

APTOS/LA SELVA FIRE PROTECTION DISTRICT



Approved and Adopted:
March 21, 2015

BOARD OF DIRECTORS'

POLICY AND PROCEDURES MANUAL

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ARTICLE 1: THE FIRE DISTRICT BOARD

1.1 Fire District Governing Authority

The Fire District was established in 1930 by the Santa Cruz County Board of Supervisors. The Fire District is a California Special District (Independent) as a local government agency with taxation authority.

1.2 Policy Adopting Governing By Policy

The policy of the District Board recognizes that one of its major functions is to serve as the policy-making body of the Fire District, and to govern the activities and shape the future of the Fire District. At the same time, the Board preserves for the Fire Chief and the professional staff the responsibility of the day-to-day administration and operations of the District in a manner consistent with the policies and rules of the Board of Directors.

It is therefore the intent of the Board of Directors of this Fire District to set forth a series of policies and board meeting procedural rules to govern the conduct and deliberations of the business conducted by the Board and to serve as a guide for the professional staff in carrying out the daily functions of the Fire District.

In addition these policies are intended to:

- Reflect the Board's commitment to order, consistency, responsiveness and transparency in its actions;
- Make clear and readily available to the residents of the District all relevant information about the operations of the Board.

In keeping with these principles a current copy of the Board of Directors' Policy and Procedures Manual is posted on the District website.

1.3 Fire District Board Policies

It is the intent of the Fire District Board to be governed by a set of policies. The policies shall be adopted by the Board and made available as public documents.

The policies of the District Board shall be drafted, adopted and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the residents of the District within the limitations of the District's ability to support it.

The Board of Directors, as the governing body representing the people of the District, determines all questions of policy to be employed in the operation of the Fire District

In the event that a Board Policy is found to be in conflict with state or federal law or the rules of a higher authority, that portion of such policy is automatically null and void without Board action and shall be deleted from the accumulated body of policies and rules.

If disagreement over the application, extent, or interpretation of a policy arises, the resolution of the conflict will be based on the majority opinion of the Board. If such an interpretation is deemed to have future significance, an amendment to the applicable policy shall clearly specify the intent of the Board in interpreting the policy.

Policy Adoption, Changes, Deletions, Additions and Review: In its deliberations leading to the establishment or amendment of Board Policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out the legally mandated tasks and general policies in the interest of the public good.

The District recognizes that all Board policies shall remain flexible and be subject to review and change. Such review shall take place as necessary and at least annually at a regularly scheduled Fire District Board meeting in May and shall appear as an agenda item.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

In order to provide consistency, stability and integrity to Board Policies, changes in policies, except in the case of emergency, shall be executed in a precise manner without undue haste.

Adoption, changes, additions to and deletions from or repeal of the established policies shall be accomplished by a majority vote of the Board of Directors in the course of a single meeting.

The assembled policies of the Fire District Board of Directors, known collectively as the Board Policy and Procedures Manual, shall be the reference instrument for conducting the business of the Fire District Board. Appendices to the Policy and Procedures Manual that are not in themselves policies such as Committee Assignments, Board Calendar, Issuances, and Brown Act Summary and other factual listings may be changed as necessary to provide up to date information.

ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS

2.1 Basis of Authority

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, expenditure, or give individual direction to the Fire Chief.

Directors do not represent any fractional segment of the community, but are rather, a part of the body which represents and acts for the community as a whole.

2.2 Job Description

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 delegated to professional staff members of the District. The members of the Board of Directors have ultimate responsibility to ensure the lawful and efficient operations of the District. They are the supervisory body for the Fire Chief. It is their responsibility to ratify all annual budgets and expenditures, and to participate in and/or ratify annual salaries, wages and benefits.

The majority of the members of the Board of Directors set the official policy of the District. Said policies are to be mindful of the legal and constitutional rights of all employees and are to be set with care and in accordance with the law.

The Board is entitled to enter into all contracts on behalf of the District within the scope of its authority and in the line of duty.

Board members are expected to be familiar with the rules of the Brown Act regarding open meetings, required notice therefore, and the requirements for entering into closed session. All Board members should be aware of any issue of self-dealing and should abstain from voting on any issues in which the member is interested, or on those involving issues which could somehow affect their tenure or benefits. Board members are required to file Fair Political Practices Commission, Statement of Economic Interests, Form 700, upon assuming or leaving office and annually with the Board Secretary. The Aptos/La Selva Fire Protection District is defined in accordance with the provisions of California Statutes. The Fire District includes geographical areas lying in Aptos, Rio del Mar, Seacliff, Seascape, Day Valley and La Selva Beach and certain unincorporated areas of Santa Cruz County. The Fire District Board, by policy, shall carry out its responsibilities and the will of the people of the District in keeping with State and Federal constitutions, statutes, and rules, interpretations of the courts, and all the powers and responsibilities they provide.

2.3 Attendance at Meetings

Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence. This shall include all Committee meetings to which the Director has been assigned.

2.4 Attendance at Committee Meetings

Board members assigned to committees may teleconference if appropriate. Board members NOT assigned to a specific committee may, as private citizens, attend those specific committee meetings. However, they are members of the public and may not speak, comment or otherwise participate in those Committee meetings as this would be in violation of the Brown Act. While in attendance at such Committee meetings as members of the public, the Board member may NOT attend the closed sessions of such Committees.

2.5 Attendance at Meetings via Teleconference

A Board member may attend meetings via Teleconference if the following requirements are met. If a Board Member determines that any or all of these requirements cannot be met, he/she shall not participate in the meeting via teleconference.

The following are the approved Teleconference guidelines for Board Members:

- 1) As soon as practical but before the deadline for publication of the Agenda for that meeting, written notice must be given by the Board Member to the Board Secretary; the notice must include the address at which the teleconference meeting will occur, the address the Board packet should be mailed to, who is to initiate the phone call to establish the teleconference connection and the phone number of the teleconference location.
- 2) The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for the same amount of time required for a normal Agenda. This is usually 72 hours for regular meetings of all types and 24 hours for special and emergency meetings. The Board Member is responsible for posting the notice in the remote location, or having the Agenda posted by somebody at the location and confirming that it has been posted the required number of hours in advance of the meeting.
- 3) The teleconference location is open and fully accessible to the public, and fully accessible under ADA throughout the entire meeting. These requirements apply to private residences, hotel rooms and similar facilities, all of which must remain open and accessible throughout the meeting, without required identification or registration. The teleconference technology used is open and fully accessible to all members of the public. Persons with disabilities requesting accommodations in the technology used at the teleconference location must provide their request to the District at least 24 hours before the start of the meeting. Members of the public who

attend the meeting at teleconference locations have the same opportunity to address the Board from the remote location that they would if they were present in the Board Meeting location. The teleconference location must not require an admission fee or any payment for attendance.

- 4) The Board Member must state at the beginning of the meeting that the posting requirement was met.
- 5) All votes taken during those meetings shall be by roll call vote.
- 6) During the teleconference meeting, at least a quorum of the Board must participate from locations within the District's boundaries.

ARTICLE 3: MEMBERSHIP OF THE FIRE DISTRICT BOARD

The Board of Directors of Aptos/La Selva Fire Protection District shall consist of five (5) members serving four-year, staggered terms. By State law, a resident of the District who is a registered voter over 18 years of age shall be eligible to serve as a Board member. The election of the Board members shall be conducted as provided by California Law.

3.1 Board Orientation

Board Candidate Orientation

The Fire Chief and the Board President (or designee should the current Board President be a candidate for a re-election) are responsible for appropriate orientation of candidates who have filed for the Board in an election year. Candidates should be invited to attend this orientation as scheduled by the Fire District.

New Board Member Orientation

The Fire Chief in cooperation with the Board President (or designee) shall be responsible for the appropriate orientation and training of new Board members prior to taking their seat on the Board.

The orientation and training session for new Board members shall be for information purposes only to acquaint them with the facilities, equipment, and personnel of the Fire District and provide an overview and/or copies (if requested) of:

1. Fire Board Policies and Procedures (this Manual)
2. District territory and boundaries
3. Labor and other major contracts
4. Brown Act Summary
5. Other matters concerning Conflict of Interest
6. The current Fire District budget

7. Board Resolutions
8. District Ordinances
9. Any other important issues
10. After taking office, the new Board Member will be provided with additional orientation and issued certain items.

3.2 Training, Education and Conferences

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Board members may also attend or observe certain District training classes as approved by the Fire Chief. The internal training calendar will be provided to the Board members. Directors are encouraged to minimize expense to the District by using on-line courses where possible.

External Training

It is the policy of the District to encourage Board development and excellence of performance by reimbursing 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. Notification should be provided to the Board of Directors for meetings, travel and conferences outside of the District. Approval for the expenses necessary may be made by the Board President or his/her designee in consultation with Fire Chief. The Board Secretary is responsible for making arrangements for Directors for conference and registration expenses, and for per diem (at Fire District mandated per diem allowance.) 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 Board Secretary, together with validated receipts. 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 Fire Chief and by the adopted budget amounts.

- A. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates, Directors traveling together whenever feasible and economically beneficial, and requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
- B. A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board.

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 sessions that will be of benefit to the District. Materials from the sessions may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

Internal District Training

Board members are encouraged to observe fire ground and disaster training events, to foster a better understanding of the knowledge, skills and abilities required of Command Staff and Line personnel in performing their duties. Requests for attendance shall be submitted to the Fire Chief in advance of the training for approval.

3.3 Directors' Compensation and Reimbursement

The Fire District shall reimburse Board members at the rate adopted per Board Resolution.

The Board shall reimburse District Board members for reasonable expenses actually incurred while on Fire District business. Such reimbursement shall extend only to the bona fide expenses of District Board members, and shall not include recompense for a spouse's or companion's costs. Each Board member shall present a statement, supported by appropriate documentation, before reimbursement is made.

Director compensation can be modified by vote of the Board per Health and Safety Code Section 13857.

3.4 Directors' Apparel and Equipment

- A. The district shall provide each Director with an Aptos/La Selva Fire District plastic laminated photo identification card. The Aptos/La Selva Fire District plastic laminated photo identification card should be displayed only while conducting official District business.

- B. Directors will be issued a laminated photo I.D. card identifying them as Directors. Board members shall not be issued, or wear, safety equipment unless required or requested to do so by the Fire Chief.
- C. Board members shall not be issued, pagers, radios or any device that is capable of two- way communication_ on Local, County, State or Federal emergency frequencies or channels. For safety reasons, Board members shall not use two-way communications devices on emergency frequencies or channels without proper license, training and authorization from the Chief
- D. I.D. card is to be returned to Fire District upon completion of service.
- E. I.D. card security is the responsibility of the Board member. Should the I.D. card issued by the District be lost or stolen, the Board member shall notify the Fire Chief.

3.5 Board Vacancies

Filling vacancies in the office of Director shall be in accordance with California Law. Generally, vacancies may be filled by appointment (by the current Board) or by special election. The position may also be left vacant until the next election.

3.6 Board Elections

When a District election is to be held for the purpose of electing members to the District Board, the election officer shall cause the following information to be published in accordance with California Law:

1. The date of the election;
2. The Board positions to be voted upon;
3. The latest date candidates may file for office.

The County Clerk, serving as elections officer, has total responsibility for the conduct and administration of District elections.

ARTICLE 4: OFFICERS AND COMMITTEES OF DISTRICT BOARD

It shall be a policy of the Fire District Board to elect officers of the Board during the month of December depending on ranges of Board terms Officers take office in January.

4.1 Board Officers

The Board shall hold annual elections at its December meeting for President and Vice President. The terms for President and Vice President shall commence on first day of January and end on the thirty-first day of December. The President and Vice President shall be elected for a one year term with no officer serving more than two (2) consecutive terms in any one position. The Vice President shall become president upon the death, incapacitation, resignation, or removal of the President. In the case that the Vice President succeeds to the Presidency, the Board shall elect a new Vice President at its next meeting. In extraordinary situations, the Board may extend the limit on consecutive terms for an officer by a majority vote of the Board.

4.2 President Duties

The President shall be the presiding officer of the Board, shall collaborate with the Fire Chief to establish the agenda for the meeting, shall sign all documents on behalf of the Board and District that may be required, and shall have the same rights and responsibilities as other Directors to participate in and vote at Board meetings. The President-elect, with the approval of the Board, shall designate, no later than the January regular Board meeting, Directors who will serve on the various committees, boards, liaison positions for the upcoming year. The President may, at any time, change committees, boards and liaison positions with the approval of the Board.

4.3 Vice President Duties

The Vice President shall serve as acting president in the absence or temporary disability of the President. The Vice President shall become president upon the death, resignation, or removal of the President.

4.4 Board Standing Committees and Liaisons

The Board President or designee shall outline the duties and responsibilities of a Board member on a Committee at the time of appointment.

ARTICLE 5: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD

It is the policy of the Fire District Board to exercise those powers granted to it by California Law and to carry out those duties assigned to it as may best meet the fire and life-safety needs of the District.

5.1 Board Responsibilities and Duties of Fire Chief

Important activities of the Fire Board are the formulation of policies and rules regarding Fire District programs and services. In carrying out its legislative and policy-making responsibility, the Board shall delegate the administrative, personnel and executive functions to the Fire Chief.

5.2 Code of Ethics

The Board of Directors of the Aptos/La Selva Fire Protection District is committed to providing excellence in legislative leadership that will result in the highest quality of services to its constituents. Pursuant to AB 1234, Ethics Training for Local Officials, passed by the Legislature on October 7, 2005, requires that all local agencies that provide compensation, salary or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials every two years. There are numerous training options available including an on-line program that will allow local officials to satisfy the requirement of AB 1234 on a cost-free basis.

5.3 Board Members Meeting Participation

The basic manner in which members fulfill their office must be at a regular, special, committee, or workshop meeting, and will be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members, including the President, are expected to participate fully in deliberation and voting.

5.4 Board Members Decorum

It is understood that Board Members will not always agree. Board members have the right to maintain and express differing viewpoints, styles, opinions and values. Nonetheless, Board members should aspire to respect the dignity of their office and to observe common standards of decorum to the extent possible.

In order to assist in the governing of the behavior between and among members of the Board of Directors, the following rules shall be observed:

The dignity, style, values and opinions of each Director shall be respected. Responsiveness and attentive listening in communication is encouraged.

The needs of the District's constituents should be the priority of the Board of Directors.

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.

5.5 Board Members Responsibility to Constituents

Board Members, individually and collectively, act as representatives of the citizens of the Fire District in maintaining and promoting fire and life-safety needs of the District.

5.6 Board Members Action and Service

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

5.7 Board Members Memberships and Continuing Education

The Fire District Board encourages members to participate in organizations such as the Fire District Association of California and others with similar benefit to the District. Membership fees shall be paid by the Fire District and reasonable expenses incurred in attending meetings, seminars, and training sessions shall be paid by the Fire District.

5.8 Board Members Conduct and Responsibilities

Conduct

The Fire District Board Members shall observe the following code of conduct designed to guide their actions in carrying out their responsibilities. A Fire District Board Member should strive to: Understand that his/her basic function is "policy" and not "administration";

1. Refuse to make commitments on any matter which should come before the Board as a whole;
2. Refuse to participate in secret meetings or other irregular meetings which are not official and which all members do not have the opportunity to attend;
3. Recognize that he/she has no legal status to act for the Board outside of official meetings;
4. Respect the rights of Fire District constituents to be heard at official meetings within established parameters and guidelines for public testimony;
5. Make decisions only after available facts bearing on a question have been presented and discussed;
6. Accept the principle of "majority rule" in Board decisions;

7. Recognize that the Fire Chief should have full administrative authority for properly discharging duties within the limits of established Board policies;
8. Recognize that the Fire Chief or designee is the technical advisor to the Board;
9. Present personal criticisms, complaints or problems regarding Fire District operation directly to the Fire Chief and discuss them at a regular meeting only after failure of an administrative solution;
10. Declare conflicts of interest into the public record;
11. Conduct all Fire District business in an ethical manner;
12. Refuse to use his/her position on the Fire Board in any way, whatsoever, for personal gain;
13. If observing Fire District personnel while they are engaged in emergency or disaster operations, a Director shall not distract or engage personnel in any way. Directors shall position themselves so as not to interfere with emergency operations or become a distraction to Command or staff.
14. If assigned to the EOC during an emergency or disaster operation, a Board member not assigned to specific duty shall observe the chain of command under the direction of the Fire Chief or his authorized designee Incident Command System (ICS).
15. The District has policy and procedures governing harassment, discrimination and retaliation in the workplace. It is the policy of the District to establish and maintain a work environment free of all forms of harassment, discrimination and retaliation. Such behaviors are unacceptable and will not be condoned or tolerated on the part of any employee. All Directors must be familiar with and in compliance of the District's Policy prohibiting such behaviors. All new Directors shall participate in Harassment, Discrimination and Retaliation Training within one year of joining the Board if they have not already done so. All Directors should take Harassment training at least once every two years. The Board Secretary shall maintain records of such. See [APPENDIX C](#) for the full District Policy.
16. Give staff and contemporaries the respect and consideration due skilled professional personnel.

Director Responsibilities

Directors are responsible for monitoring the Fire Chief's progress in attaining District goals and objectives, while pursuing its mission.

Directors shall practice the following procedures:

- In seeking clarification on informational items, Directors shall contact the Board President, who will arrange a meeting with the Fire Chief.
- In handling complaints from residents and property owners of the District, said complaints shall be referred directly to the Fire Chief.
- In handling items related to safety, concerns for safety, or hazards shall be reported to the following:
 - 1) Fire Chief or
 - 2) Division Chief or
 - 3) Duty Chief

Chain of Command is dependent upon Executive Staff availability.

Emergency situations shall be dealt with immediately by seeking appropriate assistance.

In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, said concerns shall be referred directly to the Fire Chief.

When approached by District personnel concerning specific District policy, Directors shall direct inquiries to the Fire Chief. The chain of command shall be followed.

The work of the District is a team effort. All individuals shall work together in the collaborative process, assisting each other in conducting the affairs of the District. When responding to constituent requests and concerns, Directors shall be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

Directors function as a part of the whole. As such, issues shall be brought to the attention of the Board as a whole, rather than to individual members selectively.

Directors shall be expected to serve on standing and ad hoc committees as established. These committee assignments are two (2) member fact finding committees established for the purpose of making recommendations to the full Board on modifications to current policies and related Fire District business.

5.9 Board Member Discipline

Censure

The Board reserves the right to censure, criticize, disapprove or condemn actions taken by individual Board members if their actions exceed the grounds of authority conferred upon Board members by the law or, if by their actions, they fail to fulfill their fiduciary duty to the District.

The right to censure a fellow elected official is established by case law. Censure is a disciplinary matter and, as such, the person who is proposed for censure has a right to due process (i.e. hearing on the charges). Boards may also pass resolutions criticizing, disapproving or condemning a Board member for his/her conduct and that does not require a process hearing beforehand.

5.10 Board and District Public Communication

The Fire Chief, or his designee, is the spokesperson for the District when dealing with the media. In the course of normal events, Board members should refer inquiries to the Fire Chief. The Fire Chief and the Board should strive to be in agreement regarding the public posture of the District. Where possible it is desirable for the Board to have a unified position (e.g. "Board position") that may be communicated to the public through the media. If it is necessary for the Board to make a separate statement to the media, that responsibility should rest with the Board President or his/her designee.

Internal District information should not be distributed to the media without the permission of the Fire Chief.

However, Board members as elected officials have all of the rights and privileges of any private citizen to speak with the media. If a Board member finds it necessary to speak to the media regarding the Fire District, that member should be clear that he/she is speaking as an individual Board member and not as a spokesperson for the Board. In order to speak for the Board, any individual Board member must be authorized by the Board. When speaking to the media on matters not related to the Fire District, any Board member should clearly state that he/she is speaking as a private citizen and not as a Board member.

5.11 Board Philosophy for Fire District Reserves

The Fire District's Reserve policy has been developed to ensure adequate ongoing funding for operating expenses and liabilities to maintain funds for specific purposes and future uncertainties and to uphold the district's investment grade bond ratings. In addition, the District has adopted a guideline to maintain a minimum fund balance of at least 5 percent of the operating revenues in the General Fund at Fiscal Year-End. The guideline also ensures that the District's fiscal management adheres to all related Government Accounting Standards with proper classifications applied to all Reserve Funds.

5.12 Fire Board Employee Compensation Policy

The Fire Board values its represented and unrepresented employees and seeks to provide equitable compensation for each group and classification. The District's Board of Directors may observe these principles, not intended to be in the order of priority, when adopting compensation plans and contracts covering District employees.

Principle No. 1 – Recruitment and Retention: Compensation should, when economically feasible, be set at a level sufficient to recruit and retain employees who are qualified and committed to provide high quality services to the community. One critical measure of whether compensation meets this criterion is whether there are a sufficient number of qualified applicants for advertised job openings.

Principle No. 2 – Fairness: The Board may strive to ensure its compensation program is fair and equitable from all legitimate perspectives, including the perspectives of the community, labor and management. The District may choose to survey public and private employers to evaluate the appropriateness and fairness of its compensation program. The Board is directly accountable to the District's constituents, and the Board accordingly retains the discretion to determine the fairness of all compensation programs.

Principle No. 3 – Transparency: Compensation for all District employees should be 100% transparent – i.e., the public should be able to see all pay elements, including the cost of all health, pension and welfare benefits, District pay packages should be simple and easily understood. Safeguards must be in place to prevent abuses such as pension spiking and maximizing overtime through manipulation.

Principle No. 4 – Fiscal Sustainability: All compensation commitments must be made consistent with principles of fiscal sustainability and to ensure the District's long term success in achieving its mission. Compensation adjustments must not compromise the District's ability to successfully meet its ongoing and future financial commitments.

Principle No. 5 – Accountability: All compensation commitments must be expressly delineated and are subject to formal approval by the Board of Directors. The Board will not abide "implied" or unwritten contracts, or unspecified "past practices," that purport to require employee compensation.

Principle No. 6 – Performance Based Pay: Whenever reasonably possible, compensation may be tied to merit and performance. The District may not permit pay increases based merely on the length of employment.

Principle No. 7 – Economic Climate: The District may consider the overall economic climate and condition affecting the District and its constituents when

setting compensation levels, including regional economic indicators such as the rate of unemployment, inflation, current and projected revenues, and the District's anticipated ability to pay in the long term.

Principle No. 8 – Legal Compliance: The District will ensure that its pay practices comport with the Fair Labor Standards Act and, to the extent legally applicable, State law. The District renews its commitment to negotiate in good faith with labor pursuant to the Meyers-Milias-Brown Act (“MMBA”), and to abide by all requirements of the MMBA.

Principle No. 9 – Flexibility: The District may strive to remain flexible and innovative in light of changing conditions and improving technologies, and may continually re-evaluate its pay practices to ensure they are consistent with best practices.

5.13 Collective Bargaining Agreement

It is the policy of the District Board to engage in discussions for the purpose of reaching agreements with recognized employee groups (Represented Safety, Represented Miscellaneous, Unrepresented Safety, Unrepresented Confidential and Chief Officers), as required in the Meyers Milias-Brown Act. The District Board reserves the right to delegate the responsibility of negotiating with employee groups to:

- (1) The Fire Chief
- (2) A contract negotiator
- (3) A designee

During contract negotiations a Board member should limit communication with the bargaining group on matters pertaining to the negotiation. Individual Board members shall not negotiate directly with represented labor groups and cannot agree to anything as an individual or on behalf of the Board while bargaining is underway.

The Memorandum of Understanding (MOU) is entered into by and between the APTOS/LA SELVA FIRE PROTECTION DISTRICT (District), a California Special District and the APTOS/LA SELVA FIREFIGHTERS LOCAL 3535 (Union), and the APTOS/LA SELVA FIRE PROTECTION DISTRICT Chief Officers Association, pursuant to Government Code 3500, et seq. The MOUs, including side letters to such, is of no force or in effect in regard to matters within the authority of the District Board of Directors until such matters are submitted to, and accepted by, the District Board of Directors.

5.14 Sunshine Policy

It is Board Policy to be open and transparent as allowed by law. To that end, the Board has adopted “sunshine” clauses and procedures where appropriate.

ARTICLE 6: DELEGATION OF BOARD AUTHORITY

The Fire District Board has primary responsibility for the approval of District plans and procedures and for the appraisal of the ways in which these decisions are implemented and results obtained. The Board recognizes its authority to delegate specific responsibilities to the Fire Chief for the implementation of the programs and services of the District.

6.1 Board Approval of Fire Chief Position

The Board will approve a position description for the Fire Chief as per District Policy. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of employment.

6.2 Responsibilities of Fire Chief to the Board

The Fire Chief shall serve as the Executive Officer of the Fire District. Responsibilities of the Fire Chief may include:

1. Preparing the agenda in collaboration with the Board President for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required.
2. Bringing to the attention of the Board matters requiring its consideration.
3. Reporting periodically to the Board on the progress of the programs in the District.
4. Addressing personnel, financial and capital improvement matters under the direction of the Board.
5. Reporting to the Board, appointments, demotions, transfers and dismissals in accordance with the policies of the Board as applicable.
6. Represent the Fire Board as the Director of Personnel for the District.
7. Provide for succession planning for management and personnel within the District.

6.3 Fire Chief Evaluation

The Board shall establish a process for evaluating the Fire Chief.

6.4 Fire Chief Delegation

The Fire District Board delegates to the Fire Chief the function of specifying the required actions and designing the detailed arrangements under which the Fire District will be operated. Such administrative policies and procedures will detail the operations of the Fire District.

6.5 Fire Chief Administrative Actions

When action must be taken within the Fire District where the Board has provided no guidelines for administrative action, the Fire Chief shall have the power to act, but the decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Fire Chief to inform the Board promptly of such action and of the possible need for policy or rule.

ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS

It is the policy of the Fire District Board that all meetings be conducted in accordance with California and Federal statutes and rules, the decisions of the courts, and with proper regard to "due process" procedures. In so doing, the Board will seek information from staff and other sources, as appropriate, before decisions are made on policy and procedural matters.

7.1 Meeting Location

Regular meetings of the Fire District Board shall be held at the Aptos/La Selva Fire District, 6934 Soquel Drive, Aptos, on the second Thursday of each month at 7:00 p.m., unless by specific action of the Board a different meeting place or time is selected.

The President and the Fire Chief shall insure 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.

7.2 Regular Meetings

At least seventy-two (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 Aptos/La Selva Fire Protection District Administration Office and are open to the public, except as provided for Closed Sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making request in writing, and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act, an additional posting of the agenda to the ALSFD web site. A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

It shall be the policy of the Fire District Board to recognize itself as a policy-making body that deliberates at regularly scheduled meetings and each Board member shall make a diligent effort to be present and participate fully.

It is the intent of the Fire District Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

Meetings may include a closed session, as necessary.

7.3 Special Meetings

The Presiding Officer of the Board or a majority of the legislative body may call a Special Meeting under the terms of the Brown Act.

7.4 Emergency Meetings

An Emergency Meeting may be called by the District Board if a work stoppage, crippling activity, or other activity severely impairs public health or safety.

Alternatively, the legal body may determine a dire emergency exists, such as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril. All of the Brown Act provisions apply to emergency meetings, except for the 24-hour notice requirement.

7.5 Ad Hoc Committees

Ad hoc committees shall meet as necessary in accordance with their specific mission and purpose. An Ad hoc committee generally has a limited purpose and/or a limited span or time frame. These committees exist as long as necessary to accomplish their goal after which they are disbanded. There are no notice or agenda requirements for ad hoc committees. A maximum of two (2) Board members shall serve on all standing and ad hoc committees. Ad hoc committees shall be considered dissolved upon submission of the final report, unless their standing is continued by a vote of the majority of the Board Members. No minutes are required from an ad hoc committee. Lengths of terms are determined from the policy in Article 4.4.

7.6 Study Sessions

Study sessions may be scheduled from time to time to allow the Board to focus closely on a particular subject. The notice and agenda requirements for a Study Session are the same as those for a regular Board meeting. A Study Session may be a closed meeting if it meets the requirements. No minutes are required for a Study Session. No action may be taken at a Study Session except providing direction to staff.

7.7 Agendas

Agendas for respective meetings shall be determined in the following manner and shall comply with appropriate noticing and publishing.

Agenda Item Requests - Board Members

As stated in Policy 4.2, the Fire Chief in collaboration with the Board President shall prepare an agenda for each regular, committee and special meeting of the Board of Directors. Any Board member may request the placement of any item

related to District business on the agenda of an upcoming scheduled regular Board Meeting in one of four ways:

1. By voicing a request during the open session of a Board Meeting that an item be placed on the agenda for the following meeting;
2. By submitting a request, outside of a Board Meeting, to the Board President or the Fire Chief with a copy to the Board Secretary;
3. By submitting a request, outside of a Board Meeting, to the Fire Chief.
4. By the Board member adding agenda items directly by submitting a form.

All requests for agenda items are subject to the requirements and limitations of the open meeting laws of the State of California must be within the subject matter jurisdiction of the Board and shall be consistent with these rules governing Board roles and responsibilities. Issues in this regard will be resolved by the Board President. Barring emergencies or other exigent circumstances, all agenda requests shall be made at least two weeks prior to the Board meeting at issue. The Fire Chief and the Board President shall honor all agenda requests that meet the requirements of this policy and state law. Agendas should be finalized and sent to the Board President and Fire Chief 14 days prior to the scheduled regular meeting, whenever possible. If appropriate, requested agenda items may be combined with one another or other items of similar subject matter for purposes of parliamentary convenience.

Agenda Item Requests - Members of the Public

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. The request may be made during the public comment portion of any Board meeting, but unless the requirements of the Brown Act can be met, the agenda item may only be added to a future meeting agenda. If the request is made outside of a Board meeting, the procedure is as follows:

1. The request must be submitted, in writing, to the Fire Chief at least one week prior to the Board meeting, and;
2. The Board President, upon consultation with the Fire Chief, will determine whether the public request is a "matter directly related to the District Business" and if so, it may be placed on the Board's next scheduled meeting agenda.

Consent Agenda

Items of recurring nature may be included for consideration. These items will be determined during agenda setting meetings between the President and Fire Chief.

Directors' Communications on Agenda Items

Questions regarding when an Agenda Packet will be finalized for a particular meeting should be directed to the Board President. In the event the Board President has any question or concern regarding whether or not a particular comment is suitable for publication, he or she shall contact District Counsel for assistance.

7.8 Closed Sessions

A Closed Session is a part of a meeting where no member of the public may be present. Only the following topics are grounds for calling a closed session Government Code Section 54953 (b) (3):

- Personnel Matters: Appoint, employ, evaluate performance, discipline, dismiss or release an employee
- Pending or Anticipated Litigation
- Labor Negotiations
- Real Property Negotiations
- Public Security
- License Application by persons with criminal record
- Liability Claims
- Trade Secrets
- Charges or complaints involving information protected by federal law
- Conference involving Joint Powers Agency
- Audit by Bureau of State Audits

7.9 Quorum

A quorum is the minimum number of members of a deliberative body necessary to conduct the business of the Fire District Board. Three members of the five-member Board must be physically present within the District to conduct Fire District business.

7.10 Public Comments

Public comment is encouraged at all Board meetings. Public comment is limited to three minutes per speaker, which may be waived or modified by the Board President. The agenda will emphasize the right to public comment.

There are two opportunities for public comment:

Under “Oral Communications”, the public may address the Board on any subject NOT listed on the agenda. Each speaker may address the Board once under Public Comment for a limit of three minutes. Speakers will be asked (but are not required) to clearly state their name and address or political jurisdiction where they live. The Board cannot act on items that are not listed on the agenda and, therefore, the Board cannot respond to non-agenda items brought up under Public Comment other than provide general information. This will generally take place before the consideration of the Consent Calendar.

Public Comment for Agenda Items - District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action. This opportunity to speak is during the public discussion portion of each agenda item and must be related to matters under consideration for that agenda item.

7.11 Presiding Board Meeting

The Board President shall normally preside at meetings of the Board. In the absence of the Board President, the Board Vice-president shall preside. In the absence of both the President and the Vice-president, the first order of business at the Board meeting shall be the appointment, by the Board members present, of a presiding Board member to chair the meeting.

ARTICLE 8: MEETING MINUTES, PUBLIC RECORDS

8.1 Board Meeting Minutes

The minutes of the meetings of the Fire District Board shall be maintained in the Administration Office of the District and shall provide for information as required by law and Board policies. For convenience, an additional posting of the Board Minutes may be found on the District website.

8.2 Board Secretary

The Board Secretary performs various administrative and managerial duties such as facilitation of the execution of official and legislative processes, which includes administering provisions of the Political Reform Act of 1974, attesting to the passing of resolutions and ordinances, and participating in the Fire District Board Meetings.

The Board Secretary also records official actions and legislation of the District, documenting the proceedings of meetings and retaining other legal and historical records. Records are maintained while providing appropriate public access to District business. The Board Secretary manages the proper maintenance and disposition of District records and information.

8.3 Board Meeting Minutes-Public Record

The official minutes of Board meetings, including supporting documents, shall be open to inspection by the public at the office of the Fire Chief during regular business hours.

8.4 Public Records Process

The Fire District recognizes the right of any member of the public to inspect nonexempt public records, limited only by rules of reasonableness, and in accordance with guidelines established by California State Law. When access to District records is granted, examination will be made in the presence of the record custodian regularly responsible for maintenance of the files or by a staff member designated by the Fire Chief. In accordance with the Public Records Act, certain records, including personnel records, are not included in the category of records to which the right of access may be granted by the Fire District.

The Board Secretary shall keep minutes of all regular and special meetings and standing committees of the Board, but minutes shall not be taken of Closed Sessions or Study Sessions.

Copies of said minutes shall be made for distribution to Directors with the agenda for the next regular Board Meeting.

The official records of the meetings are the approved typed minutes. The official typed minutes of the regular and special meetings and standing committees of the Board shall be kept in a secured office with easy access for the public review during normal business hours.

Motions, resolutions or ordinances shall be recorded 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 calendar year.

The minutes of Board meetings shall be maintained as hereinafter outlined:

1. Date, place and type of each meeting;
2. Directors present and absent by name;
3. Call to order;
4. Arrival of tardy Directors by name;
5. Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon; adjournment of the meeting; record of written notice of special meetings; and, record of items to be considered at special meetings;
6. Complete information as to each subject of the Board's deliberation; Approval or amended approval of the minutes of preceding meetings;
7. Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
8. All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;
9. A record of all contracts entered into;
10. A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
11. A record by number of all warrants approved for payment;
12. Adoption of the annual budget;
13. Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month;
14. A record of all important correspondence;
15. A record of the Fire Chief's report to the Board;

16. Approval of all policies and Board-adopted regulations; and
17. A record of all visitors and delegations appearing before the Board.

8.5 Board Electronic Communications Policy

The District has established an Electronic Communication Policy and an Information Security Procedures to which users are expected to adhere. The purpose of these policies is to ensure the proper use of the District technologies.

The Electronic Communication Policy covers such items as Personal Use, Protocol for Use, Unauthorized Purposes, Authorized Hardware and Software Configurations, Data Backup, Security, Internet Use, Shared Resources, the Public Records Act, Confidentiality, Privacy and Misuse.

The Information Security Procedures includes such items as Passwords and the Use of the District Network with Non-District Equipment.

ARTICLE 9: RULES OF ORDER DURING MEETINGS

The Board President is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Board President and all questions and remarks shall be addressed to the President.

9.1 Points of Order

The Board President shall determine all Points of Order subject to the right of any member to appeal to the entire Board. If any appeal is taken, the question shall be, "Shall the decision of the Board President be sustained?" In which event a majority vote shall govern and conclusively determine such question of order.

9.2 Decorum and Order - Board Members

Any Board Member desiring to speak shall address the President and, upon recognition by the President, shall confine himself/herself to the question under debate.

- A. A Board Member desiring to question the staff shall address his/her question to the Fire Chief who shall either answer the inquiry himself or to designate some member of his staff for that purpose.
- B. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another Board Member, or unless the speaker chooses to yield to questions from another Board Member.
- C. Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled

to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.

- D. Directors shall at all times conduct themselves with courtesy to each other to staff and to members of the audience present at Board meetings and public sessions.
- E. Any Board member may invite any members of the Public, to speak at a Board meeting during the period reserved for public comment.

9.3 Decorum and Order - Employees

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to Board Members.

9.4 Conflict of Interest

All Board Members are subject to all provisions of California law relative to conflicts of interest and to conflict of interest codes adopted by the Board. Any Board Member prevented from voting because of a conflict of interest shall state the basis for the conflict, recuse him/herself and leave the room for the duration of the debate and vote on the item.

9.5 Limitation of Debate

No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five (5) minutes each time he has the floor, without the approval of a majority vote of the Board.

9.6 Dissents, Protests, and Comments

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

9.7 Rulings of Chair Final Unless Overruled

In presiding over meetings, the Board President, Vice President or temporary President shall decide all questions or interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

9.8 Actions Not Invalidated

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

9.9 Actions

The Board may act only by ordinance, resolution or motion. For example: Board actions setting rules for long-term application are taken by ordinance, whereas more routine business and administrative matters (usually more temporary in nature) are accomplished by "resolutions."

The "motion" (assuming it was one which passed) is a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it (unless a minute order is requested).

9.10 Processing of Motions

When a motion is made and seconded, it shall be stated by the Board President before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

9.11 Motions Out of Order

The Board President may at any time, by majority consent of the Board, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

9.12 Division of Question

If the question contains two or more divisional propositions, the Board Chair shall, upon request of a member, divide the same.

9.13 Precedence of Motions

When a motion is before the Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- A. Adjourn
- B. Fix hour of adjournment
- C. Table
- D. Limit or terminate discussion
- E. Substitute
- F. Reconsider
- G. Amend
- H. Postpone

A. *Motion to Adjourn - Not Debatable*

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

- a. When repeated without intervening business or discussion
- b. When made as an interruption of a Member
- c. When discussion has been ended and vote on motion is pending
- d. When a vote is being taken a motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

B. *Motion to Fix Hour of Adjournment - Not debatable*

Such a motion shall be to set a definite time at which to adjourn and shall not be debatable and amendable except by unanimous vote.

C. *Motion to Table - Not Debatable*

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

D. *Motion to Limit or Terminate Discussion - Not Debatable*

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

E. *Motion to Amend - Debatable*

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

F. *Motion to Continue - Debatable*

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

G. *Reconsideration - Debatable*

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent to the Board.

H. Voting Procedure

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Board President voting last. The Board Secretary shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond `aye' or `no' or `abstain.' Any Board Member not audibly and clearly responding `no' or `abstain' or otherwise registering an objection shall have his vote recorded as `aye.'

9.14 Tie Votes

Tie votes shall be considered a no vote or denial.

ARTICLE 10: PROCEDURE FOR ADOPTING A RESOLUTION

Actions of the Board on matters of policy or procedure of a less formal nature than the subject of an ordinance are taken by resolution, which are effective upon adoption. Ordinarily, resolutions should be prepared in advance. The procedure for adoption is:

- A. Motion
- B. Second
- C. Discussion
- D. Vote, pursuant to the methods set out for motions
- E. Result declared

When a resolution has not been prepared in advance, the Board may adopt the resolution by title. In that case, the general counsel or staff shall prepare the form of the resolution for presentation at the next meeting.

ARTICLE 11: PROCEDURE FOR ADOPTING AN ORDINANCE

Ordinances of the District shall be adopted by the Board pursuant to Government code Sections 25120 et seq.

All ordinances shall be placed on the agenda for regular meetings by title and a brief description of content. (An exception is an urgency ordinance which may be adopted at a special meeting.) The procedure for adoption is:

- A. Discussion
- B. First Reading/Introduce the Ordinance

Motion to waive reading of entire ordinance and read by title and number only, must be carried by a majority.

Reading by title by the Board Secretary Motion to introduce.

- A. Moved by:
- B. Seconded:
- C. Carried by:

Adoption/Second Reading, in general, must occur at least five (5) days after first reading.

Second Reading/Adopt the Ordinance. Except as specified by law, ordinances become effective 30 days after final passage providing the ordinance has been published one time in a newspaper of general circulation published in the District.

ARTICLE 12: FIRE DISTRICT LEGAL COUNSEL

It shall be the responsibility of the District Board to select legal counsel to represent the legal needs of the District. The Board shall recognize its responsibility to seek the advice of legal counsel whenever it is unclear regarding legal questions or whenever an action being considered by the Board may result in placing the District in legal jeopardy.

Legal counsel for the Fire District shall be in attendance for Regular Fire Board Meetings when legal advice, contract consultation and/or Closed Session interactions deem it necessary by the Board President or the Fire Chief.

In keeping with District Policy and fiscal responsibility, all legal counsel contact shall have prior approval by the Board President and/or Fire Chief for matters requiring a legal interpretation.

APPENDIX A
BOARD OF DIRECTORS ORIENTATION/ACCESSORIES

- Tour of the District facilities
- Roster and Phone Lists: Fire Captains, Division Chiefs and Directors
- District Map
- Ethics Training Materials
- District Harassment Policy Acknowledgement
- Laminated plastic photo identification

APPENDIX B

Aptos/La Selva Fire Protection District Board Fee

Waiver Policy

It is Board Policy to strive for 100% cost recovery for District services that are provided to Applicants as identified in the District's Fee Schedule. Per the California Government Code 13919, "a District Board may waive payment of a fee authorized pursuant to Section 13916 when it determines that payment would not be in the public interest." To that end, the Board has adopted this fee waiver policy to identify the Board's procedures of how to administer fee waivers when appropriate.

The District authorizes Staff to automatically waive fees for the following instances:

- False Alarms that occur at Schools, Federal, State, and Local Government Facilities
- Event Permits conducted by Non-Profits
- Events Permits conducted by Churches for charity purposes
- Residential, Institutional and Day Care Licensing and Occupancy fees for Government Facilities (Does not include sub-leased facilities on Government land)
- Reports and Documents for Government Agencies

Applicants that fall within this category are required to provide the Board with documentation in order to obtain their approval for having their fees waived.

- All Fees that are for Documented Charities or for Charity Events in which a true public good or humanitarian effort is being undertaken
- Event Permit Fees for organizations that provide reciprocity to the Fire District

Any Applicant that does not meet the above criteria may still request a fee waiver from the Fire District Board of Directors by following the subsequent procedure. Applicants shall submit their request for a fee waiver at a Board meeting during the public comment section of the agenda. The Board shall consider the request and then have Staff prepare a response to be reported out at the following meeting. The Board's decision is final.

APPENDIX C
DISTRICT DISCRIMINATION AND HARASSMENT POLICY

PURPOSE:

The purpose of this policy is to establish a strong commitment on the part of the District to refrain from, prohibit and prevent all forms of workplace, discrimination, harassment and retaliation, to define those terms, to establish management and employee responsibility regarding workplace discrimination, harassment, and retaliation and to set forth a procedure for investigating and resolving internal complaints of workplace discrimination harassment and retaliation.

The District encourages all covered individuals to report any conduct, action or practice that is believed to violate this Policy as soon as possible.

SCOPE:

This policy applies to all managers, supervisors, employees, applicants, volunteers, or individuals providing services pursuant to a contract. This policy also applies to elected officials of the District.

This policy covers discrimination or harassment because of: (1) an individual's protected classification; (2) the perception that the individual has a protected classification; or (3) an individual's association with another individual who has or appears to have a protected classification. This policy also covers retaliation against any individual who has filed a complaint or participated in a complaint resolution process under this policy.

This policy applies to all terms and conditions of employment including, but not limited to: hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, training opportunities and daily work environment.

POLICY:

It is the policy of the District to provide an employment environment free from discrimination, harassment or retaliation as defined by this policy and federal and state statutes such as Title VII of the Civil Rights Act of 1964, Equal Employment Opportunity Commission (EEOC) Regulations, California Government Code section 12940(h), and Department of Fair Employment & Housing (DFEH) Regulations.

Accordingly, discrimination, harassment and retaliation against an applicant, employee, individual providing services pursuant to a contract or volunteer on the basis of that individual's actual or perceived sex, gender, sexual orientation (including heterosexuality, homosexuality, and bisexuality), race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, age, marital status, pregnancy, medical condition, genetic characteristics, and physical or mental disability is prohibited and will not be tolerated.

Any retaliation against an individual for filing a complaint under this policy or for participating in a complaint resolution process is also prohibited and will not be tolerated.

The District has zero tolerance for any conduct, action or practice that violates this policy. Conduct need not rise to a level of violation of the law in order to violate this policy. Instead, a single act, if substantiated can violate this policy and provide grounds for discipline or other appropriate sanctions.

Employees who feel they have been harassed or discriminated against in any manner or retaliated against in violation of this policy should immediately report such incidents following the procedure described below in section VIII. Confidentiality will be maintained to the extent permitted by the circumstances.

Where violation of this policy has been substantiated, appropriate action to remedy the violation will be taken. Managers, supervisors or employees found responsible for the violation will be subject to disciplinary action or other appropriate sanction, up to and including termination.

DEFINITIONS

Protected Classifications: This policy prohibits discrimination or harassment because of an individual's protected classification. "Protected Classification" means an individual's race, religion, color, sex, gender, sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, uniformed service member status, marital status, pregnancy, age, medical condition, genetic characteristics, and physical or mental disability.

Discrimination: Discrimination means treating individuals differently because of their protected classification as defined by this policy.

Harassment: Harassment may include, but is not limited to, the following types of conduct that is taken because of an individual's protected classification.

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, or even specifically directed at the victim. Sexually harassing conduct can occur between individuals of the same or different genders.

Harassment is not limited to conduct taken only by District employees. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, individuals providing services under contracts, volunteers, or even members of the public.

Harassment includes, but is not limited to, the following misconduct:

Verbal Harassment – For example, epithets, derogatory comments or slurs on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual orientation, political opinions or affiliations, or lawful employee organization activities. Verbal harassment may also include sexual remarks, well-intentioned compliments about an individual’s clothing, body, or sexual activities, or race oriented stories or jokes.

Physical Harassment – For example, assault, unwelcome touching, impeding or blocking movement and/or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual orientation, political opinions or affiliations, or lawful employee organization activities. This includes, but is not limited to, kissing, punching, grabbing, patting, propositioning, leering, looking an individual’s up and down, blocking an individual’s path, or making explicit or implicit job threats or promises in return for submission to physical acts.

Visual Forms of Harassment – For example, derogatory posters, notices, bulletins, cartoons, drawings or other advertisements on the basis of actual or perceived race, religious creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, sex, sexual preference, political opinions or affiliations, or lawful employee organization activities. This includes, but is not limited to posters, cartoons, graffiti, magazines, videos, computer graphics, Internet sites or other electronic media.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonable interfere with an individual’s work performance or creates an intimidating, hostile, or offensive work environment. Conduct that seems innocent or trivial to one individual may constitute harassment to another individual.

Retaliation: Any adverse conduct taken because an individual has reported discrimination or harassment or has participated in the complaint and investigation process described in this policy. “Adverse conduct” includes, but is not limited to: taking sides because an individual has reported discrimination or harassment, shunning and avoiding an individual who reports discrimination or harassment or real or implied threats of intimidation to prevent an individual from reporting discrimination or harassment.

GUIDELINES FOR IDENTIFYING HARASSMENT

To help clarify what constitutes harassment in violation of this policy, the following guidelines are provided:

Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.

It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

Even visual, verbal and/or physical conduct between two employees who appear to welcome it can constitute harassment of a third applicant, officer, official, employee or contractor who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

RESPONSIBILITIES

It is the responsibility of all managers, supervisors, employees and contractors of the District to comply with the provisions of this policy. Further responsibility for the policy is delegated as follows:

Managers and supervisors are responsible for:

1. Informing employees of this policy;
2. Modeling appropriate behavior; specifically refraining from discrimination, harassment or retaliation;
3. Taking all steps necessary to prevent discrimination, harassment or retaliation from occurring;

4. Receiving complaints in a fair and serious manner, documenting steps taken to resolve complaints and taking such steps in a timely manner;
5. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language or revising any practice that may result in discrimination, harassment or retaliation;
6. Following up with those who have complained to ensure that the practice or behavior has stopped and that there are no reprisals;
7. Informing those who complain of discrimination, harassment or retaliation of his or her option to contact the EEOC or DFEH regarding alleged policy violations;
8. Assisting, advising, or consulting with employees and the Human Resources Manager regarding this policy and the complaint procedure;
9. Assisting in the investigation of complaints involving employees, and if the complaint is substantiated, recommending appropriate change in practice, corrective or disciplinary action or other sanction in accordance with District policies, up to and including termination;
10. Implementing appropriate disciplinary and remedial actions;
11. Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been submitted to the Fire Chief or Business Manager;
12. Participating in periodic training and scheduling employees for training.

All employees, elected officials and volunteers and contractors are responsible for:

1. Treating all individuals with respect and consideration;
2. Modeling appropriate behavior;
3. Participating in periodic training;
4. Fully cooperating with any District investigation by responding fully and truthfully to all questions posed during the investigation;
5. Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except with their union or legal counsel and as directed by the Fire Chief or Business Manager;

6. Reporting any act he or she believes in good faith constitutes discrimination, harassment or retaliation as defined by this policy to his or her immediate supervisor, the Fire Chief or the Business Manager.

DISSEMINATION OF POLICY

A copy of this policy shall be provided to all managers, supervisors, employees and individuals providing services pursuant to a contract, elected officials, and volunteers of the District upon adoption and as provided below. Managers, supervisors, employees of the District shall receive periodic training on this policy. The policy may be updated from time to time and redistributed.

Each individual identified in paragraph one above will be asked to sign a statement that he or she has received this policy. This policy and statement will also be provided by the Human Resources Manager upon hire, when District trainings are provided on this topic and when the policy is updated.

COMPLAINT PROCESS AND PROCEDURES

To accommodate the unique and sensitive nature of discrimination, harassment and retaliation complaints, a separate process is provided for the primary purpose of resolving these complaints at the earliest possible date. This process is described below:

An employee, job applicant, contractor, or volunteer who believes he or she has been discriminated against harassed or retaliated against in violation of this policy should immediately make a complaint orally or in writing with any of the following individuals.

1. Employee's supervisor;
2. Any supervisor or manager of the District;
3. Business Manager;
4. Fire Chief

There is no need or requirement to follow the chain of command. Oral complaints must be followed up in writing and submitted within seven (7) business days after the original verbal complaint. The supervisor or manager receiving a complaint is responsible for doing all of the following:

1. Collect and preserve any physical evidence that is readily available or may be time or weather sensitive.
2. Obtain a preliminary statement from the complainant and any immediately available witnesses.
3. Provide notice of the receipt of a complaint to the Division Chief or manager on duty. In providing notice, the supervisor shall forward the Complaint Control Form to the Fire Chief via the Division Chief or manager on duty and shall immediately advise the Fire Chief or Fire Chief

- should the complaint involve serious misconduct of a criminal nature.
4. Provide a copy of the Complaint Control Form to the complainant if the complaint is made in person.

COMPLAINT INVESTIGATION

The Fire Chief will be responsible for the assignment of the complaint for investigation. The Fire Chief shall retain the original Complaint Control Form for tracking purposes. A copy of the Complaint Control Form will be forwarded to the investigator assigned to investigate the complaint. The investigator(s) may be chosen from internal or external sources. If a written investigation report is requested by the Fire Chief, the investigator shall issue findings on each allegation in the complaint as provided under this policy.

Allegations that a District employee violated a criminal law (felony or misdemeanor) in connection with the same issues raised in a complaint of discrimination, harassment or retaliation shall be investigated by the Santa Cruz County Sheriff's Department or the appropriate outside law enforcement agency. An internal administrative investigation may also be conducted concurrently with or after the completion of the criminal investigation, at the discretion of the Fire Chief or his/her designee.

Supervisors who become aware that a District employee is the subject of a criminal investigation which involves alleged discrimination, harassment or retaliation prohibitive by this policy are required to immediately complete a Complaint Control Form and route it to the Fire Chief through the on-duty Division Chief or manager.

Investigations will include an interview process. Employees whose conduct is the focus of the investigation will be presented with a "Notice of Interview" letter. The letter will include the following:

- A statement of the nature of the investigation including the allegation of misconduct. This statement will include the date(s) of actions under investigation, if known.
- A listing of any statutes and/or rules and policies or orders that may have been violated.
- The name and rank of the officer, manager or contract investigator in charge of an interrogation, the interrogating officer(s), and all persons to be present during the investigation.
- A statement advising the employee of the right to have a representative who is not subject to the investigation present at his/her own cost.
- Specify the date, time and location of interview.

Notice that the meeting will be recorded and advise the employee of the right to bring his/her own recording device.

Individuals who are interviewed as witnesses, and whose conduct is not the subject of the investigation will receive a witness notification and should receive a Notice of Interview letter.

At the beginning of any interview of an employee who has been accused of misconduct, the investigator shall provide that employee with an admonition. This admonition shall be read aloud to the employee and provided in writing.

Should the complaint involve the investigation of a safety employee, the investigation shall be conducted in accordance with the Firefighter Procedural Bill of Rights Act, if applicable.

The District takes a proactive approach to potential policy violations and will conduct an investigation if its officers, supervisors or managers become aware that discrimination, harassment or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

An individual has the option to report discrimination, harassment or retaliation to the EEOC or the DFEH. These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employee can check the posters that are located on employer bulletin boards for office locations and telephone numbers. General information can also be found on the EEOC and DFEH websites, located at www.eeoc.gov and www.dfeh.ca.gov.

Upon notification of a complaint alleging a violation of this Policy, the Fire Chief or designee shall:

1. Review the factual information gathered through the investigation to determine whether the alleged conduct action or practice constitutes discrimination, harassment, or retaliation, giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct and the context in which the alleged incidents occurred;
2. Report a summary of the determination as to whether discrimination, harassment, or retaliation occurred, and whether/what action should be taken to remedy or redress such occurrence. Report same to appropriate individuals, including the Fire Chief, the complainant, the accused, and other personnel determined to be relevant except, however that if discipline or other appropriate sanction is imposed on a manager, supervisor or employee, the discipline or other sanction will not be communicated to the complainant. Such report will be made available to the complainant with due diligence from when the complaint was filed;

3. If conduct, action or practice in violation of this policy occurred, take and/or recommend to the appointing authority prompt and effective remedial action. Any disciplinary action or other appropriate sanction is taken will be commensurate with the severity of the offense and will comply with any applicable disciplinary procedures;
4. Take reasonable steps to protect the complainant from further discrimination, harassment, or retaliation;
5. Take reasonable steps to protect the complainant from any retaliation as a result of communicating the complaint;

CONFIDENTIALITY

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview except with his/her union or legal representative and as otherwise directed by a supervisor or the Human Resources Manager. Any individual who discusses the content of an investigatory interview except with his/her union or legal representative will be subject to discipline. The employer will not disclose a completed investigation report, except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in an adversarial proceeding, or to comply with the law or a court order.

OTHER

Romantic or sexual relationships between supervisors and subordinate employees are strongly discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcome sexual relationship may change with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

APPENDIX D

DISTRICT ANTI-BULLYING POLICY

The Aptos/La Selva Fire Protection District considers workplace bullying unacceptable and will not tolerate it under any circumstances. It is the policy of the District that all employees should be able to work in an environment free of bullying.

It is District expectation that all communication and interaction between District workers will, at all times, be professional, courteous and respectful.

Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or members of the public.

Examples of bullying include, but are not limited to, profane or disrespectful language; hostile and rude behavior and speech directed at a co-worker; derogatory or sarcastic remarks and comments about a co-worker's appearance or job performance, angry outbursts or yelling; name calling; throwing anything at or toward a co-worker; comments that undermine a co-worker's trust and confidence; and, retaliation against any person who has reported disruptive behavior.

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified to address and prevent future instances.

The District has grievance and investigation procedures to deal with workplace bullying. Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially. All employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about or participated in any investigation or administrative process related to a complaint of workplace bullying is prohibited.

Disciplinary action will be taken against anyone who bullies a co-employee or retaliates against an employee that has reported workplace bullying. Discipline may involve a warning, transfer, counseling, demotion or dismissal, depending on the circumstances.

The contact person for complaints about bullying at this workplace is the Fire Chief or Business Manager in their absence.