

Policies & Procedures Manual of the Board of Directors



**Bear Valley Community Services District
Est. 1970**

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PART 1

BVCSD MEETING PROCEDURES AND RULES OF ORDER

Adopted: February 8, 2018

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Introduction

These meeting procedures and rules of order were adapted from Judge David Rosenberg's *Rosenberg's Rules of Order* (2011 Revised Edition).¹

Establishing a Quorum

The starting point for a meeting of the Board is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The quorum for the Board is three members. When the Board has three members present, it can legally transact business. If the Board has less than a quorum of members present, it cannot legally transact business. And even if the Board has a quorum to begin the meeting, the Board can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs, the Board loses its ability to transact business until a quorum is reestablished.

The Role of the Chair

The chair of the Board is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. The chair, in consultation with the General Counsel, makes the final ruling on the rules. All decisions by the chair are final unless overruled by the Board itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the Board. This does not mean that the chair should not participate in the debate or discussion. The chair has the full right to participate in the debate, discussion and decision-making of the Board. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the Board will do so at that point in time.

The Basic Format for Agenda Item Discussion

Meetings of the Board must have a published agenda under the Ralph M. Brown Act. The agenda constitutes the Board's agreed-upon roadmap for the meeting. Each agenda item should be handled by the chair in the following basic format:

1. The chair should clearly announce the agenda item number and subject. The chair should then announce the format (which follows) that will be followed in considering the agenda item.
2. The chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the Board, a staff person, or a committee chair charged with providing input on the agenda item.

¹ The original text of *Rosenberg's Rules of Order* is available at <http://www.ca-ilg.org/document/parliamentary-procedure-simplified..>

3. The chair should ask members of the Board if they have any technical questions for clarification. At this point, members of the Board may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

4. The chair should invite public comments, or if required, open the public hearing on the item. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

5. The chair should invite general discussion or deliberation on the item by the Board.

6. After discussion among all members, the chair should invite a motion. The chair should announce the name of the member of the Board who makes the motion.

7. The chair should determine if any member of the Board wishes to second the motion. The chair should announce the name of the member of the Board who seconds the motion.

8. If the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the Board to repeat the motion.

9. The chair should invite specific discussion of the motion by the Board. If there is no desired discussion, or after the discussion has ended, the chair should announce that the Board will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

10. The chair calls for a vote. Voting on most substantive matters must be by a "roll call vote" where each member's name is called and they speak or electronically input their vote. If members of the Board do not vote, then they "abstain." Unless the rules of the Board provide otherwise (or unless a super majority is required as provided in these rules), then a simple majority (as defined in law or the rules of the Board as provided in these rules) determines whether the motion passes or is defeated.

11. The chair (or secretary) should announce the result of the vote and what action (if any) the Board has taken. In announcing the result, the names of the members of the Board, if any, who voted in the minority on the motion should be indicated. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting."

Motions in General

Motions are the vehicles for decision making by a Board. Motions are made in a simple two-step process. First, the chair should recognize the member of the Board. Second, the member of the Board makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair may initiate the motion in one of three ways:

1. Inviting the members of the Board to make a motion: "A motion at this time would be in order."
2. Suggesting a motion to the members of the Board: "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. Making the motion. As noted, the chair has every right as a member of the Board to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the Board is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three common types of motions:

Basic Motion. The basic motion is the one that puts forward a decision for the Board's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."

Motion to Amend. If a member wants to change a basic motion that is before the Board, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the Board and seeks to change it in some way.

Substitute Motion. If a member wants to completely do away with the basic motion that is before the Board, and put a new motion before the Board, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

Friendly Amendment. A “friendly amendment” is a practical tool that saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending accepts the friendly amendment, that now becomes the pending motion. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Board

There can be up to three motions pending at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are pending and has resolved them. This rule has practical value because more than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions pending (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made.

Debatable and Non-Debatable Motions

The basic rule of motions is that they are subject to discussion and debate. The debate can continue as long as members of the Board wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Board to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the Board without debate on the motion):

Motion to Adjourn. This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to Recess. This motion, if passed, requires the Board to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to Fix the Time to Adjourn. This motion, if passed, requires the Board to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to Table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the Board. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Board will have to be taken at a future meeting. A motion to table an item (or to bring it back to the Board) requires a simple majority vote.

Motion to Limit Debate. The most common form of this motion is to say, “I move the question” or “I call the question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the Board, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the Board makes such a motion (“I move the question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the Board.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the Board.

Majority and Super Majority Votes

Generally, a *simple majority* vote determines a question. A tie vote means the motion fails. All motions require a simple majority, but there are a few exceptions. The exceptions come up when the Board is taking an action which effectively cuts off the ability of a minority of the Board to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a *super majority*) to pass:

Motion to Limit Debate. Whether a member says, “I move the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to Close Nominations. When choosing officers of the Board (such as the chair), nominations are in order either from a nominating committee or from the floor of the Board. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a Board do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a *simple majority* vote is needed to pass a motion, then one vote more than 50 percent of the Board is required (e.g., 3 votes).

If a *two-thirds majority* vote is needed to pass a motion, then four affirmative votes are required for a five-member Board.

In the event of a **tie vote**, the motion always fails since an affirmative vote is required to pass any motion.

When a member votes “**abstain**,” the member who abstains is counted for purposes of determining quorum (they are “present”), but you treat the abstention vote on the motion as if the vote did not exist, and so the abstention vote acts just like a “no” vote.

The Motion to Reconsider

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is generally untimely. (The Board, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Board — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the Board again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the Board and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the Board to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the Board. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the Board.

Members of the Board should address all remarks through the chair and should endeavor to refrain from disturbing other members of the Board during deliberations.

Can a member of the Board interrupt a speaker? The general rule is “no.” There are, however, exceptions. **A speaker may be interrupted for the following reasons:**

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the Board disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Return to the agenda. If a member believes that the Board has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the Board to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion, at any time, may interrupt a speaker to withdraw his or her motion from consideration. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Participation

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember four special rules that apply to each agenda item:

Rule One: *Tell the public what the Board will be doing.*

Rule Two: *Keep the public informed while the Board is doing it.*

Rule Three: *Allow the public the opportunity to comment on the item.*

Rule Four: *When the Board has acted, tell the public what the Board did.*

Outline of Meeting Procedures and Rules of Order

1. **Quorum** – the minimum number of members of the body who must be present at a meeting for business to be legally transacted.
 - a. Default: 1 more than half the body.
 - b. Exception: Specific rules of the body that require a different number to meet a quorum.
2. **Basic Format of Agenda Item Discussion**
 - a. **Agenda** – the basic roadmap for the meeting.
 - i. Note: generally may not discuss or act on items that are off-agenda.
 - b. **Item called**
 - i. Chair should announce agenda item number and clearly state the subject.
 - ii. Chair should announce the format to be followed in considering the item.
 - c. **Presentation - Report on Item**
 - i. Chair should invite appropriate person to report on and present an overview of the item.
 - ii. Report should include any recommendation to approve/deny item.
 - d. **Technical Questions for Clarification**
 - i. Members of the body may ask technical questions of clarification to the person who reported on the item.
 - ii. Person who reported should have time to respond.
 - e. **Public Comment**
 - i. Chair should invite public comments.
 - ii. Notes:
 1. Chair may limit time for speakers depending on the number wishing to speak (2-3 minutes generally acceptable).
 2. May provide public with tips on how to frame comments to be most effective.
 3. At the end, Chair should announce formal closing of public comment period or public hearing and disallow any further public comments.
 - f. **Deliberation**
 - i. Chair should invite general discussion or deliberation of the item.
 - g. **Invite a motion**
 - i. Chair should invite a motion and announce the name of the member of the body who makes the motion.

h. Second for the motion

- i. Chair should determine if any member of the body wishes to second the motion. If yes, announce name of member who seconds the motion.

i. Understand the motion

- i. Ensure all members of the body understand the motion to be discussed and voted on.
- ii. Can be done 3 ways:
 1. Chair can ask maker of motion to repeat it.
 2. Chair can repeat the motion.
 3. Chair can ask secretary or clerk of the body to repeat the motion.

j. Discussion and debate on motion

- i. Invite discussion of the motion by the body.
 1. If no desired discussion or after discussion has ended, Chair should announce that body will vote on the motion.
 2. If there is substantial discussion, Chair should repeat motion to ensure everyone understands it before voting.
- ii. Notes:
 1. Rules of the body may limit members' discussion:
 - (i) Each member may discuss for ____ minutes of time.
 - (ii) Each member may only speak 2 times on an agenda item.
 - (iii) Before anyone may speak a second time, all members who want to speak must have had opportunity to speak at least once.

k. Vote

- i. Ask for "yes" or "no".
- ii. Members of the body may "abstain".
- iii. General rule: simple majority is required for any motion to pass.
 1. Exception – rules of body provide otherwise.
 2. Exception – supermajority required

l. Announcement

- i. Chair should announce the result of the vote, and what action (if any) the body has taken.
- ii. Chair or secretary should indicate which members of the body voted in the minority on the motion.

3. **Motions – 3 types**

- a. **Basic Motion** – puts forward a decision for body's consideration.
- b. **Motion to Amend** – changes or alters a basic motion.
- c. **Substitute Motion** – replaces the basic motion with completely new motion.

4. **Multiple Motions before the Body.**

- a. Up to 3 motions may be on the floor at the same time – Chair can reject a fourth motion until Chair has dealt with 3 motions on the floor.
- b. Vote on the motions should proceed first on the last motion that is made.

5. **To Debate or Not to Debate**

- a. General rule: all motions are subject to discussion and debate.
- b. Exceptions: (no debate is allowed on the following motions – once it's made, go straight to a vote).
 - i. Motion to adjourn
 - ii. Motion to recess
 - iii. Motion to fix the time to adjourn
 - iv. Motion to table
 - v. Motion to limit debate

6. **Majority and Supermajority Votes**

- a. General rule: all motions require a simple majority to pass.
- b. Exceptions: (require a super majority – each NO requires 2 YES votes)
 - i. Motion to limit debate
 - ii. Motion to close nominations
 - iii. Motion to object to the consideration of a question
 - iv. Motion to suspend the rules

7. **Counting Votes**

- a. Simple majority: one vote more than 50% of the body.
- b. Two-thirds majority: one NO vote requires two YES votes.
- c. Tie votes: motion always fails.
- d. Abstention
 - i. General/default rule: “present and voting” system – abstain votes do not count at all.
 - ii. If rules of body say: “count votes of those present” – abstain votes count as NO votes.

8. **Motion to Reconsider**

- a. After a matter is closed, it may only be reopened if a proper motion to reconsider is made and passed.
- b. Requires majority vote to pass.
- c. Motion to reconsider must generally be made at the meeting where item was first voted upon.
 - i. Later motions to reconsider are generally untimely unless the rules permit such a motion or the body votes to suspend the rules.
- d. Motion to reconsider must be made by a member who voted in the majority on the original motion. Any other member may second the motion to reconsider.
- e. If motion to reconsider passes, original matter is back before the body, and a new original motion is required.

9. **Courtesy and Decorum**

- a. One person at a time may speak.
- b. Chair has the right to cut off discussion that is too personal, too loud, or too crude.
- c. Chair may limit amount of time for speakers, including members of the body.
- d. Members of the body should address remarks through the Chair and refrain from disturbing other members during deliberations.
- e. Speaker may be interrupted only for the following reasons:
 - i. **Point of privilege** – anything that would interfere with normal comfort of the meeting (i.e. fan interfering with ability to hear).
 - ii. **Point of order** – anything that would not be considered appropriate conduct of the meeting (i.e., Chair moved to vote on motion that permits debate without allowing the debate).
 - iii. **Appeal** – when Chair makes ruling that member of body disagrees with, member may appeal Chair's ruling. If motion is seconded, and after debate it passes by simple majority, Chair's ruling is reversed.
 - iv. **Return to agenda** – calling for a return to topics on the agenda.
 - v. **Withdraw a motion** – maker of the motion may withdraw motion at any time, except after discussion and restatement of the motion just before taking a vote.

10. **Public Participation**

- a. Tell the public what the body will be doing.
- b. Keep the public informed while the body is doing it.
- c. Allow opportunity for public comment.
- d. When the body has acted, tell the public what the body did.



PART 2

BVCSD MEETING CONDUCT POLICY

Adopted: February 26, 2015

In an effort to preserve the intent of open government and maintain a positive environment for citizen input and Board of Directors' decision-making, the Board established the following rules regarding public participation and conduct at meetings.

1. **Addressing the Board.** The following provisions apply to any member of the public that desires to address the Board concerning any item on the agenda of a regular or special meeting, or to address the Board at a regular meeting on any subject that is not on the agenda but that lies within the jurisdiction of the Board.
 - a. Any person wishing to address the Board should complete a speaker card and return it to the Board Clerk prior to the agenda item that the person wants to speak on.
 - b. Speakers should address the Board from the podium when called by the Clerk.
 - c. Three minutes will be allotted to each speaker unless the President, with the consent of the Board, imposes a shorter or longer time period depending on the nature of the specific agenda item and the number of persons desiring to speak.
 - d. Comments should not be directed at any one individual Board Member, but the Board should be addressed as a whole.
 - e. All discourse is to be civil and respectful. No boisterous conduct will be permitted. Persistence in boisterous conduct and the willful disruption of a meeting is grounds for summary termination by the President of that person's privilege to address the Board as well as the potential removal of the individual from the Board meeting room.
2. **Willful Disruptions Not Permitted.** Willful disruption of a meeting of the Board of Directors is not permitted. If the President finds that there is in fact willful disruption of any meeting of the Board and that order cannot be restored by the removal of individuals who are willfully disrupting the meeting, the President may order the room cleared and subsequently conduct the Board's business without the audience present. In such event, the following rules will apply:
 - a. Only matters appearing on the agenda may be considered in such a session.
 - b. After clearing the room, the President may permit those persons who, in the President's opinion, were not responsible for the willful disruption to re-enter the meeting room.
 - c. Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, may also be admitted to the remainder of the meeting.



PART 3

BOARD OF DIRECTORS ETHICS POLICY

Adopted: March 12, 2020

A. Purpose

It is the policy of Bear Valley Community Services District to promote ethical behavior by members of the Board of Directors in the conduct of District business.

The proper operation of the District requires that Board members remain objective and responsive to the needs of the public they serve, make decisions within the proper channels of governmental structure, and not use public office for personal gain. To further these objectives, certain ethical principles govern the conduct of each member of the Board of Directors.

This policy promotes awareness of ethics, integrity and fidelity as critical elements in Board members' conduct and in achievement of the District's mission. It references relevant polices, practices, and procedures that provide the legal framework and guidelines for addressing ethical issues.

B. Compliance with Ethics Laws Governing Public Office

BVCSD Board members are dedicated to the concepts of effective and democratic government by responsible elected officials. They:

- Uphold the Constitution of the United States and the Constitution of the State of California, and carry out the laws of the nation, the state and the local government agencies.

(Government Code Section 1360; Article 20, Section 3 of the California Constitution.)

- Comply with applicable laws regulating their conduct, including open government, conflict of interest, and financial disclosure laws.
- Receive training in ethics principles and ethics laws in accordance with Government Code Sections 53234 through 53235.2.

C. Fair and Open Processes Involving the Public

Board members promote fair and open public processes. Board members, and persons elected but who have not yet assumed office as members of the Board, fully comply with California's open meeting law for public agencies (the Brown Act).

(Government Code Sections 54950 and following; including Sections 54952.1 and 54959.)

D. Fair and Equal Treatment

BVCSD Board members promote diversity and equality in all matters, consistent with state and federal laws.

1. Board members will not grant any special consideration, treatment, or advantage to persons or groups beyond that available to every other person or group in similar circumstances.
2. Board members, in performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color,

creed, age, marital status, national origin, ancestry, gender, sex, sexual preference, medical condition or disability.

3. Board members will cooperate in achieving the equal opportunity objectives of BVCSO.

(See, e.g. Article 1, Section 31 of the California Constitution; Age Discrimination in Employment Act of 1967; Americans Disabilities Act of 1990; Fair Employment and Housing Act; Rehabilitation Act of 1973; Title VII of the Civil Rights Act of 1964; California Labor Code Section 1102.)

E. Proper Use and Safeguarding of BVCSO Property and Resources

BVCSO Board members exercise responsible financial management in the conduct of District business.

1. A Board member will not bribe, coerce, or otherwise request a BVCSO employee to perform services for the personal benefit or profit of a Board member or employee.
2. Each Board member will protect and properly use any BVCSO property within his or her control

A Board member will not use public funds or resources for personal, non-public purposes, including elections or political campaigns.

(Article 16, Section 6 of the California Constitution; Penal Code Section 42; Penal Code § 424; Government Code Section 8314.)

F. Use of Confidential Information

1. Board members will safeguard District confidential information in the member's possession or control.
2. Board members will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board of Directors. This includes information that (1) has been received for, or during, a closed session Board meeting, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not disclosable under the California Public Records Act.
3. In addition to any other penalty or remedy as provided by law, violations of this section may be used as a basis for disciplinary action or censure of a Board member by the Board.
 - If the Board determines a violation of this section has occurred, penalties and remedies include, but are not limited to, censure or exclusion from participation, including closed session, on that particular topic following notice and a hearing and action taken by a majority of the remaining members of the Board.
 - Violations by a Board member may also constitute official misconduct which may be cause for removal from office under Government Code Section 3060.

4. A Board member may make a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to the district attorney or grand jury necessary to establish the alleged illegality or potential illegality of a District action.

(California Government Code Section 54963; Government Code Section 1098.)

G. Conflict of Interest

Board members must avoid both actual conflicts of interest and the appearance of conflicts of interest with the District.

1. A Board member will not have a financial interest in a contract with the District, nor be purchaser at a sale by the District or a vendor at a purchase made by the District, unless his or her participation is legally authorized.
2. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter under California law.
3. A Board member will not accept gifts or honoraria that exceed the limitations specified in California law. Board member will report all gifts, honoraria campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and Regulations.
4. A Board member will not recommend the employment of their dependent children to the District or to any person known by the Board member to be bidding for or negotiating a contract with the District.

(Government Code sections 87100 and following; California Government Code Sections 1090 and following; 81000 and following; and 87105; and Penal Code 68 and 70.)

H. Soliciting Political Contributions

1. Board member will not solicit political funds or contributions of in-kind services at BVCSD facilities.
2. A Board member will not accept, solicit, or direct a political contribution or in-kind services from District officers, employees, consultants, contractors, or vendors.
3. A Board member will not use BVCSD's seal, logo, stationery, or other indicia of BVCSD's identity or facsimile thereof in any solicitation for political contributions.

(California Government Code Section 3205 and California Code of Regulations, Title 2, Section 18901.)

I. Incompatible Offices

Except as expressly permitted by law, a Board member that is appointed or elected to another public office, the duties of which may legally require action contradictory or inconsistent with the interests of the District, must resign from the Board.

(See, generally, 73 CA Op. Atty. Gen. 357 (1990). See also Government Code Section 53227, under which a special district employee may not be sworn into office as an elected or appointed member of the same special district unless he or she resigns as an employee.)

J. Board Member-General Manager Relationship

The Board sets District policy and the General Manager is responsible for execution of policy. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.

1. The Board provides policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.
2. Members of the Board deal with all matters within the authority of the General Manager through the General Manager, except as it pertains to the functions of the General Counsel.
3. In handling complaints from residents and property owners of the District, all such complaints should be referred directly to the General Manager.
4. When approached by District personnel concerning specific District policies, programs or operations, Directors should direct inquiries to the General Manager, except in instances where personnel have a complaint regarding the General Manager.
5. When responding to constituent requests and concerns, Directors will respond to individuals in a positive manner and route their questions through the General Manager.

(Government Code Sections 61240-21245, BVCSD Code Section 2-2-4.)

K. Exercise Responsible Financial Management

The Board ensures the District exercises responsible financial management.

1. The Board ensures that BVCSD maintains a system of auditing and accounting that completely and at all times shows the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.
2. The Board retains an independent auditor who conducts an annual audit of the District's books, records and financial affairs. The auditor will meet with the Board's Finance/Administration Committee at the conclusion of the audit each year to review the audit results and recommendations.

L. Improper Activities and the Reporting Such Activities; Protection of Whistleblowers

The Board ensures that BVCSD maintains a healthy work environment.

A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position to intimidate, threaten, coerce, command or influence any other person for the purpose of preventing such person from acting in good faith to bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or District employee.

(Labor Code section 1102.5 and following; and Government Code Sections 53298 and 53298.5)

M. Directors' Compensation and Expense Reimbursement

BVCSD Board members receive a monthly stipend for their public service based upon the number of meetings attended or days of service to the District. BVCSD reimburses Board members for actual reasonable and necessary expenses incurred in the performance of duties authorized or requested by the Board in accordance with the Board of Directors Training, Travel and Reimbursement Policy.

(Government Code Section 61047 and Section 53232.2 and following.)

N. Candidate's Statement

A board member will not include false or misleading information in a candidate's statement for a general District election filed pursuant to Section 13307 of the Elections Code.

(Elections Code Section 13313.)



PART 4

BOARD OF DIRECTORS TRAINING, TRAVEL & REIMBURSEMENT POLICY

Adopted: January 9, 2020

A. Purpose.

It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences, as well as meetings of local, state and federal agencies or legislative bodies on matters of interest to the District. In support of these goals, the District has adopted this policy.

B. Training Programs Eligible for Attendance and Expense Reimbursement.

1. Members of the Board of Directors may and are encouraged to attend educational conferences, seminars, trainings, tours and other similar professional meetings and programs (collectively, "Training Programs") when the purpose of any such Training Program is to improve a Director's skill and information levels which in turn will help improve their understanding and oversight of District operations.
2. There is no limit as to the number of Directors attending a particular Training Program when it is apparent that attendance is beneficial to the District, as long as a majority of the members of the Board do not discuss among themselves, other than as part of the scheduled Training Program, business of a specified nature that is within the subject matter jurisdiction of the District.
3. Attendance by Directors at a Training Program must be approved by the Board of Directors prior to the District incurring any reimbursable costs.
4. Upon returning from a Training Program where expenses are reimbursed by the District, Directors will either prepare a written or verbal report for presentation at the next regular meeting of the Board. The report should detail what was learned at the Training Program that will be of benefit to the District. Materials from the Training Program may be delivered to the District office to be included in the District library for the future use of other Directors and staff.
5. Expenses to the District for Directors' Training Programs should be kept to a minimum by utilizing recommendations for transportation and housing accommodations such as Directors traveling together whenever feasible and economically beneficial, and requesting reservations sufficiently in advance to secure discounted rates.
6. A Director may not be reimbursed for expenses incurred at any Training Program if such event occurs after the District has announced that Director's pending resignation, or if such event occurs after an election in which it has been determined that the Director will not retain his or her seat on the Board.

C. Other Activities Eligible for Expense Reimbursement.

Director expenses incurred in connection with the following types of activities are also eligible for reimbursement:

1. Attendance and participation at meetings of any body or organization to which the Director has been appointed or at which the Director serves as a designated representative of the District.
2. Attendance and participation at meeting of any local, state or federal agency or legislative body as a representative of the District
3. Attending public events as an official representative of the District.

D. Travel Expenses.

1. Lodging: Directors are expected to select reasonably priced lodging accommodations and are encouraged to utilize hotel(s) recommended by the event sponsor in order to obtain discounted rates. All claims for lodging reimbursement must be supported by original receipts that show:
 - The name of the hotel
 - The number of occupants
 - The goods or services for which each individual charge is made (room rental, food, tax, etc.)

Lodging expenses may be directly billed to the District, paid directly by the District or reimbursed to the Director according to the specific needs and capabilities of the providers.

2. Meals: Meals will be reimbursed according to the current rates established by the U.S. General Services Administration for applicable locations in California or outside the state.
 - Itemized receipts must be submitted and only actual expenses will be reimbursed.
 - The District will not reimburse for the purchase of alcohol.
 - Tips are included in the cost of each meal.
3. Mileage: The District will reimburse Directors for business use of personal vehicles at the then current IRS standard mileage rate.
4. Airfare/Car Rental: Airfare and car rental costs that are equal or less than those available through the California Department of General Services Statewide Travel Program are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

5. Taxis/Shuttles: Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

E. Expenses Not Eligible for Reimbursement

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including spouse or partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on District business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Board of Directors before the expense is incurred.

F. Reporting

1. General Reimbursable Expenses. Requests for reimbursement must be made using the District's Expense Reimbursement Request Form with receipts attached for all expenses claimed within 30 days of the date expenses were incurred. All reimbursement requests will be reviewed and approved by the Administrative Services Director based on the above criteria. The non-approval of a Director's expense by the Administrative Services Director/General Manager is subject to override by a majority vote of the Board of Directors at a regular Board meeting.
2. Reports to Board. At the next regular District Board meeting, each Director must briefly report on outside agency meetings attended at District expense other than the District that are subject to the Brown Act. If multiple Members attended such a meeting, a joint report may be made.
3. Expense Reports As Public Records. All expense reports of Directors and District reimbursement expenditures are public records subject to disclosure under the Public Records Act and other applicable laws. The District will retain such records in accordance with the District's applicable records retention policies.



PART 5

BVCSD BROWN ACT COMPLIANCE POLICY

Adopted: October 10, 2019

I. RALPH M. BROWN ACT

The "State Open Meeting Law" officially known as the Ralph M. Brown Act ("Brown Act") is found in California Government Code section 54950 and following. The Brown Act ensures the public's right to attend and participate in meetings of local legislative bodies such as the District's Board of Directors ("Board") and its standing committees. Because the Brown Act is subject to amendment by the Legislature, to the extent the provisions of this policy are not consistent with the Brown Act, the applicable provisions of the Brown Act will control.

II. APPLICABILITY

The Brown Act and this policy applies to meetings of the District's legislative bodies, which are the Board and the standing committees of the Board.

III. AGENDAS

1. The General Manager will cause to be prepared an agenda for each regular and special meeting of the Board and each meeting of a standing committee in accordance with the Brown Act.
2. The Board will have a place of each agenda to receive public comments on matters which are not on the agenda that a member of the public may wish to bring before the Board or a committee. However, the Board or committee may not discuss or take action on such matters at that meeting, other than (a) briefly responding to statements or questions, (b) asking a question for clarification, (c) make a brief announcement or report, or (d) providing brief general directions to staff regarding the matter, if appropriate, including placing a matter on a future agenda.
3. At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board or committee, will be posted in a place that is freely accessible to members of the public. As long as the District maintains a website, the agenda will also be posted on the website at the same time. All information made available to the Board or committee (except confidential information not required to be disclosed to the public) will be available for public review prior to the meeting.
4. The agenda for a special meeting of the Board will be posted at least 24 hours before the meeting in the same location as for regular meeting agendas.

IV. MEETINGS

1. **Definition:** A meeting, as defined by the Brown Act, is "any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body."

2.

3. **Exceptions (Meetings not covered by the Brown Act):** Conferences and retreats, other public meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the Brown Act; provided, that legislative body members do not discuss amongst themselves business of their legislative body other than as part of the scheduled meeting or events. Also excluded from the application of the Brown Act are individual contacts or conversations between a member of a legislative body and any individual.

4. **Meetings of the Board of Directors:**

- a. **Regular Meetings** of the District Board of Directors will be held on the second Thursday of each calendar month at 6:00 p.m. in the District Administration Office or other designated location within District boundaries, or at such other day and time as may be established by the Board.
- b. **Special Meetings** of the Board may be called by the President of the Board or by a majority of the Board by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television stations, requesting notice, in writing and posting a notice on the District's web site. The notice will be delivered personally or by any other means at least 24 hours before the time of the meeting as specified in the notice. The call and notice will specify the time and place of the special meeting and the business to be transacted or discussed. No other business may be considered by the Board at a special meeting.
- c. **Emergency Meetings.** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency special meeting without complying with the 24-hour notice. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the President of the Board or a majority of the Board. Newspapers of general circulation in the District, radio and television stations which have requested notice of special meetings will be notified by at least one hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board, or its designee, will notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible. Closed session may be held during an emergency meeting by a unanimous vote of the members present, and all other rules governing special meetings will be observed with the exception of the 24-hour notice. The minutes of the emergency meeting, a list of persons the Board or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting will be posted for a minimum of ten days in the District office as soon after the meeting as possible.

- d. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda and adjourn the to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she will cause a written notice of adjournment to be given.
- e. **Standing Committee Meetings.** The meetings of standing committees of the Board are subject to the notice and open meeting provision of the Brown Act.

The Secretary of the Board will ensure that all required and appropriate information is available for the public at meetings of the Board and its standing committees, and that the physical facilities for the meetings are functional and accessible for all persons.

V. PUBLIC PARTICIPATION

Members of the public will be allowed to speak on a specific item of business on the agenda before or during the Board's or committee's consideration of the matter. The legislative body may, however, adopt reasonable regulations, including time limits, on public comments.



PART 6

BVCSD PUBLIC RECORDS REQUEST POLICY

Adopted: October 10, 2019

I. PURPOSE:

To establish District policy and guidelines concerning accessibility of District records.

II. BACKGROUND:

Section 6253 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted by law.

"Public record" is defined by law to include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.

A "writing" for purposes of public access may be a handwriting, typewriting, printing, photocopy, photograph, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or any combination thereof, regardless of the manner in which the record has been stored.

III. POLICY:

Records of Bear Valley Community Services District (District) are open to inspection at all times during normal office hours at District's headquarters located at 28999 S. Lower Valley Road, Tehachapi, California. Every person has the right to inspect any District record except those records exempted by statute from public disclosure.

All requests for inspection or photocopies of District records other than typical billing and account information shall be forwarded to the Secretary of the Board of Directors ("Secretary") for processing.

When a member of the public requests the inspection of a public record, or requests a copy of a public record, and to the extent such records are not exempt, the Secretary shall, to the extent reasonable, assist the individual in identifying records that are responsive, describe the information technology in which the record exists, and provide suggestions for overcoming any practical basis for denying access to the record.

To the extent identifiable public records exist in electronic format, and access to which is not otherwise restricted by law, and to the extent the information is not exempt from disclosure, the information shall be made available to the public in such format, but only if the production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

The person requesting the information shall bear the cost of producing the record, including the cost to construct the record, and the cost of programming and computer service to produce the record when the District is requested to produce a copy of an electronic record that is produced only at otherwise regularly scheduled intervals or that request requires data compilation, extraction, or programming to produce.

IV. PROCEDURE:

1. District staff shall provide a "Request for Public Records" form to each individual who requests the inspection or photocopies of District records and shall assist the individual in completing the form if so requested.

2. Upon receipt of a completed Request, the District will, when appropriate:
 - a. Indicate the place within which the inspection must be made and the time limitation, if any, for return of the documents.
 - b. Supervise and assist the requestor in reviewing the records.
 - c. Provide copies upon request and after payment of the appropriate fees.

The District may temporarily deny or restrict inspection of public records under the following circumstances:

1. At the time of the request the records are required by District staff in performing their duties.
2. Other persons are inspecting or are waiting to inspect the records.
3. The records need to be retrieved from storage.
4. At the time of the request supervision of inspection of the records is not possible because of the unavailability of appropriate District personnel.
5. A question exists as to the possible exemption of the record from disclosure and the matter must be referred to legal counsel for determination.
6. Any notification of denial of any request for records shall set forth the name and title or position of the District personnel responsible for the denial.

V. RESPONSE:

1. The Secretary will respond to all requests as soon as possible, but not later than the ten-day period, or extensions thereof, as provided by Government Code Sections 6256 and 6256.1
2. The Secretary shall review the request and determine whether the request seeks identifiable records and, if not, the Secretary shall so advise the person making the request.
3. The Secretary shall request all District Departments which may have the records being requested to search their files and report back to the Secretary on whether the Department has the records and, if so, when the records can be made available to the person seeking them.
4. The Secretary shall respond to the person requesting records by advising him or her in writing of the availability of the documents and whether disclosure of any of the documents is exempt under the provisions of the Public Records Act.
5. If a request is made for copies of the records, the Secretary shall also advise the person requesting copies of the estimated costs of copying the records requested.
6. The person requesting the copies shall pay the per page charge for copying as set forth by resolution of the Board of Directors for all copies requested. The Secretary shall not make the requested copies until a deposit in the amount of the estimated costs of copying is received and shall not release the copies until the full cost of copying is paid to the District.

7. In accordance with the Public Records Act, the District will provide only specific identifiable records but will not research District records for particular types of information or analyze information which may be contained within public records.

V. FEES:

Requests for copies of an identifiable public record are subject to payment of the appropriate fee as determined by District staff based on cost to the District. Any fee established may be modified from time to time by the Board of Directors to reflect actual chargeable costs, and any fee schedule developed shall be made available by the District's Secretary of the Board. Where the State Legislature has established a statutory fee for any given record, the statutory fee shall be charged.

VI. RECORDS NOT OPEN FOR INSPECTION:

The following records are not open for public inspection:

1. Preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the District in the ordinary course of business.
2. Records pertaining to pending litigation to which the District is a party, or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled.
3. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
4. Geological and geophysical data, plant production data, and similar information, relating to utility systems development, or market or crop reports, which are obtained in confidence from any person.
5. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination.
6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained.
7. Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
8. Statements of personal worth or personal financial data required by the District acting in the capacity of a licensing agency and filed by an applicant with the District to establish his personal qualifications for the license, certificate, or permit he seeks.
9. Memoranda, correspondence, and writings submitted to the District or its Board of Directors by District's legal counsel pursuant to the attorney-client privilege.
10. The District is prohibited from allowing public access to "trade secrets." "Trade secrets" as used in this context may include, but is not limited to, any formula, plan, pattern, process, tool mechanism, compound, procedure, production data,

or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

11. Records pertaining to a utility customer, except to an agent or authorized family member of the customer in question, governmental or law enforcement agencies when appropriate, or unless disclosure is specifically required by law.
12. Documents related to Vulnerability Assessment.
13. The District also possesses the discretion to claim an exemption in those instances where the public interest served by not making the record public clearly outweighs the public interest served by disclosure.



PART 7

BVCSD SOCIAL MEDIA POLICY

Amended: March 10, 2022



BEAR VALLEY COMMUNITY SERVICES DISTRICT

BEAR VALLEY COMMUNITY SERVICES DISTRICT

SOCIAL MEDIA POLICY

I. PURPOSE

This Social Media Policy provides guidelines for the establishment and use by the Bear Valley Community Services District (District) of social media sites as a means of conveying information to members of the public.

The intended purpose of the District's Social Media Pages is to make the public aware of information from the District regarding the District's mission, meetings, activities, events, services, and current issues pertinent to the residents of Bear Valley Springs. The District's use of social media is not intended to provide notices required by state law or replace traditional methods of communication. Nor is the use of social media intended for receiving comments on or objections to projects or matters before the District's Board of Directors or committees. Rather, the use of social media is intended to supplement traditional methods of communication.

Although social media provides an interactive platform, the District intends to create only a limited public forum subject to the restrictions set forth in this policy, as well as any service provider's terms of use and posting guidelines.

The District has an overriding interest and expectation in protecting the integrity, security, accuracy, and quality control of the information posted on any District Social Media Page, as well as the content that is attributed to the District and its officials. All District Social Media Pages must comply with this policy.

Any questions regarding this policy should be directed to the General Manager. The General Manager has oversight of the District's overall social media program and the authority to enforce this policy.

II. DEFINITIONS

"Content Manager" means any person authorized to establish, create, or post content on behalf of the District on a District Social Media Page. The Content Manager will be the point person for posting content, quality control, questions, day to day management, and monitoring District Social Media Pages to ensure consistency of tone and message. All Content Managers must be approved by the General Manager.

"District Social Media Pages" means social media sites, pages, mobile applications, services, or feeds established and maintained by an authorized Content Manager on behalf of the District or any of its Departments, and through which information is provided to the general public.

“General Manager” means the District’s General Manager or his or her designees, which, as applicable, may include any Content Manager.

“Posts” or “Postings” or “Comment” or “Comments” means information, articles, pictures, videos or any other form of content or communication displayed on a District Social Media Page. Posts or comments by members of the public on any District Social Media Page are also governed by this policy.

“Social media sites” refers to interactive on-line platforms which allow users to create and share content. Examples include but are not limited to Facebook, Twitter, NextDoor, YouTube, and Instagram.

III. GENERAL POLICY

- A. Content Managers must comply with this policy and with all terms of service and usage rules and regulations required by the social media site service provider, including privacy policies and content guidelines.
- B. Content Managers must conduct themselves online at all times as a professional representative of the District, consistent with the District’s mission, and in accordance with all other applicable District policies.
- C. The District’s official website at www.bvcsd.com remains the District’s primary means of communication via the Internet. Wherever possible, District Social Media Pages must identify and link back to the District’s official website for in-depth information about the District, forms, surveys, polls, documents, policies, online services, and other information necessary to conduct business with the District.
- D. No person may establish a District Social Media Page without the written approval of the General Manager
- E. Prior to establishing any District Social Media Page, the Content Manager must submit the contract, terms of service, rules, and regulations of the service provider, pertaining to the proposed social media site, to the General Manager and District counsel for legal review and assessment.
- F. The establishment and maintenance of District Social Media Pages is subject to approval by the General Manager as follows:
 - 1. All District Social Media Pages will be created using an official District email account and should bear the name and official logo of the District.
 - 2. All District Social Media Pages will utilize authorized District contact information for account set-up, monitoring, and access. Content Managers may not use personal email accounts or phone numbers for such purposes.
 - 3. The District will maintain a list of all District Social Media Pages, along with all log-in and password information and any other administrative credentials for each and every District Social Media Page.

4. Content Managers should exercise best practices and sound judgment when creating log-in credentials for District Social Media Pages. Passwords should include at least one number and one special character. The District also recommends the use of distinct passwords for each District Social Media Page.
 5. Any time a Content Manager leaves their position and is no longer managing District Social Media Pages, passwords must be changed for all accounts to which the Content Manager had access. Whenever any password is changed, the General Manager must be notified immediately.
- G. All District Social Media Pages must be maintained and managed consistent with the Brown Act, the California Public Records Act, and any and all other applicable federal, state, or local laws, including adherence to established laws and policies regarding records retention, conflicts of interest, and copyrights.
 - H. District Social Media Pages must clearly state that such pages are maintained by the District, are intended only as limited public forums, and that the pages comply with the District's Social Media Policy. The District's Social Media Policy must be displayed to users or made available by hyperlink, and must be available on the District's website. District Social Media Pages must also clearly reference or provide a hyperlink to the Terms of Use and Comment Guidelines, as set forth in Section V of this policy.
 - I. Any content maintained on a District Social Media Page that is related to District business, including a list of subscribers and posted communication, may be considered a public record and subject to public disclosure. Content related to District business should be in an accessible format so it can be produced in response to a request.
 - J. The General Manager reserves the right to terminate any District Social Media Page at any time with or without notice. The District also reserves the right to change, modify, or amend all or part of this policy at any time, with or without notice.
 - K. District Social Media Pages may contain content, including but not limited to, advertisements or hyperlinks over which the District has no control. The District does not endorse any hyperlink or advertisement placed on the District Social Media Pages by the social media site's owners, vendors or partners.
 - L. Postings are to be made primarily during normal business hours. After-hours or weekend postings may be made when the news or information is relevant to an event or activity occurring, in the event of a disaster/emergency situation, or with the approval of the General Manager.

IV. DISTRICT CONTENT STANDARDS AND USE GUIDELINES

- A. Content posted on District Social Media Pages is subject to oversight by the General Manager.
- B. The content of District Social Media Pages may only pertain to District-sponsored or District-endorsed programs, services, policies, or events, or items of general community interest. Content may include, but is not limited to, information, articles, photographs, videos, and hyperlinks.

- C. Content Managers authorized to post items on any of the District's Social Media Pages must review, be familiar with, and comply with the social media site's use policies and terms and conditions.
- D. The District must have full permission and rights to any content posted by or on behalf of the District or its Departments, including all photographs and videos.
- E. Postings must not contain any personal information (including home addresses, phone numbers or social security numbers), except for the names of employees whose job duties include being available for contact by the public, or information deemed confidential, proprietary, private, or financial about the District or any District employee, contractor, elected or appointed official, or member of the public. Postings must contain information that is freely available to the public and not be confidential as defined by any District policy or state or federal law.
- F. Content Managers may use District Social Media Pages to "share," "like," or "retweet" content from other District or Department Social Media Pages. District Social Media Pages may also "share," "like," or "retweet" content from other government entities, civic organizations, or nonprofit organizations' social media pages, at the discretion of the General Manager. "Liking" or "sharing" or "retweeting" of political, social, or religious material is prohibited.
- G. Members of the Board of Directors and any Board Committee subject to the Brown Act (e.g., members of a District legislative body) must abide by Section 54952.2 of the Brown Act when using social media sites. That statute provides that members of a legislative body may engage in separate conversations or communications on social media sites to: (1) answer questions, (2) provide information to the public, or (3) solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body; provided, however, that a majority of the members of the legislative body may not use the social media site to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body.

In addition, a member of a District legislative body may not respond directly to any communication on a social media site regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

Finally, a member of a District legislative body should not use social media sites to express an opinion or make statements on a matter that may come before the member's legislative body for a decision that would tend to demonstrate the official has a bias or had made up his or her mind before a noticed Brown Act meeting, without having all the facts, information or evidence that may be presented at the meeting, as such pre-decisional communication could form the basis of a claim of bias that could result in the disqualification of the member from participating in the underlying matter and/or require the reconsideration of the matter without the member if deemed to be biased after a decision is made by the legislative body."

- H. Content Managers may not express their own personal views or concerns through postings on any District Social Media Page. Instead, postings on any District Social Media Page by Content Managers must only reflect the views of the District and be factual in nature.

- I. Content Managers may share links to other social media sites and outside websites that offer helpful resources for users. The District is not responsible for the content that appears on these outside links and provides these links as a convenience only.
- J. Except as expressly provided in this policy, use of any social media site must comply with all applicable District policies pertaining to communications and the use of the internet by employees, including email content.

V. TERMS OF USE AND COMMENT GUIDELINES

The following Terms of Use and Comment Guidelines must be prominently posted on all District Social Media Pages in the “About” and/or “Page Information” and/or similar description areas, or be made available through a prominently displayed hyperlink or through other means to convey the Terms of Use and Comment Guidelines to members of the public and users of the service provider.

Terms of Use and Comment Guidelines

- A. This is an official Social Media Page of the Bear Valley Community Services District. For more information about the District, please visit www.bvcsd.com. This Social Media Page is intended to serve as a mechanism for providing information to the public from the District about the District’s mission, meetings, activities, events, programs, services, and other information of community interest. This Page is intended only as a limited public forum and is maintained consistent with the District’s Social Media Policy. All public comments should be limited and responsive to the content of the initial post and are subject to the restrictions set forth in these Terms of Use and Comment Guidelines and the District’s Social Media Policy, as well as the service provider’s terms of use and posting guidelines.
- B. This Bear Valley Community Service District Social Media Page is for general public information only. Should you require a response from the District or wish to request District services, you must go to www.bvcsd.com or call the District at 661-821-4428. Requests for copies of public records must be made to the Secretary of the Board of Directors and may not be made through this site or page.
- C. By reviewing the District’s Terms of Use and Comment Guidelines, and proceeding further to utilize or access a District Social Media Page, you hereby agree to these Terms of Use and agree to comply with the Comment Guidelines.
- D. A comment or post by a member of the public on any District Social Media Page is the opinion of the commenter or poster only, and does not imply endorsement of, agreement with, or reflect the opinions or policies of the District.
- E. When available, the District will utilize a social media site automatic content filtering features to ensure content uses appropriate for a public agency, “family friendly” forum.
- F. Users should be aware that links to external pages and sites, and the information found on those pages and sites, are not controlled by or endorsed by the District. The District reserves the right to delete links posted by outside individuals that violate the District’s post policy at any time without notice.
- G. All content on District Social Media Pages is subject to monitoring. Comments containing any of the following inappropriate forms of content will not be permitted on any of the

District's Social Media Pages, and are subject to removal and restriction by the General Manager:

1. Comments not related or responsive to the original topic, including random or unintelligible comments; profane, obscene, violent, sexual or pornographic content and/or language;
2. Content that promotes, fosters or perpetuates discrimination or harassment on any legally protected category to include race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran's status, or any other category protected by federal or state law, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics;
3. Defamatory or personal attacks;
4. Threats to any person or organization;
5. Comments in support of, or in opposition to, any political campaigns or ballot measures;
6. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
7. Conduct in violation of any federal, state or local law;
8. Encouragement of illegal activity;
9. Information that may tend to compromise the safety or security of the public or public systems;
10. Content that violates a legal ownership interest, such as a copyright, of any party;
11. Harassment or content which constitutes and/or facilitates stalking;
12. Content which violates the right to privacy;
13. Encouragement of violence; and
14. Comments which may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers.

The above list is not necessarily exhaustive and the District reserves the right to remove or restrict any post or comment that violates the purpose or spirit of these Terms of Use and Comment Guidelines. The District further reserves the right to deny access to District Social Media Pages for any individual who violates the District's Social Media Policy or these Terms of Use and Comment Guidelines, at any time and without prior notice.

- H. Comments posted to District Social Media Pages will be monitored and inappropriate content as defined above will be removed as soon as possible and without prior notice.

VI. PRIVATE SOCIAL MEDIA USE BY EMPLOYEES

- A. District employees are personally responsible for the content they publish on the Internet, social media sites, blogs, or any other form of user-generated media. Be mindful that nothing posted on the Internet is private, and such material can be used in administrative investigations, discipline, and litigation. If you identify yourself as a District employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues and the community.
- B. While things you say on the Internet, including comments made on social media sites, may be subject to both First Amendment protections and limitations, any personal use of social media sites outside of work must not give the appearance that you are speaking pursuant to your official job duties with the District or on behalf of the District. For example:
 - 1. Do not use your work e-mail address to register for personal social media accounts.
 - 2. Do not display the District Logo or other official District symbols, emblems, or patches on your personal social media accounts.
 - 3. Do not provide or disclose the District's confidential, private, financial, or other proprietary information or personnel or private information about other District employees, agents, volunteers, contractors, or elected or appointed officials, or any other individual or business entity associated with the District.
 - 4. Do not state or imply that you speak for the District, for a District Department, or for District officials.
- C. District employees are expected to remain respectful of the District and its officials, officers, employees, agents, volunteers, contractors, or elected or appointed officials, or any other individual or business entity associated with the District.
- D. The posting of material that is obscene, vulgar, defamatory, threatening, discriminatory, harassing, abusive, hateful, or embarrassing to another person or entity that could contribute to a hostile work environment, or that otherwise detrimentally impacts the workplace or violates the District's standards of conduct may be grounds for discipline.
- E. Employees should not use personal social media sites for District related activities, such as communicating with volunteers and the general public, unless expressly authorized to do so by the District.
- F. Employees are not permitted to access non-work-related social media sites during work hours or with District computers or devices.
- G. Failure to comply with any of the provisions of this Policy may result in disciplinary action. Please direct all questions regarding this Policy to the General Manager.
- H. Nothing in this policy is intended to prohibit employees from speaking as a private citizen on matters of public concern, or from engaging in protected speech, or engaging in any other concerted or activity protected by law.



PART 8

BVCSD PREVENTION & CORRECTION OF HARASSMENT, DISCRIMINATION & RETALIATION POLICY

Adopted: May 9, 2019

A. Policy Objective.

The Bear Valley Community Services District ("District") is committed to providing a work environment that is free of discrimination, harassment, and retaliation. In keeping with this commitment, the District strictly prohibits all types of harassment or discrimination because of race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran's status, and/or any other category protected by federal and/or state law. Further, the District takes reasonable steps to correct discriminatory, harassing, and retaliatory conduct promptly.

Accordingly, the purpose of this Policy is to define and forbid discriminatory, harassing, and retaliatory conduct, to prohibit the condoning or perpetuating of such conduct, and to provide an efficient means for reporting, investigating, and resolving complaints of discrimination, harassment, or retaliation.

B. Authority:

Title VII of the 1964 Civil Rights Act; Section 12940 et seq. of the California Government Code; and all other applicable state and federal anti-discrimination laws.

C. Applicability:

This policy applies to all officers, employees, interns, and volunteers involved in the operation of the District, and prohibits harassment, discrimination, and retaliation by any employee of the District, as defined in this Policy, by others doing business with the District. If harassment is committed on the job by someone not employed by the District, the procedures in this policy should be followed as if the harasser were an employee of the District, to the extent feasible.

D. Assigned Responsibility:

It is the responsibility of all employees and officers to ensure that they are informed of, understand and abide by the provisions of this policy.

Employees who have questions regarding this Policy or are uncertain what constitutes discrimination, harassment, sexual harassment, retaliation, or other prohibited conduct under the Policy should contact a supervisor or the General Manager.

E. Policy:

Harassment, discrimination, and/or retaliation based on legally protected characteristics will not be tolerated. 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, and any other work product or condition.

Violation of this policy is grounds for disciplinary action, up to and including termination.

F. Definitions:

- a. Employee: Any individual under the direction and control of the District under any appointment or contract of hire or apprenticeship, express or implied, oral or written. For purposes of this Policy, the term “employee” includes any individual who is an unpaid intern or volunteer of the District. The inclusion of any individual, including but not limited to unpaid interns and volunteers, in the definition of “employee” for purposes of this policy should not be interpreted to affect the applicability of any other policy or procedure of the District.
- b. Legally Protected Category or Characteristic: Race, religious creed, color, national origin, ancestry, sex, age, physical or mental disability, medical condition, sexual orientation, marital status, gender identity, gender expression, genetic characteristics or information, military and veteran’s status, and/or any other category protected by federal and/or state law, including association with individuals with these protected characteristics or perception that an individual has one or more of these protected characteristics.
- c. Discrimination: Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him or her because he or she is a member of a legally protected category.
- d. Harassment:
 - i. Unwelcome verbal, visual, or physical conduct based on an Employee’s membership in a Legally Protected Category that creates an intimidating, offensive, or hostile work environment. Such conduct constitutes harassment when:
 - 1. Submission to the conduct is made either an explicit or implicit term or condition of employment;
 - 2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
 - 3. The conduct unreasonably interferes with an employee’s work performance by altering the work conditions so that a reasonable person may find it more difficult to do the job or creates an intimidating, hostile, or offensive work environment.
 - ii. Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, computer images, or cartoons regarding an employee’s Legally Protected Characteristic. Harassment on the job is prohibited whether done by a co-worker, supervisor, manager, or by a third party doing business with or for the District.

e. Sexual Harassment:

1. Unwelcome sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature may constitute sexual harassment when the conduct otherwise constitutes Harassment.
 - a. Submission to such conduct is made either an explicit or implicit term or condition of employment;
 - b. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the individual; or
 - c. The conduct unreasonably interferes with an employee's work performance by altering the work conditions so that a reasonable person may find it more difficult to do the job or creates an intimidating, hostile, or offensive work environment
2. This definition includes numerous potential forms of offensive behavior. The following is a list of some examples:
 1. Unwanted sexual advances.
 2. Offering employment benefits in exchange for sexual favors.
 3. Making or threatening reprisals after a negative response to sexual advances.
 4. Visual conduct, such as leering, making sexual gestures, displaying of sexually explicit jokes, comments about an employee's body or dress.
 5. Verbal sexual advances or propositions.
 6. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes, or invitations.
 7. Physical conduct, such as touching, assault, impeding, or blocking movements.
 8. Retaliation for reporting harassment or threatening to report harassment.
3. Sexual harassment can occur between members of the same or opposite sex. Sexual harassment need not be motivated by sexual desire. Sexual harassment on the job is prohibited whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by third parties doing business with or for the District.

- f. Retaliation
1. Taking adverse action against any employee because of:
 - a. The employee's opposition to a practice the employee reasonably believes to constitute employment discrimination, harassment, or retaliation,
 - b. The employee's participation in an employment discrimination, harassment, or retaliation investigation, proceeding, or hearing. or
 - c. Opposition or participation by a family member or close associate of the employee.
 2. Protected Opposition: Protected opposition to perceived discrimination, harassment, or retaliation, includes, but is not limited to, threatening to file a discrimination, harassment, or retaliation complaint with any federal or state agency, or court, or complaining or protesting about alleged discrimination, harassment, or retaliation to a supervisor, manager, co-worker, or other official. Protected opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative. The District also prohibits retaliation against somebody closely related to or associated with the employee exercising such rights. Opposition not made in good faith, or made in a manner which disrupts the workplace, or which constitutes an unlawful activity, or which includes badgering or threatening of employees or supervisors is not protected.
 3. Protected Participation: Protected participation includes, but is not limited to, filing a charge, testifying, assisting, or participating in any manner in an investigation under this Policy, or in a proceeding, hearing or litigation under federal or state discrimination, harassment, or retaliation statutes, at other hearings regarding protected employee rights, such as unemployment compensation proceedings, and making requests for reasonable accommodation of a Legally Protected Characteristic.
 4. Adverse Action: Adverse actions include, but are not limited to, the following acts: disciplinary actions, negative performance evaluations, undesirable transfer, undesirable assignments, negative comments, unwarranted criticism, actions that harm the employee outside the workplace, undesirable change in benefits, undesirable change in work schedule, unwarranted exclusion from meetings or events, or undesirable change in work duties.
- g. Supervisor: Any individual having the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is

not of a merely routine or clerical nature, but requires the use of independent judgment.

G. Training and Policy Dissemination:

- a. Non-Supervisory Employees: All employees who are hired by the District will be given a copy of this policy, and will receive guidance from the General Manager's office on its provisions and the District's commitment to provide a harassment-free and discrimination-free workplace. All nonsupervisory, and temporary/seasonal employees will be trained in accordance with the requirements of the Fair Employment and Housing Act (Government Code § 12950.1) and implementing regulations.
- b. Supervisors:
 - i. All supervisors will be trained once every two years on matters relating to the prevention, reporting, and investigation of harassment, discrimination, and retaliation. Further, individuals appointed to supervisory positions from a non-supervisory position or as a new employee shall receive training within six months of their hiring or assumption of the supervisory position.
 - ii. Supervisory training will last for a minimum of two hours.
 - iii. Supervisory training will be conducted in a classroom or other interactive setting and will, at a minimum, cover the following topics:
 - 1. Information and practical guidance regarding federal and state statutory laws about sexual harassment; and
 - 2. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

H. Complaint Procedures:

- a. In General:
 - i. The District's complaint procedure provides for an immediate, thorough, impartial, and objective investigation of every harassment discrimination, and retaliation claim, appropriate disciplinary action against anyone found to have engaged in prohibited harassment, discrimination, or retaliation, and appropriate remedies to any victim of harassment, discrimination, or retaliation. The District encourages reporting of all perceived incidents of discrimination, harassment, and retaliation.
 - ii. Any employee who believes that he/she is being harassed or discriminated against by another employee or a third party is encouraged, but is not required, to confront this person and politely, but firmly inform the person of the conduct that he/she finds offensive

and request that the person cease this behavior. If the employee does not wish to confront the person harassing or discriminating against them, or if his/her attempts to do so have failed, the employee should file a complaint with the District:

b. Filing a Complaint:

- i. Employees who believe they have been harassed or discriminated or retaliated against on the job, including by persons doing business with or for the District, should promptly report the complaint to their immediate supervisor, any supervisor, or to the General Manager as soon as possible. When reporting harassment, discrimination or retaliation, employees are not required to follow their chain of command, and are not required to follow any grievance procedures set forth in the District's Personnel Policies or in any applicable labor agreements.
 1. Complaints regarding the General Manager may be submitted to the District Secretary, who can submit them to the District General Counsel's Office for consideration by the District's Board of Directors in closed session.
 2. Complaints regarding a member of the District's Board of Directors or other elected or appointed District official may be submitted to the General Manager or District's General Counsel.
- ii. Complaints can be made orally or in writing and should include the following information:
 1. The employee's name and position title.
 - b. The name of the person or persons committing the perceived discrimination, harassment, or retaliation, including their title(s).
 - c. The specific nature of the perceived harassment, discrimination, or retaliation, how long it has been going on, and any adverse employment action, demotion, failure to promote, dismissal, refusal to hire, transfer, etc., taken against the victim as a result of the misconduct, if applicable, or any other threats made against the victim as a result of the misconduct.
 - d. Name and position title(s) of witnesses, if any.
 - e. Whether the victim previously has reported such discrimination, harassment, or retaliation, and, if so, when and to whom.

3. Notification to the District is essential. Employees may be assured that they will not be penalized in any way for filing a good faith complaint of potential discrimination, harassment, or retaliation.

ALL EMPLOYEES SHOULD NOTE THAT THE FAILURE TO USE THE DISTRICT'S COMPLAINT PROCEDURE MAY HAVE AN ADVERSE EFFECT ON ANY CLAIM UNDER THIS POLICY IF SUCH CLAIMS ARE LITIGATED.

C. Reporting Obligations

1. Any supervisor who receives a complaint of discrimination, harassment, retaliation, witnesses discrimination, harassment, or retaliation, or has any reason to believe that discrimination, harassment, or retaliation, may have occurred in the workplace is required to report the conduct immediately to the General Manager.
2. A supervisor will be subject to discipline for failing to report offensive conduct that potentially constitutes discrimination, harassment, or retaliation, if the supervisor knew or should have known of the offensive conduct in the normal course and scope of his/her supervisory duties.
3. All other employees who observe or are advised about discrimination, harassment, or retaliation, involving another employee are encouraged to report the conduct to a supervisor or to the General Manager.

D. The District's Response to Reports or Complaints

1. Investigation of Complaints

- a. All incidents of discrimination, harassment, and retaliation that are reported must be investigated appropriately by the District so that corrective and preventive actions can be promptly taken if warranted. The District will promptly undertake or direct an effective, thorough, impartial, and objective investigation of the allegations, which will be conducted by qualified personnel.
- b. The investigation will include obtaining information from the accused and anyone who may have been a witness to the alleged misconduct. Statements made in the course of the investigation will be kept as confidential as practicable.
- c. The District will document each complaint and track each investigation to ensure reasonable progress, timely closure, and reasonable findings based on the evidence collected.

2. Intermediary Measures: Employees may be placed on a leave of absence, or subject to other intermediary measures, until the conclusion of the investigation.

3. Cooperation with the Investigation

- a. The District will not tolerate any employees who interfere with its own internal investigations, or internal complaint procedures, including but not limited to, conducting separate, unauthorized investigations, or jeopardizing the integrity of an investigation, at any time.
- b. All employees involved in a workplace investigation into alleged discrimination, harassment, or retaliation, are required to fully and truthfully cooperate with the investigation. Failure to fully and truthfully cooperate with the investigation is grounds for disciplinary action, up to and including termination.
- c. All employees are prohibited from engaging in retaliation, as defined in Section VI.F., above.

4. District Determination and Corrective Action

- a. The District will make its determination based on the findings of the investigation and communicate that determination to the complaining employee, and to the accused. Parties are not entitled to copies of any notes or other written materials regarding the investigation, as these are considered to be confidential documents.
- b. If it is determined that the accused, or any other employee has violated District policies, appropriate corrective action will be taken. In addition, as part of the District's efforts to remedy the complaining employee's concerns, the complaining employee will be informed in general terms whether corrective action has, or will be imposed against the violator.
- c. The information and definitions set forth in Section VI, above, are based on the legal definitions of discrimination, harassment, and retaliation. In light of the District's duty to prevent such unlawful conduct, and in light of the District's desire to have a professional and productive work environment, the District reserves the right to take appropriate corrective action when an employee engages in inappropriate conduct that does not fully rise to the legal standards or definitions set forth in Section VI of this Policy. For example, the District may take appropriate corrective

action for inappropriate conduct, even if such conduct was not subjectively unwelcome or offensive to another employee of the District, or did not involve a legally protected characteristic.

5. Intentionally False Complaints: While the District vigorously defends its employees' right to work in an environment free of discrimination, harassment, and retaliation it also recognizes that false accusations of discrimination, harassment, or retaliation can have serious consequences. Accordingly, any employee who is found, through the District's investigation, to have deliberately and falsely accused another person of discrimination, harassment, or retaliation will be subject to appropriate disciplinary action, up to and including termination.

6. Anonymity and Confidentiality

- a. While the District will investigate anonymous complaints, the District strongly discourages anonymous complaints.
- b. **EMPLOYEES CHOOSING TO FILE A COMPLAINT ANONYMOUSLY MUST BE AWARE THAT ANONYMITY IN THE COMPLAINT PROCEDURE MAY COMPROMISE THE DISTRICT'S ABILITY TO COMPLETE A THOROUGH INVESTIGATION.**
- c. Employees should also be aware that should the District learn of the identity of an anonymous complainant, the District cannot guarantee that his/her identity will remain confidential, if the District determines in its discretion that disclosure is necessary to complete the investigation.
- d. The District will take all reasonable steps available to maintain the confidentiality of all complaints of discrimination, harassment, retaliation, as well as all information gathered during an investigation. However, the District retains sole discretion to determine whether disclosure of information is necessary to complete the investigation.
- e. All employees involved in the investigation of discrimination, harassment, or retaliation complaints as either investigator(s), complainant(s), witness(es), or accused are required to keep all information related to the investigation confidential. Revealing such information is grounds for disciplinary action, except as expressly permitted by law, such as in discussion with a legal or employee representative.

E. Employee's Duty to Disclose Benefits Received:

1. Employees are hereby informed that no supervisor, manager, or officer of the District, or other person or entity doing business with the District, is authorized to expressly or impliedly condition the receipt or denial of any benefit, compensation, or other term or condition of employment on an employee's acquiescence to any sexual demand.
2. To the contrary, all employees are instructed that they must refuse such demands and report them promptly either to their immediate supervisor or to the General Manager. Any employee who is found to have accepted any benefit from the District because he/she submitted to an unreported sexual demand will be disciplined appropriately, including but not limited to, reimbursement for the value of any benefits received. Any employee making such a demand will be similarly disciplined.

I. Additional Enforcement Information:

In addition to the District's internal complaint procedure, employees should also be aware that the Equal Employment Opportunity Commission ("EEOC") and the Department of Fair Employment and Housing ("DFEH") investigate and prosecute complaints of harassment, discrimination, and retaliation in employment.

Employees can contact the EEOC as follows:

Employees can contact the DFEH as follows:

Los Angeles District Office
255 East Temple, 4th Floor
215
Los Angeles, California 90012
800-669-4000 | 800-669-6820 (TTY)
www.eeoc.gov

Bakersfield Office
4800 Stockdale Highway, Suite
Bakersfield, CA 93309
800-884-1684 | 800-700-2320 (TTY)
www.dfeh.ca.gov



PART 9

CONFLICT OF INTEREST CODE OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT

Amended & Adopted January 12, 2019

CONFLICT OF INTEREST CODE
OF THE
BEAR VALLEY COMMUNITY SERVICES DISTRICT

The Political Reform Act (Government Code Section 81000 and following) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, the regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to the regulation duly adopted by the Fair Political Practices Commission, are hereby incorporated by this reference, and the current version of Section 18730 will be attached as Attachment 1. This incorporation page, Section 18730, and the Appendix with Exhibits 1, 2, 3 and 4 designating positions and establishing disclosure categories, constitutes the **Conflict of Interest Code** of the Bear Valley Community Services District.

All officials and designated employees and consultants required to submit a statement of economic interests (Form 700) must file their statements with the Secretary of the District, who will serve as the District's filing officer. Under Government Code section 81008, all originals or copies of statements maintained by the District will be available for public inspection and reproduction upon request during the District's regular business hours.

ATTACHMENT 1

FPPC REGULATION 18730

LINK to Website Upload

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

BEAR VALLEY COMMUNITY SERVICES DISTRICT

EXHIBIT 1

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District officials who manage public investments, as that term is defined by 2 California Code of Regulations Section 18701(b), are required to file disclosure statements under Government Code section 87200 and following as well as 2 California Code of Regulations Section 18730(b)(3), and are therefore not subject to this Code. These positions are listed here for informational purposes only.

The following positions have been determined to be officials who manage public investments:

Administrative Services Director

Assistant General Manager

Board of Directors

Financial Consultants

General Manager

Treasurer

EXHIBIT 2

DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

The following positions are held by individuals involved in the making or participation in the making of decisions which may foreseeably have a material effect on their financial interests:

Designated Position	Disclosure Categories
Assistant to the General Manager	1, 2, 3
Chief of Police.....	1, 2, 3
Consultant ²	1, 2, 3
Dispatch Supervisor.....	1, 3
General Counsel.....	1, 2, 3
General Services Supervisor	1, 3
Members of all Committees Not Otherwise Required to File Disclosure Statements.....	1, 2, 3
Police Sergeant	1, 3
Public Works Director.....	1, 2, 3
Road Supervisor	1, 3
Wastewater Supervisor	1, 3
Water Supervisor	1, 3

² See Exhibit 3 for explanation of Consultant filing.

EXHIBIT 3

CONSULTANTS

2 California Code of Regulations Section 18701(b) defines "consultant" as an individual who, pursuant to a contract with a state or local government agency:

- (A) Makes a governmental decision whether to:
 - (i) Approve a rate, rule, or regulation;
 - (ii) Adopt or enforce a law;
 - (iii) Issue, deny, suspend, or revoke any permit license, application, certificate, approval, order, or similar authorization or entitlement;
 - (iv) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 - (v) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 - (vi) Grant agency approval to a plan, design, report, study, or similar item;
 - (vii) Adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

Consultants are included in the list of designated positions and must disclose pursuant to the broadest disclosure categories in the Code subject to the following limitation. The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the Code. (See Government Code § 82019 and FPPC Regulations § 18219 and § 18734.) Such written determination must include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and must be retained for public inspection in the same manner and location as this Conflict of Interest Code. (See Government Code § 81008.)

EXHIBIT 4

CATEGORIES OF REPORTABLE ECONOMIC INTERESTS

Designated Persons in Category "1" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of the District.

Designated Persons in Category "2" Must Report:

All interests in real property.

Designated Persons in Category "3" Must Report:

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, equipment, materials, supplies or vehicles of the type purchased or leased by the District.



PART 10

SPECIAL DISTRICT BOARD MEMBER HANDBOOK

SPECIAL DISTRICT

Board Member Handbook

A California Special Districts Association Publication ©2019



*You have been
elected or appointed
to a special district
board by your
community. This is
a tremendous honor
that comes with
much responsibility.*



Printing made possible by the California Special Districts Alliance, a partnership between CSDA, the CSDA Finance Corporation, and the Special District Risk Management Authority (SDRMA).

What do You Need to Know as a Special District Board Member?

You have been elected or appointed to a special district board by your community. This is a tremendous honor that comes with much responsibility. The mission of the California Special Districts Association (CSDA) is to provide you and your district with the resources necessary to best meet this responsibility. This handbook will serve as a fundamental guide in this endeavor.

Your special district may refer to its board members as trustees, directors, commissioners, or another similar term. For simplicity and readability, this handbook

will use the term “board member” as a universal term for all special districts. The handbook will focus on the commitments, responsibilities, and resources that are relevant to all board members of every type of special district.

As a board member for a special district, you have committed to represent the best interests of your community, ensure the delivery of essential local services and infrastructure, and faithfully serve the public good while upholding the law. This is a high calling that depends upon mutual trust, support, and collaboration with your fellow board members, your district’s professional staff, and the network of special district leaders you will develop through CSDA.



First steps board members should take after election or appointment include:

- Meet with the district’s general manager and legal counsel
- Ask the general manager and/or finance officer for an overview of the most recently approved budget and audit
- Take a tour of the district facilities
- Read your district’s enabling act found in California’s statutory codes
- Review your district’s most recent municipal services review (MSR) published by the local agency formation commission (LAFCO)
- Register for board member training at csda.net

About Special Districts

As a special district board member, you will often be asked, “What is a special district?” People sometimes do not realize how many of their essential services are provided by special districts, and they often do not understand what a special district is, how it functions, or even why it exists. Here are few answers to some frequently asked questions you’ll encounter as a board member.

What is a “special district”?

An independent special district is a local form of government that is created, funded, and overseen by a community’s residents to provide a new or enhanced level of service and infrastructure to a community. Like counties and cities, special districts are an independent form of local government. Special districts are not school districts, community college districts, joint powers authorities, assessment districts, community facilities districts, “Mello-Roos” districts, or improvement districts.

Why are special districts formed?

Special districts are formed when a community decides a specific type of service is needed and the community wants the service to be maintained with local control. The first special district in California, the Turlock Irrigation District, was established in 1887. Local farmers needed a way to access the local water supply and the Wright Act was passed by the Legislature to provide the legal foundation for water districts, and many other special districts.

The Legislature continued to develop new types of special districts as tools to help local residents come together to solve community problems and needs. Ultimately, special districts are formed by the community for the community. Special districts empower residents to find local solutions to fit the unique needs of their community.

What types of special districts exist?

There are many types of special districts that can be established to fit the specific needs of a community. Some district types include:

- Airport
- Cemetery
- Community Services
- Fire Protection
- Harbor and Port
- Healthcare
- Irrigation
- Library
- Mosquito and Pest Abatement
- Recreation and Park
- Resource Conservation
- Sanitation
- Transit
- Utility
- Veterans Memorial
- Water

How many special districts are there?

There are just over 2,000 independent special districts throughout California. They vary in size and some may serve a community of hundreds of thousands while others serve only a few hundred. Special districts are created to fit the size of the community they serve.

How are special districts governed?

Independent special districts are governed by a board of directors that is elected by the community or appointed to fixed terms by one or more other locally elected governing bodies. Board members are responsible for setting the policies that ensure special districts continue to function and serve the community. It is also important to distinguish independent special districts from dependent special districts. Unlike independent special districts, dependent districts are indirectly governed by other government entities, such as city councils or county boards of supervisors. This is because dependent special district board members include ex-officio members from another legislative body or board members who are appointed to non-fixed terms. Ex-officio board members serve on the special district board only by virtue of their participation on another board. Board members appointed to non-fixed terms serve at the pleasure of another governing body. In other words, they may be replaced at any time and are not entitled to a full four-year term.



To expand your knowledge further, visit csda.net to find the *About Special Districts Guide* and the *Special District Formation Guide* to learn more about special districts and how they are formed.



Special districts and their board members are subject to a number of laws established to ensure special districts remain transparent and accountable to their communities. These laws are discussed in greater detail later in this handbook under the chapter, *Accountability and Transparency*.

How are special districts funded?

Special districts utilize many different funding sources to establish and maintain their services and overall infrastructure. Some districts receive enterprise revenues that are collected as fees for services such as water, sewer, or electricity. Special districts can also receive non-enterprise revenues that include one percent ad valorem property tax, parcel taxes, or benefit assessments that are approved by the community. Frequently, special districts will receive a combination of enterprise and non-enterprise revenues in order to best meet the needs of their community.

What makes special districts so “special”?

As a board member who dedicates time and effort to your local special district, you understand and know from firsthand experience what makes special districts so special. It’s the connection to the community, the focused specialized service, and the commitment of local residents such as yourself that distinguishes special districts from other forms of government.

To raise awareness and understanding of special districts, CSDA established the Districts Make the Difference public outreach campaign. Resources are available at DistrictsMakeTheDifference.org to explain special districts and include:

- Videos
- Fact sheets
- Posters
- Brochures
- Infographics



Good Governance

Special district boards are the voice of the community. Every elected or appointed public official needs to care about governance—it is the essence of what boards do. Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district.

The success of your district, and special districts as a form of government, depends largely upon how well you do your job as a board member. If the board does not respond to the needs of the community and govern its district effectively, it will erode the public trust, jeopardize public support of district services, and may even threaten the existence of the district itself.

Effective Governance Model

The good news is that a lot of work has been done on effective governance. Based upon a model developed by the California School Boards Association and adapted by CSDA for special districts, there are three critical dimensions that interact to determine how a board operates and its effectiveness as an organization:

1. The board as an organizational entity;
2. Individuals who together make up the board; and
3. Specific jobs the board must perform.

These are the core components of effective special district governance: a competency-based group of individual citizens coming together as an effective team to accomplish the specific responsibilities that only governing boards can do on behalf of their community.

The Board as an Organizational Entity

Any board, public or private, nonprofit or corporate, exists as an organizational entity, with its own unique organizational culture, norms, values, and operating style. There are attributes or characteristics that are consistently present in boards that operate in a highly effective way.

Effective boards become known as effective because they operate in an organizational environment of trust, honesty, and openness. These boards exhibit, as a team, the following characteristics:

- Recognize all board members as equally legitimate—no matter how different or difficult an individual may be.
- Strive to maintain a “no secrets, no surprises” operating norm.
- Acknowledge that conflicts and differences are inevitable, not necessarily “bad”, and must be faced and analyzed.
- Immediately turn to solutions rather than playing the “gotcha” game.
- Treat all staff with dignity and respect.
- Treat all community members with dignity and respect, even in the face of criticism and opposition.
- Exhibit creative thinking, know how to handle failure as well as success, encourage risk taking, and create a climate of support for excellence.
- Accept collective responsibility for the conduct, behavior, and effectiveness of the board.

Individuals Who Together Make up the Board

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

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

So, how are highly valued community leaders different than individuals who just serve on boards? They think about governance differently by understanding the fundamental role

Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district.



The most effective board members maintain the following priorities:

- Serve the public
- Support the staff as they carry out direction
- Respect fellow board members
- Seek consensus



of effective governance and the citizen leader. Effective board members exhibit the following characteristics:

- Recognize that the board, not the individual board member, governs the special district—the authority of any one board member rests only with the board as a whole.
- Heed caution when someone attempts to impose their own agenda on the district rather than working to build support for an institutional agenda.
- Appreciate that how a board member governs is as important as what a board member does—that manners make a huge difference.
- Establish trust and treat everyone with the same respect with which the board member expects others to treat them.
- Respect the diversity of perspectives and styles.
- Operate in a transparent fashion, while always keeping confidential information confidential.

Specific Jobs the Board Must Perform

We know that effective boards have strong competency-based cultures and that individual effective board members have strong governance skills, but the next question is: “To do what?” The third dimension of a board addresses the governing body’s specific responsibilities. Special district boards have certain duties that no one else in the organization or the community can perform.

In the next chapter, *Primary Roles and Responsibilities*, we will explore these duties, but first we must acknowledge one of the biggest challenges to special districts—how board members can learn and demonstrate competency.

Training and Development

We all have room to learn the governance skills required to be an effective special district leader. To do so, we must establish a culture of participation in our special district community. Just as we expect our staff to be involved in their profession, to learn and develop new skills, so too must we as effective board members learn to hone our governance skills.

We must lead by example and encourage our colleagues to branch out and learn the skills of governance. We must establish a culture of continuing education in the special district community. This includes both required trainings and recommended trainings.

Required Trainings

Every special district board member is required by law to complete ethics training and sexual harassment prevention training at least once every two years.

Ethics training is mandated by Government Code Section 53235 et. seq., which is popularly referred to by its enacting legislation, AB 1234 (Salinas) of 2005. Special district board members must receive the required two-hour training within

one year of their first day of service, and then every two years thereafter. A board member who serves more than one agency shall satisfy the requirements once every two years, regardless of how many boards they serve on.

All ethics trainings must cover laws related to conflicts of interest, gifts, reimbursements, government transparency, and fair processes, including but not limited to incompatible offices and competitive bidding practices.

Sexual harassment prevention training is mandated by Government Code 53237 et. seq., which was enacted by AB 1661 (McCarty) of 2016. Special district board members must receive the required two-hour training within the first six months of taking office, and then at least once every two years thereafter.

All sexual harassment prevention trainings must include practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims. The training includes practical examples aimed at instructing the board member in the prevention of sexual harassment, discrimination, and retaliation.

CSDA offers various forms of online and in-person ethics and sexual harassment prevention training opportunities. You can register online at csda.net.

Recommended Trainings

It is recommended that every newly elected or appointed special district board member attend CSDA's workshops that introduce the topic of governance. CSDA strives to offer these opportunities in various locations throughout the state annually.

As a longer-term goal, during your first term in office it is also recommended you obtain the Recognition in Special District Governance certificate from the Special District Leadership Foundation (SDLF). This recognition was designed to honor special district board members and is comprised of two distinct parts: the completion of the Special District Leadership Academy and 10 hours of continuing education.

The Special District Leadership Academy consists of four courses: Governance Foundations, Setting Direction/Community Leadership, Board's Role in Human Resources, and Board's Role in Finance and Fiscal Accountability. The four courses are unique from any other courses on special district governance in that they are curriculum that has been created by special districts and agreed upon as what governing officials of special districts should know. SDLF has endorsed the Academy as the core special district governance training in California.

SDLF is a 501(c)(3) organization formed to provide recognition and certification opportunities to special district officials and employees to enhance service to the public. It is dedicated to excellence in local government. You can learn more about SDLF at sdlf.org.



*Learn more
about CSDA's
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development
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VISIT CSDA.NET FOR DATES AND LOCATIONS

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SDLA

**Special District
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Primary Roles and Responsibilities

One of the first and most important distinctions to make in your work as a board member is the difference between your responsibilities and those of the general manager and staff. Clearly understanding and respecting these roles, and how they interact, is critical to the long-term success and sustainability of your special district.

Role of a Board Member

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

The specific responsibilities of the board are clustered into five areas:

1. Setting the direction for the district;
2. Establishing and supporting the policies and structure of the district;
3. Overseeing the financial resources necessary to fund the district;
4. Guiding employee relations policy, including the hiring and supervising of the general manager who, in turn, operates the district and hires/manages its staff; and
5. Serving as community leaders who communicate effectively on behalf of the district.

Setting Direction

The board establishes the special district's mission and vision. In building a mission statement, the board must clearly understand the purpose of the district and answer the question of "why?" Why does the district exist? It will also be helpful for the board to identify core values that guide the district in its mission.

When developing a vision statement, the board must answer the question of "what?" What would the district look like should it accomplish its mission to the fullest extent? Doing so requires agreement on the board as to what the future of the district should look like.

With a mission and vision as its foundation, the board sets direction through the district's strategic plan, which may guide the development of more specific objectives for implementation by the general manager and staff. In developing a strategic plan, the board will evaluate the present, anticipate the future, and prioritize goals that must be accomplished to achieve the vision. Strategic plans should be reviewed periodically and adjusted appropriately.

Establishing Policies

Policies are written statements specifying the manner in which the district's business is conducted. The board's job is to develop, maintain, revise, and enforce the district's policies. These policies provide needed direction for the general manager and staff, and for the constituents of the district.

One may view a special district's enabling act in California statute as the framework or "constitution" the district must operate under as a "subdivision of the state." However, independent special districts are not state entities, nor are they entities of a city or county. They are independent local governments, which are separate legal entities similar to other municipalities. Board-approved policies, resolutions, and ordinances are the tools by which boards direct the district in achieving its mission and securing its vision within the boundaries of its enabling act.

Board policies should guide district governance, such as board meetings, agendas, and minutes, board conduct, and rules of order. Policies should also be adopted

concerning district finances, personnel, communications, and other key functions.

While policies are approved by the board and may be requested by the board, they are typically drafted and recommended by staff. Sometimes this is done with review and direction of a board subcommittee.

Overseeing Finances

Boards ensure sound fiscal policy exists and that practices and controls are in place so that the district, board, general manager, and staff have direct accountability to their constituents. Furthermore, the board will approve an annual budget and request and approve periodic reports on the fiscal status of the district.

Commensurate with the board's role in financial oversight and fiduciary responsibilities, it should establish a financial reserve policy and capital improvement plan (CIP). It will also approve contracts of certain size and scope according to State law and board policy. To ensure adequate funding to provide quality services and infrastructure to its community, the board must impose sufficient rates, fees, and taxes.

Guiding Employee Relations

The board's charge is to support and assess the performance of the general manager, approve personnel policies, establish salary structure and benefits packages, approve memorandums of understanding (MOUs) negotiated with labor, approve job descriptions and organizational structure, and establish a

strong communications link between the board and general manager.

One of the most important decisions a board will ever make is the hiring of a general manager. Other than a district's general counsel and some rare additional exceptions for large special districts, the general manager is the only individual the board hires and supervises.

The general manager is responsible for hiring and supervising all other staff, sometimes through senior or mid-level managers in larger districts. Empowering the general manager to successfully carry out this key duty is critical to the success of the district. This should include a fair and constructive annual general manager evaluation process.

Serving as Community Leaders

A district and its board are linked in the eyes of the public and often seen as one and the same. Therefore, the conduct of board members reflects upon the district and the community it serves. This holds true during board meetings and formal district events, as well as during other interactions with community, the media, businesses, and other levels of government. Even the personal lives and behaviors of a board member can impact the perception and effectiveness of the district.

In your role as a board member, your board may designate you to formally represent your board to other organizations or participate in ceremonial events. Boards will often establish policies to guide such situations. It is



To expand your knowledge further, visit csda.net to find CSDA's *Sample Policy Handbook* and *Special District Reserve Guidelines* to learn more.

important to distinguish when you are speaking on behalf of the board and when you are speaking as an individual. However, as a public official, you should recognize that people will often construe your speech and actions as representative of your district, its staff, and your fellow board members regardless of the manner, time, and place in which they occur. This reality should lead board members to be thoughtful, intentional, and unified, not to be silent or absent.

It is a mistake for a special district to attempt to “fly under the radar.” Transparency is essential to democracy, and scrutiny is inevitable in government. This will be covered more in the next chapter, *Accountability and Transparency*, but here it is important to note that board members play a key role in a special district’s public outreach and engagement efforts. If a special district and its leaders are not telling the story of the district, somebody else will.

Role of the General Manager and Staff

The general manager is the executive staff officer of the district and for the board. This individual administers the district, providing day-to-day leadership, and maintains exclusive management and control of the operations and works of the district within State law and the policies of the board. In some districts, this position may be referred to as the district administrator, chief executive officer, executive director, district director, or another title. For the purposes of this handbook, it will be referred to as general manager.

Overarching best practices for a general manager include:

1. Developing and delivering reports to keep the board of directors and public well-informed of district operations and the status of district goals;
2. Providing recommendations on actions requiring board approval, including policies, resolutions, ordinances, and other matters;
3. Maintaining and advancing the operations of the district and implementing those policies, strategies, and directives approved by the board; and
4. Playing an active role in moving the district forward in serving its mission, carrying out its strategic plan, and attaining its vision.

As noted previously, the general manager has authority over and directs all employees, including hiring, supervision, evaluations, promotions, disciplinary actions, and terminations. All directives for staff should be given by the general manager or designated supervisor within the district. Authority may be delegated to other staff or consultants at the general manager’s discretion.

The general manager should dutifully and faithfully carry into effect the lawfully expressed policies of the board, including planning the short, medium, and long-term work program for the district, facilitating constructive and harmonious board relations, preparing and managing the district budget, conducting studies, and delivering written and oral presentations.



Visit sdlf.org to download the **SDLF High Performing District Checklist** to provide special districts with best practices related to the areas of finance and human resources.



Best practices that make the best board members:

- **Do your homework:** Read all board packets and materials in advance of meetings.
- **Don’t play “gotcha”:** Share questions with the general manager in advance of the board meeting.
- **Listen first, speak second:** Prioritize understanding the perspectives of others.
- **Build an expertise:** Find an important issue that other board members are not already invested in and become a leader, such as on LAFCO, environmental sustainability, etc.
- **Stick to principles, not positions:** Develop strong and well-considered principles, rather than digging heels into one position of a false dichotomy.
- **Oppose the action, not the implementation:** When necessary, vote “No” on a board agenda item, but don’t undermine or obstruct the successful implementation of board-approved decisions. Support and respect the actions of the board as a whole.





Accountability and Transparency

The residents of the district, as voters, owners, constituents, and customers of the district, possess the ultimate responsibility for its oversight and direction. The board is elected or appointed to serve as the voice of these residents. There are a host of legal requirements designed to ensure special districts remain accountable and transparent to its residents.

While special district boards must meet all mandated State laws, they should strive to exceed these requirements and set an example to other governments and organizations.

Legal Requirements

Significant mandates have been placed upon special districts by the State Legislature, which often exceed the standards for the State and some other local agencies. These legal requirements include, but are not limited to:

- Website Maintenance
- Open and Public Meetings under the Ralph M. Brown Act
- Public Records under the California Public Records Act
- Regular Financial Audits
- Finances and Compensation Posted Online
- Ethics Training for Board Members
- Conflict of Interest Compliance under the Political Reform Act

Websites

Beginning January 1, 2020 every special district must maintain a website, per Government Code Section 53087.8. All special district websites must display district contact information, agendas, state-mandated financial transaction and compensation reports, and a report of the district's enterprise systems. An exemption is available for special districts that pass an annual resolution detailing evidence of a hardship.

Open and Public Meetings

Per the Ralph M. Brown Act (Brown Act), special district board meetings must be accessible to the public. To facilitate access and participation, special districts must post their regular meeting agendas at least 72 hours in advance in a publicly accessible location and on their website. The board may only act on issues included in the agenda and the public must be permitted to address the board. The Brown Act includes myriad provisions and exceptions and has been the subject of significant litigation. It is recommended that board members read the Brown Act, found at Government Code Section 54950 et. seq., in its entirety and consult district legal counsel as necessary.

Public Records

As required by the California Public Records Act (CPRA), found in Government Code 6250 et. seq., special district records are subject to public review and scrutiny. The public may request copies of records in the possession of a special district, including records on a board member's personal device or account that are related to district business. Districts may charge a reasonable fee for the cost of printing and paper, but the district may not charge for staff time in producing such copies. As with the Brown Act, the CPRA includes numerous provisions and exceptions and is shaped by countless lawsuits. It is recommended special districts consult legal counsel as necessary in response to specific public records act requests.

Financial Audits

Government Code Section 26909 mandates regular audits of special districts by the county auditor-controller or a certified public accountant. The audit must be filed with the state controller and county auditor-controller.

Online Financial and Compensation Reports

Since 1949, special districts have been required to submit a financial transaction report to the state controller. In 2014, legislation additionally required completion of a compensation report and required that both the compensation report and financial transaction reports be posted or linked to

a conspicuous place on each special district's website. The state controller now provides all of this information in an open data format at www.bythenumbers.ca.gov and www.publicpay.ca.gov.

Ethics Training

In 2005, the State enacted AB 1234 (Salinas) mandating special district board members complete at least two hours of training in general ethics principles and ethics laws every two years. Board members have an obligation to conduct business in an ethical manner and make decisions that are in the best interests of their constituents. Building and maintaining the public's trust requires you to avoid any situation where your self-interest may come first.

Conflict of Interest Compliance

Passed by voters via Proposition 9 in 1974, the Political Reform Act (PRA) is designed to ensure elections are fair and government officials serve all citizens equally. The PRA generally governs political campaign spending and contributions, as well as a variety of ethics rules, including conflicts of interest. It prohibits a special district official from making, participating in making, or influencing a decision in which the official knows or has reason to know the decision will have a material financial effect on the official's economic interests, with limited exceptions.

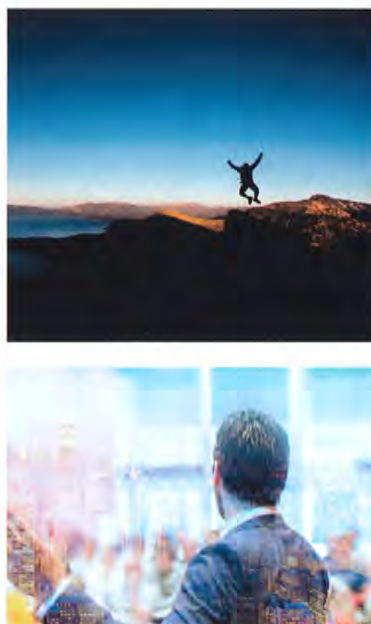
Third Party Oversight, Review, and Regulation

In addition to the legal requirements adhered to by special districts, there are a number of entities and programs, which provide varying levels of oversight, review, or regulation:

- Local Agency Formation Commission
- County Auditor-Controller
- County Civil Grand Jury
- County District Attorney and State Attorney General
- State Controller
- State Auditor
- State Treasurer
- State Fair Political Practices Commission
- Other State Regulators

Best Practices

Many special districts go beyond State mandated legal requirements to promote accountability and transparency. To facilitate and recognize best practices among special districts, the Special District Leadership Foundation (SDLF) has established a District Transparency Certificate of Excellence as well as other programs and scholarships. Visit sdlf.org to review the programs and download an application.



*Learn more
about SDLF
Programs &
Scholarships
at sdlf.org.*



Legislative Advocacy, Media Outreach, and Public Engagement

The decisions you make and the actions you take as a board member directly impact your community and the services they receive. It is equally true that districts are affected when board members do not make crucial decisions or fail to take action.

As a board member, you are an advocate for your district and your community. You will have to balance a number of responsibilities throughout your term. However, there are several simple yet influential ways you can take action as a board member.

Engage with the Capitol

Extensive travel to Sacramento is not necessary to effectively engage with the Capitol. Likely the most important way board members can partake in advocacy efforts is to submit letters of support or opposition when CSDA sends out a “Call-to-Action.”

Throughout the legislative session, CSDA closely analyzes and tracks any bill that may impact special districts. When an especially important bill arises, CSDA will issue a “Call-to-Action” and request letters so the Capitol hears the voice of special districts. Make sure your district’s voice is heard and work with others at your district to write support and opposition letters on behalf of your district.

Meeting with your legislators is another valuable way of advocating for your district and engaging with the Capitol. There are times throughout the year when legislators leave the Capitol and return to their legislative districts. During these legislative recesses, do your best to schedule a meeting with your legislator and their staff. Just as you represent your community as a special district board member, your legislator represents you, your special district, and your community. Make sure your legislator knows what issues are important to your district and how your district is impacted by legislation. The more legislators know about the special districts they represent, the more educated they will be when creating legislation that affects all special districts.

Once you’ve met with your legislators, let CSDA know which legislators you have a relationship with so that CSDA can coordinate grassroots activities on key votes in the State Legislature. Do this by completing the Grassroots Mobilization Survey at csda.net/take-action.

Engage with the Media

During your term as a special district board member, you will likely have to interact with the media. Do not be intimidated by the idea of communicating with the press. It is vital that you help inform the media’s narrative regarding your district. You do not want the only media mentions for your district to be one-sided or unfairly skewed against your district. The only way to ensure your district has a voice in what the media covers is for your district to be proactive. Be sure that any media outreach you undertake is in line with your board policies and/or protocols. Every special district should have a media protocol that determines who should serve as a spokesperson for the district under different circumstances. It is important to work as a team and support a clear and consistent message from your district.

Press releases should be utilized as a way to inform the press of particularly significant events. A few opportunities to send out press releases include when your district receives an award, after new board members are elected, or after a major project is successfully completed. Encourage your district to send out timely press releases in accordance with your board policy. You should also be looking for the best opportunities for your district to interact with the media. Not everything will be compelling to the media, but the media cannot acknowledge your district’s positive achievements if they are not informed. Media advisories are another way to engage with the media. If your district is hosting an event, encourage the general manager or district staff to send out an invitation to local reporters. Sometimes allowing the media to see for themselves helps garner positive press for your district. Also, inviting the media to your district allows you and other district representatives to build a working relationship with the



Throughout the year, CSDA maintains multiple resources to ensure you can stay up to date on the latest legislative issues impacting special districts. Explore the following resources:

- **Advocacy News:** Provides real-time notifications or daily summaries of legislative updates directly to your inbox. Join Advocacy News at csda.net/advocate/advocacy-blog.
- **Take Action Page:** Lists the most pressing legislative issues and provides background information and next steps for your district. Visit the Take Action page at csda.net/advocate/take-action.
- **Legislative Roundup:** Biannual webinar, free to CSDA members, connecting members with CSDA’s lobbyists for a live update and Q and A on the latest events in Sacramento.

reporters in your community. You want to serve as a resource to the media so when reporters have questions, they reach out for your district's perspective.

You may also want to suggest your district's media policy and/or protocol includes standard talking points for district representatives to reference when working with the media. Maintaining consistent messaging with the media will lend a level of credibility and reliability that the media will remember when writing about your district. As the media's understanding of your district grows, you should notice more accurate and informed press attention for your district.

Engage with Your Community

Special districts provide essential services to millions of Californians. Yet, many people have not heard of special districts or do not understand what a special district truly is. Polling shows that as soon as people understand the services provided and maintained by special districts, their perceived value of special districts rises exponentially. As a board member, you can help the public understand your district and its important role in your community.

Social Media

There are numerous ways to interact and connect with the community you serve. In today's world, most community members are on some form of social media. Although social media can be time consuming for you and district staff, it is worthwhile. A district policy or protocol should guide who is responsible for posting on behalf of the district. Typically, this is assigned to a member of the staff and board members may engage by liking and/or sharing district posts from their personal accounts.

Social media can provide an instant connection with your community. Instead of forcing local residents to go looking for information, you can make important information immediately available on social media.

Engaging on social media does not require continuous posts to all platforms throughout the day. Instead, post to social media when you have something you need and want to share with the

public. Post about any community events where your district will be represented. Share a quick fact or update about your district that may interest your community.

Even if you do not frequently post to social media, monitor your accounts to see if people make comments, have questions, or provide suggestions. You may choose not to respond to comments on social media but at least you are aware of what your community is saying. People may voice something on social media that they would not ordinarily say in person or in a more formal setting. At times, people may post negative comments but with social media, engagement is ultimately the goal. Social media starts an ongoing conversation with your community.

Community Events

Another effective way to engage with your community is with community events. As a board member, you can encourage your district to host an event where the public is invited to your district. Holding tours during the summer to demonstrate how your district functions or hosting a holiday party as a way for the community to celebrate together are just a few event ideas.

If you are a board member at a smaller district or a district type that does not easily lend itself to visits, collaborate with other districts and businesses in your community. Reach out to other special districts in your area to discuss a possible "district day" where representatives from multiple districts gather together and answer questions about their respective districts. Hosting a booth at the local career fairs or sponsoring a local event are other valuable ways of building a connection with the community you serve.

Join the Public Outreach Campaign

CSDA launched the Districts Make the Difference public outreach campaign to raise awareness and understanding for special districts. Encourage your district to participate in the campaign. Add a link to the DistrictsMakeTheDifference.org on your district's website so people can utilize the campaign resources and learn about the different types of special districts and how they are governed. Raising awareness for special districts helps local residents understand the value of special districts and the significant role they play in the community.



CSDA's *California Public Records Act Compliance Manual* is a general summary of the CPRA as it applies to special districts. For more information on this manual visit csda.net.



Responses to Tough Questions

As with all forms of government, special districts sometimes face tough questions. Special district board members should be aware of these questions and be prepared to respond to them.

Why are some special districts funded by property taxes, while others are funded by fees or a combination of fees and taxes?

Special district funding is primarily determined by the residents who receive district services and pay for those services. Special districts may receive two types of revenue: enterprise revenue and non-enterprise revenue. Some districts rely exclusively on one type, but most receive a combination of the two.

Enterprise revenue is derived by fees for service. Common forms of enterprise revenue include property-related fees, governed under Proposition 218, such as water, sewer,

or trash rates. However, enterprise revenue may also include smaller charges like registration fees for a soccer league or yoga class. Facility rentals, cemetery interment fees, and medical billing are also forms of enterprise revenues.

Non-enterprise revenue is derived from taxes and assessments paid as a condition of owning property that benefits from the services and infrastructure provided by a special district. The most common form of non-enterprise revenue is the one percent ad valorem local property tax, which is distributed through the county auditor-controller's office. This is dictated by Proposition 13 and is usually what someone is referring to when they mention the "property tax." Non-enterprise revenue may also include special taxes, benefit assessment districts, community facilities districts (also known as CFDs or Mello-Roos districts), and similar funding mechanisms.

It is important to note that most residents have approved at least some level of both enterprise and non-enterprise revenue for their special district. This provides the district

with a diverse and sustainable revenue portfolio that can better withstand economic shifts and secure the highest credit ratings for infrastructure investment. It also ensures that everyone who benefits from a district contributes to the cost of the district. For example, water and sewer services benefit a property's value regardless of whether that property's owner currently uses those services.

Can special districts tax residents without their consent?

No. Proposition 13 limited ad valorem property taxes to one percent of property value for every homeowner. Many special districts, along with cities, counties, and schools, receive a share of this revenue. If a district requires additional revenue it must obtain the approval of its voters or property owners as appropriate.

While cities and counties may impose general taxes with majority voter approval, all special district taxes are considered "special taxes" and require a two-thirds vote. A general obligation bond that raises property taxes temporarily to pay-off the bond must also receive two-thirds voter approval. Certain assessments may be approved with a majority of those who benefit from the service and property related fees must go through what's known as a majority protest proceeding in accordance with Proposition 218.

Why do we have community facilities districts, Mello-Roos districts, and special districts all funding our services?

Community facilities districts (CFDs) and Mello-Roos districts are just two names for the same thing, but neither are a special district with a board that provides a service. CFDs or Mello-Roos districts are funding mechanisms that may be established by a special district, city, county, or school district to help fund services and public works for that area. CFDs or Mello-Roos districts are typically approved by property owners in developing areas where there are fewer than 12 residents. In cases where there are 12 or more residents, they must be approved by voters.

Why do special districts have such large reserves?

Special districts need adequate reserves to ensure they can respond to their community's needs in the event of emergencies or disasters, like flooding, earthquakes, wildfires, or even droughts. Prudent reserves are often needed to accumulate the capital to pay for large infrastructure projects, or to secure financing. In addition, reserves provide a safety cushion to stabilize rates and maintain adequate services during economic downturns.

It should be noted that some reports of special district reserve levels have misinterpreted data within the state controller's Financial Transaction Report in a manner that confused districts' fixed assets with cash on hand. CSDA has worked with the state controller's office to ensure this report is presented in the most clear and consistent manner possible to avoid such errors in the future.

CSDA has also developed the Special District Reserve Guidelines, a comprehensive guide for accumulation and management of special district reserves. The report lays out policy procedures and high standards for special districts to follow in handling their fiduciary responsibilities.

Don't special districts have board members who are heavily compensated?

Board member compensation is set in statute by the State Legislature. Some special districts have statutory authority to adjust compensation, within strict limits, via a vote of the board during a properly noticed open and public meeting. Unlike city council members and county supervisors, special district board members are not eligible for the California Public Employees' Retirement System (SB 53 of 1993).

While every type of special district must comply with its own statutory parameters, most special district board members receive about \$100 per meeting. It is important to note that the work of a board member does not begin when a meeting commences and end when it adjourns. Board members typically review lengthy meeting packets, study issues thoroughly, and may be in communication with constituents or district staff throughout the month.

Every special district is unique and the demands and qualifications necessary to well-serve different special districts will vary.

Aren't special districts fragmented government?

Special districts provide real-world solutions to meet the needs of residents that otherwise would not be met. In fact, their name and their strength is derived from the way they specialize in a service. Special districts are passionate about providing a service people need. They are not easily distracted from their mission, and they develop an expertise at providing a service in the most efficient, effective, and sustainable manner possible.

While special districts may dot many local landscapes, each one is unique to the needs of its community. Special districts arguably offer the closest, or “most local,” level of service to their community. Residents will likely notice a difference in access and responsiveness when attending a recreation and park district meeting to discuss a playground as opposed to what they may receive on such a specific topic at a general-purpose government meeting. The same could be said in relation to library districts, harbor districts, mosquito abatement districts, water districts, and so on.

Similarly, special districts offer residents a meaningful opportunity to engage with their government and serve their community. The barriers associated with running for Congress, the State Legislature, and even county or city governing bodies are often staggering, with campaigns sometimes costing hundreds of thousands or millions of dollars. And the politics are sometimes highly partisan. Raising that level of campaign money and investing that number of hours away from family and paid employment is out of the reach of most Californians. While serving on a special district board is a significant undertaking, it is far more accessible to the average person.

Do special district services overlap with cities and counties?

No. local agency formation commissions (LAFCOs) oversee the formation, dissolution, and boundaries of special districts and cities. There are 58 LAFCOs, one per county. They ensure that special districts and cities don’t overlap in a way that provides redundant services. LAFCOs also conduct regular municipal services reviews (MSR) on special districts to help ensure they are providing efficient and effective services.

There are just over 2,000 independent special districts compared to 977 school districts, 482 cities and 58 counties. Why so many and why can’t they be consolidated to save taxpayers money?

What really matters is the quality of services and how well a special district responds to the residents it serves. Consolidation may work in some cases, but it doesn’t work in all cases. Bigger bureaucracies that are further removed from voters are not always more efficient. Even where consolidation may make sense in concept, it may not be economically feasible due to lack of proximity to neighboring infrastructure, such as water or sewer pipes.



An inherent bias for or against consolidation doesn’t improve services. Rather, a thoughtful, case-by-case approach, that includes stakeholders and an objective analysis, will promote the best local government options for each community. Ultimately, the residents who receive and pay for the services should have the final say.

It is also important to keep in mind that there are not 2,000 special districts providing the same service throughout the state. For instance, there are about 346 fire protection districts, 47 mosquito abatement and vector control districts, 95 recreation and park districts, 10 airport districts, and so on.

Who are special districts accountable to?

Special districts are accountable to the residents who elect their boards, approve their funding sources, and use their services. This offers a community local control.

If residents need something or want to see something changed, they may go to their special district and petition their board. When authority is pulled away from local government bodies and centralized further from residents, the community’s ability to influence its government and hold it accountable may become more challenging.

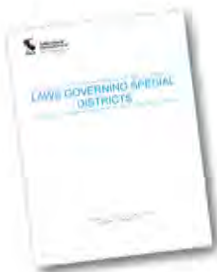
Numerous state laws help residents hold special districts accountable, such as the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act, and more. Additionally, a number of other bodies facilitate oversight and reporting requirements, including the LAFCO, county auditor-controller, county district attorney, state attorney general, and state controller’s office.



Quick Reference for Laws Affecting Special Districts

As subdivisions of the State of California, special districts are governed by state law. Every fall, after the legislative session concludes, CSDA runs a “New Laws” series. At the beginning of each year, CSDA provides its members with a New Laws report, which includes hundreds of enacted bills and court rulings.

CSDA’s publication, *Laws Governing Special Districts*, is a member resource that provides a thorough overview of the most significant long-standing laws affecting the governance of all types of special districts. This resource includes a spreadsheet outlining the enabling act for each type of special district. Following are excerpts of some of the most frequently referenced laws affecting all special districts.



**See what’s included in the
*Laws Governing Special
Districts Guide* at csda.net.**

Resources for You and Your Special District

Since 1969, CSDA has been providing special districts with representation at the Capitol, professional development opportunities, and a host of programs and resources designed to help them better serve their communities.

Advocacy and Public Affairs

CSDA is the only association representing the interests of California’s independent special districts, of all types and sizes and from all corners of the state. Our legislative staff reviews and monitors every bill introduced for its potential impact on special districts. Bills requiring action are quickly brought to the attention of the Legislative Committee and Board of Directors to adopt a position on each issue and lobby accordingly.

Our six District NetWorks help special districts connect and take action on issues of concern, locally or statewide. A CSDA Public Affairs Field Coordinator works with leaders in each Network, providing valuable legislative updates, facilitating communications, and coordinating regional events. Local chapters of CSDA provide more opportunities for collaboration and information sharing.

Professional Development

CSDA offers many unique educational opportunities for special district board members and staff. These range from extensive governance training to specialized conferences and regional workshops.

- Special District Leadership Academy (SDLA)
- Special District Board Secretary/Clerk Conference
- General Manager Leadership Summit
- Annual Conference and Exhibitor Showcase
- Workshops in Ethics, Harassment Prevention, and more

In addition, CSDA webinars, offered live and on-demand, provide affordable and convenient access to education in a wide variety of topics. Find a complete list of trainings at csda.net.

Visit csda.net for online resources available for members, including tools and information crucial to any special district's operational effectiveness.



CSDA is committed to providing solutions to special district needs. That includes discounts and programs especially designed to save districts time and money.

A complete listing of Value Added Benefits is available at csda.net.

Online Resources

At csda.net, members have access to tools and information crucial to any special district's operational effectiveness. Below are a few highlights of what you can find once you've logged in.

CSDA Communities

Our online forum gives CSDA members a fast and easy way to share relevant information and get answers to questions from those most qualified to answer – your peers. Search for and connect with other members through the Member Directory, or find service and product providers through the Buyers Guide.

Knowledge Base

The Knowledge Base is your online go-to for answers to many questions about local governance and policies related to special districts. The Frequently Asked Questions section contains answers to the inquiries we hear most often from special districts. The Sample Document Library is a collection of useful examples contributed by other special districts.

Also included in the Knowledge Base is an array of downloadable publications and reference materials on topics such as:

- Ballot Measure Guidelines
- Brown Act Compliance
- California Public Records Act
- Parliamentary Procedure
- Reserve Guidelines
- And many more

California Special Districts Alliance



California Special
Districts Association
Districts Stronger Together



Special District Risk Management Authority



CSDA
Finance Corporation

California Special Districts Alliance is a collaborative partnership between CSDA, the CSDA Finance Corporation and the Special District Risk Management Authority (SDRMA). Our three organizations work together to provide the best in resources and education for your special district.

CSDA Finance Corporation has facilitated nearly \$1 billion in financing for capital improvements, land acquisitions, and equipment purchases. Learn more at csdafinance.net.

Special District Risk Management Authority provides full-service risk management programs, including Workers' Compensation, Property/Liability, and Health Coverages. Learn more at sdrma.org.



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