

LAKE COUNTY FIRE PROTECTION DISTRICT



BOARD OF DIRECTORS POLICY AND PROCEDURES MANUAL

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ARTICLE 1: THE FIRE DISTRICT BOARD

1.1 Fire District Governing Authority

The Lakeshore Fire protection District was established in 1942 and the Lower Lake Fire Protection District was established in 1949. The two Districts consolidated July 1, 2001 to form the Lake County Fire Protection District.

1.2 Policy Adopting Governing By Policy

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

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

In addition, these policies are intended to:

- Reflect the Board's commitment to order, consistency, responsiveness and transparency in its actions
- Make clear and readily available to the residents of the District all relevant information about the operations of the Board.
- In keeping with these principles a current copy of the Board of Directors' Policy and Procedures Manual is posted on the District'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.

In its deliberations leading to the establishment or amendment of Board Policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out the legally mandated tasks and general policies in the interest of the public good. The District recognizes that all Board policies shall remain flexible and be subject to review and change. Such review shall take place as necessary and at least annually at a regularly scheduled Fire District Board meeting in May and shall appear as an agenda item.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person. In order to provide consistency, stability and integrity to Board Policies, changes in policies, except in the case of emergency, shall be executed in a precise manner without undue haste.

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

The assembled policies of the Fire District Board of Directors, known collectively as the Board Policy and Procedures Manual, shall be the reference instrument for conducting the business of the Fire District Board. Appendices to the Policy and Procedures Manual that are not in themselves policies such as ad-hoc committee assignments, board calendar, issuances, 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 or District employees.

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.

Directors are expected to be familiar with the rules of the Brown Act regarding open meetings, required notice therefore, and the requirements for entering into closed session. All Directors should be aware of any issue of self-dealing and should abstain from voting on any issues in which the Director 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, as required by California State Law. The Fire District includes geographical areas lying in Lower Lake and certain unincorporated areas of Lake County. The Fire District Board, by policy, shall carry out its responsibilities and the will of the people of the District in keeping with State and Federal constitutions, statutes, and rules, interpretations of the courts, and all the powers and responsibilities they provide.

2.3 Attendance at Meetings

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

2.4 Attendance at Ad-Hoc Committee Meetings

Directors assigned to ad-hoc committees may teleconference in accordance to Brown Act, if appropriate. Directors NOT assigned to a specific ad-hoc 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 ad-hoc committee meetings, as this would be in violation of the Brown Act. While in attendance at such ad-hoc committee meetings as members of the public, the Director may NOT attend the closed sessions of such ad-hoc committees.

ARTICLE 3: MEMBERSHIP OF THE FIRE DISTRICT BOARD

3.1 Board Membership

The Board of Directors of Lake County Fire Protection District shall consist of seven (7) 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 Director. The election of the Directors shall be conducted as provided by California Law. Appointed and elected Directors shall have a live scan background.

3.2 Board Orientation

- ***Board Candidate Orientation***

The Fire Chief and the Board Chairperson (or designee should the current Board Chairperson 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 and the Board Chairperson (or designee) shall be responsible for the appropriate orientation and training of new Directors prior to taking their seat on the Board.

The orientation and training session for new Directors 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 (Appendix B)
5. Other matters concerning Conflict of Interest
6. The current Fire District budget
7. Board Resolutions
8. District Ordinances
9. Any other important issues

After taking office, the new Director will be provided with additional orientation and issued certain items. See Appendix C for the complete list.

3.3 Training, Education and Conferences

Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Directors 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 of Directors. 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. The Board Chairperson or his/her designee in consultation with Fire Chief may make approval for the expenses necessary. The Clerk of the Board 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 shall be submitted to the Clerk of the Board, together with validated receipts. Expenses to the District for Director 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

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

3.4 Director Compensation and Reimbursement

The Fire District shall reimburse Directors at the rate of \$1.00 per meeting for all regularly meetings in which the Director actually attended.

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

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

3.5 Director Apparel and Equipment

The District shall provide a district the following to each Director upon assuming office:

- Director badge (flat, wallet style)
- District photo ID card
- A name plate with their name and position of "Director" below it. The name plate will be 3/4" gold colored with black letters

Directors may purchase uniform shirts and jackets as described in the Uniform Policy for non-sworn, non-safety personnel. All items must be labeled with the title "Director" or the name plate must be used on the clothing.

All of the above items should be displayed only while conducting official District business. Directors shall not be issued nor wear safety equipment unless required or requested to do so by the Fire Chief.

Directors may request emergency radio frequencies to be programmed into their own one-way radio (scanner) for listening to various incidents. Directors 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, Directors shall not use two-way communications devices on emergency frequencies or channels without proper license, training and authorization from the Fire Chief.

All District issued apparel and equipment are to be returned to Fire District upon vacating office. Note: certain items may be returned to a retiring Director with the approval of the Chief and the Board Chairperson.

Care of all apparel and equipment is the responsibility of the Director. Should any apparel or equipment issued by the District be lost or stolen it may be the Director's responsibility to pay for any replacements. The Director should file a written notice as

soon as possible with the Fire Chief if a loss occurs and discuss the replacement options.

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

Filling vacancies in the office of Director shall be in accordance with California Law. Within 60 days of the vacancy, the Board must fill the vacancy by appointment or by special election. If not, then within 90 days of the vacancy, the City of Clearlake may fill the vacancy by appointment or order the District to call an election.

3.7 Board Elections

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

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

The County of Lake Registrar of Voters, 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

4.1 Board Officers

The Board shall hold annual elections at its December meeting for Chairperson and Vice-Chairperson. The terms for Chairperson and Vice Chairperson shall commence on first day of January and end on the thirty-first day of December. The Chairperson and Vice-Chairperson shall be elected for a one-year term with no officer serving more than two consecutive terms in any one position. The Vice-Chairperson shall become Chairperson upon the death, incapacitation, resignation, or removal of the Chairperson. In the case that the Vice-Chairperson succeeds to the presidency, the Board shall elect a new Vice-Chairperson 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 “supermajority” (65% or 5/7 vote) of the Board.

4.2 Chairperson Duties

The Chairperson 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 Chairperson-elect, with the approval of the Board, shall designate, no later than the January regular meeting, Directors who will serve as liaison positions for the upcoming year. The Chairperson may change liaison with the approval of the Board.

4.3 Vice-Chairperson Duties

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

4.4 Board Ad-Hoc Committees and Liaisons

The Board Chairperson or designee shall outline the duties and responsibilities of a Director on an ad-hoc committee at the time of appointment. Only two Directors shall serve on 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.

The Fire District Board shall appoint the following Director liaisons:

- Township of Lower Lake
- City of Clearlake

The Board will establish other liaisons as appropriate.

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 operational, administrative, personnel and executive functions to the Fire Chief.

5.2 Code of Ethics and Harassment

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

Pursuant to AB 1825, passed by the legislature on August 17, 2007, sexual harassment training for local officials is required 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.

5.3 Board Directors Meeting Participation

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

5.4 Board Directors Decorum

It is understood that Directors will not always agree. Directors have the right to maintain and express differing viewpoints, styles, opinions and values. Nonetheless, Directors 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 Directors of the Board, the following rules shall be observed:

- The dignity, style, values and opinions of each Director shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- The needs of the District's constituents should be the priority of the Board of Directors.

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not create barriers to the implementation of said action.

5.5 Board Directors Responsibility to Constituents

Directors, 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 Directors Action and Service

Directors' 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 Directors Conduct and Responsibilities

Conduct

The Fire District Directors shall observe the following code of conduct designed to guide their actions in carrying out their responsibilities. A Fire District Board Director should strive to understand that his/her basic function is policy and not administration or operations. Therefore, Directors will:

1. Refuse to make commitments on any matter which should come before the Board as a whole.
2. Refuse to participate in secret meetings or other irregular meetings, which are not official and which all members do not have the opportunity to attend
3. Recognize that he/she has no legal status to act for the Board outside of official meetings.

4. Respect the rights of Fire District constituents to be heard at official meetings within established parameters and guidelines for public testimony.
5. Make decisions only after available facts bearing on a question have been presented and discussed.
6. Accept the principle of "majority rule" in Board decisions.
7. Recognize that the Fire Chief has full administrative and operational 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. Not distract or engage personnel in any way during any training or live incidents in which the Director's presence has been requested by the Fire Chief.
14. Not speak for or give operational orders to the Fire Chief, command staff, or any operational staff during live incidents in which the Director's presence has been requested by the Fire Chief.
15. Not engage in behaviors of harassment, discrimination or retaliation towards other Directors, the Fire Chief, command staff, or any other personnel of the District. The District has policy and procedures governing harassment, discrimination and retaliation in the workplace (See Appendix H). 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.
16. Give staff and contemporaries the respect and consideration due to 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 according to the following hierarchy:
 1. Fire Chief
 2. Battalion Chief
 3. Duty Chief
 4. Fire Captain

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 Clerk of the Board. 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. A Joint Labor Management Committee (JLMC) may be established to facilitate the resolution of issues and improve communication between Management and Labor.

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 Directors selectively.

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

5.8 Board Director Discipline

The Board reserves the right to censure, criticize, disapprove or condemn actions taken by individual Directors if their actions exceed the grounds of authority conferred upon Directors 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 Director for his/her conduct and that does not require a process hearing beforehand.

5.9 Board and District Public Communication

The Fire Chief, or designee, is the spokesperson for the District when dealing with the media. In the course of normal events, Directors 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 Chairperson or his/her designee.

Internal District information should not be distributed to the media without the permission of the Fire Chief. However, Directors, as elected officials, have all of the rights and privileges of any private citizen to speak with the media. If a Director 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 Director and not as a spokesperson for the Board. In order to speak for the Board, any individual Director must be authorized by the Board. When speaking to the media on matters not related to the Fire District, any Director should clearly state that he/she is speaking as a private citizen and not as a Director.

5.10 Board Philosophy for Fire District Reserves

The Fire District's Reserve Policy has been developed for the General Fund to maintain an unreserved, undesignated fund balance that is at least 20% of anticipated Operating expenditures. Its purpose is to maintain the District's credit worthiness, and adequately provide for:

- Cash Flow Requirements
- Contingencies for unforeseen or operating or capital needs
- Economic uncertainties, local disasters or catastrophic events and other financial hardships or downturns in local, state or national economy

5.11 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. The Board may observe its Labor Relations Policy and Plan.

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

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

Principle No. 7 – Economic Climate: The District may consider the overall economic climate and condition affecting the District and its constituents when setting compensation levels, including regional economic indicators such as the rate of

unemployment, inflation, current and projected revenues, and the District's anticipated ability to pay in the long term.

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

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

5.12 Collective Bargaining Agreement

It is the policy of the District Board to engage in discussions for the purpose of reaching agreements with recognized employee groups (Represented Safety, Unrepresented Miscellaneous, Unrepresented Safety, Unrepresented Confidential and Chief Officers), as required in the Meyers Milas-Brown Act. The Board Chairperson shall appoint an ad-hoc committee with the responsibility of negotiating with employee groups. During contract negotiations a Director should limit communication with the bargaining group and the Fire Chief on matters pertaining to the negotiation. Ad-hoc committee members shall negotiate directly with represented labor groups; however, committee members 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 LAKE COUNTY FIRE PROTECTION DISTRICT (District), a California Special District and each individual represented and unrepresented employee group, pursuant to Government Code 3500, et seq.

The MOU's, 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.

5.13 Sunshine Policy

It is Board Policy to be open and transparent as allowed by law. To that end, the Board has adopted "sunshine" clauses and procedures where appropriate. Any proposed collective bargained labor agreement between the District and designated District employee representatives, shall be made publicly available at least fifteen (15) calendar days before the meeting at which the agreement will be acted on by the Board.

ARTICLE 6: DELEGATION OF BOARD AUTHORITY

6.1 Board Approval of the Fire Chief Position

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.

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 Chairperson for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required.
2. Bringing to the attention of the Board matters requiring its consideration.
3. Reporting periodically to the Board on the progress of the programs in the District.
4. Addressing personnel, financial and capital improvement matters under the direction of the Board.
5. Reporting to the Board, appointments, demotions, transfers and dismissals in accordance with the policies of the Board as applicable.
6. Represent the Fire Board as the Director of Personnel for the District.
7. Provide for succession planning for management and personnel within the District. As such, a yearly review of the District's Succession Plan shall take place at a board meeting in February 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 (see Appendix E). 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. This shall include the authority to enter into contracts and make purchases necessary for the operation of the District, provided said contracts and purchase are below the Capital Asset threshold.

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: FIRE DISTRICT BOARD MEETINGS

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

7.1 Meeting Location

Regular meetings of the Fire District Board shall be held at the Lake County Fire Protection District, 14815 Olympic Drive, Clearlake, CA on the fourth Wednesday of each month at 16:00 hours unless by specific action of the Board a different meeting place or time is selected.

The Chairperson 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 Lake County

Fire Protection District Administration Office and are open to the public, except as provided for Closed Sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making request in writing, and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act, an additional posting of the agenda to the Lake County Fire Website. A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

It shall be the policy of the Fire District Board to recognize itself as a policymaking 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 Chairperson 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 Ad-Hoc Committees

Ad-hoc committees shall meet as necessary in accordance with their specific mission and purpose. An Ad-hoc committee 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. The maximum number of Directors that may be on an ad hoc committee is two. No minutes are required from an ad-hoc committee.

7.6 Study Sessions

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

7.7 Agendas

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

Agenda Item Requests – Board Members

As stated in Policy 4.2, the Fire Chief in collaboration with the Board Chairperson shall prepare an agenda for each regular, committee and special meeting of the Board of Directors. Any Director 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 Chairperson 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.

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 Chairperson 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. 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 Chairperson, upon consultation with the Fire Chief, will determine whether the public request is a "matter directly related to the District Business" and if so, it may be placed on the Board's next scheduled meeting agenda.

Consent Agenda

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

7.8 Closed Sessions

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

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

7.9 Quorum

A quorum is the minimum number of Directors of a deliberative body necessary to conduct the business of the Fire District Board. Four Directors of the seven-Director Board must be physically present within the District to conduct Fire District business.

7.10 Public Comments

Public comment is encouraged at all Board meetings. Any person requesting to speak is advised to fill out a speaker request card, but is not required to do so. Public comment is limited to three minutes per speaker, which may be waived or modified by the Board Chairperson. 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.

7.11 Presiding Board Meeting

The Board Chairperson shall normally preside at meetings of the Board. In the absence of the Board Chairperson, the Board Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the first order of business at the Board meeting shall be the appointment of a presiding Director to chair the meeting by the Directors who are present.

ARTICLE 8: MEETING MINUTES AND 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 Lake County Fire website.

8.2 Clerk of the Board

The Clerk of the Board 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 Clerk of the Board 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 Clerk of the Board 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. A written request for records must be submitted, reasonably describing the requested records. When access to District records is granted, a staff member designated by the Fire Chief will make examination in the presence of the record custodian regularly responsible for maintenance of the files. 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 of the Board, but minutes shall not be taken of ad-hoc committees, 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 of the Board shall be kept in a secured office with easy access for the public review during normal business hours.

Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous.

All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each calendar year.

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

1. Date, place and type of each meeting;
2. Directors present and absent by name;

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

8.5 Board Electronic Communications Policy

The District has established an Electronic Communication Policy and an Information Security Procedures to which users are expected to adhere (See Appendix A). 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.

Use of E-mail

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

9.1 Points of Order

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

9.2 Decorum and Order – Board Directors

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

1. A Director 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.
2. A Director, once recognized, shall not be interrupted while speaking unless called to order by the Chairperson, unless a Point of Order is raised by another Director, or unless the speaker chooses to yield to questions from another Director.
3. Any Director 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/she shall be permitted to proceed. If ruled to be not in order, he/she shall

remain silent or shall alter his/her remarks so as to comply with rules of the Board.

4. 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.
5. Any Director 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 Directors are subject to all provisions of California law relative to conflicts of interest and to conflict of interest codes adopted by the Board. Any Director 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 Director normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No Director shall speak for a longer time than five (5) minutes each time he/she has the floor, without the approval of a majority vote of the Board.

9.6 Dissents, Protests, and Comments

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

9.7 Rulings of Chairperson Final Unless Overruled

In presiding over meetings, the Board Chairperson, Vice Chairperson or temporary Chairperson 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 Directors 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 Chairperson 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 Chairperson 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 Chairperson shall, upon request of a member, divide the same.

9.13 Precedence of Motions

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

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

A. Motion to Adjourn – Not debatable

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

1. When repeated without intervening business or discussion
2. When made as an interruption of a Member
3. When discussion has been ended and vote on motion is pending
4. 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 Director 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 Director 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 Chairperson voting last. The Clerk of the Board shall call the names of all members seated when a roll call vote is ordered or required. Directors shall respond `aye' or `no' or `abstain.' Any Director 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: RESOLUTIONS

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 Clerk of the Board shall prepare the form of the resolution for presentation at the next meeting.

ARTICLE 11: ORDINANCES

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. Introduction/first reading of the ordinance. A motion to waive reading the entire ordinance and read by title and number only, must be carried by a majority.

A reading by title by the Clerk of the Board motion to introduce.

- a) Moved by:
- b) Seconded:
- c) Carried by:

- C. Adoption/second reading of the ordinance must occur at least five (5) days after first reading.

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 either in person or via teleconference for Regular Fire Board Meetings when legal advice, contract consultation and/or Closed Session interactions deem it necessary by the Board Chairperson or the Fire Chief.

In keeping with District Policy and fiscal responsibility, all legal counsel contact shall have prior approval by the Board Chairperson 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 Lake County 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, voicemail, 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

1. 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.

2. 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.
 - a) Forwarding business-related e-mails from District e-mail accounts to a personal e-mail account is discouraged. E-mail forwarded to a personal account may open up that personal account to a Public Records Act request.
 - b) Personal e-mail accounts should not be used to conduct District business.

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

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.

3. 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.
4. 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.
5. 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.

6. 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.

7. 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.
 - a) Material posted to Internet newsgroups or bulletin boards should not reflect negatively on the District, its employees or violate any trust or copyright laws.
 - b) 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.
 - c) 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.
8. 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.

9. 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.
10. 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.

11. 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:

- a) Attempting to retrieve lost messages;
- b) Recovering from system failures or monitoring system performance;

- c) Complying with various internal and external investigations such as grievances, workplace harassment claims, or suspected criminal acts;
- d) 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.

1. 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.

2. 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:

- a) Using District electronic information systems for purposes unrelated to District business;
- b) 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;
- c) Using, promoting or authorizing commercial activities on behalf of for profit or not-for-profit institutions, without District authorization;
- d) Advertising products;
- e) Urging the support or defeat of any ballot measure or candidate;

- f) Reading, copying, completing, modifying, destroying, forging or deleting another User's material or mail on the electronic information systems, without the User's permission;
- g) Transmitting any material in violation of any federal or state laws, including but not limited to copyrighted material;
- h) 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;
- i) Creating, downloading, or uploading computer viruses;
- j) Encouraging the use of drugs, alcohol, tobacco, or promoting any activity prohibited by District policy or by law;
- k) Attempting to harm or vandalize any part of the District's electronic information systems or its computers; and
- l) 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.

3. Consequences of Misuse

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

- a) Loss of the User's privilege to use District electronic information systems and/or computers;
- b) Disciplinary action, up to and including termination;
- c) 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.

Information Security Procedures

Section 1 – Purpose

The District shall establish information security procedures to which Users are expected to adhere. These procedures are applicable to all Users.

The District reserves the right to change the policies and procedures set forth in this policy at any time.

Section 2 – Definitions

1. User - Board members

Section 3 – Policy Specifics

1. Passwords

Passwords are an important aspect of computer security. They are the frontline of protection for User accounts. Passwords are used for various purposes at the District. Some of the more common uses include: network accounts, web accounts, e-mail accounts, screen saver protection, division specific applications and voicemail access.

A poorly chosen password may result in the compromise of the District's network. As such, all Users are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

The District requires the following:

Network

Length:	6
Complexity:	letters and numbers
Remember last password:	2 previous passwords
Require Password Change:	180 days

No User may share any of their User id or passwords with any other District employees or non-district employees. This includes logging a person in and allowing that person to perform work under a User id and password that does not belong to that individual. Authority and access to all information is based on User id. If a person needs additional authority or access, should contact IT to set it up.

All passwords are to be treated as sensitive and confidential.

- Do not reveal a password over the phone to ANYONE
- Do not reveal a password in an e-mail message
- Do not reveal a password to any co-worker
- Do not talk about a password in front of others

- Do not hint at the format of a password (e.g., "my family name")
- Do not reveal a password on questionnaires or security forms
- Do not share a password with family members

2. Use of District Network with Non-District Computer Equipment

At no time may a User attach to the District's network their personal computer equipment.

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 computer equipment 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 security operating system updates have been installed with the current update levels for each computer system. Previously inspected systems need to be re-inspected if one month or longer has passed since the last inspection.

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

No non-District personal computer equipment shall store any District documents on its hard drive or other storage media attached to the personal computer equipment. No personal computer equipment shall be configured to allow web host, sharing or Wi-Fi services. Two things wrong here: storing and Wi-Fi.

Network access shall not be used to download files from the Internet, including but not limited to video, music, or applications. No attempt will be made to access data by any unauthorized means. The District's security policies may limit network access.

APPENDIX B
THE BROWN ACT SUMMARY
Government Code (54950 et. Seq)

Section 1 – Purpose

To strike a balance between public access to meetings of public governing bodies and the need for confidential candor, debate and information gathering. The Brown Act creates a presumption in favor of public access but recognizes need for confidentiality by allowing certain specific closed session meetings.

Section 2 – Who is Covered by Act

- District Board
- Standing Committee Members – standing committees have continuing jurisdiction over particular subject matters or a meeting schedule fixed by ordinance, resolution or formal action of the legislative body.

Section 3 – What is a Meeting (Government Code §54952.2)

A meeting is any communication by a majority of the Board to hear, discuss or deliberate on a matter within its jurisdiction to develop a collective concurrence on an action to be taken by any of the following:

- Direct communication
- Personal intermediaries
- Technological devices

The following are not considered meetings because they do not involve a majority of the Board:

- A. Contacts or conversation between one board Director and another Director.
- B. Attendance by a majority of the Board at a conference or training, which is open to the public so long as a majority does not meet at that conference and discuss among themselves matters within the jurisdiction of the District.
- C. Attendance by a majority of the Board at public meetings of other agencies regarding issues of local interest so long as a majority does not discuss among themselves matters within the jurisdiction of the District.
- D. Attendance by a majority of the Board at a public meeting of the District or other agencies so long as a majority does not discuss among themselves matters within the jurisdiction of the District.

- E. Attendance by a majority of the Board at a Social/Ceremonial meeting as long as a majority does not discuss among themselves matters within the jurisdiction of the District.
- F. Attendance by a majority of the Board at an open/noticed meeting of a standing committee as long as they attend only as observers.

Section 4 – Prohibitions

- A. Serial Meetings: Series of contacts to form consensus (Ex: 7 members District Board: A calls or e-mails B who communicates with C and D to come to an agreement).
- B. Meeting between majority of the Board and applicant/public. Note: Individual contacts between Board Directors and applicants or members of the public are allowed so long as there is no commitment to vote in a particular way and disclosure of the contact is made in public meeting.
- C. Circulation of writings/e-mails among majority of Board for review and signature.
- D. Conference calls between a majority of Board.

Section 5 – Meeting Locations (Government Code §54954)

Meetings must be held within the jurisdictional boundaries of the District.

There are limited exceptions:

- A. Comply with court order
- B. Inspect real property
- C. Participate in multi jurisdictional meetings
- D. Meet to confer with State/Federal officials
- E. Meet with legal counsel to discuss pending litigation
- F. Participate as member of Joint Powers Agency

Section 6 – Notice and Agenda Requirement (Government Code §54954.2)

Meeting notices must be posted as follows:

- Regular meeting agendas must be posted 72 hours in advance.
- Special meeting agendas must be posted 24 hours in advance.
- Emergency meeting agendas must be posted at minimum of 1 hours in advance.

Agenda items cannot be added to any posted agenda which has reached the minimum notice requirement. However, emergency agenda items can be added during the meeting in accordance with Government Code §54956.5.

Section 7 – Public Rights (Government Code §54954.3)

Public comments must be on items within the subject jurisdiction of Board and must have access to all materials provided to Board and at the same time it is provided to the Board.

Section 8 – Closed Sessions (Government Code §54954.5)

Specific exceptions under the Brown Act allow for closed session meetings if they have been properly agendized as closed sessions. Permitted closed sessions include:

- A. Personnel session to appoint, employ, evaluate performance, discipline, dismiss or release an employee.
- B. Pending or anticipated litigation
- C. Real property negotiations
- D. Labor negotiations
- E. Public security
- F. License applications by persons with criminal records
- G. Liability claims
- H. Trade secrets
- I. Charges or complaints involving information protected by federal law
- J. Conference involving a Joint Powers Agency
- K. Audit by Bureau of State audits

Section 9 – Penalties for violation of Brown Act (Government Code §54960, 54960.7, S4960.5)

- A. Misdemeanor if a Board Director knows or has reason to know the meeting is required to be open to the public.
- B. Injunction to prevent disclosure of material from closed session and award of attorney's fees.
- C. Referral of a member of a legislative body to the grand jury if he/she has willfully disclosed confidential information.

D. Injunction to prohibit meetings held in violation of the Act and award of attorney's fees.

E. Declaration that actions taken are void.

APPENDIX C
NEW BOARD DIRECTOR ORIENTATION AND ACCESSORIES

- Tour of the District facilities
- Shift Calendar
- District Map
- Ethics Training Materials
- District Harassment Policy Acknowledgement
- District Information Security Acknowledgement
- Gold colored name badge stating name and “Director”
- Director badge
- District ID card
- Baseball style hat with the Lake County Fire logo and the word Director prominently displayed which is to be worn when on scene at an incident (only if directed by the Fire Chief to respond)

APPENDIX D FIRE CHIEF EVALUATION

The Board, working with the Fire Chief, will establish performance criteria and insert them into the evaluation form. The criteria should reference organizational goals and the Fire Chief's job description. The evaluation form may be revised as needed.

Each Director and the Fire Chief will complete the evaluation form, rating the Fire Chief's performance during the evaluation period. Each criterion should be rated from 1-5, with 1 = Low through 5 = High. This numerical rating system tends to provide more perspective rather than commentary alone. Ratings with commentary are ideal. (See Appendix E for the current Evaluation Form).

On the bottom of the form, provide any commentary you feel appropriate. Provide the evaluation form and commentary to the Director who is assigned to collate the sheets (usually the Board Chairperson).

The Board Chairperson shall compile the Fire Chief's final evaluation into an average rating from each of the rated categories. Similarly, the commentary may be summarized or each rater's comments may be provided to the Fire Chief.

The evaluation committee (Chairperson and Vice-Chairperson) shall provide the evaluation report to the Fire Chief for his/her review and schedule a meeting with the Fire Chief within five business days.

Ensure plans are made to address ratings below 3, indicating specific actions by specific dates.

The evaluation ad hoc committee and the Fire Chief shall provide their feedback on the results and process to the full Board in closed session.

**APPENDIX E
ANNUAL FIRE CHIEF PERFORMANCE EVALUATION**

Director: _____ **Date:** _____

Instructions: Considering the Fire Chief’s performance over the last 12 months, please respond to the following questions. Rate each item from **1** (low) to **5** (high) based on your opinion of his performance. If you do not have enough information to rate, please put **N/A**.

I. OPERATIONAL EFFECTIVENESS

SCORE	EVALUATION	
1	1	Programs are planned, organized and supervised well
2	2	Provides regular reports on the status of service delivery
3	3	Has a good understanding of the delivery of basic services
4	4	Has a good awareness of new trends in providing basic government services
5	5	Has a good understanding of how to measure productivity improvements in departmental operations
6	6	Complaints regarding services, programs, or District staff, (less any compliments or commendations) addressed in a timely manner

II. FISCAL WELLNESS AND ACCOUNTABILITY

Does the Fire Chief:

7	7	Prudently manage the finances within Board policies
8	8	Prepares realistic budget proposals
9	9	Keeps the Board informed of the present and anticipated financial status
10	10	Finds innovative solutions to financing District’s services
11	11	Possess a solid understanding of financial management

III. BOARD SUPPORT

12	12	Adequately supports the Board in its policy-making role
13	13	Defines goals and policies in a form in which they can be accomplished
14	14	Presents all sides of an issue or problem to the Board to enhance the Board’s decision-making process
15	15	Board’s policies are implemented consistently and effectively
16	16	Sufficiently communicates to the chiefs, firefighters and staff
17	17	Actions and activities are carried out in accordance with Board’s direction in a timely fashion
18	18	There a good system for follow-up and follow-through
19	19	Effectively communicate and works with the Board as a whole and individual Directors

	20	Is sensitive to individual Board needs and treats all Directors fairly
	21	Takes actions needed to keep the Board/Fire Chief relationship strong
	22	Communications with Board of appropriate frequency, depth, and timeliness
	23	Communications include sufficient information and alternatives and staff recommendations to make policy decision
	24	Board kept abreast of affairs and external developments that impact the District
	25	Gives “bad news” to the Board in a timely and appropriate manner
	26	Anticipates the changing needs of the community and the organization, identifies potential problems in the community before they occur, and brings solutions and alternatives to the Board on how to plan for the future and avoid problems
	27	Uses meaningful techniques to assess District needs
	28	Understands the political issues in identifying and setting goals to solve Problems

IV. EMPLOYEE SUPPORT AND DEVELOPMENT

The Fire Chief is effective in:

	29	Recruiting, selecting, promoting and disciplining personnel
	30	Developing the competency and capabilities of District staff and supporting their professional development
	31	Administering wage, salary, and benefit policies
	32	Labor management relations
	33	Handling negotiations and contract administration
	34	Handling grievances
	35	Getting feedback from chief officers, firefighters and staff
	36	Evaluating employees' performance
	37	Fostering communications throughout the organization

V. MANAGEMENT DIMENSIONS

The Fire Chief is respected as a leader:

	38	By the community
	39	By Chief Officers
	40	By firefighters
	41	By other government jurisdictions
	42	By community and professional organizations

The Fire Chief:

	43	Generates enthusiasm and confidence among those same groups
	44	Motivates others to maximum performance
	45	Actively takes the lead on important projects and tasks
	46	Exhibits skill in analyzing situations
	47	Makes decisions when conflict exists and cope with the stress from resulting criticism
	48	Identifies information from both sides of an issue that is needed to improve decision-making
	49	Is a problem solver
	50	Anticipate problems and takes positive action to resolve them before they become critical
	51	Manages well in a crisis under stress
	52	Monitors programs once implemented
	53	Manages time well (planning and prioritizing)?
	54	Sets a good example for other employees
	55	Demonstrates good basic management skills (delegation, planning, organizing, directing, coordinating, supervising, negotiating, lobbying)

Professional Development

The Fire Chief:

	56	Actively pursues ways to increase his/her value to the District
	57	Keeps abreast of important professional trends
	58	Borrows good ideas from other fire agencies to use here

VI. GOAL ACHIEVEMENT

	59	Projects agreed upon in advance were completed within the given time frame with appropriate concern for costs
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The following categories, when taken as a whole, contribute to making a good government.

How would you rate the Fire Chief as a leader in these areas?

	60	Responsive to disasters and/or emergencies
	61	Quality core services at low per capita costs
	62	Safe neighborhoods
	63	Planning, designing, financing and maintaining good infrastructure
	64	Customer/user satisfaction
	65	Fiscal wellness
	66	A greater sense of ownership by citizens of their governments
	67	Employees who have pride in their work
	68	An ethical and non-corrupt government

	69	Fostering public confidence in government
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VII. COMMUNITY AND INTERGOVERNMENTAL RELATIONS

	70	Represents the District well to the public and to other organizations & agencies
	71	Gained the trust and confidence of the public
	72	Fostered cooperation among other jurisdictions

VIII. NARRATIVE SECTION

1. What are you **most pleased with** in the Fire Chief’s performance during past year?
2. What are the **areas of improvement** for the Fire Chief from past year?
3. What **goals** do you have for the Fire Chief to accomplish next year?
4. What **other comments** do you have about the Fire Chief’s performance?

**APPENDIX F
BOARD STANDING CALENDAR GUIDELINE**

Annual/Semi Annual Board Agenda Items	
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Month	Item	Type	Time Period
January	Mid Year Budget Revisions	Regular	As needed
January	Board Goals	Regular	Annual
January	Recognizing the Outgoing Chairman	Presentation	Annual
February	Succession Planning	Regular	Annual
March	Propose Fee Schedule Changes	Public reading	As needed
March	Mitigation Fee resolution	Regular	Annual
April	Adopt Fee Schedule Changes	Regular	As needed
May	Adopt Appropriations Limits for next FY	Regular	Annual
May	Policy Manual Review	Regular	As needed
May	Adopt recommended budget	Regular	Annual
June	Declare Elections	Regular	Biennial
June	Investment Policy	Regular	As needed
July	Appropriation Limit compliance resolution	Regular	Annual
July	Adopt Final Budget		Annual
December	Ceremony for outgoing Board Directors	Before the Mtg	Annual
December	Nominations and Election of Chairman and Vice Chairman	Regular	Annual
December	Swearing in and Presentation of Certificates to Newly Elected Board Directors and Re-elected Board Directors	Regular	Biennial
December	Certify the Election	Regular	Biennial
December	Chief's Review	Closed Session	Annual

APPENDIX G 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 an individual's clothing, body, or sexual activities, or race oriented stories or jokes.

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

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

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

Conduct that seems innocent or trivial to one individual may constitute harassment to another individual.

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

GUIDELINES FOR IDENTIFYING HARASSMENT:

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

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

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

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

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

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

RESPONSIBILITIES:

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

Managers and supervisors are responsible for:

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

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

All employees, elected officials, 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 Battalion Chief or Human Resources Manager

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

DISSEMINATION OF POLICY:

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

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

COMPLAINT PROCESS AND PROCEDURES:

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

- 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. There is no need or requirement to follow the chain of command.
 1. Employee's supervisor
 2. Any supervisor or manager of the District
 3. Human Resources Manager
 4. Battalion Chief
 5. Fire Chief
- B. The supervisor or manager receiving a complaint is responsible for doing all of the following:
 1. Oral complaints must be followed up in writing and submitted within seven (7) business days after the original verbal complaint.
 2. Written complaints are to be submitted within seven (7) business days.
 3. Collect and preserve any physical evidence that is readily available or may be time or weather sensitive.

4. Obtain a preliminary statement from the complainant and any immediately available witnesses.
5. Provide notice of the receipt of a complaint to the Battalion Chief or manager on duty. In providing notice, the supervisor shall forward the Complaint Control Form to the Battalion Chief or manager on duty and shall immediately advise the Fire Chief should the complaint involve serious misconduct of a criminal nature.
6. Provide a copy of the Complaint Control Form to the complainant if the complaint is made in person.

COMPLAINT INVESTIGATION:

The Battalion Chief will be responsible for the assignment of the complaint for investigation. The Battalion 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 Battalion 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 Clearlake Police 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 on-duty Battalion Chief or manager.

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

- A statement of the nature of the investigation including the allegation of misconduct. This statement will include the date(s) of actions under investigation, if known.
- A listing of any statutes and/or rules and policies or orders that may have been violated.
- The name and rank of the officer, manager or contract investigator in charge of an interrogation, the interrogating officer(s), and all persons to be present during the investigation.

- A statement advising the employee of the right to have a representative who is not subject to the investigation present at his/her own cost.
- Specify the date, time and location of interview.
- Notice that the meeting will be recorded and advise the employee of the right to bring his/her own recording device. A sample Notice of Interview letter is attached, as Appendix B. Individuals who are interviewed as witnesses, and whose conduct is not the subject of the investigation will receive a witness notification.

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

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

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

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

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

- 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.

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

CONFIDENTIALITY:

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

OTHER:

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