manager via the Payroll Department. The application is available from the Payroll Clerk.
2. The General Manager will review the application based on the established policy for review and approval. If denied, the application will be returned to the recipient with an explanation.
3. If an application has been rejected under the Catastrophic Leave Policy, the applicant can make any necessary modifications to the application and provide any additional information to support their request for leave under the Catastrophic Leave Policy. The application can then be resubmitted to the General Manager in compliance with the policy for reconsideration.

4. Upon approval, the General Manager will advertise to all departments the request for Catastrophic Leave donations and will re-advertise as needed.
5. District employees who wish to voluntarily donate must complete the "Catastrophic Leave Donation Certificate." All donations must be in whole numbers (1, 2, 3) and the minimum donation is one (1) hour. The certificate must be submitted to the General Manager.
6. Hours donated to the recipient are irrevocable, will not be returned or repaid to the donor and will be deducted from the donor's management leave, comp time earned and/or PTO balance. Hours donated may be used to meet the mandatory use hours requirement. The donor will receive verification of the deduction and the amount of the time the donor employee has remaining from the Payroll Clerk.
7. Any requests for exceptions to this policy will be reviewed by the General Manager for review and approval.

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
CATASTROPHIC LEAVE RECIPIENT APPLICATION
(PAGE 1)

Please accept this application for the Catastrophic Leave provision as listed in the District's Catastrophic Leave Policy dated March 17, 2016. I understand, in order to qualify as a recipient, I must meet all of the following criteria:

1. I have, or will have, exhausted all of my accrued CTO, prior sick leave and holiday credits and am eligible for approved leave without pay beginning _____ .
2. I believe that my circumstances qualify as a long-term illness or injury of self or immediate family members as defined in the Catastrophic Leave Policy.
3. I have attached a medical statement signed by a physician, and or other documents to verify the long-term illness or injury of self or immediate family for which the employee is the primary caregiver as certified by the attending physician. The attached document also includes the approximate duration of illness or injury. Immediate family as used herein includes only employee's spouse, children or stepchildren, brothers or step-brothers, sisters or step-sisters, aunts, uncles, parents or step-parents or grandparents of either spouse or other persons who are living in the employee's immediate household.
4. I understand this application must be reviewed and approved by the General Manager before I receive benefits under the Catastrophic Leave Policy.
5. I understand upon approval and receipt of the Catastrophic Leave payments, I will not accrue leave and seniority. I also understand I am eligible to receive only my normal rate of pay; and be taxed normal payroll deductions for any payments received for the Catastrophic Leave Program. I understand I must prepay the employee cost of the health premium each month, as applicable.
6. I understand I cannot receive combined payments from the Catastrophic Leave Donation Program and Workers' Compensation, State Disability Insurance or any other source of income attributed to earnings that exceed my gross bi-weekly salary.
7. I understand the General Manager will advertise to all departments requesting donations for the catastrophic leave in my name and will re-advertise as needed. I understand I am giving my approval for such advertisement.
8. I understand that, even though I may be eligible to receive donated hours in the Catastrophic Leave Program, donated time may not be sufficient to meet any or all of my needs.

LAKE SHASTINA COMMUNITY SERVICES DISTRICT
CATASTROPHIC LEAVE RECEIPT APPLICATION
(PAGE 2)

I have received, read and understand the Catastrophic Leave Policy and, in the event I am determined to be eligible as a recipient, I agree to the terms of the policy.

Date _____ Signature

Name Department _____ Print

Telephone Number Message Telephone Number _____ Home

GENERAL MANAGER

approved denied and reason:

Signature

Date

LAKE SHASTINA COMMUNITY SERVICES DISTRICT CATASTROPHIC LEAVE
DONATION CERTIFICATE

I agree to donate management leave, comp time earned and/or PTO hours under the Catastrophic Leave. I understand the following conditions:

I, the donor, understand all hours donated and used are irrevocable, and will not be returned or repaid. I also understand all hours used will be deducted from my leave, comp time earned and/or PTO hours leave balances. Hours donated may be used to meet the mandatory use hours requirement. The recipient will be responsible for all taxes through normal payroll deductions.

Print Donor's Name	Social Security Number	Department of Donor	
			Mgt.
Leave Hours Donated	CTO Hours Donated	PTO Hours Donated	

Recipient's Name	Department of Recipient
------------------	-------------------------

I agree to the conditions as listed on this certificate. Please deduct the hours indicated from my management leave, comp time earned and/or PTO balances and donate to the recipient.

Donor	Date	Signature of
-------	------	--------------

Route this certificate to your department's payroll clerk.

Attention: Department Payroll Clerk

Please verify the donated leave of the donor and attach a copy of this certificate to the donor's time sheet. The original is to be returned to the General Manager for placement in the donor's personnel file.

EXHIBIT C - MINIMUM CERTIFICATION REQUIREMENTS AND CERTIFICATION INCENTIVES

CLASSIFICATION	CERTIFICATION	AMOUNT
Public Works Maintenance Required Voluntary	D-1, Grade 1 Grade 2, D2, QAC, Treatment	0% 2.6%
Public Works Maint. Water Leadman Required Voluntary	D-1, Grade 1 QAC, D2, Treatment, Grade 2	0% 2.6%
Public Works Supervisor Required Voluntary	None D-1, QAC, Grade 1, Grade 2, D2, Treatment	0% 2.6%
Wastewater Leadman Required Voluntary	D-1, Grade 1 Grade 2, QAC, Treatment, D2	0% 2.6%

The mutually agreed upon certifications not listed here would meet incentive pay.

Minimum Certification requirements are noted for each classification of employees.

LETTER OF UNDERSTANDING

**Between
Lake Shastina
And
Teamsters Local 137**

This Letter of Understanding amends the Memorandum of Understanding between Lake Shastina and Teamsters Local 137 regarding Article 20, section 20.1, Item 11 - Christmas Eve. Current language reads as follows:

ARTICLE 20 - Holidays

20.1 Regular, probationary, and part time (part time prorated to normal hours worked) employees except as otherwise provided herein, shall be entitled to have the following holidays off with pay:

~~11. ½ workday before Christmas Day~~

It is agreed that the following change will be implemented upon both parties signing this LOU, or as reasonably practical:

11. December 24, known as "Christmas Eve"

Lake Shastina

Teamsters Local 137



Robert Moser
General Manager



Heather McFall
Business Agent

12/16/21
Date

10/27/2021
Date

WHAT'S SO SPECIAL ABOUT SPECIAL DISTRICTS?

A Citizen's Guide to Special Districts in California

Fourth Edition

October 2010

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Introduction

Most of us don't know much about local governments. We know less about special districts. Special district advocates hail special districts as the best examples of small-town democracy. Their critics say that special districts make local government too complex. *What's So Special About Special Districts?* untangles the basic facts about this least known segment of local government.

Most Californians don't understand special districts. Most of us don't know:

- How many exist (about 3,300).
- What they do (services from A to Z --- from airports to zoos).
- Who runs them (maybe your next-door neighbor).
- Or even what they spend on local services (about \$38 billion a year).

Celebrated as the best example of democracy, cursed as the worst form of fragmented government, and generally misunderstood even by the experts, special districts are California's unique contribution to local government. The question remains: *What's so special about special districts?* This citizen's guide provides the answer: ***focused service***.

Focused because special districts only serve in specifically defined areas, unlike counties and cities that provide services throughout their boundaries. Special districts are also ***focused*** because most of them provide only a single service, allowing them to concentrate on one activity. ***Service*** because districts deliver only the public programs and public facilities that their constituents want. Counties and cities provide multiple programs, some of them mandated by the federal and state governments. Special districts provide the public services that the public wants.

Our citizen's guide answers many of your questions about California's most abundant form of local government. In plain language, this citizen's guide explains what special districts are, where districts came from, their legal powers, and different ways to understand them. This guide also tells you where to get more information about the special districts that serve you.

Frequently cited by other authors, this report has become a standard introduction to special district government since the Committee first published it in 1991. But much has changed in 20 years. The Legislature has shifted billions of dollars of property tax revenues away from local agencies, including districts. The voters amended the California Constitution to make it harder to raise local revenues (Proposition 218 in 1996), harder for the Legislature to tamper with local governments' revenues (Proposition 1A in 2004), but easier to get access to public records and meetings (Proposition 59 in 2004). The California economy has been through two major recessions. Our Fourth Edition documents special districts' current financial status, explores what is and what is not a special district, explains what services districts provide, and describes how citizens can effect changes in the districts which serve them.

Democracy works best when people know about the governments that serve them. This guide will make you smarter about the special districts that serve you.

What's a Special District?

State law defines a special district as “any agency of the state for the local performance of governmental or proprietary functions within limited boundaries.” In plain language, a special district is a separate local government that delivers a limited number of public services to a geographically limited area.

Special districts have four distinguishing characteristics. Special districts:

- Are a form of government.
- Have governing boards.
- Provide services and facilities.
- Have defined boundaries.

Inadequate revenue bases and competing demands for existing taxes make it hard for counties and cities to provide all of the services that their constituents want. When residents or landowners want new services or higher levels of existing services, they can form a district to pay for them. Fire districts, irrigation districts, cemetery districts, and mosquito abatement districts exist today because taxpayers were willing to pay for public services they wanted. Special districts localize the costs and benefits of public services. Special districts let local residents get the services they want at prices they're willing to pay.

So, what's so special about special districts? Focused services. Special districts are a type of local government that delivers specific public services within defined boundaries.

Special districts deliver highly diverse services including water, electricity, mosquito abatement, and fire protection. Most special districts serve just a single purpose, such as sewage treatment. Others respond to a wide range of needs, as in the case of community service districts, which can deliver up to 32 services.

Districts' service areas can range from a single neighborhood to vast areas. For example, the Metropolitan Water District of Southern California serves nearly 19 million people in over 5,200 square miles in six counties, while the Kingsbury Greens Community Services District (Nevada County) runs the sewage system for 45 condominiums on 7.65 acres. Most special districts' operate within just one county, but some districts' boundaries cross over city limits and county lines. The Contra Costa County Fire Protection District serves unincorporated territory plus nine cities. The Roubidoux Community Services District delivers services to communities in two different counties: Riverside and San Bernardino. Unlike counties and cities, special districts' boundaries aren't always limited to contiguous territory. For example, the Pajaro/Sunny Mesa Community Services District (Monterey County) serves several separate pockets of territory.

Special districts have most of the same basic powers as counties and cities. They can sign contracts, employ workers, and acquire real property through purchase or eminent domain. Following constitutional limits, they can also issue bonds, impose special taxes, levy benefit assessments, and charge service fees. Like other governments, special districts can sue and be sued.

Special districts have **corporate powers** and **tax powers**, but rarely the **police power**. *Corporate power* is the ability to “do things,” like building public works projects such as parks and sewers. It’s the power to run recreation programs and collect garbage. *Tax power* is the authority to raise money to pay for these projects and services. *Police power* is different; it’s the authority to regulate private behavior to accomplish a public goal. Governments that make rules and enforce them use the police power: zoning property, requiring business licenses, or setting speed limits. Special districts rarely have police powers. Instead, they usually build public facilities and provide services. When special districts do have police powers, they are usually related to some corporate power. One example is banning alcoholic beverages from a park district’s picnic area.

What a Special District is Not

Now that we understand what special districts are, let’s look at what special districts are not.

- **Special districts are not state government.**

Special districts are local agencies which deliver specific services to specific communities. Operating under state laws, special districts are autonomous government entities that are accountable to the voters or landowners they serve. State officials, however, oversee special districts. For example, special districts must send their annual financial reports to the State Controller’s Office. Districts must also follow the state laws for special taxes, bonded debt, public hearings, public records, and elections.

- **Special districts are not county governments or cities.**

Counties and cities are *general purpose* governments. Counties and cities perform a broad array of services to protect the health, safety, and welfare of all their citizens. Special districts are *limited purpose* governments. Special districts can provide only the services allowed by state law and supported by their residents. Sometimes county supervisors or city councils are special districts’ governing boards, but those districts are legally separate local entities.

- **Special districts are not school districts.**

School districts exist to provide one service --- public education. Special districts can deliver a variety of public services, excluding education. School districts get most of their money from the state government. Special districts rely mostly on local revenues.

- **Special districts are not “Mello-Roos” districts or benefit assessment districts.**

Counties, cities, school districts, and many special districts can create Mello-Roos Act community facilities districts and benefit assessment districts to finance public works and public services. Mello-Roos districts and benefit assessment districts are just financing mechanisms and do not deliver services. Special districts use these financing mechanisms to provide public services.

- **Special districts are not redevelopment agencies.**

Cities and counties set up community redevelopment agencies to eliminate blight by paying for public and private improvements and economic development efforts. Special districts do not exist to eliminate blight. Special districts provide public services and infrastructure that help communities, but they're not in the business of direct economic development.

- **Who's in? Who's out?**

Most of our facts about special districts come from the annual *Special Districts Annual Reports* produced by the State Controller's Office. The total number of special districts included in this citizen's guide (3,294) varies from the State Controller's report (4,776) because the Controller defines special districts differently. The State Controller's report has a very broad reach, including 1,482 entities that we don't think are real special districts.

Our guide omits entities that don't share all four of the key characteristics: is a government, has a governing board, provides services, and has boundaries. For example, nonprofit corporations don't appear in our count because they're corporations, not governments. To be clear, we don't count: air pollution control districts, flood control maintenance districts, health districts, highway lighting districts, maintenance districts, vehicle parking districts, road maintenance districts, permanent road divisions, joint powers agencies, and nonprofit corporations. Neither we nor the State Controller count benefit assessment districts, business improvement districts, geologic hazard abatement districts, Mello-Roos Act community facilities districts, multi-family improvement districts, or parking and business improvement districts.

A Short History of California's Special Districts

Like hula hoops, martinis, and freeways, special districts became an art form in California. Special districts first arose to meet the water needs of San Joaquin Valley farmers. Frustrated by an inconsistent water supply and unstable prices, farmers in Stanislaus County organized the Turlock Irrigation District under the Wright Act of 1887. The Wright Act allowed landowners to form new public entities to deliver irrigation water, and to finance their activities with water rates and bond sales. As California's first special district, the Turlock Irrigation District made it possible for local farmers to intensify and diversify their crops.

While the earliest irrigation districts served rural areas, the trend was towards delivering water to urban and suburban communities. In the early 1900s, water districts were primarily located in northern and central California. After 1950, they spread to Southern California to satisfy the growing suburban water demands.

In the 20th Century, special districts increased dramatically in both number and scope. The periods of prosperity and population growth that followed both World Wars increased the demand for public services of all kinds and, consequently, special districts. Special districts became a popular way to meet these needs. Unlike the complex bureaucracies that can come with cityhood, special districts were flexible and provided desired services quickly and efficiently.

The statutory authorization for *mosquito abatement districts* in 1915 shows the recurring connection between the real estate industry and the desire for local services. Salt marsh mosquitoes around the San Francisco Bay and higher than average malaria cases in rural counties prompted legislators to allow local officials to form mosquito abatement districts. The 372 *fire protection districts* can trace their origins to a 1923 state law. In 1931, the Legislature authorized recreation districts, the forerunners of today's 108 *recreation and park districts*. *Hospital districts* arose in 1945 because of a statewide shortage of hospital beds. Although originally created to address individual services, special districts later encompassed multiple needs. The Legislature provided for multi-purpose *county service areas* in 1953 and *community services districts* in 1961.

Special Districts' Statutory Authority

Special districts operate either under a **principal act** or a **special act**. A *principal act* is a generic statute which applies to all special districts of that type. For example, the Community Services District Law governs all 325 community services districts. There are about 50 principal act statutes which local voters can use to create and govern special districts.

Occasionally, local circumstances don't fit the general conditions anticipated by the principal acts. In those cases, the Legislature can create a *special act* district that's tailored to the unique needs of a specific area. Districts which are regional in nature, have unusual governing board requirements, provide unique services, or need special financing, result in special act districts. Examples of districts formed under special acts include the Embarcadero Municipal Improvement District (Santa Barbara County), the Humboldt Bay Harbor, Recreation, and Conservation District, and the Shasta-Tehama County Watermaster District. There are about 125 special act districts.

All principal acts are state laws in the California state codes, whereas most special acts are not codified. However, for convenience, many of the water districts' special acts appear in the Appendix to the California Water Code. For a list of these acts, see Appendix A in the State Controller's *Special Districts Annual Report*.

Types of Special Districts

Special districts' activities are as diverse as the communities they serve. The most common type of special district in California are the 895 County Service Areas, while the Golden Gate Bridge, Highway and Transportation District is an example of a category with just one member.

With about 3,300 special districts, it may seem overwhelming to try to understand the purpose and function of the districts. To simplify that task, let's break down the districts into pairs of categories. One way of understanding districts is to look at their various contrasting features:

- Single function versus multi-function.
- Enterprise versus non-enterprise.
- Independent versus dependent.

Single Function versus Multi-Function Districts.

Most special districts perform only a single function. Single function districts deliver just one service such as water, sewage, or fire protection. The Happy Camp Cemetery District (Siskiyou County) is an example of a single function special district. Cemeteries are the only service that the 252 public cemetery districts can provide.

Multi-function districts provide two or more services. County Service Areas (CSAs) may provide any service which a county can provide. For example, CSAs provide animal control, libraries, police protection, snow removal, and weed abatement.

Some multi-function districts only offer a few of the services they are authorized to provide. For example, the Community Services District Law allows CSDs to provide up to 32 different services, but the Buzztail CSD (Butte County) offers only water service.

The powers which state law authorizes but a district does not currently provide are called its *latent powers*. Before a special district can activate one of its latent powers, it needs approval by the Local Agency Formation Commission (LAFCO). Significant protests may require the district to get its voters' approval. If the new service requires new revenues from special taxes or benefit assessments, the district must also get those approvals from voters or property owners.

Enterprise versus Non-enterprise Districts.

Just over a quarter of the special districts are enterprise districts. Enterprise districts deliver services that are run like business enterprises --- they charge for their customers' services. For example, a hospital district charges room fees paid by patients, not the district's other residents. Water districts charge water rates to their customers. Nearly all of the water, wastewater, and hospital districts are enterprise districts.

Non-enterprise districts provide services which don't lend themselves to fees. Fire protection services and mosquito abatement programs benefit the entire community, not just individual residents. No direct cost/benefit relationship exists in the services provided by non-enterprise districts. Consequently, non-enterprise districts generally don't charge user fees for their services. No one wants to put a meter on a park district's swings or charge residents to put out a house fire. Non-enterprise districts rely overwhelmingly on property tax revenues and parcel taxes to pay their operational expenses. Services commonly provided by non-enterprise districts include cemeteries, fire protection, libraries, and police protection. Although non-enterprise districts rely primarily on non-fee revenue, certain services, such as a recreation and park district's swimming pool or soccer programs, can generate some fee revenue.

Independent versus Dependent Districts.

About two-thirds of the state's special districts are independent districts. Independent districts have their own separate governing boards elected by the districts' own voters. For example, local voters elect the board of directors which runs the Rancho Simi Recreation and Park District (Ventura County). Independent districts also include districts where the appointed boards of directors serve for fixed terms. Cemetery districts are independent districts because county boards

of supervisors appoint the residents who serve on the districts' boards of trustees to fixed four-year terms. Independent special districts include library districts, memorial districts, mosquito abatement districts, and resource conservation districts.

Dependent districts are governed by other, existing legislative bodies (either a city council or a county board of supervisors). All County Service Areas, for example, are dependent districts because their county boards of supervisors govern them. The San Bernardino County Board of Supervisors is the *ex officio* governing board for the Yucca Valley Recreation and Park District, making it a dependent district. Because the Oceanside City Council also serves as the board of directors for the Oceanside Small Craft Harbor District (San Diego County), the District is a dependent special district.

A community's registered voters usually choose an independent district's board of directors. But in some water districts, political power rests with the landowners. Where the districts' services primarily benefit land and not people, the courts have upheld the use of *landowner-voter districts*.

Who votes?

The California Constitution says that "The right to vote or hold office may not be conditioned by a property qualification." But state laws provide for some "landowner-voter districts" where the district directors or the voters (or both) must own land within the district. How is that possible?

The United States Supreme Court tackled this question in a case called *Salyer Land Company v. Tulare Lake Basin Water Storage District*, 410 U.S. 719 (1973).

Some landowners and resident registered voters within the District claimed that it was unconstitutional to restrict voting rights to landowners. Further, they argued that it was inequitable that smaller landowners received fewer votes than larger landowners. The plaintiffs urged the creation of a new policy so that all residents in the District would be permitted only one vote regardless of land ownership.

The District argued that its irrigation services only benefited the land. Thus, any effects on non-landowner residents were indirect and did not entitle them to vote. Also, the number of votes allotted to landowners was proportional to the assessed value of the land, and therefore relative to each landowner's benefits and burdens. The Supreme Court agreed with the defendant and upheld landowner-voting because the District "provides no service to the general public."

Special districts' governing boards can vary with the size and type of the district. Most districts have five-member governing boards. Other governing boards vary from three to 11 or more members. Because of its special legislation, the Metropolitan Water District of Southern California has 37 board members. Many larger districts have professional general managers, similar to city managers or county administrators, who run the daily operations. The governing boards adopt the broad policies that the general managers carry out.

These three distinctions about special districts aren't mutually exclusive. It's possible to have an independent, multi-function, enterprise special district, such as the Whispering Palms Community Services District (San Diego County). The District is *independent* because its voters elect their own board of directors; it's *multi-function* because the District provides sewers, street lighting, and road maintenance; and it's *enterprise* because local officials charge their customers for the sewer services. Conversely, County Service Area No. 19 (Marin County) is a dependent, single function, non-enterprise district. The CSA is *dependent* because the Marin County Board of Supervisors governs it; it's *single function* because it delivers only one service; and it's *non-enterprise* because that sole service is fire protection.

Funding Special Districts

To better understand how special districts pay for themselves, let's divide their spending into two broad categories:

- Spending on operations and maintenance (programs).
- Spending on capital projects (public works projects).

Operations and Maintenance.

To pay for their regular operations, special districts generate revenue from three basic sources: taxes, benefit assessments, and service charges.

General taxes. When the voters amended the California Constitution by passing Proposition 13 (1978), they stopped local officials from levying separate property tax rates. Instead, county officials collect a uniform 1% property tax rate and allocate the resulting revenues to other local governments, following complicated formulas in state law. Most special districts get a share of these general property taxes. In 2007-08, county officials allocated about \$3.6 billion in general property tax revenues to special districts. Proposition 218 (1996) constitutionally prohibited special districts from levying their own general taxes.

Special taxes. Nearly all special districts can levy special taxes, if they get 2/3-voter approval. Often called "parcel taxes," these special taxes are usually a flat amount for each lot or each acre of ground. The Windsor Fire Protection District (Sonoma County) relies on two special taxes --- both approved by the District's voters --- for most of its annual revenues. Some property owners are familiar with the parcel taxes that special districts levy under the Mello-Roos Act. Details about which special districts can levy special taxes appears in *Revenues And Responsibilities: An Inventory of Local Tax Powers* on the Committee's webpage: http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/REVENUESANDRESPONSIBILITIES.pdf

Benefit assessments. Many special districts can charge benefit assessments to pay for operating and maintaining public facilities and service programs that directly benefit property. Proposition 218 (1996) required assessment amounts to reflect the "proportionate special benefit" that the property receives. Benefit assessments are constitutionally distinct from taxes in several important ways. One key difference between assessments and taxes is that the affected property owners must give their approval for benefit assessments in a weighted-ballot election

while special taxes require the voters' approval. More information about benefit assessments is in *Assessing The Benefits of Benefit Assessments: A Citizen's Guide to Benefit Assessments in California (Second Edition)*, on the Senate Local Government Committee's website: http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/BenefitAssessmentsPublication.pdf

Service Charges. Special districts that run enterprise activities or deliver specific services can pay for their activities with service charges. Water rates generate the revenue that the Rainbow Municipal Water District (San Diego County) needs to run the community's water systems. The Modesto Irrigation District (Stanislaus County) sends bills to its electricity customers. Hospital charges help support the Seneca Hospital District (Plumas County). In 2007-08, special districts' enterprise revenues totaled nearly \$25.2 billion.

<u>Special Districts' Enterprise Revenues (2007-08)</u>	
Water	\$8,099,005,000
Transit	4,634,395,000
Waste Disposal	3,478,224,000
Electric Utility	4,171,583,000
Hospital	4,094,546,000
Airport	457,296,000
Harbor and Port	<u>250,658,000</u>
Total	\$25,185,707,000

Even some non-enterprise districts collect service charges to pay for special programs. For example, the Hayward Area Recreation and Park District (Alameda County) charges green fees to play on the District's Skywest Golf Course.

Capital Projects.

Special districts create debt to borrow the money that they need for capital projects, such as expanding a wastewater treatment plant, acquiring parkland, or buying a new fire engine. Special districts' total long-term debts of all kinds were approximately \$72.4 billion in 2007-08.

Special districts pay off their *general obligation bonds* with higher property tax rates that require 2/3-voter approval. The Rand Communities Water District (Kern County) issued general obligation bonds to accumulate the capital needed for its water system. User fees pay for special districts' *revenue bonds* which may require majority-voter approval. The Groveland Community Services District (Tuolumne County) issued four revenue bonds to improve its sewer system. *Benefit assessment bonds* need the weighted-ballot approval of the property owners who own the properties that benefit from the special districts' public works projects. That's the approach used by the Las Gallinas Valley Sanitary District (Marin County) for its sewer improvements. *Mello-Roos Act bonds* also require 2/3-voter approval, but their revenue streams come from parcel taxes. Other, more exotic borrowing devices include certificates of participation, promissory notes, and loans from the state and federal governments.

Loss of Funding for Special Districts.

Special districts have coped with three decades of tough financial times. In 1977-78, the year before the voters passed Proposition 13, special districts received \$945 million in property tax revenues. In 1978-79, their property tax revenues dropped to \$532 million, a loss of almost 50%.

In response to Proposition 13, legislators encouraged the special districts with the power to raise revenues with user fees and service charges to start the transition to fees and charges and to reduce their reliance on property tax revenues.

To help local governments weather the fiscal shock caused by Proposition 13, the state sent more state money to school districts and shifted some of the schools' property tax revenues to counties, cities, and special districts. For special districts, these supplemental property tax revenues went into a Special District Augmentation Fund (SDAF) in each county. The county supervisors then allocated the SDAF money to the special districts in their counties. This practice lasted from 1978 to 1992.

Faced with huge budget deficits in 1992-93 and again in 1993-94, the state shifted almost \$4 billion annually in property taxes from local governments (counties, cities, special districts, and redevelopment agencies) to an Educational Revenue Augmentation Fund (ERAF) in each county. The property tax revenue in the ERAF supports schools. The continuing ERAF shifts help the state fulfill its constitutional duty to pay for schools. Enterprise special districts had better chances of coping with the ERAF shifts because their fees generate revenues. The ERAF shifts hit the non-enterprise districts especially hard because they have few ways to make up for the lost revenues. Special legislation has granted fiscal relief to some special districts.

Proposition 1A (2004) made it much harder for the state to shift property taxes and other local revenues away from counties, cities, and special districts. These constitutional protections restore some fiscal stability to special districts.

How Much is Too Much?

A 2000 report from the Little Hoover Commission revealed that special districts reported more than \$19.4 billion in reserves to the State Controller in 1996-97. Enterprise special districts held most of these reserves. This large figure raised a red flag for policy-makers and the public. Why were the districts setting aside so much money? And how did they plan to spend it?

Special district leaders argued that there were legitimate reasons for these reserves. District officials had allocated nearly all of the reserve dollars into specific funds for earmarked purposes. Special districts also used their reserve accounts to accumulate the capital needed to pay for large public works projects, rather than paying future interest on borrowed money. Further, reserves provided a safety cushion in lean fiscal years, stabilizing consumers' rates.

Special districts, taxpayers, and legislators learned that special districts should improve how they report their fiscal activities, including the purposes for their reserves. Out of this controversy came a state law that required the State Controller to publish an annual electronic report listing

the 250 special districts with the largest total revenues. For 2007-08, the three special districts with the largest total revenues were:

- Sacramento Municipal Utility District (\$1,372,262,958).
- Metropolitan Water District of Southern California (\$1,267,721,814).
- Los Angeles County Metropolitan Transportation Authority (\$1,209,788,940).

For the complete list, see <http://lgrs.sco.ca.gov/sb282/index.asp>.

LAFCO Cost-Sharing.

Until 2001, county governments paid 100% of costs to operate the Local Agency Formation Commissions (LAFCOs), but legislative reforms spread those costs more broadly. When independent special districts get seats on the LAFCO, they must share the commission's costs with cities and the county government. Half of the 58 LAFCOs have special district representation, so special districts in those 29 counties pay a third of their LAFCOs' costs. A district's contribution is proportionate to its revenue, with some exceptions.

Advantages & Disadvantages

Many people disagree over the usefulness and desirability of special districts. Before you make up your own mind, consider these arguments.

Advantages:

Special districts tailor services to meet local needs. Counties and cities must protect their residents' health, safety, and welfare and, thus, must provide many services, regardless of citizen demand. Special districts, however, only provide the services that their communities desire.

Special districts link costs to benefits. General purpose local governments --- counties and cities --- levy general taxes to pay for public services. The services that taxpayers receive are not directly related to the amount of taxes they pay. In a special district, only those who benefit from the district's services pay for them. Those who do not benefit do not pay.

Special districts respond to their constituents. Because most special districts are geographically smaller and have fewer residents than counties and cities, they're more responsive to their constituents. Small groups of citizens can be quite effective in influencing special districts' decisions.

Disadvantages:

Too many special districts means inefficiency. Many special districts provide the same services that counties and cities provide. Overlapping jurisdictions can create competition and conflict among special districts, and also between districts and general purpose governments. In addition, when communities incorporate, some Local Agency Formation Commissions (LAFCOs) fail to dissolve the special districts that exist within the new city limits, resulting in extra administrative costs and duplicated services.

Special districts hinder regional planning. Having numerous special districts can hamper planning efforts. For example, it can be difficult to organize the various water, sewer, and fire services in one region to deliver services to property owners and residents. Because about 2/3 of the districts have independent governing boards, no single agency coordinates their efforts.

Special districts decrease accountability. The multiplicity of limited purpose special districts can make it harder for residents and property owners to find out who's responsible for services. Separate special districts may provide water, sewer, parks, library, and fire protection services to the same unincorporated community. Residents have a hard time finding out who's in charge. Furthermore, the narrow and technical nature of a district's activities often results in low civic visibility until a crisis arises. Special district elections typically have very low voter turnouts. Although some view low voter turnout as a sign of voter satisfaction, representative democracy relies on broad participation.

Frequently Asked Questions

Now that you have a basic understanding of special districts, you may have some specific questions you want answered. We explain the sources for our answers in Appendix C. Here are a dozen of the most frequently asked questions.

1. How can I find out if I live in a special district?

The easiest way is to call your Local Agency Formation Commission (LAFCO). Each county has a LAFCO which is responsible for forming and dissolving special districts. You'll find a directory of LAFCOs at www.calafco.org. You can also look on your county property tax bill to see if some of your tax dollars go to a special district.

2. How can I form a special district?

District formation follows five steps:

- *Application.* Registered voters in the proposed district apply to the Local Agency Formation Commission (LAFCO). The application must detail the proposed district's boundaries and services, environmental effects, and financing methods.
- *Review and approval.* The LAFCO's staff studies the application, schedules the public hearing, and presents a public report with recommendations. The LAFCO can approve or deny the proposal. If the LAFCO approves, it's time to measure protests.
- *Protest hearing.* The LAFCO holds a second public hearing, this time to measure formal protests from voters and property owners. A majority protest stops the proposal, otherwise there's an election.
- *Election.* Only the voters inside the proposed district's boundaries vote at this election, which usually requires majority-voter approval. If the proposed new district relies on new special taxes, the measure needs 2/3-voter approval.
- *Formal filing.* If the voters approve the proposed district, the LAFCO's staff must file the formal documents needed to start the new district.

3. Who picks my district's governing board?

About 2/3 of our special districts are *independent*, that is, they have independently elected or appointed boards of directors. The other districts are *dependent* districts because they depend on another local government to govern them; usually a city council or a county board of supervisors. In most independent districts, registered voters elect the governing boards. In a few types of special districts, the landowners vote. Most governing boards have five members who serve staggered, four-year terms.

4. How can I find out who runs a special district?

The easiest way is to call your district directly and ask who serves on its governing board. Many districts have their own web sites. Also, your county clerk must keep a formal *Roster of Public Agencies* which lists all special districts along with the names and addresses of the members of their governing boards. Ask your county clerk for a copy of your county's *Roster*. This information may also be available on your county's web site.

5. Can a special district tax me without my approval?

No. Proposition 13 (1978) limited property taxes to 1% of property value. Many special districts get a share of these revenues. If a special district wants more tax revenues, it needs 2/3-voter approval before it can charge special taxes (also called "parcel taxes"). A general obligation bond that raises property tax rates also requires 2/3-voter approval.

6. But what about special assessments? Aren't they just like special taxes?

Not really. Special districts can charge benefit assessments to pay for public works like sewers, parks, and water systems, and to pay for some services. Property owners pay benefit assessments only for the projects or services that *directly* benefit their property. The amount of the assessment must be directly related to the benefit received. Proposition 218 (1996) required local governments, including special districts, to get weighted ballot approval from property owners before they can levy benefit assessments.

7. What can I do if I don't like what my special district is doing?

Talk to your district's general manager or the members of your district's governing board at their next meeting. All local governments must make time at their board meetings to listen to public comments. If you still aren't pleased with your district's activities, the remedy is direct democracy in the form of *initiative*, *referendum*, and *recall*.

- *Initiatives* let the voters propose ordinances directly instead of waiting for their district board to act. Successful initiatives need public notice, petitions, and majority-voter approval.
- *Referenda* also give voters a direct vote in district matters. The referendum power lets voters put recent board actions on the ballot and reject them *before* they go into effect. Referendum procedures are similar to the initiative process.
- *Recall* elections allow voters to remove elected board members before their terms of office end. Recalls follow processes similar to initiatives and referenda. However, recall isn't pos-

sible with cemetery districts and other special districts where the board members are appointed to serve fixed terms.

Or, you or your neighbors could run for the district's board at the next election.

8. Why do special districts seem so invisible?

Special districts often escape wide public attention because their functions are narrow and technical. Sometimes, residents don't pay attention to their special districts until something goes wrong. Like all local governments, however, special districts must conform to democratic safeguards such as the Brown Act, the Public Records Act, and the Political Reform Act.

9. How can I trust my special district's leaders?

It's true what they say --- *the noblest motive is the public good*. Public officials earn their constituents' trust by continually pursuing the public good. Special district officials must hold open meetings, keep open records, and disclose their economic interests. See the answer to Question 8, above. Most governing board members and key staff must take an ethics training course every two years. Ask your district if its board members and staff are up-to-date.

10. How do I know if my special district is doing OK?

It's also true that *good government demands the intelligent interest of every citizen*. Residents and property owners should pay attention to how public agencies, including special districts, pay for projects and programs. Besides attending your district's board meetings and following its web page, you can review a district's budgets, regular audits, and financial reports. Ask your county grand jury if it has investigated your district. In 2009-10, for example, the Lake County Civil Grand Jury reviewed the Lake County Vector Control District and then issued its findings and recommendations. Although it's not a perfect guarantee, ask if your special district participates in the Special District Leadership Foundation (SDLF) awards program.

11. What happens when things go bad?

If you're unhappy with a special district's programs or projects, take your complaints directly to the district's general manager and governing board. Local officials respond when their constituents write letters and speak up at board meetings. You can complain about economic conflicts of interest to the Fair Political Practices Commission. However, if you're aware of criminal activity, then you need to take your allegations to the district attorney or county grand jury for formal investigation.

12. Where can I get more information about special districts?

Local resources:

- LAFCO's municipal service reviews and spheres of influence.
- County clerk's *Roster of Public Agencies*.
- County grand jury reports on specific districts.

Statewide resources:

- State Controller's *Special Districts' Annual Report*.
- Special district associations. See Appendix B.

Current Topics & Emerging Trends

You now know that special districts are really diverse. Although it's tough to generalize about the trends affecting special districts, here are some general themes:

How many is too many? Special districts are California's most numerous type of local government. There's a lingering suspicion among the public and local officials that the number of special districts is growing. Some worry that increasing the number of independent special districts results in more bureaucracy and less efficiency.

However, using our definition of special districts, you can see that their numbers have actually gone down slightly over the last 30 years.

<u>Number of Special Districts</u>	
1977-78	3,398
1987-88	3,490
1997-98	3,336
2007-08	3,294

Inside that 3% decline are three interesting trends. *First*, the number of county service areas has grown. CSAs are dependent special districts, always run by the county boards of supervisors. The number of dependent districts increased while the overall number of special districts went down. *Second*, the number of community services districts has also grown. Almost always independent special districts, CSDs are often multi-purpose districts, delivering more than one local service. The number of single-function districts declined. *Third*, while the number of special districts went down, California's population grew by 2/3, from 22.4 million residents in 1977 to 37.7 million in 2007.

Changes in the Number of Special Districts Among the Ten Most Common Types

	<u>1977-78</u>	<u>2007-08</u>	<u>Change</u>
County service areas	727	895	+168
Fire protection districts	454	372	-82
Cemetery districts	263	252	-9
Community services districts	213	325	+112
County water districts	205	166	-39
California water districts	163	136	-27
Reclamation districts	157	156	-1
Resource conservation districts	139	96	-43
County sanitation districts	124	73	-51
Recreation & park districts	118	108	-10

This table shows that multi-purpose districts, like county service areas and community services districts, are more popular than they were three decades ago. The decline in the number of sin-

gle-purpose districts over the last 30 years shows that some of these districts have consolidated with each other or have combined into multi-purpose districts. For example, several smaller fire districts in Sacramento County consolidated over the years to form the Sacramento Metropolitan Fire District (Sacramento County) in 2000. Also in Sacramento County, the Consumnes Community Services District formed in 1985 as the successor to the Elk Grove Fire Protection District and the Elk Grove Recreation and Park District, and expanded in 2006 when it annexed the adjacent Galt Fire Protection District

Land use planning and development. Public policy, not public works, should determine the location, timing, and intensity of development. Counties and cities control land use within their own boundaries by adopting general plans and approving development projects. However, some critics say that special districts can block or distort local land use planning goals. Because special districts are major providers of water and sewer services, where (and when) they build water lines and sewer plants affects development. State law lets special districts override county and city general plans and zoning ordinances. Even though dependent special districts are governed by the same board or council that adopts the general plan, the majority of special districts have independent governing boards which may have different development ideas. Most independent districts work well with their city and county governments, but land use conflicts are possible.

Municipal service reviews. The 2000 report *Growth Within Bounds* by the Commission on Local Governance for the 21st Century prompted legislators to pass several statutory reforms, including new planning requirement for the Local Agency Formation Commissions (LAFCOs). To plan for the future boundaries and service areas of cities and special districts, a LAFCO must prepare informational reports called *municipal service reviews*, and then adopt a policy document for each city and district called a *sphere of influence*. LAFCOs' decisions on annexations and other boundary changes must be consistent with the spheres of influence that they adopt for the affected cities or districts.

To inform those policy choices, municipal service reviews analyze six topics:

- Growth and population projections.
- Present and planned capacity of public facilities and adequacy of public services.
- Agencies' financial abilities to provide services.
- Opportunities for sharing facilities.
- Accountability for community service needs.
- Other matters relating to effective or efficient services.

Preparing the initial round of municipal service reviews was hard for some of the LAFCOs and the special districts in their counties. Some districts resented what they thought was a LAFCO's intrusion into internal district operations. Some LAFCOs were surprised to discover that special districts provided more services in more areas than they had previously known. The municipal service reviews can be superb sources of basic information about special districts' operations, programs, facilities, and financing. Many LAFCOs post these service reviews on their websites.

Accountability and responsiveness. Good government is responsive government. Like many local agencies, special districts have worked harder in recent years to raise their public profile

and reassure their communities that they're spending public dollars wisely. Many districts belong to statewide associations that promote the special district form of government. See Appendix B for a list of those groups. These associations also offer training courses for special districts' board members and staff.

Although it's not a perfect guarantee of quality, you can ask your district if it has earned the "District of Distinction" designation from the Special District Leadership Foundation (SDLF). SDLF is a private, nonprofit group formed by statewide associations of special districts to encourage better governance practices. Has the SDLF awarded your district's board its "Recognition in Special District Governance"? Has your district's general manager earned SDLF's "Special District Administrator Certification"?

In addition to these voluntary programs, a state law passed in 2005 requires ethics training for local officials (including special districts) who accept compensation for their service. Special districts designate their employees who must also receive ethics training. Every two years these board members and key staff must receive at least two hours of training in general ethics principles and ethics laws. Records of who has taken the required training are public documents, so you can ask your district if its governing board and staff are up-to-date.

Revised state laws. Recognizing that the state laws that govern special districts were outdated, legislators have revised the statutes that control nearly 2/3 of all districts. Many of these principal acts were decades old and had not kept pace with other statutory and constitutional changes. For example, legislators had not overhauled the Public Cemetery District Law since 1939. In the meantime, the voters amended the California Constitution to limit property taxes, impose spending limits, and require more public approval of taxes, assessments, and fees. Other initiatives created the Political Reform Act and changed local officials' fiscal powers. The Legislature enacted and expanded the state laws on open meetings, public records, fiscal audits, special districts' boundaries, land use planning, and public finance.

The Senate Local Government Committee responded by convening working groups to review the state laws that govern six types of special districts. Legislators translated the results of the working groups' efforts into revised principal acts for fire protection districts (1987), recreation and park districts (2001), mosquito abatement and vector control districts (2002), cemetery districts (2003), community services districts (2005), and county service areas (2008). Appendix B lists the reports that explain these efforts.

Vestigial districts? Sometimes good ideas don't always work out the way you intended. In 1968, grand visions convinced legislators to pass the El Dorado County Toll Tunnel Act which allowed the county supervisors to form a new dependent special district. This District has the power to bore a tunnel through the Sierra Nevada from Twin Bridges to Meyers, under Highway 50's route over Echo Pass. Although that vision is unlikely to come true, more than four decades later, an inactive District still exists with the El Dorado County Board of Supervisors as its *ex officio* governing body.

Legislative experiments don't always deliver on their promises either. In 1961, the Legislature passed the Resort Improvement District Law to help land developers set up multi-function special districts to serve remote subdivisions in rural counties. In 1965, the Assembly held hearings into special districts' abuses and one result was to ban the formation of new resort improvement districts. Nevertheless, seven resort improvement districts in five counties remain in existence, including the dependent Stony Gorge Resort Improvement District (Glenn County). In 2010, the Legislature passed a bill making it easier to convert resort improvement districts into community services districts.

Appendix A: Types of Special Districts (2007-08)

County Service Areas	895
Fire Protection Districts	372
Community Services Districts	325
Cemetery Districts	252
County Water Districts	166
Reclamation Districts	156
California Water Districts	136
Recreation & Park Districts	108
Resource Conservation Districts	96
Irrigation Districts	94
Hospital Districts	80
County Sanitation Districts	73
Sanitary Districts	72
Public Utility Districts	54
Storm Water Drainage & Maintenance Districts	49
Mosquito Abatement & Vector Control Districts	46
Flood Control & Water Conservation Districts	42
Municipal Water Districts	37
Water Agency or Authority	30
County Waterworks Districts	28
Memorial Districts	27
Drainage Districts	23
Transit Districts	15
Levee Districts	14
Harbor & Port Districts	13
Library Districts	13
Water Conservation Districts	13
Airport Districts	10
Citrus Pest Control Districts	10
Water Storage Districts	8
Garbage Disposal Districts	8
Pest Control Districts	6
Municipal Improvement Districts	5
Municipal Utility Districts	5
Police Protection Districts	3
Sanitation & Flood Control Districts	2
Water Replenishment Districts	2
Sewer District	1
Bridge & Highway District	1
Joint Highway District	1
Metropolitan Water District	1
Separation of Grade District	1
Toll Tunnel Authority	<u>1</u>
TOTAL	3,294

Appendix B: Special District Information Resources

Association of California Water Agencies (ACWA)
910 K Street, Suite 100
Sacramento, California 95814-3512
(916) 441-4545
www.acwa.com

California Association of Local Agency Formation Commissions (CALAFCO)
1215 K Street, Suite 1650
Sacramento, California 95814
(916) 442-6536
www.calafco.org

California Association of Public Cemeteries
2640 Glen Ridge Road
Escondido, California 92027
(888) 344-9858
www.capc.info

California Association of Recreation & Park Districts
P.O. Box 22671
Sacramento, California 95822
(916) 446-2098
www.carpd.net

California Association of Sanitation Agencies (CASA)
1215 K Street, Suite 2290
Sacramento, California 95814
(916) 446-0388
www.casaweb.org

California Municipal Utilities Association (CMUA)
915 L Street, Suite 1460
Sacramento, California 95814
(916) 326-5800
www.cmua.org

California Special Districts Association (CSDA)
1112 "I" Street, Suite 200
Sacramento, California 95814
(916) 442-7887
www.csda.net

Fire Districts Association of California (FDAC)
 1215 K Street, Suite 2290
 Sacramento, California 95814
 (916) 231-2941
www.fdac.org

Mosquito & Vector Control Association of California
 1215 K Street, Suite 2290
 Sacramento, California 95814
 (916) 440-0826
www.mvac.org

Public Cemetery Alliance
 P.O. Box 494
 Gridley, California 95948
 (530) 846-2537
www.publiccemeteryalliance.com

Special District Leadership Foundation (SDLF)
 1112 "I" Street, Suite 200
 Sacramento, California 95814
 (916) 231-2939
www.sdlf.org



The library at UC Berkeley's Institute of Government Studies has an extensive collection of local government documents, including special districts' documents and many grand jury reports:

Institute of Governmental Studies
 University of California, Berkeley
 109 Moses Hall
 Berkeley, California 94720-2370
 (510) 642-1473
<http://igs.berkeley.edu/library/cagovdocs>

The Institute for Local Government (a joint program of the League of California Cities and the California State Association of Counties) provides helpful resources to local officials and their constituents:

Institute for Local Government
 1400 K Street, Suite 205
 Sacramento, California 95814
 (916) 658-8208
www.ca-ilg.org

The Senate Local Government Committee has compiled a descriptive list of the key state laws that affect local governments:

The Quick List: An Annotated Glossary of Local Government Statutes (Second Edition) Report 1353-S, February 2009.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/TheQuickList2009.pdf

The Committee has also published the statutory text and commentaries on the principal acts for six types of special districts:

A New Law for a New Mission: Senate Bill 515 and the “Fire Protection District Law of 1987” Report 284-S, October 1987.

[not available online]

Parks, Progress, and Public Policy: A Legislative History of Senate Bill 707 and the “Recreation and Park District Law” Report 1112-S, October 2001.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/PPPRReport.pdf

Science, Service, and Statutes: A Legislative History of Senate Bill 1588 and the “Mosquito Abatement and Vector Control District Law” Report 1226-S, September 2003.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/SSSFINALREPORT.pdf

For Years To Come: A Legislative History of SB 341 and the “Public Cemetery District Law” Report 1268-S, August 2004.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/YEARSTOCOME PUBLICATION.pdf

Community Needs, Community Services: A Legislative History of SB 135 (Kehoe) and the “Community Services District Law” Report 1348-S, March 2006.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/CNCSReport.pdf

Serving The Public Interest: A Legislative History of SB 1458 and the “County Service Area Law” Report 1428-S, October 2008.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/STPIPUBLICATION.pdf

You can order printed copies of these reports directly from Senate Publications & Flags, 1020 N Street (B-53), Sacramento, California 95814. Discounts are available for multiple copies, but credit cards are not accepted. For ordering details, you should call Senate Publications directly at (916) 651-1538.

Appendix C: Sources for Questions & Answers

What’s behind our answers to the “Frequently Asked Questions” on pages 12-14? Here are the references we used.

We list the statutes by code, followed by the section number. For example, “Government Code §56000, et seq.” means that you can find the text as Section 56000 of the Government Code. The term “et seq.” is the abbreviation for a Latin phrase that lawyers use to mean “and following.” That means a state law starts at §56000, but continues for several more sections.

You can retrieve a statute’s text from the Legislature’s official website: www.leginfo.ca.gov.

If you want to see printed versions, you can go to your public library or a law library and read the published codes. Two publishers print the California statutes: *West’s Annotated California Codes* and *Deering’s California Codes Annotated*. Be sure to start with the “pocket part” in back of each volume. The pocket section has the latest versions of the statutes, including any recent amendments.

Question 1: How can I find out if I live in a special district?

Various definitions of “special district” are in Government Code §16271 (d), Government Code §50077 (d), Government Code §53720 (b), Government Code §56036, and Revenue & Taxation Code §95 (m). Also see California Constitution Article XIII C, §1 (c) (Proposition 218).

Question 2: How can I form a special district?

The Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000, et seq.) spells out the LAFCOs’ powers. The Senate Local Government Committee describes LAFCOs in *It’s Time To Draw The Line: A Citizen’s Guide to LAFCOs (2nd Edition)*. http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/LAFCOGUIDEUPDATE2003.pdf

Question 3: Who picks my district’s governing board?

The Uniform District Election Law (Elections Code §10500, et seq.) controls most special districts’ elections. Some independent special districts’ governing boards are appointed. For example, see Health & Safety Code §9020, et seq. which requires county supervisors to appoint residents as a public cemetery district’s board of trustees.

Question 4: How can I find out who runs a special district?

Government Code §53051 requires county clerks to keep the *Roster of Public Agencies*.

Question 5: Can a special district tax me without my consent?

Property taxes. California Constitution Article XIII A, §1 (a) (Proposition 13) limits the property tax rate to 1% and tells county officials to allocate the property tax revenues, following state law. Revenue & Taxation Code §95, et seq. tells county officials how to allocate property tax revenues to local governments, including special districts.

Special taxes. California Constitution Article XIII A, §4 (Proposition 13) and Article XIII C, §2 (a) & (d) (Proposition 218) require special districts to get 2/3-voter approval for special taxes. Government Code §50075, et seq. and Government Code §53720, et seq. (Proposition 62) spell out the statutory procedures for levying special taxes. Government Code §53727 tells special districts that they need specific statutory authority before they levy special taxes. State law gives special tax authority to many types of special districts. For example, Government Code §61121 allows community service districts to levy special taxes. The Senate Local Government Committee describes special districts' tax powers in *Revenues and Responsibilities: An Inventory of Local Tax Powers*.

http://senweb03.senate.ca.gov/committee/standing/LOCAL_GOV/REVENUESANDRESPONSIBILITIES.pdf

General obligation bonds. California Constitution Article XIII A, §1 (b) and Revenue & Taxation Code §93 allow local officials, including special districts, to charge extraordinary property tax rates outside the usual 1% limit to pay for general obligation bonds. State law allows many special districts to levy general obligation bonds, but only if they get 2/3-voter approval. For example, Public Resources Code §5790, et seq. spells out the procedures that recreation and park districts must follow to issue general obligation bonds.

Question 6: But what about special assessments? Aren't they just like special taxes?

California Constitution Article XIII D (Proposition 218) contains the requirements for benefit assessments. Government Code §53750, et seq. contains the procedures for local weighted ballots. State law allows many special districts to charge benefit assessments. For example, Government Code §25216.3 allows county service areas to use benefit assessments.

Question 7: What can I do if I don't like what my special district is doing?

Public meetings. California Constitution Article I, §3 (b) guarantees public meetings. The Ralph M. Brown Act (Government Code §54950, et seq.) requires local governments' meetings to be open and public, with only limited exceptions. Government Code §53954.3 tells local officials that they must give the public an opportunity to speak at public meetings. However, disorderly conduct isn't acceptable (Government Code §54957.9).

Direct democracy. Elections Code §9300, et seq. spells out the procedures for initiatives that affect special districts. Elections Code §9340, et seq. explains the referendum process for special districts. Elections Code §11000, et seq. contains the procedures for special districts' recall elections.

Question 8: Why do special districts seem so invisible?

Government Code §6250, et seq. is the Public Records Act.
Government Code §54950, et seq. is the Ralph M. Brown Act.
Government Code §81000, et seq. is the Political Reform Act.

Question 9: How can I trust my special district's leaders?

The "public good" slogan appears above the west portal of the San Diego County Administration Center, 1600 Pacific Highway, San Diego. Government Code §53234, et seq. requires compen-

sated district board members and key district staff to take ethics training every two years. The training records are public records.

Question 10: How do I know if my special district is doing OK?

The “good government” slogan appears above the east portal of the San Diego County Administration Center, 1600 Pacific Highway, San Diego.

Budgets. Many special districts’ principal acts require them to adopt annual budgets. For example, see Health & Safety Code §2070 for mosquito abatement and vector control districts.

Regular audits. Government Code §26909 requires county auditors to regularly audit special districts’ accounts and records.

Financial reports. Government Code §53890, et seq. requires special districts to annually report their financial transactions to the State Controller. Government Code §12463 requires the State Controller to compile and publish the special districts’ financial transactions reports. They’re available both as books and online: http://www.sco.ca.gov/ard_locarep_districts.html.

Grand jury reports. Penal Code §925 allows county grand juries to investigate special districts’ operations. Besides contacting your county grand jury to ask about recent reports, you can explore the collection assembled by UC Berkeley’s Institute for Governmental Studies: <http://cdm266301.cdmhost.com/cdm4/browse.php?CISOROOT=%2Fp266301coll6>.

Special District Leadership Foundation. The SDLF is a private nonprofit organization created by several special districts’ associations. More information is on its website: www.sdlf.org.

Question 11: What happens when things go bad?

California Constitution Article I, §3 (a) declares the public’s right to “instruct their representatives.” Government Code §54954.3 tells local officials that they must give the public an opportunity to speak at public meetings, but disorderly conduct isn’t acceptable (Government Code §54957.9). The Political Reform Act (Government Code §81000, et seq.) prohibits public officials from having economic conflicts of interest. The Fair Political Practices Commission’s webpage explains how to file complaints: www.fppc.ca.gov/index.php?id=498. Government Code §26500, et seq. explains that your county’s district attorney is the public prosecutor. Penal Code §925 allows your county grand jury to investigate special districts.

Sources & Credits

The following publications helped the Committee's staff prepare this Fourth Edition:

Commission on Local Governance for the 21st Century. *Growth Within Bounds*. Sacramento, California. 2000.

Senate Local Government Committee. *What's So Special About Special Districts?* First Edition (1991); Second Edition (1993), Third Edition (2002). Sacramento, California.

Sokolow, Alvin D., et al. *Choices for the Unincorporated Community: A Guide to Local Government Alternatives in California*. 2nd ed. Davis, California. 1981.

State Controller. *1977-78 Annual Report, Financial Transactions Concerning Special Districts of California*. Sacramento, California. 1978.

State Controller. *Special Districts Annual Report, Fiscal Year 2006-07*. Sacramento, California. 2008.

State Controller. *Special Districts Annual Report, Fiscal Year 2007-08*. Sacramento, California. 2010.



The Senate Local Government Committee first published *What's So Special About Special Districts?* in 1991, the result of a Senate Fellow project by April Manatt. After joining the Committee's staff, Manatt produced a Second Edition in 1993. In 2002, Kimia Mizany, another Senate Fellow, wrote the Third Edition. In 2010, the Committee's staff published this Fourth Edition. Peter Detwiler revised the text and Elvia Diaz produced the report. The Fourth Edition benefited from critical reviews by and helpful contributions from:

- David Aranda, North of the River Municipal Water District
- Dewey Ausmus, California Association of Public Cemeteries
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- Ron Davis, Association of California Water Agencies
- Ralph Heim, Public Policy Advocates
- Iris Herrera, California Special Districts Association
- Katie Kolitsos, Assembly Local Government Committee
- Sashi Lal, Special Districts Reporting Section, State Controller's Office
- April Manatt, April Manatt Consulting
- Geoffrey Neill, California State Association of Counties
- Catherine Smith, California Association of Sanitation Agencies
- Brian Weinberger, Senate Local Government Committee

CSDA Webinar Series

Must Have Communications Protocols for District Staffs and Board Members

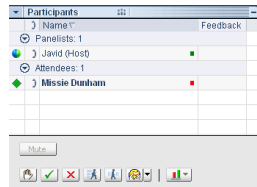
Brent Ives, BHI Management Consulting for the CSDA



PROFESSIONAL DEVELOPMENT

Participants Panel

- Raise Hand
- Check Mark
- X Mark
- Talk Faster
- Talk Slower
- Emotions
- Current Participant Results



2



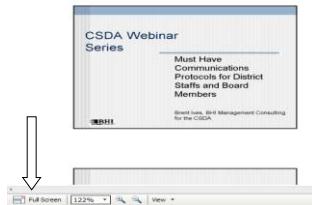
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PROFESSIONAL DEVELOPMENT

To convert to Full Screen Mode:



Click on the Full Screen tab at the bottom left of your screen



3

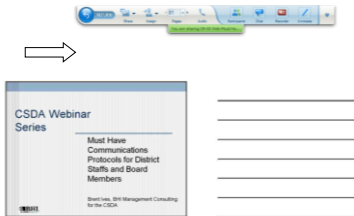


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PROFESSIONAL DEVELOPMENT

To resume normal view:

To resume normal view:
Let your mouse hover over the green tab at the top of the screen. Click the RETURN tab to return to the normal view mode.



4



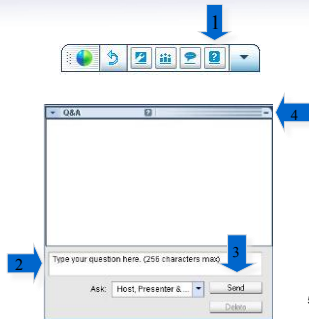
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How to ask a question in Full Screen

Ask your question in Q&A as soon as you think of it.

1. Click on the Q&A button to bring up the Q&A Window located on the floating toolbar in the bottom right.
2. Key in your question.
3. Click the **Send** button.
4. Click "x" to close window to see full screen again.



5



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CSDA Webinar Series

Must Have
Communications
Protocols for District
Staffs and Board
Members

Brent Ives, BHI Management Consulting
for the CSDA

6



Staff/Manager/Board Communication This course

- Get a pad to *take notes!!*
- *Ask questions...*it makes the course better for us all. We need to hear from you. Time will be allowed during and at the end for questions/ideas.
- Our aim is to provide you with sufficient information to recognize and take action to mitigate current and potential communications vulnerabilities
- *This PowerPoint will be available* to you at the end of the course.
- *Introductions – Name, Agency, Position*

brent@bhiconsulting.com

7



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OVERVIEW

Having worked in and with public agencies for over 28 years I've made this observation:

"IF THERE IS ONE AREA WHERE DISTRICTS CAN WASTE TIME, EXPENDING WASTEFUL, INEFFICIENCY AND UNPRODUCTIVE ENERGY...

ITS POOR COMMUNICATION PRACTICES"

-- THIS TALK --

- Discuss problem areas
- Discover the importance of good communications
- Look at the broad and different combinations of issues
- Talk about how we can avoid the inefficiency of poor communications

"PUBLIC AGENCIES ARE CALLED TO BE EFFICIENT!!"

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CLARITY!-- CLARITY!-- CLARITY!!

THE most important word in management!

CLARITY in and of:

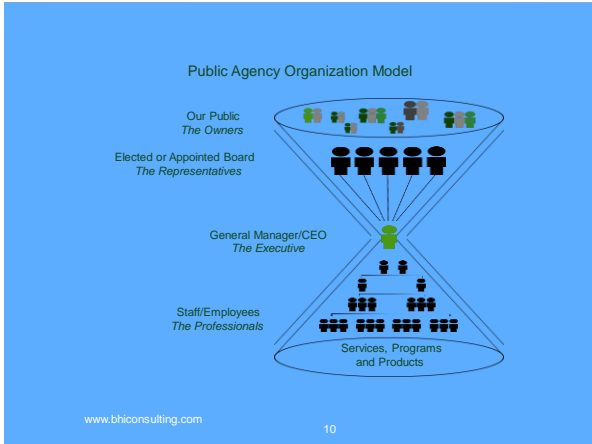
- *Expectations*
- *Direction*
- *Understanding*
- *Performance*
- *Results*

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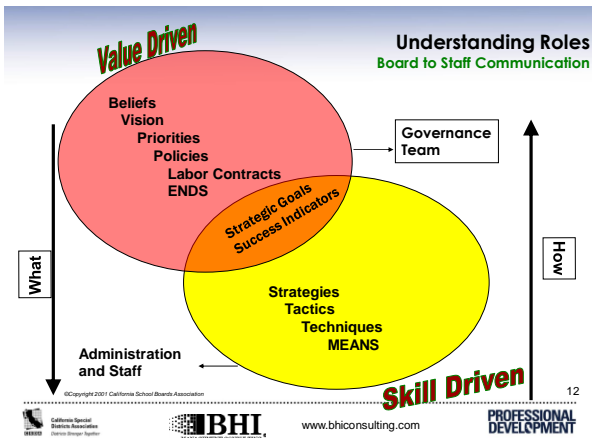


Critical Communications Nodes

- Board to staff
- Staff to Board
- Board to Manager
- Manager to Board
- Communicating with the Public
- Communicating District Direction
- Communications policy/protocols

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Critical Communications Areas

- **Board to Staff**
- Staff to Board
- Board to Manager
- Manager to Board
- Communicating with the Public
- Communicating District Direction
- Communications policy/protocols

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Board to Staff *(rank and file)* Communications

1. One of the most difficult and damaging areas
2. Board members should be very careful in how and when they communicate with staff
 - a. Careful...this isn't about being liked, or being friends!
 - b. Inappropriately communication can be trouble.
 - c. You often don't know when you may be directing work
 - d. Asset management for the GM
3. Your manager/executive should always be the prime communication node for you
 - a. Manager delegates staff level communications
4. There are, of course, natural exceptions
 - a. Everyday "social" interactions, not business
 - b. Honesty of intentions of those communicating

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Board to Staff Communications

- Prevent unilateral information among the Board potentially making others "uninformed" and/or to "choose sides."
- Set an example of how the Staff should conduct themselves.
- Minimize "end runs" around the General Manager.
- Minimize legal troubles
- Don't "direct" unaware

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Limit Direct Communications Thereby Limiting Your Liability

1. Board members are meant to act as part of the Board, not individually... **LIABILITY**
2. Legislative immunity is limited.
3. Potential liability for...
 - Invasion of privacy.
 - Unfair labor practice.
 - Retaliation.
 - Violating staff's free speech rights.

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Reasons Board Should Limit Communications With Staff

1. Undermine Board neutrality... *Grievance process/tough compensation decisions*
2. Violating the managerial structure with which you evaluate your manager... *Org. structure*
3. Your contract is with the Manager, they all work for him/her... *Board role vs. Manager's job ... Asset Management*
4. Inadvertent admissions... *Your personal liability*
5. Misquotation of your comments... *Your personal word*
6. *Inadvertent "direction"*
7. Bottom-line... It's just not the Board's job... *Board role*

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Advice for Board/Staff Communications

1. Refrain from doing so unless it is a part of one's Board designated assignment. (sub-committee, etc.)
2. Proceed as part of a properly convened Board meeting, not individually.
3. Comply with the Brown Act.
4. Set the example.
5. Get necessary info from the manager or other means
6. Document your intentions in a Board handbook/code of conduct or Board policy manual.
7. Plan and Document in a Communications Plan.
8. Consult with legal counsel.
9. Get help with concerns related to workforce dissatisfaction

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Critical Communications Areas

- Board to staff
- **Staff to Board**
- Board to Manager
- Manager to Board
- Communicating with the Public
- Communicating District Direction
- Communications policy/protocols

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Staff to Board Communications

1. Another prevalent and difficult area
2. Staff should be made clearly aware by management of how and when they should and should not communicate with Board Members
 - a. Many stories of staff inappropriately communicating with individual Board members or the entire Board
 - b. Managers must make these protocols clear and understandable
3. There are natural limits, of course
 - a. "Public's right to express their opinion without fear or reprisal at a public meeting"
 - b. Everyday "social" interactions
 - c. Being honest about intent
 - d. Very small agencies

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Reasons Staff Should Limit Communications With The Board

1. It's the manager's job to perform most communications, in either direction.
2. Only legitimate, clearly delegated business related contact with the Board, sub-committees, etc. should take place.
3. Employees should be made aware of how they jeopardize Board objectivity for:
 - a. labor negotiations.
 - b. grievances.
4. Rare instances where staff should have a process for bringing grievances against the executive

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Methods to Achieving Better Communications between Board/Staff

- Adopt Policy Regulating Board/Staff Communications
 - Clearly delineate the proper chain of communications.
 - Staff should direct communications through their chain of command.
 - This, of course, means that the chain of command communications must WORK!
 - Consider providing clear written protocols for staff to pursue grievances relating to the General Manager.

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Advice for Staff/Board Communications

1. Refrain from business related communications unless it is a part of one's Board assigned responsibility.
2. Document communications protocols in the Board and employee policy manual, etc.
3. Develop a Communications Plan outlining your own best practices/policies, Top-Bottom, Side-Side, In-Out.
4. Make proper communications a topic with department directors/supervisors, and create flow-up/flow-down communications for employees.
5. Be careful not to stifle an employee's constitutional right to address the full Board as a citizen.

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Critical Communications Areas

- Board to staff
- Staff to Board
- **Board to Manager**
- Manager to Board
- Communicating with the Public
- Communicating District Direction
- Communications policy/protocols

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Board to General Manager Communications

1. Clearly one of the most critical areas for CLEAR communications
2. Clarity of expectations are key...
 - a. Clear Direction from the Board
 - b. Performance expectations
 - c. Individual communications
3. Clarity of actions and expectations at the Board meetings
4. Clarity of overall direction for the District is the Board's job (*with help!*)
 - a. Vision
 - b. Strategic direction...objectives...goals...strategy

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Clarity of Performance Expectations for the GM (*the Executive*)

- Little consistency in how this is done in Districts across the State
- Executive level evaluation...evaluate results/achievements!
 - Confirms the Board's understanding of job.
 - Confirms Board's understanding of priorities, direction and expectations for the GM.
- Best opportunity for the Board to have a frank discussion about performance with well defined goals and objectives.
- Develop a consistent well developed, clear and fair process to use each year
- Provides a basis for salary administration.
- May provide a legal basis where necessary.

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Clarity of Goals and Objectives

- This is also rarely done well.
- Should refer to expected outcomes/results (What's, not How's) – as informed by the Board's Vision/Direction
- Goals and objectives should fit in with the overall direction of the agency. (*Do you know the overall direction of your agency?*)
- These allow for the Manager to be most productive on those areas that the Board holds as highest priorities
- Demonstrates accountability
- A reasonable question, “in absence of these...”
- Critical with new GM and Board relations!

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Clarity at Board meetings

(between Board and Manager)

- **Manager** - Strive to get clear consensus on the direction provided by the Board.
- **Manager** – Verbally reflect what you heard as direction from the “whole Board”.
- **Manager** – provide clear “requests of the Board” on each agenda item and assure that you get that resolved before the next item.
- **Board President** – assure that the full Board provided direction to the Manager/staff as a full Board, not unilateral direction.
- **Board President** – assure that the manager/staff are clear with the outcome or direction of a Board discussion, timing and/or decision before proceeding to the next agenda item.

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Critical Communications Areas

- Board to staff
- Staff to Board
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- **Manager to Board**
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- Communicating District Direction
- Communications policy/protocols

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Tips for Improving the Executive's Communication with the Board

- Get a feel for individual Board member's specific interests.
- With Department Heads determine information that can be useful for the Board in between meetings.
- Always share information evenly.
- Be proactive in asking the Board to determine the “collective direction” for the agency.
- Work proactively with your Board President.
- Attend community events/meetings to determine issues and concerns that they may be picking up on.

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Tips for Improving Communication with the Board

- The Board does not like surprises or difficult “time traps”.
- Talk to Board about background/possibilities/options/impacts. Get in front of issues with informational items.
- Lead the Board to help you (*and everyone else*) better understand the agency’s overall direction.
- Work on lines of communication.
 - Consistent, shared information
 - Staff reports
 - Member briefings – updates

- Committee Meetings
- Practice different methods
- News releases, Memos

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Critical Communications Areas

- Board to staff
- Staff to Board
- Board to Manager
- Manager to Board
- **Communicating with the Public**
- Communicating District Direction
- Communications policy/protocols

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Tips for Improving Communication with the Public

- The Public has the right to communicate with the Board (Owners)
- At Board mtgs. – two types, off agenda and on agenda
- Board members need to know the difference
 - Off agenda – clarifying only – through the Chair – not agendized!
 - On agenda – through the Chair only – allow for public input
- Both types should be managed with Protocols
 - Time limits
 - Speaker cards
 - Policies in your Board Manual with some detail
- Chair - maintain control and being consistent
 - Of the meeting
 - Of the process (the public’s business)
 - Of one another
 - Meeting after meeting, regardless of how many and who comes before you... Consistency!

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Tips for Improving Communication with the Public

- In your jurisdiction
 - Know you will be approached, so be approachable
 - Listen attentively
 - Most know you cannot do anything unilaterally
 - Be prepared to find the right pathway for issues
 - Most really just need to be heard

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Critical Communications Areas

- Board to staff
- Staff to Board
- Board to Manager
- Manager to Board
- Communicating with the Public
- **Communicating District Direction**
- Communications policy/protocols

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Create **CLARITY** of overall Agency direction

- This implies long-term planning
 - Where is this agency going?
 - What is our Vision?
 - What's coming?
 - What must be done in the next XX years?
- Can be assembled in numerous ways.
 - Strategic Plan
 - Long-term Plan
 - Master Plan
- Many agencies do an annual plan
 - Plots a point, but provides no sense of direction (strategy/vision)

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Clarity of overall Agency direction

- Who needs this?
 - Public
 - Manager/Staff
 - Employees
 - Regulators
 - Others (LAFCO, Grand Jury, County, etc.)
- A good plan “communicates” what this District is about, committed to, what we mean by “results” and where it is going!! It demonstrates that we have things planned and working.

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Tips for Improving Communication on the District's future

- Consider looking into the future for longer than one or two years.
- Consider a strategic plan that integrates tactics together in a longer term plan.
- Create a Board derived “Vision” statement(s) to drive the strategy.
- Involve the Public, involve your employees, anyone or group of strategic importance.
- Publish your future Plan for all to see.
- Integrate the Plan into District life (budgeting, CIP, Master Plans, GM performance, goals/objectives, agenda packets, etc.)

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Critical Communications Areas

- Board to staff
- Staff to Board
- Board to Manager
- Manager to Board
- Communicating with the Public
- Communicating District Direction
- **Communications policy/protocols**

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Communications Policies

- Board policy and procedures manual (code, handbook, meeting protocols, decorum, rules of order, Board service, etc.)
- Communications Plan (internal/external-inside and out)
- GM performance evaluation (in contract, in Board P&P manual, etc.)
- Employee Manual
- New Board Member Orientation
- Long Term (Strategic) Plan

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Critical Communications Areas

- Board to staff
- Staff to Board
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Communications

- Clearly one of the huge areas of organizational *vulnerability*.
- There are several areas where poor communications can cause your District...“expensive, unproductive, inefficient *trouble*.”
- There is plenty for *all involved* to do to improve communications
- Left to evolve or unattended, poor communications will not *self-heal!*
- Its been said, *“If you do what you’ve always done, you’ll get what you always got!!”*

Do not ignore this!!

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Communications

- *I realize this is not comprehensive.*
- *Good communications, proactively managed, can support many of our efficiency/effectiveness goals*
- *Poor communications can grow into an ugly mess!!*
- *Feel free to contact me or CSDA with specific comments or questions or needs.*
- *Email preferred: brent@bhiconsulting.com*
- *Check-out weekly on-going email delivered training offerings at www.GoodBoardWork.com*

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Communications

**THANKS FOR
ATTENDING!!**

QUESTIONS??

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		AB 1234 Ethics Training		
meyers nave A Professional Law Corporation		Jennifer E. Faight, Senior Associate Lindsay D'Andrea, Associate		
				November 8, 2016

Why Are We Here?

- California state law (AB 1234) imposes mandatory ethics training requirements on all local elected officials or members of legislative bodies who receive any compensation or reimbursements, and employees designated by the legislative body.
- Officials must receive **2 hours** of training every **2 years**

AB 1234 Training Overview

- **I. Personal Financial Gain by Public Officials**
 - A. Conflicts of Interest Under the Political Reform Act
 - B. Contractual Conflicts of Interest (Gov't Code § 1090)
 - C. Conflicts of Interest and Campaign Contributions
 - D. Conflicts of Interest When Leaving Office
 - E. Bribery
- **II. Laws Regarding Claiming Perquisites of Office**
 - A. Limitations on Receipt of Gifts
 - B. Honoraria Ban
 - C. Misuse of Public Funds
 - D. Prohibitions Against Gifts of Public Funds
 - E. Mass Mailing Restrictions
 - F. Prohibitions Against Free or Discounted Transportation by Transportation Companies
- **III. Government Transparency Laws**
 - A. Economic Interest Disclosure under the Political Reform Act
 - B. Brown Act
 - C. Public Records Act
- **IV. Laws Relating to Fair Processes**
 - A. Common Law Bias Prohibitions
 - B. Due Process Requirements
 - C. Doctrine of Incompatible Offices
 - D. Incompatible Activities
 - E. Competitive Bidding Requirements for Public Contracts
 - F. Disqualification from Participating in Decisions Affecting Family Members (Anti-Nepotism Laws)

GOOD TO
KNOW



I. Personal Financial Gain by Public Officials

- A. Conflicts of Interest under the Political Reform Act (PRA)
- B. Contractual Conflicts of Interest (Gov't Code § 1090)
- C. Conflicts of Interest and Campaign Contributions
- D. Conflicts of Interest when Leaving Office
- E. Bribery



I. Personal Financial Gain by Public Officials

A. Conflicts of Interest under PRA

Basic Rule

- Public officials* have a disqualifying conflict of interest under the Political Reform Act of 1974 when a decision has a:
 - Reasonably foreseeable material financial effect on an official's economic interest
 - Different from the effect on the public generally



* For purposes of this rule, a "Public Official" is every member, officer, employee or consultant of a state or local government agency

I. Personal Financial Gain by Public Officials

What is an "Economic Interest" under the PRA?

- \$ Business investments of \$2,000 or more
- \$ Business management positions in for-profit entities
- \$ Real property Interests of \$2,000 or more
- \$ Sources of income of \$500 or more (within previous 12 months)
- \$ Sources of gifts of \$460 or more (within previous 12 months)
- \$ Personal financial effects or finances



I. Personal Financial Gain by Public Officials

How do you determine if the “Economic Interest” qualifies as a Conflicts of Interest under PRA?

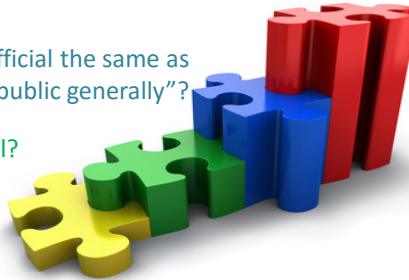
Four-Part Test

4: Is the official “making, participating in the making, or using his or her position to influence” the governmental decision from which the financial effects result?

3: Is the effect on the official the same as on the “public generally”?

2: Is it material?

1: Is the financial effect “reasonably foreseeable”?



I. Personal Financial Gain by Public Officials

Conflicts of Interest under PRA

STEP 1:
Is the financial effect “reasonably foreseeable?”

STANDARD:
“Realistic possibility and more than hypothetical or theoretical”

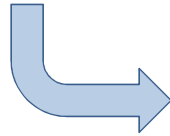
I. Personal Financial Gain by Public Officials

Conflicts of Interest under PRA

STEP
2

Q: Is it material?

A: Determine correct “materiality standard”



- Materiality is a measure of “how important” it is
- Rules vary by type of interest
- In general, materiality is presumed when the public official's financial interest is a party to, or the subject of, the governmental decision.

I. Personal Financial Gain by Public Officials

Conflicts of Interest under PRA

step
3

Is the effect on the official the same as on the “public generally”?

- Effect on official is indistinguishable from its effect on the public generally if:
 - Significant segment of public is affected (i.e. 25% of all businesses, real property or individuals); and
 - Effect on his/her interest is not unique compared to the effect on a significant segment (e.g., Decision would have a disproportionate effect on development potential of official's real property or on an official's business due to its proximity to project that is subject of the decision).

I. Personal Financial Gain by Public Officials

Conflicts of Interest under PRA:



Is the official “making, participating in the making, or using his or her position to influence” the governmental decision from which the financial effects result?

Determine if the official is:

- Making a decision
- Participating in a decision
- Using official position to attempt to influence a decision

Official may still participate if an exemption applies

I. Personal Financial Gain by Public Officials

A. Conflicts of Interest under PRA: Recusal

- Public official with a disqualifying interest must:
 - Publicly identify interest in sufficient detail
 - Recuse self from discussions or acting on matter
 - Leave room, unless matter on consent agenda

Exception

May speak during public comment on certain personal interests.

I. Personal Financial Gain by Public Officials

B. Conflicts of Interest in Contracts

Basic Rule (Gov. Gov. Code section 1090)

- Prohibits public officials and employees from having financial interests...
- In *contracts*...
- Made by them in their official capacities

Applies Broadly

- Applies to renewals, extensions, and oral contracts
- Financial interests in contracts are broadly construed

I. Personal Financial Gain by Public Officials

B. Conflicts of Interest in Contracts

Legislative body deemed to make all agency contracts

- Legislative body members are deemed to have participated in making all contracts of the agency, except where an exception applies
 - Prevents the **agency** from entering into contract in which a member of the agency's council, board or commission has a financial interest



Employees can avoid prohibition by not participating in the making of the contract

I. Personal Financial Gain by Public Officials

B. Conflicts of Interest in Contracts

Remote Interest Exceptions

- Public official does not have an interest in a contract if the interest is “remote,” the interest is disclosed to the legislative body and noted in official records, and the official does not vote. (applies only to multi-member bodies.)



I. Personal Financial Gain by Public Officials

B. Conflicts of Interest in Contracts

Remote Interest Exceptions - Examples

- Employee or officer of non-profit
- Landlord or tenant of contracting party
- Salary or per diem from a directly involved government department
- Engineer, geologist, architect, or planner employed by a consulting engineering or architectural firm
- Owner/partner of a firm who serves as appointed member of unelected board or commission
- Supplier of same goods and services for 5 years prior to election/appointment
- Employee of private party if:
 - 10 or more employees, and
 - Employed more than 3 years

I. Personal Financial Gain by Public Officials

B. Conflicts of Interest in Contracts

Non-Interest Exceptions

- Public official is deemed not interested and may participate in making of the contract.
- Examples:
 - Ownership of less than 3% of stock, constituting less than 5% of income
 - Spouse of officer/employee of public agency, if the office holding or employment has existed at least one year prior to the spouse's election/appointment
 - Salary or per diem from a non-directly involved government department
 - Non-salaried member of non-profit, with disclosure and noting records



I. Personal Financial Gain by Public Officials

B. Conflicts of Interest in Contracts

Consequences of Violations

- Contract is void and unenforceable
 - Payments made to the contracting party must be returned to the public agency
 - Public agency may keep benefit of the contract
- Willful violations are criminal
 - Permanently disqualified from holding office
- FPPC now has jurisdiction and can issue administration fines
 - Offering section 1090 advice



I. Personal Financial Gain by Public Officials

C. Conflicts of Interest in Campaign Contributions

Basic Rule

- Public officials are disqualified from making a decision involving a license, permit, or entitlement for use if official has accepted a campaign contribution exceeding \$250 in the preceding 12 months.
 - Exception for “directly elected” officials
 - Official may not accept a campaign contribution exceeding \$250 while an application is pending, and for three months after the decision is made.



I. Personal Financial Gain by Public Officials

D. Conflicts of Interest When Leaving Office

Lobbying Former Agency

- One year ban on lobbying former agency
- Applies to elected officials, executives, and general managers
- Applies only if compensated and representing another person

Decisions Involving Prospective Employers

- Public officials and employees are prohibited from being involved in governmental decisions directly relating to a prospective employer

I. Personal Financial Gain by Public Officials

E. Bribery

Basic Rule

- Elements of the crime
 - A governmental official (elected, appointed, employed);
 - Requests, takes, or agrees to take a bribe; and
 - Represents that the bribe would unlawfully influence vote decision, or opinion.
Representation can be *express* or *implied*.
- *Must have corrupt intent that official duty would be unlawfully influenced*



“anything of value or advantage, present or prospective”

Quiz

Question #1

- The Board and General Manager will be attending a conference and they want to contract with a vendor to make District pins that they can all wear to the meeting.
- A Board member owns a business manufacturing decorative pins and offers to provide the pins at a discount.

Can the District enter into an agreement with the Board member?

Answer to Question #1

- No, the District cannot enter into an agreement with the Board member's business even though the pins will be provided at a discount.

Question #2

- District and Chevron are negotiating on energy efficiency contract for construction of solar panels on the district's property
- Two board members hold Chevron stock

Can the District contract with Chevron to install the panels?

Answer to Question #2

- Yes, the District most likely can enter the agreement with Chevron. The Board members' stock interest is most likely a "non-interest" for purposes of Section 1090. To be a "non-interest," the Board members must own less than 3% of Chevron's shares and earn no more than 5% of their annual income from the corporation.
- However, depending on the value of the stock, Board members may have personal conflicts of interest under the PRA and would be required to recuse themselves even if the District was able to enter into the agreement.

Question #3

Consultant is seeking a contract for services from the District Board.

A Board member received a \$300 campaign contribution from the consultant 3 years ago.

Can the Board member participate in consideration of the contract?



Answer to Question #3

- Yes, Board members are directly elected by the voters and so the prohibition against receiving campaign contributions does not apply. Further, the contribution was received more than 12 months before the consideration of the item.

II. Laws Relating to Claiming Perquisites of Office

- A. Limitations on the receipt of gifts
- B. Honoraria ban
- C. Misuse of public funds
- D. Prohibitions against gifts of public funds
- E. Mass mailing restrictions
- F. Prohibitions against acceptance of free or discounted transportation by transportation companies



II. Laws Relating to Claiming Perquisites of Office

A. Gifts

Basic Rule

- Gift Limit Prohibition:
 - ✓ Public officials and employees...
 - ✓ May not accept...
 - ✓ Gifts...
 - ✓ From a single source...
 - ✓ During a calendar year...
 - ✓ In excess of \$460.

CAUTION

- Gifts received in excess of \$50 from a single source in a calendar year must be reported
- Public Officials may not accept a gift in excess of \$460 from a single source in a calendar year.

II. Laws Relating to Claiming Perquisites of Office

A. Gifts

What is a Gift?

- Anything of value that provides a personal benefit for which the donor does not receive equivalent consideration



Includes rebates or discounts *unless* given in the regular course of business to members of the public

II. Laws Relating to Claiming Perquisites of Office

A. Gifts

When is a Gift received?

- The public official has actual possession of the gift; or
- When the official takes any action exercising direction or control over the gift, including discarding the gift or turning it over to another person.



*Give it back
or donate it
to charity*

II. Laws Relating to Claiming Perquisites of Office

A. Gifts

Numerous Exceptions to Gift Rule

- Gifts Returned
- Gifts donated to charity (without claiming a deduction)
- Gifts from family members
- Informational material
- Inheritance
- Leave credits
- Disaster relief provisions
- Travel and subsistence as part of campaign activities
- Entrance to an event while performing a ceremonial role (includes one guest)
- Prizes received in a bona fide competition

II. Laws Relating to Claiming Perquisites of Office

A. Gifts

Numerous Exceptions to Gift Rule

- Benefits received as a guest attending a wedding
- Bereavement offerings
- Acts of neighborliness
- Reciprocal exchanges in a social relationship
- Personalized plaques or trophies valued at less than \$250
- Bona fide date or dating relationship
- Acts of human compassion
- Gifts from long-term, close personal friends



II. Laws Relating to Claiming Perquisites of Office

A. Gifts

Limitations on Receipt of Gifts

- Special Exceptions for Travel Payments
 - Some payments are not subject to limits and not reportable
 - Payments by government agency or non-profit
 - Others are not subject to limits but are reportable
 - Travel rules are very specific; check with legal counsel if your travel will be paid for by a third party

II. Laws Relating to Claiming Perquisites of Office

B. Honoraria Ban

Basic Rule

Elected officials, general managers, and the district's attorney, may not accept any payment for:

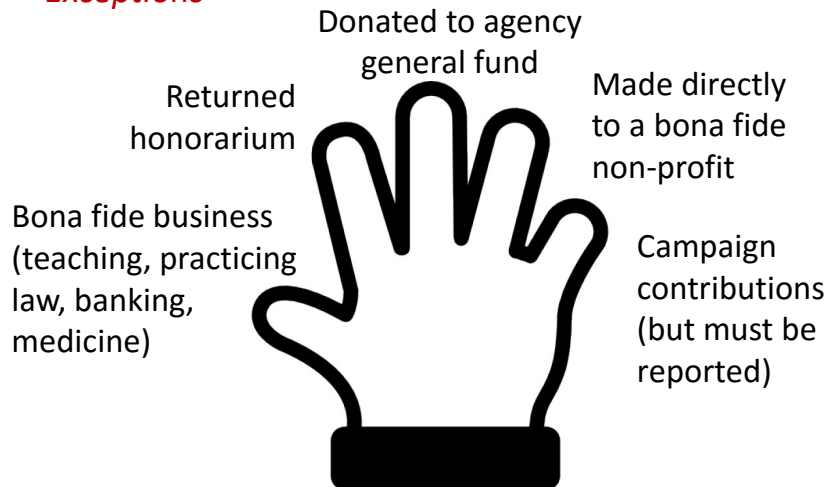
- Giving a speech,
- Publishing an article, or
- Attending a public or private conference, convention, meeting, social event, meal, or similar gathering.



II. Laws Relating to Claiming Perquisites of Office

B. Honoraria Ban

Exceptions



II. Laws Relating to Claiming Perquisites of Office

C. Misuse of Public Funds

Basic Rule

- Public officials and employees may not use public resources for any private gain
 - *Whether financial or political*
- Government cannot expend resources to promote a partisan position in an election campaign
 - *But it can educate about ballot measures*

II. Laws Relating to Claiming Perquisites of Office

D. Gifts of Public Funds

Constitutional Prohibition

Public agencies may not make gifts of public funds

- An expenditure is not a gift if it serves a public purpose, even if it benefits a private party
- Legislative body's determination of a public purpose is given great deference

II. Laws Relating to Claiming Perquisites of Office

E. Mass Mailing Prohibition

Basic Rule

- A "mass mailing" is:
 - A tangible item sent or delivered
 - To 200 or more people within a calendar month
 - That "features" an elected officer by:
 - Including the photograph or signature, or
 - Singling out the officer by the manner of display of name or office in the layout, such as headlines, captions, type size, or type color
 - For which the costs of design, production, and printing exceed \$50 and are paid with public monies

Mass mailings may not be sent at public expense

II. Laws Relating to Claiming Perquisites of Office

F. Acceptance of Free or Discounted Travel

From Travel Companies

- California Constitution prohibits public officers (not all employees) from accepting free passes or discounts from a transportation company
- One who accepts forfeits his/her office
- Prohibition does not apply to discounts offered to the general public



Quiz

Question #4

- Your neighbor is going on vacation and gives you two tickets to the Warriors game. Face value on each ticket is \$200.



Can you accept the tickets?

Answer to Question #4

- Yes, the combined value of the tickets is less than \$460. Assuming your neighbor has not given you any other gifts such that you have received more than \$460 from him in the calendar year, you can accept the tickets. However, as the gift is in excess of \$50, you will need to disclose the gift.

Question #5

- Board member wants to add content related to the District to his campaign Facebook page.
- He asks District staff to update and add stories to his campaign Facebook page at the same time that they are updating the District page.



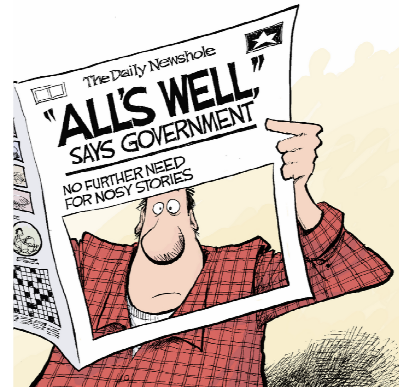
*May staff update
the
Boardmember's
campaign
Facebook page?*

Answer to Question #5

- No, utilizing District staff time to update a personal campaign Facebook page would constitute a misuse of public funds.
- Public officials are prohibited from using public resources for private political gain.

III. Government Transparency Laws

- A. Economic interest disclosure under the Political Reform Act
- B. Brown Act
- C. Public Records Act



III. Government Transparency Laws

Public Policy Considerations

- *Economic Interest Disclosure*
 - Public has right to know public officials' economic interests that may affect their official decisions
- *Right to access/information*
 - People have a right to access information that enables them to monitor the functioning of government.
- *Brown Act*
 - The people have a right to be informed about the conduct of their business, and for deliberations to be conducted and actions to be taken openly.

III. Government Transparency Laws

A. Economic Interest Disclosure

Under the Political Reform Act

- A Form 700 must be filed by enumerated public officials including those listed in an agency's Conflict of Interest Code
- Filed upon taking office, leaving office, and on an annual basis
- Requires disclosure of personal financial interests



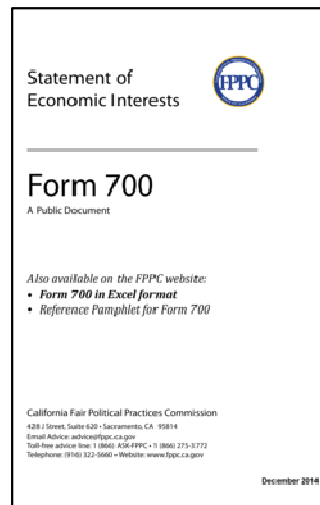
It's a public document!

III. Government Transparency Laws

Form 700

Key Points

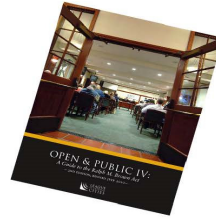
- Not required to list primary home
- Remember to list spouse/domestic partner income



III. Government Transparency Laws

Ralph M. Brown Act

Government Code sections 54950 et seq.



III. Government Transparency Laws

B. Brown Act

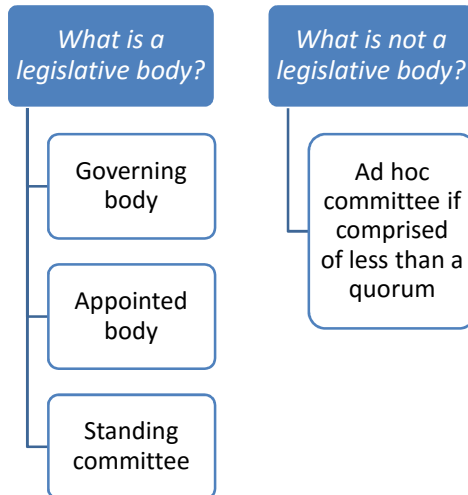
Open Meeting Requirements

- Meetings...
- Of Legislative Bodies...
- *Shall be open and public*



III. Government Transparency Laws

Legislative Bodies



III. Government Transparency Laws

B. Brown Act Definition of “Meetings”

- A congregation of a majority of members at the same time and place to hear, discuss, or deliberate on an item of business within the agency’s subject matter jurisdiction
- Exceptions:
 - Conferences
 - Community meetings
 - Social or ceremonial occasions
 - Individual contacts
 - Standing committees
 - Meetings of other legislative bodies

III. Government Transparency Laws

B. Brown Act— Avoiding “Serial Meetings”

- Majority may not, outside a meeting, use a series of communications to discuss, deliberate, or take action on any item of business



- Does not prevent employees and officials from engaging in separate conversations outside of a meeting provided that the comments or positions of other members are not communicated

III. Government Transparency Laws

B. Brown Act—Avoiding “Serial Meetings”

Examples

- Hub and spoke
 - A staff member (the hub) communicates with members of a legislative body (the spokes) one-by-one for input on a proposed action and in the process reveals members’ position to other members in advance of the meeting.
- Daisy chain
 - In the daisy-chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated or taken action on an item within the legislative body’s subject matter jurisdiction.
- Emails
 - Informal nature of email communication is ripe for inadvertent Brown Act violations



III. Government Transparency Laws

B. Brown Act

Closed Sessions

- Closed session discussions are confidential
- Required to publicly report certain actions taken in closed session

Permissible Closed Session Topics:

- Real estate negotiations
- Pending or threatened litigation
- Initiation of litigation
- Personnel
- Labor negotiations
- Public security



III. Government Transparency Laws

B. Brown Act

May take action only on items on posted agenda

- Posting requirements:
 - **Regular meetings** must be posted **72** hours before meeting
 - **Special meetings** must be posted **24** hours before meeting

SPECIAL MEETING NOTICE !

- **Exceptions**
 - Emergency
 - Urgency → need for immediate action came to agency's attention after posting the agenda

III. Government Transparency Laws

B. Brown Act

Public Participation Rights

- Regular meetings must provide an opportunity for the public to speak regarding any matter within the body's jurisdiction
 - Legislative body may briefly discuss these items and refer matters to staff, **but cannot take action**
- Public can address the legislative body on matters on the agenda before or during consideration of the item



III. Government Transparency Laws

B. Brown Act

Public Participation Rights



Quiz

Question #6

- The District Board establishes a standing committee of two of its five members, which meets monthly.
- A third member of the Board wants to attend these meetings and participate.



1. May she attend?
2. Is this a Brown Act violation?

Answer to Question #6

- 1. Yes, she may attend an open and noticed meeting of a standing committee of the District provided that she attends only as an observer and ***does not participate in the deliberations.***
- 2. Attending the standing committee is not a violation of the Brown Act. However, if she participated in the discussions then it would be a violation.

Question #7

- A District Board member e-mails a newspaper article pertaining to an upcoming item listed on the agenda next week to the other 4 Board members.
- The Board member indicates that she supports the item based on the article and two members respond back to the email group and indicate that they also support the item and that the information was very helpful.



Was this a Brown Act violation?

Answer to Question #7

- Yes, the Board members have participated in a discussion of an item within the jurisdiction of the body that was not noticed, open or public.

Question #8

- During public comment for items not listed on the agenda, a speaker requested that the District Board write a letter of support on the behalf of his cause.
- The Board proceeded to vote on writing the letter and it passed unanimously.



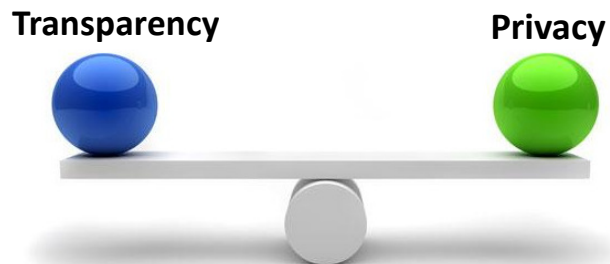
Is this a Brown Act violation?

Answer to Question #8

- Yes, the Board has taken action on an item that was not noticed on the agenda. Before taking action, the Board should have directed staff to put the item on the agenda for a future Board meeting for consideration/action.

III. Government Transparency Laws

C. Public Records Act



III. Government Transparency Laws

C. Public Records Act

Basic Rule

- All non-exempt, state and local government agency records in any form or medium are subject to public inspection during office hours or copying upon payment of duplication costs

Record defined broadly

- Any tangible thing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

III. Government Transparency Laws

C. Public Records Act

Duty to Assist Requestors

- Agencies are required to
 - **Assist** requestors with identifying records and information that are responsive to requests or to the purpose of the requests
 - **Describe** the information technology and physical location in which the records exist
 - **Provide** suggestions for overcoming any practical basis for denying access to the records or information sought.



III. Government Transparency Laws

C. Public Records Act

Exemptions

- Drafts
- Pending litigation
- Personnel records
- Medical, dental, and other insurance records
- Closed session minutes and legal memoranda and other materials distributed in a closed session
- Records protected by the attorney-client privilege



III. Government Transparency Laws

C. Public Records Act

HOT Issues

- ***Emails and text messages*** about public business on personal phones or devices
 - » CA Supreme Court reviewing lower court case that held these items are not public records (if members of the legislative body) (*City of San Jose et al. v. Superior Court*)
- ***Accidental release*** of privileged documents does not waive the privilege
 - » Recent decision by the CA Supreme Court (*Ardon v. City of Los Angeles*)



Quiz

Question #9

- Over the course of several years, two Board members exchanged emails about fundraising for their campaigns. They exchanged no other emails.
- All the emails were sent to and from their private email accounts, which the Board members use for District business.
- A member of the public asks the District for all emails between the two Board members.



How should the District respond?

Answer to Question #9

- The District could determine that the emails are not public records and could decline to provide the records.
- However, public officials should be aware that it's possible that the Supreme Court will decide that emails about **public business** exchanged between **private email addresses on private devices are public records.**

IV. Laws Relating to Fair Processes

- A. Common law bias prohibitions
- B. Due process requirements
- C. Doctrine of Incompatible Offices
- D. Incompatible Activities
- E. Competitive bidding requirements for public contracts
- F. Disqualification from participating in decisions affecting family members (anti-nepotism laws)



IV. Laws Relating to Fair Processes

A. Common Law Bias Prohibition

- **Elements:**
 - A public officer...
 - Must exercise the powers conferred on him or her with disinterested skill, zeal, and diligence, and primarily for the benefit of the public
- ❖ *One cannot be tempted by personal or pecuniary interests*
- ❖ *Applies to non-financial interests*
- ❖ *Disqualifies one from participating*

IV. Laws Relating to Fair Processes

B. Due Process Requirements

- Applies only to “quasi-judicial” matters (i.e. those involving the application of existing rules to a specific set of facts)
- “Procedural due process” gives those with a property interest a right to:
 - Notice and opportunity to be heard by
 - A fair and impartial decision maker



IV. Laws Relating to Fair Processes

C. Doctrine of Incompatible Offices

- Government Code § 1099
- *Elements*
 - A person may not hold two public offices simultaneously
 - If the potential for conflict or overlap in the functions or responsibilities in the office exist
- *Forfeiture of first office*
- *Often requires individual analysis of specific offices*
- *Common law rule often overridden by statute*



IV. Laws Relating to Fair Processes

D. Incompatible Activities

- *Elements (Gov't Code § 1126):*
 - Agency officers and employees...
 - Shall not engage in any employment, activity, or enterprise...
 - For compensation...
 - Which is inconsistent, incompatible, in conflict with, or inimical to his or her duties



Applies only if jurisdiction has adopted a policy dealing with the topic.

IV. Laws Relating to Fair Processes

D. Anti-Nepotism Laws and Policies

- Disqualification from participating in decisions affecting family members (anti-nepotism laws)
 - Political Reform Act requires recusal when decisions have a material impact on one's spouse or dependent children.
 - Common law bias will require recusal in many cases.



Jurisdiction's own policies often limit participation in matters affecting family members.

IV. Laws Relating to Fair Processes

E. Competitive Bidding Requirements

- Public works projects above a certain amount must be awarded to lowest responsible bidder
 - *Generally, applies only to construction projects*



IV. Laws Relating to Fair Processes

Competitive Bidding Requirements



Quiz

Question #10

- A Board member's best friend is applying for a District grant program.
- There are limited funds and the District has received dozens of applications.
- The Board member knows that his best friend will be very upset if he does not vote for his application and it could affect their relationship



Can the Board member participate in the decision to award the grant?

Answer to Question #10

- It depends. If, despite his personal relationship, the Board member can exercise his powers with disinterested skill, zeal, and diligence, and primarily for the benefit of the public, then he may participate in the decision. If the Board member believes that his personal relationship would affect his ability to exercise his duties impartially, then he may have a common law conflict of interest and should recuse himself.

Question #11

- A member of the District Board is elected to the Board of Supervisors.



May the Board member serve in both roles?

Answer to Question #11

- No, these are incompatible offices. There is a possibility of a significant clash of duties between the two offices. Upon being sworn into the Board of Supervisors, the Board member will be deemed to have forfeited his position on the District Board.

Questions?

The screenshot shows the homepage of the California Fair Political Practices Commission (FPPC). At the top left is the FPPC logo, followed by the text "CALIFORNIA Fair Political Practices Commission" and the website address "www.fppc.ca.gov". A search bar is located in the top right corner. Below the header is a navigation menu with links for "About FPPC", "The Law", "Learn", "Advice", "Enforcement", "Transparency Portal", and "Media Center". The main content area features a large image of the California State Capitol building at night. Overlaid on this image is the text "Integrity & Transparency" and a sub-headline: "The nonpartisan FPPC is the agency primarily responsible for the fair application, interpretation, and enforcement of the Political Reform Act." Below this image are three call-to-action buttons: "File a Form 700", "How to File a Complaint", and "Need a Form? View All Forms".

Presenters



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COPY of Document Recorded
on MAR 5 - 1979 as No. 17107
Vol. 849 Official Records Page 144
Has not been compared with original
Siskiyou County Recorder

RESOLUTION NO. 286, BOOK 8

A RESOLUTION MAKING FINDINGS, FIXING BOUNDARIES,
OVERRULING PROTESTS, DISPENSING WITH ELECTION AND
DECLARING LAKE SHASTINA COMMUNITY SERVICES DISTRICT
DULY ORGANIZED

RESOLVED, by the Board of Supervisors of the County of
Siskiyou, California, that

WHEREAS, a petition for formation of Lake Shastina Community
Services District within this County was filed with the Clerk of
this Board on September 6, 1978;

WHEREAS, the Clerk of this Board has certified that the
petition has been duly signed and that the signatures thereon are
equal in number to at least eighty percent (80%) of the registered
voters within the boundaries of the proposed District and is
sufficient according to law;

WHEREAS, on the 24th day of October, 1978, this Board adopted
Resolution No. 250, A Resolution Fixing Time and Place of Hearing
Upon Petition for Formation of Lake Shastina Community Services
District and Directing Giving Notice of Hearing, which fixed
Wednesday, November 29, 1978, at the hour of 2:30 o'clock p.m., in
the Supervisors Chambers, Courthouse, Yreka, California, as the time
and place when and where said Board would hear said petition and all
persons interested therein;

WHEREAS, the Clerk has caused notice of said hearing to be
published and mailed as directed by said Resolution No. 250, as
shown by proof and certificate thereof on file with the Clerk;

WHEREAS, at the aforementioned time and place, it being a
regular meeting of said Board, oral and documentary evidence was
presented in support of the petition, that said proposed district

includes all of the lands that would be benefited by being so formed, and that all of the lands within the proposed district will be benefited by being so formed;

WHEREAS, three persons appeared, orally or in writing, in opposition to the formation of the proposed district;

WHEREAS, no request in writing for the inclusion of their lands were presented by persons whose lands are outside the proposed district;

WHEREAS, one request in writing for the exclusion of lands was presented by persons whose lands are within the proposed district;

WHEREAS, said evidence, oral and documentary, in support and opposition to the petition offered and presented in connection therewith, has been heard and fully considered and being fully advised of the premises;

WHEREAS, Section 61114 of the Government Code provides that if the Board of Supervisors determines and finds from the evidence taken at the hearings, that eighty percent (80%) of the registered voters within the proposed district have signed the petition, and one or more written or oral protests have been received or offered at the hearing, the Board may, following review of the protest or protests, determine to dispense with an election and shall declare the District duly organized.

NOW, THEREFORE, IT IS FOUND, RESOLVED and DETERMINED, as follows:

1. Each and all of the recitals set forth and contained in said petition and said notice are true and correct, said petition has been duly signed by a sufficient number of the registered voters residing within the boundaries of said proposed district, notice has been duly and legally published and mailed in the manner and form and for the time required by law.

2. The petition and all persons interested therein have been fully heard, all evidence presented has been duly considered, and

the Board has been fully informed and has duly considered relevant testimony in support of or in opposition to said petition and that said petition and notice are genuine and sufficient.

3. All lands included in the proposed district, as described in the petition, will be benefited and no lands not included therein will be benefited by being included within the proposed district.

4. All requests for the inclusion or exclusion of lands, if any, are denied.

5. The proposed district is in the public interest and is economically feasible.

6. The petition has been signed by eighty percent (80%) or more of the registered voters within the proposed district.

7. All written or oral protests received or offered at the hearing have been fully reviewed, and all protests be, and each of them are hereby, overruled and the proposed district is ordered organized pursuant to the Community Services District Law, without an election.

8. The name of the district shall be "Lake Shastina Community Services District."

9. The purposes for which the district is formed are:

a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

b) The collection, treatment or disposal of sewage waste and storm water of the district and its inhabitants.

c) The collection or disposal of garbage or refuse matter.

d) Protection against fire.

e) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings.

f) Street lighting.

g) Mosquito abatement.

h) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.

j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is to be made.

k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility" as defined in Section 5896.2 of the Streets and Highways Code, and to take proceedings for and to finance the cost of such conversion in accordance with the provisions of Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code, subject to the consent of the public agency or public utility responsible for the owning, operation and maintenance of such facilities. Nothing herein contained shall be construed as giving a district formed under this law the power to install, own or operate such facilities as are described in this subdivision.

m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.

n) To provide and maintain public airports and landing places for aerial traffic.

10. The boundaries of the district are as described in Exhibit "A" hereto attached and by this reference incorporated herein.

11. The number of directors of said district shall be five and the names of the members of the first board are:

Robert J. Applegate

Thomas J. Carter

Paul A. Erickson

Nelson W. Richardson

James W. Storey

12. The Clerk shall issue certificates of appointment to each of the members of the board of directors designated herein.

13. The Clerk is hereby directed to transmit certified copies of this resolution together with such other materials and

information as may be required, to the Executive Officer of the Local Agency Formation Commission of the County of Siskiyou.

14. The Executive Officer of the Local Agency Formation Commission of Siskiyou County is hereby authorized and directed to prepare and execute all necessary documents and make such filings with appropriate State and County officials so as to properly effectuate and finalize the organization of the said district all as required by Section 54797.2 of the Government Code.

15. The Clerk shall enter this resolution in the minutes of this Board.

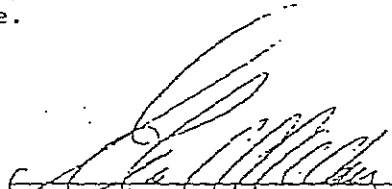
* * * * *

Passed and adopted by the Board of Supervisors of the County of Siskiyou, California, at a meeting thereof held on the 29th day of November, 1978, by the following vote of the members thereof:


AYES, and in favor thereof, Supervisors: Hayden, Wacker, Torrey and Belcastro.

NOES, Supervisors: None.

ABSENT, Supervisors: McArdle.

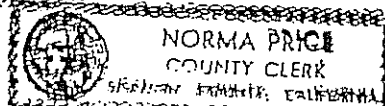

Chairman of the Board

ATTEST: NORMA PRICE, County Clerk


Deputy County Clerk

This instrument is a correct copy of the original on file in this office.

ATTEST: Norma Price 5/17/78
NORMA PRICE
County Clerk and ex-officio Clerk of the Board of Supervisors in and for the County of Siskiyou.



RESOLUTIONS
NO. <u>286</u>



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION 4-22

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT (LSCSD) REGARDING AUTHORIZED SIGNATURES ON DOCUMENTS RELATED TO DISTRICT BUSINESS.

WHEREAS, it is necessary to appoint authorized signatories for the Lake Shastina Community Services District for matters related to the District, and;

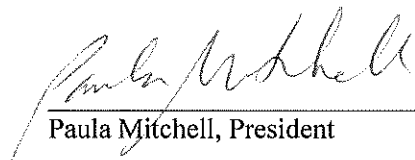
WHEREAS, many of the agencies the District deals with, require authorized signatures with a Resolution of the Board attached.

NOW, THEREFORE, BE IT RESOLVED that the LSCSD Board of Directors hereby ordain and authorize District President, Vice President and General Manager to sign, on behalf of the District, all necessary legal, grant, banking and other documents as needed.

BE IT FURTHER RESOLVED: This resolution supersedes and cancels Resolution 1-15.

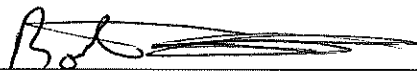
I hereby certify that the forgoing is a full, true and correct copy of Resolution 4-22 duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 17th day of August 2022, by the following vote:

- AYES: Directors Cupp, Mitchell, and Thompson
- NOES:
- ABSENT: Director MacIntosh
- ABSTAIN: Director Beck



 Paula Mitchell, President

ATTEST:



 Robert Moser, Secretary