

# KENWOOD FIRE PROTECTION DISTRICT



## BOARD OF DIRECTORS' POLICY AND PROCEDURES MANUAL

Approved and Adopted: 12/11/2018

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# **ARTICLE 1: THE FIRE DISTRICT BOARD**

## **1.1 Fire District Governing Authority**

The Fire District was established 1945 by the Sonoma County Board of Supervisors. The Fire District is a California Special District (Independent) as a local government agency with taxation authority as established in 1945.

## **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 Director's Policy and Procedures Manual is posted on the District's 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 Board is also governed by a set of Rules of Order for conducting meetings as noted in Article 9.

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.

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, Staff, or the District's Legal Counsel.

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 Ralph M. Brown Act ("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, Form 700, Statement of Economic Interests, upon assuming or leaving office and annually with the Clerk of the Board. The Kenwood Fire Protection District is defined in accordance with the provisions of California Statutes. 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 Clerk; 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. After the initial calling of the roll, the Clerk of the Board shall ask the Board Member(s) participating by teleconference to state for the record that posting requirements have been 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 Kenwood 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 accessories. See APPENDIX B for the complete list.

### Additional Orientation

Additional post-orientation training requests should be submitted to the Fire Chief for approval. However, Board members may be invited by the Fire Chief to observe training exercises and are encouraged to participate.

### **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. **Prior approval for the expenses necessary will be made by the Board President or his/her designee in consultation with Fire Chief.** The Board Clerk 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 Clerk, 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. Request 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 of \$24.07 per meeting for all regularly scheduled Board Meetings, Special Meetings, and Committee Meetings when approved by the Board of Directors and when in response to subpoenas or legal actions.

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.

Board members are not eligible for health or dental.

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 a district "Director" official badge (flat, wallet style), Kenwood Fire District plastic laminated photo identification.
- B. Directors will be issued T shirts/jackets with district logo identifying them as Directors. Board members shall not be issued, or wear safety equipment unless required or requested to do so by the Chief.
- C. Board members may request emergency radio frequencies to be programmed into their own one-way radio (scanner) for listening to various incidents. 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. Badge, I.D., issued T shirt/jacket are to be returned to Fire District upon completion of service. (Note: Certain items may be returned to the retiring Director with the approval of the Chief and the Board President.)

- E. Care of equipment and apparel is the responsibility of the Board member. Should any of the apparel or equipment issued by the District be lost or stolen it may be the Board members' responsibility to pay for any replacements. The Board member should file a written notice with the Fire Chief if a loss occurs and discuss replacement options.

### **3.5 Board Vacancies**

Pursuant to California State Law, a vacancy on the Board shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months except as authorized by the Board of Directors or any of the following:

1. The death of the incumbent.
2. An adjudication pursuant to a quo warrantor proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident that the incumbent would not be able to perform the duties of his or her office.
3. His/her resignation.
4. His/her removal from office.
5. Place of residence outside the District.
6. A conviction of a felony or any offense involving a violation of his/her official duties.
7. Refusal or neglect to file his or her required oath or bond within the time prescribed.
8. The decision of a competent tribunal declaring voids his/her election or appointment.
9. His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but

in that event the office shall not be deemed vacant until the order of commitment has become final.

### Filling 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.

### Process for Board Appointments

The Board shall fill unexpected vacancies by appointment rather than utilize a special election. As soon as practically possible after the Board learns of the vacancy, the vacancy and application process shall be posted in three or more conspicuous places in the District and on the District's website for at least fifteen (15) days, and in compliance with state law. Applicants will be required to submit a resume, complete an application and sign a statement confirming they do not have a criminal history that would preclude them from service in the position. The Board shall set a deadline for the receipt of applications. As soon as practically possible after the application window has closed, the Board will meet in open session to interview the candidates. Board members will then be able to nominate eligible candidates and the Board will vote on the nominees until a majority is reached on one candidate. Upon selection of a candidate, the Board shall announce the vacancy has been filled and the Board Clerk will register the candidate as a Board Member with the appropriate authorities.

Any portion of this section may be modified by a vote of the majority of the Board of Directors, including but not limited to the method for filling the vacancy (special election versus appointment) or the voting procedure.

### Eligibility for Appointment

To be eligible to be appointed to a Board vacancy, the candidate must:

1. Be a resident of the District who is a registered voter in Sonoma County.
2. Not been convicted of a felony in this state or convicted of a felony under the laws of any other state, the United States, or any foreign government or country of a crime that, if committed in this state, would be a felony,

including but not limited to a felony involving accepting or giving or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes.

### **3.6 Board Elections**

When a District election is to be held for the purpose of electing members to the District Board, the elections 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 THE FIRE DISTRICT BOARD**

It shall be a policy of the Fire District Board to elect officers of the Board during the month of December.

### **4.1 Board Officers**

The Board shall hold annual elections at its January meeting for President and Vice President. The terms for President and Vice President shall commence on first day of the January meeting as elected 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 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 from two years to three years by a “super-majority” vote of the Board. Greater than 79 percent of the current Board members must approve such an extension.

### **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 Committees

The Board President or designee shall outline the duties and responsibilities of a Board member on a committee at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Appointments of Board Members to standing committees shall be made in accordance with Section 4.2. Standing Committees:

- **Emergency Preparedness** – Shall work with the jurisdictions on policy guidance and planning to ensure readiness in the event of an emergency.
- **Finance** – Shall oversee and provide direction on all matters related to the financial management including but not limited to the budget, policies, audit and expenditure reviews.
- **Human Resources** – Shall oversee and provide policy direction on matters related but not limited to personnel risk management, overall compensation and benefits, negotiations, and general welfare of departmental personnel.
- **Strategic Planning** – Shall oversee and provide policy and direction on matters related to departmental strategic planning including facilities, apparatus, real property, equipment, alliances and service area extensions, major acquisitions and operations.

#### 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.

#### Resident Representatives

Individuals who reside within District boundaries (but not employed by the District) may serve on board committees (standing or ad-hoc) as non-voting members. In addition to being District residents, in order to be eligible to serve, resident representatives must be registered to vote in Sonoma County.

Vacant resident representative positions shall be advertised in local publications at least fifteen (15) days prior to making an appointment. Candidates shall be

required to fill out a District application and submit a resume. The Board shall set a deadline for the receipt of applications. Once the application window has closed, the Board will review all applications and invite eligible applicants to attend a regular Board Meeting to answer questions from members of the Board of Directors. Selection of resident representatives will be made by nomination and a vote of the Board of Directors.

Resident representatives will serve two year terms. They serve at the pleasure of the Board of Directors and may be terminated at any time.

#### Alternate Standing Committee Members

The Board may designate an “alternate” standing committee member to attend meetings when a regularly appointed member is unable to attend. The alternate may participate fully in the meeting and vote on agenda items. However, if an alternate member attends a standing committee meeting, he or she shall not engage in any “fact-finding” with the standing committee member who is unable to attend the meeting, to determine the member’s opinions on a given action item. In addition, he or she shall not discuss committee business with any other Board Member, other than as permitted during regularly scheduled meetings of the full Board.

## **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 Kenwood 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 California 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.

### **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. Whenever possible, utilize the "Reports and Requests" Section of meeting agendas to educate Board Members about information obtained outside of scheduled meetings (either during one-on-one or while in attendance at public or other meetings) that may be relevant to the District;
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 Emergency Operations Center (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 Clerk of the Board shall maintain records of such.
  
16. Give staff and contemporaries the respect and consideration due skilled professional personnel.

### 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 may directly approach the Fire Chief or appropriate staff to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
  
- 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) Deputy Fire Chief or
- 4) 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 or the ranking officer available.

When approached by District personnel concerning specific District policy, Directors shall direct inquiries to the appropriate staff supervisor if known. The Fire Chief shall also be made aware of personnel concerns. 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.

## **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.

The policy also ensures that the District's fiscal management adheres to all related Government Accounting Standards with proper classifications applied to all Reserve Funds. Specifically, the District maintains classified Reserve funds for:

- Cash Flow Management
- Federal Emergency Management Agency (FEMA) Deployments
- Budgetary Deficit
- Public Employees Retirement System (PERS) Rate Stabilization

## **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 this policy 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, applicable to each employee. 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 comply 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 as required in the Meyers Milas-Brown Act. The District Board should not directly engage in negotiations itself but reserves the right to delegate to:

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

the responsibility of negotiating with employee groups. During contract negotiations a Board member should limit communication with the bargaining group on matters pertaining to the negotiation. 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 KENWOOD FIRE PROTECTION DISTRICT (District), a California Special District and the KENWOOD PROFESSIONAL FIREFIGHTERS, AND KENWOOD FIRE MANAGEMENT.

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 in accordance with the law. Accordingly, any collectively bargained labor agreement between the District and a recognized employee association shall be made publicly available for thirty (30) days before the meeting at which the agreement will be acted on by the Board of Directors

## **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. Provide for succession planning for management and personnel within the District, as needed, to ensure that the District's long term goals and objectives are met. The Fire Chief will provide the District Board with updates on succession planning activities as part of fiscal year end reporting. All such reports shall be made no later than the regularly scheduled Board meeting in July of each year.

### **6.3 Fire Chief Evaluation**

The Board shall establish a process for evaluating the Fire Chief and establish an ad-hoc committee to carry out the evaluation process. The evaluation process is reviewed at the regular December Board meeting for any modifications prior to beginning the actual review process.

### **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.

### **6.6 Fire Chief Reporting Process – Fire Fatalities**

Whenever a fire fatality occurs in the Fire District the Fire Chief shall conduct an investigation of the incident and prepare a written report to the Board.

## **ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS**

It is the policy of the Fire District Board that all meetings shall be conducted in accordance with California and Federal statutes and rules, including the Brown Act, 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 Kenwood Fire District Station, 9045 Sonoma Hwy, Kenwood on the second Tuesday of each month at 4:00 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 Kenwood Fire Protection District 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 Kenwood Fire Website, as well as the agenda packet, which is linked on the website.

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. A majority may meet without providing notice to the public in order to call a Special Meeting and prepare the agenda; however, only discussion of the actual agenda items may occur. Notice of a Special Meeting must be provided 24 hours in advance of the meeting to all of the legislative body members and to all media outlets who have requested notification. The notice also must be posted at least 24 hours prior to the meeting in a location freely accessible to the public. Notice is required even if the meeting is conducted in closed session. Minutes are required for Special Meetings.

### **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 special meeting provisions apply to emergency meetings, except for the 24-hour notice requirement.

### **7.5 Standing Committees**

Standing Committees may meet monthly or as necessary with regard to their respective responsibilities and/or duties. Agendas shall be noticed and published in the same manner as Regular meetings. Reports, findings, and recommendations may be forwarded to the full Board for its consideration. Meetings may include closed session as necessary.

### **7.6 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. As with all Committees, the maximum number of directors that may be on an ad hoc committee is two. No minutes are required from an ad-hoc committee.

## **7.7 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.

## **7.8 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 and/or Vice 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 Clerk of the Board;
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.

The Agenda Item request from Board members will be placed under the “Agenda Items” section of the agenda. If the Board approves the Agenda Item request, that item will be placed on the upcoming regularly scheduled Board Meeting and the requestor will work with staff to provide necessary reports and/or attachments for the Board Meeting packet.

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 Clerk of the Board 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 as a “Proposed Agenda Item”. 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 as a “Agenda Item” agenda.
3. The Agenda Item request from the public will be placed under the “Agenda Items” section of the agenda. If the Board approves the Agenda Item request, that item will be placed on the upcoming regularly scheduled Board Meeting and the requestor will provide staff to provide necessary reports and/or attachments for the Board Meeting packet.

#### 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.

## Committee Meeting Agendas

Agendas for standing Committee Meetings shall be established by items forwarded by majority vote of the Board; by recurring items from prior Committee Meetings; by designated nature of the item which would require committee action prior to Board consideration; or by items submitted by the Fire Chief in consultation with the President.

### *Directors' Communications on Agenda Items*

Directors are invited, after receiving the draft agenda for an upcoming Board meeting, to submit comments for publication regarding a particular agenda item in advance of the meeting by submitting any such comments to the Clerk of the Board prior to the time the Agenda Packet for the meeting is finalized and distributed. Comments shall be submitted via e-mail to the Clerk of the Board, and shall clearly indicate the agenda item to which the comments pertain. Questions regarding when an Agenda Packet will be finalized for a particular meeting should be directed to the Clerk of the Board. Board member comments received by the Clerk of the Board prior to the finalization and distribution of the Agenda Packet shall be published as part of the Agenda Packet under the appropriate agenda item. Comments shall not be distributed to or shared with any other Board member, except by the Clerk of the Board, as noted above, and Board members shall not discuss any published comments outside of a publicly agendized meeting. In the event the Clerk of the Board 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.

## **7.9 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

The Brown Act states that the legislative body of any local agency shall publicly report actions taken in closed session as well as the vote or abstention on that action of every member present, when the body acts to do one of the following:

1. Approve an agreement concluding real estate negotiations.
2. Grant legal counsel permission to defend litigation.
3. Grant legal counsel permission regarding settlement of litigation.
4. Act to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee.
5. Act to approve an agreement concluding labor negotiations.
6. Make a decision regarding a pension fund investment transaction.

## **7.10 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.

## **7.11 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 by including the following phrase as a preamble to the public comment section: “A fundamental element of democracy is the right of citizens to address their elected representatives, therefore...”

There are three opportunities for public comment:

*Public Comment #1* - Under “Public Comment #1”, 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.

*Public Comment #2* - Under Public Comment #2, the public may address the Board if they were unable to do so during Public Comment #1. The same caveats apply.

## **7.12 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 Kenwood Fire Website.

### **8.2 Board Clerk**

The Board Clerk performs various administrative and managerial duties such as, preparation of the Board agenda, 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 Clerk 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 Clerk manages the proper maintenance and disposition of District records and information according to the Retention Schedule and helps to preserve District history.

### **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 Clerk of the Board of Directors 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 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. Adoption of the annual budget;
12. Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month;
13. A record of all important correspondence;
14. A record of the Fire Chief's report to the Board;
15. Approval of all policies and Board-adopted regulations; and
16. 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. This policy is included here for information purposes and should be familiar to Board members.

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.

Complete copies of these policies can be found in APPENDIX A.

### Use of E-mail

Each member of the District's Board of Directors will be provided with an e-mail account on the District's server. The District's website provides the public with a link to these e-mail accounts and the business cards of each Board member includes the District e-mail account/address. Members of the Board of Directors should use only their District e-mail accounts for all District business and should not use their personal or business e-mail accounts for this purpose.

The District will retain all incoming and outgoing e-mail messages from the Board of Directors e-mail accounts on the District's server for two years. These e-mail messages are public records and are subject to disclosure through the provisions of the Public Records Act, with rare exception.

## **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. . . "

Should any member choose to express the reasons for his or her dissenting vote for the record, then any board member voting in favor of the action shall also have the opportunity to state his or her reasoning and have the reason entered in the minutes.

### **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
- F. Substitute
- G. Reconsider
- H. Amend
- I. 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 Clerk 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 Clerk of the Board  
Motion to introduce.

a) Moved by:

b) Seconded:

c) Carried by:

C. 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 - ELECTRONIC COMMUNICATION POLICY AND INFORMATION SECURITY PROCEDURES**

## **Electronic Communication Policy**

### **Section 1 – Purpose**

The purpose of this policy is to ensure the proper use of Kenwood Fire District (referred to as “District”) technology. The District’s Electronic Communication Policy allows the District to protect data and confidential information. This policy is applicable to all Users of the District’s electronic communications systems. The District’s e-mail system is the exclusive property of the District and is provided to Users for creating and transmitting District business-related information.

Violations of this policy can result in immediate revocation of the User’s access to the District’s network.

### **Section 2 – Definitions**

1. User – Board Members
2. Computer Equipment and Related Tools - includes but not limited to equipment such as desktop personal computers, laptops, servers, printers, scanners, modems, PDAs, storage devices, Internet access, e-mail, and the software that makes each tool functional.
3. Communication Equipment and Related Tools – includes but not limited to equipment such as telephones, cellular phones, voice-mail, and fax machines.

### **DISCLAIMER**

The District cannot completely protect individuals against the existence or receipt of material that may be offensive to them. As such, those who make use of electronic resources and communications are warned that they may come across or be recipients of material they find offensive. Creating, discussing, forwarding or printing offensive e-mail or internet materials, however, can constitute a violation of this and other District policies.

### Section 3 – Policy Specifics

A. Personal use – Personal use of telephones, computer equipment, Internet access and e-mail during working hours is discouraged. If personal use is made of District equipment, Users should not expect the data to be protected from review, preservation or deletion. Accordingly, Users should not use the District’s systems to create or transmit information they wish to keep private.

The District shall be reimbursed for any charges generated as a result of personal use of the District’s equipment.

B. Protocols for Electronic Communications. E-mail by nature represents and reflects upon the District’s public image and integrity. Users should ensure their messages are respectful, professional, and consistent with District policies.

1) Forwarding business-related e-mails from District e-mail accounts to a personal e-mail account is discouraged.

***2) Personal e-mail accounts should not be used to conduct District business.***

C. Public Records Act. District records, whether paper or electronic, are governed by public disclosure requirements of the Public Records Act. Disclosure may be required regardless of who sends or receives a communication or document. In the event the District receives a public records request that includes e-mail, Users responsible for the requested records must use their best efforts to preserve e-mail covered by the request until it is determined whether the e-mail must be disclosed. District Counsel and the Clerk of the Board must be contacted concerning any request for disclosure of District records applicable to e-mail or other electronic records of any User subject to this policy.

1) The 2017 *City of San Jose v. Superior Court* California Supreme Court case deals with the California Public Records Act implications of public employee and public official’s use of private accounts and devices. **The case holds that communications found on personal devices and in private accounts can qualify as public records if their contents “relate in some substantive way” to the conduct of public business.**

2) It may be difficult to draw the line between public records and private communications. The Court suggested several factors that may be used in such determinations: (1) the content of the communication; (2) the context or purpose for the communication; (3) the person to whom the communication was directed; and (4) whether the communication was prepared or received by an individual within the scope of his or her agency duties.

3) In order to comply with the Public Records Act, the District does not need to have direct access to the private device or account. It can leave it to “properly trained” public officials and employees to search their own records.

D. Retention of mails. E-mail is intended as a temporary medium of transmission of communication and should not be used for permanent storage of records.

1) E-mail is to be read on a regular basis and promptly deleted by both sender and recipient, unless 1) a law or directive expressly requires such communication to be kept; or 2) preservation of such communication is necessary or convenient to the discharge of the User’s duties, and the information is being retained for the purpose of preserving its informational content for future District use or reference

2) While records existing on a private device or in a private account at the time a public records request is received must be disclosed, Users do not need to retain most communications found on private devices or in private accounts. The records subject to retention policies are only those “made or retained for the purpose of preserving its informational content for future reference.” (64 Ops. Cal. Atty. Gen. 317 (1981).) For individual correspondence, Users can make the determination of whether particular correspondence needs to be retained for future reference or not. In other words, Users may delete e-mails and text messages so long as you do not believe they are necessary to preserve for future reference.

3) If a User determines the information received by e-mail needs to be retained, the information should be printed as a hard copy and then deleted or transferred to an electronic file located on the District's network specifically designated for this purpose. Routine backup of the District's e-

mail system is for disaster recovery only, which does not allow individual e-mails to be restored.

E. Unauthorized purposes -- District equipment shall not be used for any commercial promotional purpose, to conduct personal business affairs, or to communicate any material of a political, religious, obscene or derogatory nature that would conflict with the District's personnel policies.

F. Authorized Hardware and Software Configurations -- Computer hardware and software will be installed, configured and supported by the District. Hardware and software is allowed to be installed on District computers only if it is purchased and licensed by the District.

G. Data Backup -- Files stored on the District's computer networks shall be backed up periodically according to the District's network backup policies. Users shall utilize network resources to store their data files to the fullest extent possible to protect the District's data resources. Users are responsible for ensuring that critical data is always stored on network servers. No data should be stored on desktop computer hard drives, except during network outage problems. District data should be copied back to network servers as soon as possible and deleted from desktop computer hard drives, laptops, or District-provided storage devices.

H. Security -- The District's Information Security Procedures are listed in Attachment A and are included as part of this Policy to which all Users are expected to adhere.

Computers shall not be left unattended in a state that affords inappropriate access to records of the District or otherwise compromises security. (e.g., lock workstation or logoff). At any time a User's access to computer, communication equipment and network resources may be limited due to necessary security policies to protect the District's network. The District employs monitoring software and will, at District's discretion, prevent unauthorized use. Security of District electronic information systems and data on those systems, including data posted or downloaded by Users, is a District priority. Users must help the District protect its systems and materials stored on those systems by immediately notifying the District about security problems, including: vandalism; unauthorized access or use; the downloading, uploading, or creation of computer viruses; and theft or misuse of District hardware or software or of materials and data created by Users.

I. Internet -- All Internet Users are expected to be responsible "cybercitizens," which means knowing the tools, rules and etiquette and behaving accordingly. Violations of this policy will result in removal of Internet privileges.

- Material posted to Internet newsgroups or bulletin boards should not reflect negatively on the District, its employees or violate any trust or copyright laws.
- Internet access is to be used only for District business during working hours. Personal use is to be limited in accordance with Section 3-A. The District may restrict access to authorized Users.
- Users are reminded all other District employment policies (e.g., workplace harassment, discrimination and retaliation policies) can affect Internet use. The District does use software tools to restrict access to sites and e-mails deemed inappropriate for the workplace. The District also utilizes tools to track Internet usage.

J. Shared Resources - Users may not encroach on others use of computer resources. Such encroachment would include, but is not limited to, tying up computer and network resources for illegally or legally downloading or sharing music, movies, software or other files, or other non-District related applications; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, spam, and other types of broadcast messages, either locally or over the Internet; using excessive amounts of storage; launching attacks or probes, or otherwise attempting to subvert the security of any system or network at the District or on the Internet; intentionally or irresponsibly introducing any computer viruses, worms, Trojan Horses, spy ware, or other rogue programs to hardware, software, systems or networks at the District or on the Internet; or physically damaging systems.

K. Confidentiality - California law requires that certain information be treated as confidential and not be distributed to others inside or outside the District who do not have authorization to view such information. Users may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation or potential litigation, attorney-client communication, information related to labor negotiations, or information related to confidential real estate negotiations. When Users send confidential information, it should be marked 'Confidential Information' so recipients are alerted to the nature of the information.

Confidential information should not be sent or forwarded to Users, individuals or entities not authorized to receive and view that information.

Users shall exercise caution in sending confidential information by e-mail as compared to written memoranda, letters or phone calls because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or retransmission of others.

The District Counsel should be contacted concerning any questions about whether a communication is confidential.

L. No Expectation of Privacy for Computer and Communication Equipment

The tools provided by the District in accordance with this policy remain the property of the District and are to be used for business communications. Accordingly, the District retains the right to review Users' usage of such equipment. Users shall have no expectation of privacy for voice, electronic mail (e-mail) communications and all other uses of computer and communication equipment. Examples of when the District might need to review Users' messages, sent or received, include but are not limited to:

- Attempting to retrieve lost messages;
- Recovering from system failures or monitoring system performance;
- Complying with various internal and external investigations such as grievances, workplace harassment claims, or suspected criminal acts;
- Ensuring that District systems are being used for business purposes and policies.

**Section 4 - Compliance with this Policy**

It is the responsibility of all Users to insure that they are in compliance with this Policy.

A. Privacy

Users shall have no expectation of privacy when sending, storing, posting, creating, or receiving information on District electronic information systems. Information created or stored on a District system is backed up on other parts of the system. The District cannot and will not guarantee Users that others will not

deliberately or inadvertently view information created or stored on District systems. Materials and data stored on District electronic information systems are the property of the District and shall be stored with no expectation that the materials or data are personal or private.

Users should not make information about themselves or others available on the Internet. The District cannot protect Users from invasions of privacy, identity theft and other possible dangers that could result from distribution of personal information.

## B. Misuse

The use of the District's computers and electronic information systems is a privilege, not a right, and misuse of those systems or of District workspace may result in a withdrawal of that privilege.

Examples of misuse include, but are not limited to:

- 1) Using District electronic information systems for purposes unrelated to District business;
- 2) Soliciting, sending, posting, publishing, storing or accessing harmful matter or material that is threatening, obscene, pornographic, sexually explicit, or disruptive, or that could be construed as harassment or disparagement of others on the basis of race, national origin, sex, sexual orientation, age, religion, disability, marital status or veteran status;
- 2) Using, promoting or authorizing commercial activities on behalf of for-profit or not-for-profit institutions, without District authorization;
- 3) Advertising products;
- 4) Urging the support or defeat of any ballot measure or candidate;
- 6) Reading, copying, completing, modifying, destroying, forging or deleting another User's material or mail on the electronic information systems, without the User's permission;
- 7) Transmitting any material in violation of any federal or state laws, including but not limited to copyrighted material;

- 8) Using, downloading, or disseminating copyrighted material on District information systems without the copyright holder's permission, or without giving copyright credit if use is for academic purposes;
- 9) Creating, downloading, or uploading computer viruses;
- 10) Encouraging the use of drugs, alcohol, tobacco, or promoting any activity prohibited by District policy or by law;
- 11) Attempting to harm or vandalize any part of the District's electronic information systems or its computers; and
- 12) Engaging in any conduct that would constitute a crime or violate California Penal Code Section 502, including knowingly and without permission accessing or damaging any computer system, network, or program or any User's data, accounts or access.

### C. Consequences of Misuse

Violations of this Policy may, at the District's sole discretion, result in:

- Loss of the User's privilege to use District electronic information systems and/or computers;
- Disciplinary action, up to and including termination;
- Referral to police authorities if the conduct may constitute a crime.

### Section 5 - Review Cycle

This policy will be periodically reviewed and updated as appropriate.

At no time may a User attach to the District's internal network using their personal devices including mobile devices, tablets, and laptop computers.

As used in this section, attaching to the District's Internal Network means gaining access to internal resources such as software, databases, shared folders and files with the ability to see and communicate with all other district computers and

devices. This does not include connecting to the District's wifi network, which is permitted.

Any User who wishes to attach a consultant, vendor or contractor worker's personal computer equipment (including laptops) will agree to follow all the policies set forth in the District's Information Technology Use Policy when attaching computer equipment to the District's network at any District facility.

In addition, all personal devices shall be inspected by IT staff prior to use on the District's network to determine that an appropriate level of virus protection software and operating system security updates have been installed. Previously inspected systems need to be re-inspected if it has exceeded one month or longer since the last inspection.

District staff will inform non-District employees of the inspection requirements and, when possible, provide advance notice to IT through e-mail to schedule the inspection.

The District will attempt to maintain the privacy of the User's equipment, but once attached to the District's network, the District retains the right to inspect the computer equipment in accordance with the Information Technology Equipment Use Policy.

## **APPENDIX B - ADDITIONAL ORIENTATION AND ACCESSORIES**

- Tour of the District facilities
- Roster and Phone Lists
- Shift Calendar
- Shift Rosters
- District Map
- Ethics Training Materials
- District Harassment Policy Acknowledgement
- District Information Security Acknowledgement
- Laminated plastic photo identification

## APPENDIX C - BOARD STANDING CALENDAR GUIDELINE

### Annual/Semi Annual Board Agenda Items

<u>Month</u>	<u>Item</u>
January	Annual report of calls
January	FAIRA Insurance renewal
January	Recognize the Outgoing President
January	Nomination and Election of President and Vice President
February	Transfer of Funds General Budget to Capital
March	Statements of Economic Interest Due
March	Assuming Office and Leaving Office Reports Due
April	Adopt Benefit Assessment Rate
April	Review Salary Schedule
May	Adopt Preliminary Budget
May	Board Policy Manual Review
June	Renew expiring MOU Contracts
June	Investment Policy
July	
August	
September	Adopt Final Budget
September	Chief's Mid-Year Evaluation
October	Review PERS Health Resolution
November	
December	

## **APPENDIX D - 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 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 a 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.

4. 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 unreasonably 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.

D. 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).

## VI. 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 District regarding this policy and the complaint procedure;

8. Assisting in the investigation of complaints involving employees, and if the complaint is substantiated, recommending appropriate change in practice,
9. 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 Chief;
12. Participate in periodic training and scheduling employees for training.  
All employees, elected 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 Chief
  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, and the Chief.

## VII. 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 Chief upon hire, when District trainings are provided on this topic and when the policy is updated.

## VIII. 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:

- A. 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. Deputy Chief; and/or
  - 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:

Accurately and fully complete a Complaint Control Form.

Collect and preserve any physical evidence that is readily available or may be time or weather sensitive.

Obtain a preliminary statement from the complainant and any immediately available witnesses.

Provide notice of the receipt of a complaint to the Chief or manager on duty. In providing notice, the supervisor shall forward the Complaint Control Form to the

Chief via manager on duty and shall immediately advise the Deputy Chief or Fire Chief should the complaint involve serious misconduct of a criminal nature.

Provide a copy of the Complaint Control Form to the complainant if the complaint is made in person.

#### COMPLAINT INVESTIGATION:

The Chief will be responsible for the assignment of the complaint for investigation. The 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 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 Sonoma County Sheriff 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 Chief through the on-duty 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.

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](http://www.eeoc.gov) and [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

X. 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.

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.

4. 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.
5. Take reasonable steps to protect the complainant from further discrimination, harassment, or retaliation.
6. Take reasonable steps to protect the complainant from any retaliation as a result of communicating the complaint.

## XI. 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 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 E - LABOR RELATIONS COMMUNICATIONS POLICY**

### **PURPOSE**

The purpose of this policy is to set guidelines for the Board of Directors and District staff, in the interest of promoting fairness and integrity in the process, to avoid actions that would circumvent the District's designated bargaining terms to ensure that labor negotiations are conducted in good faith.

### **STATEMENT OF POLICY**

It is the policy of the Board of Directors that all of its members and District staff shall abide by the following guiding principles during any period when labor negotiations are occurring between the District and any District bargaining group.

1. All labor negotiations will be conducted by designated representatives at the bargaining table. All District representatives operate upon the direction of the Board of Directors.
2. No individual Board member will individually negotiate with any bargaining group member.
3. District representatives commit to keeping the Board full informed and advising them of all substantive proposals.
4. Each Board Member shall inform the Fire Chief at their earliest convenience and disclose in the next closed session the general substance of any communications he or she has had with any District bargaining group member(s) that has any reference to any labor negotiations with the District.
5. Consistent with Government Code section 54963, confidentiality of closed session discussions will be maintained.