

**GCS  
POLICY MANUAL**

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# **POLICY MANUAL**



**2019**

Revised November 1, 2019

# GCSD POLICY MANUAL

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### **Purpose**

It is the intent of the Board of Directors of the Gualala Community Services District (GCS D) to maintain a *Policy Manual*. Contained therein shall be a comprehensive listing of the Board's current policies, and including the rules and regulations enacted by the Board from time to time. The *Policy Manual* will serve as a resource for Directors, staff and members of the public in determining the manner in which GCS D business matters are to be conducted.

If any policy, or portion of a policy contained herein, is in conflict with rules, regulations or legislation having authority over GCS D, then said rules, regulations or legislation shall prevail.

### **Adoption/Amendment of Policies**

Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the General Manager. The proposed adoption or amendment shall be initiated by a Director or the General Manager by submitting a written draft of the proposed new or amended policy to the Board Chairperson and the General Manager, which may be submitted in person or by any communication method approved by the District, and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors. Any member of the Board may place an item on a future agenda by making a formal request to the General Manager at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors in accordance with the District's state statutes regarding the constitution of a majority vote.

Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review at least 72 hours, per the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

### **Equal Opportunity**

The District employs persons having the best available skills to efficiently provide high quality service to the public. The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reduction in force, reinstatement, and all other matters of employment.

- a) Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, handicap, veteran status, or any other factor unrelated to job performance.

### **Basis of Authority**

The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

Directors do not represent any fractional segment of the community but are, rather, a part of the body that represents and acts for the community as a whole. Routine matters concerning the operational aspects of the District are delegated to District staff members.

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### Board Secretary

Certain special districts may be required to have a Secretary of the Board of Directors pursuant to state law or district policy. The Board of Directors should consult its District counsel to determine whether a Secretary is required, and if not, whether it would like to have a Secretary. The Secretary performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

If for any reason the President and Vice-President resign or are absent or disabled, the Secretary shall perform the President's duties until the position of President is filled.

If for any reason the President and Vice-President disqualify themselves from participating in an agenda item or become partisan in the debate on any such item, the Secretary shall perform the duties of the presiding officer.

#### Duties of the Secretary

The Secretary of the Governing Board shall have the following duties:

- a) Certify or attest to actions taken by the Board when required;
- b) Sign the minutes of the Board meeting following their approval;
- c) Sign the documents as directed by the Board on behalf of the Authority, and sign all other items which require the signature of the Secretary;
- d) Perform any other duties assigned by the Board and the General Manager; and
- e) Perform any other duties required under law.

#### Responsibilities of the Secretary

The responsibilities of the Secretary, with assistance of the General Manager, are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including providing public notice of Board meetings in accordance with state law;
- c) Attend all Board meetings and ensure minutes of the Board of Directors meetings are recorded. These recordings are for use by the Secretary only for the purpose of preparing minutes for adoption at the next regularly scheduled meeting of the Board. Upon adoption of these minutes the recording media will be reused;
- d) Ensure accurate Minutes of each Board meeting are prepared and maintained;
- e) Maintain Board records and other documents and reports as required by law; and
- f) Disseminate correspondence to Board officers addressed to them.

### CODE OF ETHICS:

#### Background information:

Gualala Community Services District designed its Code of Ethics & Values (the "Code") to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today's complex and diverse society.

#### Goals of the code of ethics & values:

- a) To make GCS D a better District built on mutual respect and trust.
- b) To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District's Board. All



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elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called "Officials" for the purposes of this policy.

- c) The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

### **Preamble:**

- a) The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The GCS D has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government.
- b) All Officials, and others, who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

### **Applicability:**

This Code shall apply to all District Officials as defined in Goals of the code of ethics & values bullet point B.

### **Core Value:**

As participatory Officials in the District's government, we subscribe to the following Core Values:

#### **As a representative of GCS D, I will be ethical. In practice, this value looks like:**

- a) I am trustworthy, acting with the utmost integrity and moral courage. I am truthful. I do what I say. I am dependable.
- b) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
- c) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- d) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
- e) I show respect for persons, confidences, and information designated as "confidential."
- f) I use my title(s) only when conducting official District business for information purposes or as an indication of background and expertise carefully considering whether I am exceeding or appearing to exceed my authority.
- g) I will avoid actions that might cause the public or others to question my independent judgment.
- h) I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

#### **As a representative of GCS D, I will be professional. In practice, this value looks like:**

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent and productive manner.
- b) I approach my job and work-related relationships with a positive, collaborative attitude.
- c) I keep my professional education, knowledge, and skills current and growing.

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**As a Representative of GCSB, I will be service-oriented. In practice, this value looks like:**

- a) I provide friendly, receptive, courteous service to everyone.
- b) I attune to and care about the needs and issues of citizens, public Officials and District workers.
- c) In my interactions with constituents, I am interested, engaged and responsive.

**As a representative of GCSB, I will be fiscally responsible. In practice, this value looks like:**

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.
- b) I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c) I make good financial decisions that seek to preserve programs and services for District residents.
- d) I have knowledge of and adhere to the District's Purchasing and Contracting and Allocation of Funds Policies.

**As a representative of GCSB, I will be organized. In practice, this value looks like:**

- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
- b) I follow through in a responsible way, keeping others informed and responding in a timely fashion.
- c) I am respectful of established District processes and guidelines.

**As a representative of GCSB, I will be communicative. In practice, this value looks like:**

- a) I positively convey the District's care for and commitment to its citizens.
- b) I communicate in various ways, that I am approachable, open-minded, and willing to participate in dialog.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

**As a representative of GCSB, I will be collaborative. In practice, this value looks like:**

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work towards consensus building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the District's decisions and issues.

**As a representative of GCSB, I will be progressive. In practice, this value looks like:**

- a) I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- b) I display a style that maintains consistent standards; but is also sensitive to the need for compromise, "thinking outside the box" and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District services.

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### **Enforcement:**

Any Official found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

### **Conflict of Interest**

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. The Board approved and adopted the FPPC’s standard conflict of interest on [insert meeting date or year]. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and, along with the attached Appendix , in which members of the Board of Directors and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the Gualala Community Services District.

### **BOARD/STAFF COMMUNICATION**

Effective governance of the District relies on the cooperative efforts of the agency’s elected Board, who set policy and priorities, and the District’s staff members, who analyze problems and issues, to make appropriate recommendations, and implement and administer Board policies. It is the responsibility of District staff to ensure Board members have access to information and to ensure such information is communicated completely and with candor to those making the request. However, Board members should avoid intrusion into those areas that are the responsibility of District staff. Individual Board members must avoid intervening in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the General Manager and Board as a whole. This is necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities given by management and the Board without fear of reprisal.

### **Role of the Board**

As the legislative body for the agency, the Board is responsible for approving the District’s budget, setting policy goals and objectives and adopting strategic plans. The primary functions of the District staff members are to execute Board policy and other Board actions and to keep the Board well informed.

Individual members of the Board should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities, without the prior knowledge and approval of the Board as a whole. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy.

Board members also have a responsibility of information flow. It is critical that they make extensive use of staff and agency reports and Board meeting minutes. Board members should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues. Additional information may be requested from staff, if necessary.

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Individual Board members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or Legal Counsel will pass critical information to all Board members.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete and after review by District staff. In addition, there are legal restrictions on the agency's ability to release certain personnel information even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information, should be discussed with Legal Counsel for clarification.

### **Policies:**

There shall be mutual respect from both staff and Board members of their respective roles and responsibilities at all times. There is a need for access to staff by Directors and at the same time, unlimited access could result in work priority conflicts for staff.

### **Purpose:**

The purpose of the policies listed below is to facilitate Board/staff communications consistent with these principles.

All requests for information or questions by the Board to staff outside of a Board or Committee meeting, shall be directed to the General Manager or Legal Counsel as appropriate and shall include the desired time and date for receiving the information. Staff will confirm the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with the notation indicating which Board member requested the information. If a Board member requests information from any other member of the staff, staff may either direct the matter to the General Manager or may ask the Board member to contact the General Manager directly.

Individual Directors cannot directly assign work to staff members. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- a) Directors should clear all short-term requests of Staff with the General Manager prior to contacting individual members of the staff and, in most cases, the General Manager should direct and handle the request for the Director.
- b) For long-term, involved studies or where the matter includes confidential material, the General Manager should be contacted, and the subject matter discussed with the full Board at a Board meeting prior to staff working on the assignments.
- c) In the event that staff is a participant or representative of a Committee or Work Group of the Board, the Board may contact the staff member directly to request or provide information or confer regarding matters of the Committee or Work Group.

At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions amongst each other regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. Staff must recognize that the Board, as the decision maker,

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is free to reject or modify a staff recommendation and that the Board's wishes will be implemented by staff even if it was contrary to a staff recommendation.

Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction with staff. Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

Board members should not make public comments critical of the performance of a District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to Legal Counsel.

Staff will respect the right of Directors to refuse to provide information or answers to staff and recognize that Directors may be bound by other rules of law or procedure that do not permit the Director to speak about the subject matter presented. If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to request that the Director speak directly with the General Manager about the subject matter presented without any fear of reprisal.

### **Legal Counsel and Auditor**

The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

Legal Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and department heads. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- a) The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

- a) The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter for Audit Compliance. The General Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.

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### General Manager's Role

The General Manager is an employee of the District and has an employment agreement which specifies his or her terms of employment. The General Manager is the administrative head of the District under the direction of the Board of Directors. He or she shall be responsible for the efficient administration of all the District's affairs which are under the General Manager's control. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with short- and long-range goals, policy statements, and directives from the Board.

### The General Manager's Duties:

The District's General Manager shall be responsible for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The planning, direction, and coordination of the day-to-day operations of the District through the appropriate department heads or managers including administration, financing, maintenance, engineering, human resources, and others to effect operational efficiency;
- c) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employment policies established by the Board of Directors;
- d) Attending and participating in District Board meetings, preparing and present reports as necessary, representing the Board before external organizations including other agencies, governmental and regulatory entities, business and community groups;
- e) The supervision of the District's facilities and services; and
- f) The supervision of the District's finances.

The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instruction to the General Manager on matters within the authority of the Board during duly convened board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other District employees. Members of the Board will refrain from making requests directly to District employees (other than the General Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow the District's Request for Public Records Policy.

### LIFE INSURANCE POLICY

District employees will receive a 1x annual salary life insurance plan and must work a minimum of 20 hours a week to qualify for District life insurance. The District will pay 75% of the premium and employees will have the remaining amount deducted from their paychecks each pay period. A supplemental life insurance plans are available to each employee up to \$250,000. Supplemental life insurance will be at the cost of the employee. Life insurance is available for each Board member in lieu of the allotted \$50.00 a month for each regular scheduled board meeting.

### RECORDS RETENTION POLICY

#### Purpose:

In order to establish guidelines for the retention of Gualala Community Services District ("District") records and to identify those records which are no longer required for or important to District operations,

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and are therefore appropriate for destruction, the following guidelines are established for the retention of District records:

Different types of District records and a recommended retention period for those records are set forth on the attachment to this Policy. Although every effort has been made to provide a thorough list of the different types of District records, the attached list is not all-inclusive, and there may be records which do not fall within one of the listed categories. In such case, the General Manager of the District is authorized to make a determination as to the appropriate retention period for that particular record.

Each record on the attached list shall be maintained in District records for the period indicated. In some instances, circumstances may exist which justify maintenance of a particular record for a longer period of time. The period of retention begins at the end of the fiscal year during which the record was created, not from the date of the record itself.

E-mails present a unique challenge. Generally, e-mails should be deleted 30 days after sending or receiving. Some e-mails, however, pertain to ongoing District business. In conjunction with the General Manager, employees should determine whether an e-mail should be retained, on a case by case basis. Such emails should be placed into a folder that references the particular retention category set forth in the attachment to this policy.

Certain records are identified on the attachment as "Permanent Records" which shall be retained permanently in District records. Some Permanent Records should be retained in their original form, including minute books, resolutions and ordinances; records relating to the District's formation, and formation of any improvement or assessment districts; wastewater collection and treatment system design, installation and repair records; deeds, easements and other real property records; insurance policies; annual and audited financial reports; and court judgments and settlement agreements. Other permanent records may be photographed, microfilmed or reproduced on optical disk or other medium to facilitate their retention as required by this Policy.

In normal operations of the District, duplicate records are often created. Unless the Board of Directors provides otherwise, the General Manager may authorize the destruction of any duplicate record so long as the original or a permanent photographic reproduction or optical disk copy of the record is created and maintained in accordance with this Policy.

In accordance with *Government Code §60201*, the District may utilize alternative storage methods for those records which are not required to be maintained in their original form. Upon Board authorization, District records may be photographed, micro-photographed, reproduced by electronic video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, produced on film or any other reliable medium which does not permit additions, deletions or changes to the original document. This preservation must comply with minimum standards or guidelines recommended by the American National Standards Institute or the Association for Information of Image Management for recording of permanent records or non-permanent records.

Such reproductions shall be maintained in conveniently accessible files with provision being made by the District for preserving, examining and using files. The reproductions can be certified, and such certified reproductions shall be deemed to be original public records for all purposes pursuant to *Government Code §60203*. Certification of the record must comply with standards approved by the California Attorney General, including a statement of identity, description and disposition or location of the records reproduced and the date, reason and authorization for such reproduction.

The General Manager shall oversee the process for destruction of District records in accordance with the guidelines attached to this Policy. Records (whether originals or reproductions) can be destroyed by the District unless it is determined that a compelling reason then exists to continue retention of the document. Alternatively, those records which are maintained in their original form during the retention

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period could, upon expiration of the retention period be converted to microfilm or other photographic reproduction for so long as circumstances reasonably dictate.

Immediately prior to destruction, the General Manager shall make a determination that no reason then exists to preserve the record.



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The following list of records with suggested retention periods is comprised primarily of records commonly found in the general business community, and is not intended as an exhaustive listing of all District records. Except as noted, the figures represent the number of years for retaining the records. The periods begin at the end of the fiscal year during which the record was created, not from the date of the record. The retention period for items supporting tax returns begins on the filing date of the return or its due date, whichever is later.

*"P" = permanently; "AT" = after termination; "AD" = after disposal of the underlying asset; "AE" = after election; "AEG" = after end of grant; "AM" = after meeting; "AR" = after revision.*

Accident reports (settled)	7	Applications (non-hirees)	2
Agendas; meeting notices	2	Contracts	7 AT
Audits (see also Financial Reports)	P	Daily time reports	5
Bank deposit slips	3	Disability claims	7 AT
Bank reconciliations	3	Earnings records	7
Bank statements	7	Employee manual	2 AR
Billing records	2	Employee service records	7 AT
Bills of lading	5	Interview documents (employees)	7 AT
Board meeting packets	30 days	Interview documents (non-hirees)	2
Bonds (records of issuance)	P	Pay checks	7
Budgets and related updates	3	Personnel files	7 AT
Check register	10	Salary and wage changes	7 AT
Checks paid by customers	3	Salary receipts	7 AT
Checks (paid and canceled)	7 AD	Time cards, tickets and clock records	5
Contracts:		Training records	7
Employee	7 AT	Unemployment claims	7 AT
Vendor/consultant	7	Withholding certificates	7 AT
For acquisition, operation, maintenance of land, water systems; water entitlement; water rights	P	Worker's compensation reports	10
Correspondence:		Leases	7 AT
Accounting	7	Ledgers and journals:	
Credit and collection	7	Accounts payable ledger	7
General	3	Accounts receivable ledger	7
Personnel	7 AT	Cash journal	10
Cost accounting records	5	Customer ledger	7
Deposit slip copies	3	General journal	10
Depreciation schedules	7 AD	General ledger	P
Developer agreements	P	Journal entries-year-end	P
District Formation records	P	Payroll journal	10
Easements	P	Plant ledger	P
Election records	4 AE	Purchase journal	10
Environmental review documents:		Licenses-Certifications (employees)1	AT
EIRs, negative declarations, notices of exemption, notices of determination	P	Litigation files (resolved):	5
Environmental review: correspondence	3	Judgments, Orders, Settlement Agreements	P
Equipment leases (after expiration)	7	Maintenance records:	
Equipment repair records	3	Building	7
Expense reimbursement records	3	Machinery	7
Financial reports:		Meter History	7
Audited	P	Minute books,	P
Annual	P	Resolutions, Ordinances	
Interim	3	Mortgages	7 AT
Fixed asset records	7 AD	Notes (canceled)	7
FPPC records (Forms 700)	7 AT	NPDES permits	P
Garnishments	3 AT	Oaths of office	6 AT
Grant applications (successful)	5 AEG	Options	7 AT
Grant funding records	5 AEG	Ordinances	P
Insurance policies	P	Pension records	P
Inventory records	7 AD	Petty cash records	3
Invoices (not including water bills)	7	Plant acquisition records	7 AD
Labor records:		Real estate development records:	
Applications (employees)	7 AT	Design, Engineering, Construction	10
		As-builts w/ District approval	P
		Planning documents	3 AR
		Policies and procedures	3 AR

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Property records:	
Appraisals	P
Damage reports	7
Deeds, Easements, Licenses	P
Depreciation	7 AD
Plans and specifications	P
Purchases	P
Reconveyances	P
Sales	P
Taxes	10
Public Records Act requests	2
Purchase order copies	3
Purchase invoices	7
Rates and charges	3 AR
Receiving reports	3
Remittance statements	3
Resolutions	P
Rules and Regulations	P
Software license agreements and documentation (after expiration)	3
Staff reports	2
Surety bonds	3 AT
Tapes—audio and video of Board mtgs.	½ AM
Tax records	10
Tax returns (copies):	20
Travel records (employees)	3
Vehicle records	2 AD
Wastewater bills and related reports	7
Wastewater distribution system design, installation and repair records	P
Water quality tests – bacteriological	5
Water quality tests – other	12
Water quality reports	12
Water quality violations	3

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### ACCOUNTS RECEIVABLE POLICY

#### Purpose and Scope:

It is the policy of the District that accounts receivable be reviewed monthly by the board, as it is critical to the cash flow of the District and requires continued follow-up and attention.

#### Procedures

- a) The accounts receivable balances are reviewed monthly by the Administrative Assistant or the General manager, along with the Board of Directors.
- b) Notices are sent for all accounts 30 or more days past their due date.
- c) Specified in GC §61115(c), to provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The board of directors may provide for the collection of these penalties.
- d) Credit memos are limited to control of the Administrative Assistant, after consulting with the General Manager or his or her designee.
- e) At month-end closing, an accounts receivable schedule is prepared, reviewed, and reconciled to the General Ledger. The trial balance report is compared to the General Ledger for accuracy.
- f) An appropriate allowance for bad debt is carried on the Balance Sheet. Every attempt is made for collection. At year-end it is determined if there are uncollectible items and, if so, those are written off by the Administrative Assistant, upon approval by the General Manager or the Board of Directors. Any amount over the approved allowance for bad debt must be approved by the Board of Directors prior to write off.

### ASSET PROTECTION AND FRAUD

#### Purpose and Scope:

To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

The GCSD is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the GCSD to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the GCSD and, when appropriate, to pursue available legal remedies.

#### Definitions:

- a) Fraud – Fraud and other similar irregularities include, but are not limited to:
  - 1) Claim for reimbursement of expenses that are not job-related or authorized by District policy;
  - 2) Forgery, falsification, or unauthorized alteration of documents or records (including but not limited to checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.);
  - 3) Misappropriation of District assets (including but not limited to funds, securities, supplies, furniture, equipment, etc.);
  - 4) Inappropriate use of District resources (including but not limited to labor, time, and materials);
  - 5) Improprieties in the handling or reporting of money or financial transactions;
  - 6) Authorizing or receiving payment for goods not received or services not performed;

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- 7) Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned or –licensed software;
  - 8) Misrepresentation of information;
  - 9) Theft of equipment or other goods;
  - 10) Any apparent violation of federal, state, or local laws related to dishonest activities or fraud;
  - 11) Seeking or accepting anything of material value from those doing business with the District including vendors, consultants, contractors, lessees, applicants, and grantees. Materiality is determined by the District's Conflict of Interest Code which incorporates the Fair Political Practices Commission's regulations;
  - 12) Any other conduct, actions or activities treated as fraud or misappropriation under any federal or state law, rule or regulation.
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- b) Employee – In this context, “employee” refers to any individual or group of individuals who receive compensation, either full- or part-time, including members of the Board of Directors, from the GCSD. The term also includes any volunteer who provides services to the GCSD through an authorized arrangement with the District or a District organization.
  - c) Management – In this context, “management” refers to any manager, supervisor, or other individual who manages or supervises District's resources or assets.
  - d) Internal Audit Committee – In this context, if the claim of fraud involves anyone other than the District's General Manager, the Internal Audit Committee shall consist of the General Manager, the District's Legal Counsel and any other persons appointed to the Internal Audit Committee by the General Manager. If the claim of fraud involves the District's General Manager, the Internal Audit Committee shall consist of the President of the Board of Directors of the District, the District's Legal Counsel and those persons appointed to the Internal Audit Committee by the President of the Board. Nothing contained in this policy shall be construed as requiring the General Manager or the President of the Board to appoint other persons to the Internal Audit Committee. Individuals appointed to the Internal Audit Committee by the General Manager or the President of the Board other than the District's Legal Counsel shall serve at the pleasure of the General Manager or the President of the Board.
  - e) External Auditor – In this context, “External Auditor” refers to independent audit professionals appointed by the District's Board of Directors to perform annual audits of the District's financial statements.

It is the District's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the District of any party who might be or become involved in or become the subject of such investigation.

Each department of the District is responsible for instituting and maintaining a system of internal controls to provide reasonable assurance of the prevention and detection of fraud, misappropriations, and other irregularities. Management staff should be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indications of such conduct.

For claims of fraud not involving the General Manager, the General Manager or an Internal Audit Committee appointed by the General Manager shall have primary responsibility for investigation of activity covered by this policy. For claims of fraud involving the General Manager, the President of the Board or an Internal Audit Committee appointed by the President shall have primary responsibility for investigation of activity covered by this policy. The District's General Counsel shall advise the Committee, the General Manager and/or the Board President on all such investigations.

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Throughout the investigation, the Internal Audit Committee will inform the General Manager of pertinent investigative findings

An employee will be granted whistle-blower protection when acting in accordance with this policy so long as he or she has not engaged in activity that violates this policy. When informed of a suspected impropriety, neither the District nor any person acting on its behalf shall:

- a) Dismiss or threaten to dismiss an employee providing the information,
- b) Discipline, suspend, or threaten to discipline or suspend such an employee,
- c) Impose any penalty upon such an employee, or
- d) Intimidate or coerce such an employee.

Violations of this whistle-blower protection policy will result in discipline up to and including termination.

Upon conclusion of an investigation, the results will be reported to the General Manager or, if the investigation involves the General Manager, the Board President, either of whom shall advise the Board of Directors.

Following review of investigation results, the General Manager or the Board, as the case may be, will take appropriate action regarding employee misconduct. Disciplinary action can include employment discipline up to and including termination, referral for criminal prosecution, or both.

The General Manager or the General Counsel will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of District losses from the offender, other responsible parties, insurers, or other appropriate sources unless the Board should otherwise direct in consultation with General Counsel.

### **Procedures:**

#### **Board of Directors Responsibilities:**

- a) If a Board Member has reason to suspect a fraud has occurred, he or she shall immediately contact the General Manager or the Board President, if the activity involves the General Manager, and the District's Legal Counsel.
- b) The Board Member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager or Board President, as the case may be, and the District's Legal Counsel.
- c) The alleged fraud or audit investigation shall not be discussed with the media by any person other than the General Manager or the Board President after consultation with the District's Legal Counsel and any Internal Audit Committee appointed as to the matter.

#### **Management Responsibilities:**

- a) The General Manager is responsible for being alert to and reporting fraudulent or related dishonest activities in his/her areas of responsibility.
- b) The General Manager should be familiar with the types of improprieties that might occur in his or her area of responsibility and be alert for any indication that improper activity, misappropriation, or dishonest activity did occur or is occurring.
- c) When an improper activity is detected or suspected, the General Manager should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.

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- d) If the General Manager determines a suspected activity may involve fraud or related dishonest activity, he/she will report the incident to the Board President. If the activity involves the General Manager, it shall be reported to the Board President or the District's Legal Counsel.
- e) The General Manager should not attempt to conduct individual investigations, interviews, or interrogations other than as directed by the Board president or the General Counsel. However, management staff are responsible for taking appropriate corrective actions to implement adequate controls to prevent recurrence of improper actions.
- f) The General Manager should support the District's responsibilities and cooperate fully with the Internal Audit Committee, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
- g) The General Manager must give full and unrestricted access to all necessary records and Personnel to those responsible for identifying, investigating and remedying fraud and related dishonest acts. All District assets, including furniture, desks, and computers, are open to inspection at any time. No District officer, agent or employee has a reasonable expectation of privacy in District property and other resources to preclude such inspection.
- h) In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, the General Manager should avoid the following:
  - 1) Incorrect accusations;
  - 2) Alerting suspected individuals that an investigation is underway;
  - 3) Treating employees unfairly; and
  - 4) Making statements that could lead to claims of false accusations or other offenses.
- i) In handling dishonest or fraudulent activities, management has the responsibility to:
  - 1) Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc.;
  - 2) Avoid discussing the case, facts, suspicions, or allegations with anyone outside the District, unless specifically directed to do so by the Board President; and
  - 3) Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the Internal Audit Committee, or the District's Legal Counsel.
  - 4) Direct all inquiries from the suspected individual, or his or her representative, to the General Manager, the Board President, or the District's Legal Counsel. All inquiries by an attorney representing a suspected individual should be directed to the General Manager or the District's Legal Counsel. All inquiries from the media should be directed to the General Manager or the Board President, if the activity involves the General Manager.
  - 5) Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the General Manager and Legal Counsel, in conformance with District policy and applicable law.

### **Employee Responsibilities:**

- a) A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the proper management official.
- b) When an employee believes his or her supervisor may be involved in inappropriate activity, the employee shall make the report to the next higher level of management and/or the General Manager. If the activity involves the General Manager, it shall be reported to the Board President or the District's Legal Counsel.
- c) A reporting employee shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, Internal Audit Committee, the District's Legal Counsel, or law enforcement personnel.

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### **Internal Audit Committee Responsibilities:**

- a) Upon assignment by the General Manager or the Board President, an Internal Audit Committee will promptly investigate the allegations.
- b) In all circumstances where their reason to suspect a criminal fraud has occurred, the Internal Audit Committee, in consultation with the District General Manager or the Board President and Legal Counsel, if the General Manager is suspected of involvement in the fraud, will contact the appropriate law enforcement agency.
- c) The Internal Audit Committee shall be available and receptive to relevant, confidential information to the extent allowed by law after consultation with the District's Legal Counsel.
- d) If evidence is uncovered showing possible dishonest or fraudulent activities, the Internal Audit Committee will:
  - 1) Discuss the findings with management and the General Manager;
  - 2) Advise management, if the case involves District staff members, to meet with the General Manager (or his/her designated representative) to determine if disciplinary action should be taken;
  - 3) Report to the External Auditor such activities to assess the effect of the illegal activity on the District's financial statements;
  - 4) Coordinate with the District's risk manager regarding notification to insurers and filing of insurance claims;
  - 5) Take immediate action, after consultation with the Legal Counsel, to prevent the theft, alteration, or destruction of evidence. Such action shall include, but is not limited to:
    - a) Removing relevant records and placing them in a secure location, or limiting access to those records
    - b) Preventing the individual suspected of committing the fraud from having access to the records.
  - 6) In consultation with the District Legal Counsel and the local law enforcement agency, the Internal Audit Committee may disclose particulars of the investigation to potential witnesses if such disclosure would further the investigation.
  - 7) If the Internal Audit Committee is contacted by the media regarding an alleged fraud or audit investigation, the Internal Audit Committee will refer the media to the General Manager or Board President, if the activity involves the General Manager.
  - 8) At the conclusion of the investigation, the Internal Audit Committee will document the results in a confidential memorandum report to the General Manager or the Board President for action. If the report concludes that the allegations are founded and the District's Legal Counsel has determined that a crime has occurred, the report will be forwarded to the appropriate law enforcement agency.
  - 9) The Internal Audit Committee shall make recommendations to the appropriate department as to the prevention of future similar occurrences.
  - 10) Upon completion of the investigation, including all legal and personnel actions; all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the Internal Audit Committee to that department.

### **Exceptions:**

There will be no exceptions to this policy unless provided and approved in writing by the General Manager or the Board President and the District Legal Counsel. The Board of Directors reserves the right to amend, delete, or revise this policy at any time by formal action of the Board of Directors.

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### **BUDGET PREPARATION**

An annual fiscal year budget proposal shall be prepared by the Budget Committee starting each April. Before review by the Board of Directors, the Board's Budget Committee shall consist of the General Manager, Administrative Assistant, and two appointed board members. The proposed annual budget as reviewed and amended by the Budget Committee shall be reviewed by the Board at its regular meeting in June. The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in July.

### **CREDIT CARD USE**

#### **Purpose and Scope:**

The purpose of this policy is to prescribe the internal controls for management of District credit cards. This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

#### **Implementation:**

A credit card shall be issued to the General Manager and Operation Staff. Credit cards shall not be issued or used by members of the Board of Directors. Directors will use their personal credit cards for lawful expenses of the District and seek reimbursement on a form provided by the District for that purpose.

- a) All credit card bills shall be paid timely to avoid late fees and finance charges.
- b) All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If a transaction involves both personal and District business, the employee shall pay for the transaction personally and request reimbursement by the District of the appropriate portion of the expense.
- c) All credit card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.
- d) The Board of Directors shall review and approve credit card transactions by the General Manager. The General Manager shall review and approve credit-card transactions by the Operation Staff.
- e) All records of the District involving credit card use, including receipts, invoices, and requests for reimbursement are disclosable public records to be maintained consistently with the District's records management policy.

### **CONTRACTORS AND CONSULTANTS**

The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, auditing, and other purposes approved by the Board of Directors. The District's procedure is as follows:

- a) Construction projects will be advertised for bid in at least one local newspaper of general circulation, the local contractors bidding news if available, the North Coast Builders Exchange, and utilizing the States website for construction projects. The bid opening is open to the public and will be specified in the bid documents.
- b) If public bidding requirements apply under law or the terms of any grant contract, those requirements shall be complied with to the exclusion of the previous paragraph.

Consultants will be approved by the Board of Directors on the recommendation of the General Manager. The General Manager and/or Board of Directors will make their decision based on the consultant's experience



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and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete, and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering, architectural, and other professional services shall be evaluated based upon qualification and not on cost of services per state law.

Every person involved in the solicitation, selection, and approval of consultants shall comply with applicable conflicts of interest laws, including Government Code section 1090, the Political Reform Act of 1974, and the District's conflict of interest's code.

### **EXPENSE AUTHORIZATION**

All purchases made for the District by staff shall be authorized by the General Manager and shall be in conformance with the approved District budget.

Any commitment of District funds for a purchase or expense greater than \$10,000.00 shall first be submitted to the Board of Directors for approval or shall be in conformance with prior Board action and/or authorizations.

Requests for reimbursement to the District must have a good faith basis. Submission of a request for a reimbursement without such a basis shall subject the requestor to appropriate sanctions, up to and including termination of employment and referral to an appropriate law enforcement agency for prosecution.

### **INVESTMENT OF DISTRICT FUNDS**

#### **Premise:**

- a) The State Legislature has declared the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (Government Code (GC) § 53600.6 and § 53630.1); and,
- b) Government Code Sections 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,
- c) The treasurer or fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (GC § 53646(a)). The statement shall also be annually presented to any oversight agency of the local agency.
- d) For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds.

#### **Scope:**

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual audited financial statements of the District and include:

- a) Demand Accounts
- b) Investments
- c) General Fund
- d) Local Agency Investment Fund [others]
- e) Operation and Maintenance Fund
- f) Enterprise Funds [others]

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### **Prudence:**

The Board and persons authorized to make investment decisions subject to these policies are fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a fiduciary shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like District and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived.

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from policy or expectations are reported in the next issued quarterly treasury report and appropriate actions are taken to control adverse developments. When a deviation poses a significant risk to the District's financial position, the fiscal officer shall notify the Board immediately.

### **Objectives:**

As specified in GC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, the primary objectives of the investment activities, in priority order, shall be:

- a) **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the whole portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- b) **Liquidity:** The secondary objective shall be to meet the liquidity needs of the District.
- c) **Yield:** The third objective shall be to achieve a return on the funds under the District's control.

### **PURCHASING**

To purchase small items — such as office supplies, auto parts, and other miscellaneous items costing less than \$500 — vendors will be asked to submit pricing information by telephone or written quotation. District accounts are then awarded to those firms that provide the best prices, discounts, etc. Acquisitions are processed on purchase order forms that list instructions to vendors.

To purchase items costing more than \$500 and up to \$10,000, quotations will be solicited from vendors and received by telephone or written quotation, preferably from two or more sources, before selecting a supplier and processing a purchase order. The General Manager or designated staff must approve purchase orders.

For items over \$10,000 or orders of large quantities, the District will provide suppliers with a list of items to be purchased. Suppliers will provide written quotes for consideration and recommendation to the Board of Directors for award of contract. Items on the list will be purchased from the supplier quoting the lowest prices and having an acceptable delivery date.

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Vehicles will be purchased through the State's Vehicle Procurement Program, unless they can be acquired at the same cost or less expensively from local sources by competitive quotation bids in accordance with section 2135.2.

This policy covers the purchase of goods, not services and not public works construction services. Those matters are addressed in other policies of the District: (Expense Authorization Policy).

### **GRANT PROCEDURES**

Grant documents are reviewed and approved by General Manager prior to being approved by the Board of Directors. The General Manager shall review each grant to ensure the District will be in compliance with all of the financial provisions set forth in the grant being applied for. Original signed documents will be filed in accordance with the District Records retention Policy. The General Manager will assign appropriate account and customer numbers for each new grant. A log of all grants will be maintained by administrative staff detailing all grant numbers, effective dates, and reporting as required.

### **RECEIVING/DEPOSITING REMITTANCES**

It is the policy of the District that the General Manager shall cause appropriate staff to timely receive and deposit remittances and to ensure accountability.

#### **Procedures for incoming Checks:**

- a) General Manager or Administrative Assistant opens mail, receiving all checks and stamping "for deposit only".
- b) Using approved account codes, General Manager or Administrative Assistant logs each check on a weekly spreadsheet.
  - If the application of any check to a particular fund or account of the District is unclear, General Manager or Administrative Assistant logs as "Temporary Clearing Account".
- c) General Manager or Administrative Assistant stamps any accompanying paperwork "Paid" and files it under the appropriate folder.
  - If there is no accompanying paperwork, General Manager or Administrative Assistant will match check to open invoice(s) and proceed with above.
- d) Once a week, the spreadsheet is given to the General Manager or a board member.
- e) Daily, checks are given to the designated staff person.
- f) The designated staff person records each check in the accounting program.
  - Any checks logged as "Temporary Clearing Account" go to the General Manager or Administrative Assistant for appropriate coding.
- g) General Manager or Administrative Assistant prepares the bank deposit.
- h) Administrative Assistant verifies correct coding and dollar amounts coding and accounting for any check classified as payment for an administrative service will be verified by the General Manager.
- i) The designated staff person deposits with bank.
- j) The designated staff person records the deposit in the General Ledger.
- k) All checks & employee timecards will be signed and approved every other Friday on Non payroll weeks.

### **RESERVE POLICY**

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## **Purpose:**

The GCSD (the District) shall maintain reserve funds from existing unrestricted funds as designated by the District's Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- a) Fund replacement and major repairs for the District's physical assets.
- b) Fund regular replacement of computer hardware and software.
- c) Fund designated conservation projects/programs or other special uses not otherwise funded by grants or requiring additional monetary support;
- d) Fund capital improvements; and
- e) Maintain minimal operational sustainability in periods of economic uncertainty.

The District shall account for reserves as required by Governmental Accounting Standards Board Statement No. 54, which distinguishes reserves as among these classes: non-spendable, restricted, committed, assigned and unassigned. The reserves stated by this policy, unless otherwise required by law, contract, or District policy shall be deemed "assigned" reserves.

## **Policy:**

Use of District Reserves is limited to available "Unrestricted" Funds (not obligated by law, contract or agreement), including donations, interest earned, fees for service or other non-grant earnings. All special use funds will be designated by formal action of the Board of Directors. [The following reserves reflect common purposes of many Districts for cash reserves; the listed purposes and reserve amounts should be tailored to the needs of your District.]

### **a) Vehicle Fleet Reserve:**

Vehicle Fleet Reserves will accumulate from existing unrestricted funds, at a rate of [\$10,000] annually. The maximum amount of Vehicle Fleet Reserves will be [\$50,000]. When the annual accumulation would increase the Reserve beyond [\$50,000], only the amount required to reach the maximum will be reserved.

### **b) Technology Reserve:**

Technology Reserves will accumulate from existing unrestricted funds at a rate of [\$4,000] annually. The maximum amount of Technology Reserves will be [\$20,000]. When the annual accumulation would increase the Reserve beyond [\$20,000], only the amount required to reach the maximum will be reserved.

### **c) Designated Project/Special Use Reserve:**

Designated Project/Special Use Reserves will accumulate from existing unrestricted funds at a rate of [\$10,000 annually]. The maximum amount of Designated Project/Special Use Reserve will be [\$50,000]. When the annual accumulation would increase the Reserve beyond [\$50,000], only the amount required to reach the maximum will be reserved.

### **d) Capital Improvement Reserve:**

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e) Capital Improvements Reserve will accumulate from existing unrestricted funds at a rate of [\$25,000] annually. Designated Capital Improvement Funds may be used to cover major facility improvements (construction, installation of new doors or windows, replacing doors and windows, roof replacement, HVAC replacement, alarm system installation, parking lot and outside lighting improvements, etc.). The maximum amount of Capital Improvement Reserves will be [\$100,000]. When the annual accumulation would increase the Reserve beyond [\$100,000], only the amount required to reach the maximum will be reserved.

**f) Repair/Operations & Administrative Operations Reserve:**

Facility & Administrative Operations Reserves will accumulate from existing unrestricted funds at a rate of [\$260,000] annually. The maximum amount of Facility & Administrative Operations Reserves will be [\$780,000]. When the annual accumulation would increase the Reserve beyond [\$780,000] (equivalent of three years of Operations Reserves), only the amount required to reach the maximum will be reserved.

**g) Total All Reserve Funds:**

The total amount of Reserves designated annually from all funds shall be [\$309,000] with a cumulative accrual cap of [\$1,000,000].

### Using Reserve Funds:

**a) Vehicle Fleet Reserve:**

Vehicle Fleet Reserves will be used exclusively for the purchase of new vehicles to support District operations, or to make major repairs to existing vehicles.

**b) Technology Reserve:**

Technology Reserves will be used to purchase hardware and software in support of District operations, with the intent of maintaining a modern technology for employees.

**c) Designated Project/Special Use Reserve:**

Projects, programs or special uses will be identified by the General Manager and/or the Board of Directors and approved by the Board. Uses must further the mission of the District and will be evaluated for designation according to value to the District and the people it serves.

**d) Capital Improvements Reserve:**

Capital Improvements Reserves shall be limited to costs related to making changes to improve capital assets, increase their useful life, or add to the value of these assets.

**e) Operations/Repair & Administrative Operations Reserve:**

Operational Reserves shall be accrued to ensure three years of minimal facility and administrative functions, at a rate of \$260,000. Reserve funds shall be utilized to support:

1. Administrative operational functions, including minimal staffing levels and administrative/office expenses;
2. facility operations;

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3. facility repairs (distinguished from Capital Improvements and may include painting, caulking of seams, roof repairs, HVAC repairs, patching of walls, etc.).

### **Monitoring Reserve Levels:**

The General Manager, in collaboration with the Administrative Assistant, shall perform a reserve status analysis annually, to be provided to the Board of Directors' annual deliberation/approval of Budget and Reserve Funds.

Additional information may be provided to the Board of Directors upon the occurrence of the following events:

- a) When a major change in conditions threatens the reserve, levels established by this policy or calls into question the effectiveness of this policy;
- b) Upon General Manager and/or Board request.

### **DEBT MANAGEMENT**

#### **Purpose:**

This Debt Policy is intended to comply with Government Code Section 8855(i) and shall govern all debt issued by the District. The District hereby recognizes that a fiscally prudent debt policy is required to:

- a) Maintain the District's sound financial position.
- b) Ensure the District has the flexibility to respond to changes in future service priorities, revenues, and operating expenses.
- c) Protect the District's creditworthiness.
- d) Ensure that all debt is structured to protect current and future taxpayers, ratepayers and constituents of the District.
- e) Ensure that the District's debt is consistent with the District's planning goals and objectives and capital improvement program or budget, as applicable.

#### **Purposes for Which Debt May Be Issued**

##### **Long-Term Debt.**

Long-term debt may be issued to finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and operated by the District. Long-term debt financings are appropriate:

- a) When a project to be financed is necessary to provide District services.
- b) When the project to be financed will benefit constituents over several years.
- c) When total debt does not constitute an unreasonable burden to the District and its taxpayers or ratepayers.
- d) When the debt is used to refinance outstanding debt to reduce the total cost of the debt or to realize other benefits of a debt restructuring, such as increased flexibility in the use of cash and reserves.

Long-term debt financings will not generally be considered appropriate for current operating expenses and routine maintenance expenses. The District may use long-term debt financings subject to the following conditions:

- a) The project to be financed must be approved by the District Board.

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- b) The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%.
- c) The District estimates that sufficient revenues will be available to service the debt through its maturity.
- d) The District determines that the issuance of the debt will comply with the applicable state and federal law.

### **Short-term debt.**

Short-term debt may be issued to provide financing for the District's operational cash flows to maintain a steady and even cash flow balance as in anticipation of periodic receipts of property taxes and other revenues. Short-term debt may also be used to finance short-lived capital projects; for example, the District may undertake lease-purchase financing for equipment consistently with debt limit requirements of article XVI of the California Constitution, article XVI, § 18.

### **Types of Debt**

The following types of debt are allowable under this Debt Policy:

- a) General obligation bonds (GO Bonds)
- b) Bond or grant anticipation notes (BANs)
- c) Lease revenue bonds, certificates of participation (COPs) and lease-purchase transactions
- d) Other revenue bonds and COPs
- e) Tax and other revenue anticipation notes (TRANS)
- f) Land-secured financings, such as special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under applicable assessment statutes
- g) Tax increment financing to the extent permitted under State law
- h) Refunding Obligations
- i) State Revolving Loan Funds
- j) Lines of Credit

The District Board may from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such debt without an amendment of this Debt Policy. Debt shall be issued as fixed rate debt unless the District makes a specific determination as to why a variable rate issue would be beneficial to the District in a specific circumstance.

### **Relationship of Debt to Capital Improvement Program and Budget**

The District is committed to long-term capital planning. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District's capital budget and capital improvement plan.

The District shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues ("pay as you go"). The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear.

The District shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the District's public purposes.

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### **Policy Goals Related to Planning Goals and Objectives**

The District is committed to long-term financial planning, maintaining appropriate reserves and employing prudent practices in governance, management and budget administration. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District's annual operations budgets.

It is a policy goal of the District to protect taxpayers, ratepayers and constituents by using conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical total borrowing costs.

The District will comply with applicable state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.

When refinancing debt, it shall be the policy goal of the District to realize, whenever possible, and subject to any overriding non-financial policy considerations, (i) minimum net present value debt service savings approximately 3.0% of the refunded principal amount, and (ii) present value debt service savings equal to or greater than any escrow fund negative arbitrage. The cost of refinancing will always be less than the savings.

The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements in circumstances when the sole purpose of such debt financing is to temporarily reduce annual budgetary expenditures. Capital investments intended to reduce District operating costs indefinitely, as by improving the efficiency of its operations, are appropriate for long-term debt.

The District shall seek to time debt issues to avoid need for unplanned general fund expenditures for capital improvements or equipment.

### **Internal Control Procedures**

When issuing debt, in addition to complying with the terms of this Debt Policy, the District shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds. Without limiting the foregoing, the District will periodically review the requirements of and will remain in compliance with the following:

- a) Any continuing disclosure undertakings entered into by the District in accordance with SEC Rule 15c2-12 (17 CFR § 240.15c2-12 "Municipal securities disclosure").
- b) Any federal tax compliance requirements, including, without limitation, arbitrage and rebate compliance.
- c) The District's investment policies as they relate to the use and investment of bond proceeds.

Proceeds of debt will be held either (a) by a third-party trustee or fiscal agent, which will disburse such proceeds to or upon the order of the District upon the submission of one or more written requisitions by the General Manager of the District (or his or her written designee), or (b) by the District, to be held and accounted for in a separate fund or account to ensure debt proceeds are expended only for the purposes for which the debt was issued, the expenditure of which will be carefully documented by the District in records compliance with current accounting standards and subject to the District's annual audit.

### **INTERNAL CONTROLS**

A policy of the board of directors or GCSD defining financial internal controls

Whereas, the district is a district created pursuant to GCSD Resolution 86-4; and



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- Whereas, the Board of Directors may establish, policies for the conduct of the district's business;  
and
- Whereas, the Board of Directors has previously reviewed and approved several policies which  
reference an established a program of "internal controls";  
and
- Whereas, the Board of Directors are cognizant of its duty to ensure that proper controls are  
established and implemented to ensure the financial integrity of district operations;  
and
- Whereas, the Board of Directors desires to formalize a policy to define the internal financial controls  
that have been developed through various practices and procedures to date;

Now therefore, it is the policy of the Board of Directors of the district, until such policy shall be amended or rescinded:

There will be established procedures for the adequate separation of duties, including at least the following:

- a) a Deposit log of all cash/checks received for any particular month will be prepared by the Administrative Assistant;
- b) the General Manager oversees the deposit and ensures it is made;
- c) the Board will confirm that the deposits agree as part of their board packet each monthly scheduled board meeting;
- d) the bank reconciliation will be prepared promptly after month-end by the Administrative Assistant with no authority to sign checks or authorize other debits against the account;
- e) all invoices presented for payment must be approved by the General Manager;
- f) every check must be signed by two authorized signers (General Manager and authorized board members);
- g) all paid invoices shall be so marked and filed for reference;
- h) the same employee cannot be responsible for authorizing transactions, collecting or paying bills, and maintaining accounting records,

There will be an annual financial audit and any finding(s) shall be reported to the Board of Directors with simultaneous notice to the General Manager.

There will be biennial audits of the Property/Liability and Workers' Compensation Program claims paid by the district and those report(s) will be promptly presented to the Board of Directors.

In regard to district's cash reserve account in the Local Agency Investment Fund (LAIF), the district will maintain a balance for all programs, not to exceed the amount as currently authorized by LAIF guidelines, and that transfers out of LAIF may only be made to district's [Property/Liability General Account, Workers' Compensation General Account or Health Benefits Account] and must have the approval of one of the following individuals: 1) President, 2) Vice President, 3) Secretary of the Board, 4) General Manager. The requests for such transfers out of LAIF shall be signed by one of the four individuals above and be supported by detailed information which shall be maintained by the Administrative Assistant.

That other excess funds shall be deposited in or transferred to such long-term investment accounts as the Board may, from time to time designate by resolution; and

That funds in the investment account(s) shall only be withdrawn upon approval of the Board's President, Vice-President, or Secretary. Such withdrawals must then be remitted only to one of the checking accounts referenced above in the paragraph above. The requests for such transfers shall be signed by the General Manager and be supported by detailed information which shall be provided to the Director approving the transfer. Such information shall be maintained by the Administrative Assistant.

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To maximize interest earnings and manage district's cash flow needs, the General Manager or Administrative Assistant will strive to maintain a reasonable balance in the checking accounts to off-set monthly bank charges, but at the same time recognizing that surplus funds should be transferred as appropriate to LAIF or the long-term investment accounts. However, the Workers' Compensation Program - Claims Account will maintain a higher balance to ensure funds are available for timely payment of claims and projected growth of the program.

The signing of any checks written on the accounts of the district will be in accordance with the district's procurement policy.

Any payment of funds for claims and/or allocated loss adjustment expenses will be made in accordance with the district's Claim Settlement Policy.

The Board of Directors confirms that the Board will review these internal control policies upon completion of each year's audit with input from its external auditor.

This Policy supersedes any policy inconsistent with the provisions included above.

### **DISPOSAL OF SURPLUS PROPERTY OR EQUIPMENT**

#### **Sale of Surplus Equipment:**

- a) Board of Directors takes action to declare equipment surplus.
- b) Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)
- c) Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.
- d) Bidders are notified of Board's action.
- e) Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

#### **Sale of Real Estate:**

- a) Board takes action to declare property surplus and authorizes District staff to obtain appraisal.
- b) Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property before advertisement to the general public.)
- c) If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.
- d) Board takes action at the next regular Board Meeting to accept or reject highest bid.
- e) Bidders are notified of the Board's action.

Conflicts of Interest: As required by Government Code section 1090, no officer or employee of the District who plays any role in declaring District property surplus may bid on that property.

### **ELECTRONIC RESOURCES POLICY AND PROCEDURES**

The District makes every effort to provide its employees with technology resources to conduct business more effectively. The District has installed personal computers, local area networks (LANs), electronic mail (email), cell phones and access to the Internet. The purpose of the District's Electronic

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Resources Policy and Procedures is to establish uniform guidelines for use of this technology, including the use of the Internet and email.

### **Policy**

District technology, including computers, fax machines, and internet licenses are provided for District business and are not to be used for personal gain, private purposes, or to support or advocate non-District-related business or purposes. All data and electronic messages, including information accessed via the Internet and sent or received through electronic mail (email) systems, are the property of the District. All records whether paper or electronic, may be subject to disclosure under the California Public Records Act and are not private. <sup>1</sup>Notwithstanding the foregoing, email should only be used for the transmission of information and should not be used for preserving information for future reference. Information to be retained may be stored electronically on the system/network and/or may be converted to a hard copy and archived in a District physical file cabinet.

There is no expectation of personal privacy in any use of District computer systems and software, including email and the Internet. The District may, at any time, review the contents of all records, data and communication transmitted, received and stored by its electronic systems. This review may include accessing and disclosing all electronic documents, information and messages including email and Internet records.

The District purchases, owns and administers the necessary software and licenses and cell phones to provide access to email and Internet services and voice communications in the office, in the field and for emergency communications. Users may not rent, copy or loan District software or its documentation, nor use alternative software to access District systems. Users may be subject to discipline for negligence for introducing unauthorized software or viruses into District systems whether or not damage arises from that conduct.

The District is not responsible for items originating from the Internet and reserves the right to restrict employee access to the Internet or to certain Internet content.

### **Examples of prohibited uses:**

- a) Using the Internet to view, obtain or disseminate any sexually oriented material, images or messages.
- b) Using the Internet and/or email systems to send or distribute disruptive, offensive, abusive, threatening, slanderous, racial or sexually harassing materials
- c) Using District computer systems for private purposes, personal gain, solicitation of commercial ventures, religious or political causes, chain letters, or other non-job-related purposes.
- d) Downloading or installation of software that has not been approved by the District and scanned for viruses.
- e) Sending unencrypted confidential documents via the Internet without direction from District management to do so in the course of District business.
- f) Any other use that may compromise the integrity of the District and its business in any way.
- g) A good rule of thumb when using the computer and email is "never put anything in an email that you would not want to see on the front page of the newspaper."

To promote employee computer and Internet proficiency and as an employee benefit, certain incidental employee personal use is allowed. This use is only permitted during employee personal time. Examples include educational enhancement and personal communications, which conform to the above prohibited uses. Personal use is secondary and should not (i) interfere with the agency's operation of

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<sup>1</sup> Please refer to the Records Retention Policy on Page 14 in regard to email retention.

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Electronic Communications Resources, (ii) interfere with the user's employment or other obligations to the District, or (iii) burden the District with noticeable incremental costs. The District reserves the right to limit or discontinue incidental personal use of its technology resources at any time. More than occasional and incidental personal use of District resources is forbidden by State law.

The acquisition of hardware and software shall follow the normal budgetary and purchasing procedures, ensuring budget authorization is in place. Requests for acquiring hardware and software shall be recommended to the General Manager for evaluation and recommendation to the Board of Directors.

### **Equipment Operation and Maintenance:**

- a) The General Manager or Technology staff (in-house or agreement/contract) shall assist in evaluating District functional needs and recommend appropriate options for improvement of District technology resources.
- b) The General Manager or Technology staff shall maintain an on-site office automation library of proven and reliable software and hardware requiring minimum technical support that is easy to use, enhances District productivity, and is compatible with District technology systems.
- c) The General Manager or Technology staff shall maintain an on-site inventory control of all workstation hardware and software.
- d) The General Manager or Technology staff shall provide on-site training and consulting advice on approved software and make recommendations as appropriate.
- e) The General Manager or Technology staff shall maintain the District technology systems including all personal computer workstations and client server network for the purpose of retrieving data files, sharing licensed applications and nightly data backup.
- f) The General Manager or Technology staff shall periodically review the District technology systems for adherence to operating standards and implement approved upgrades.
- g) The General Manager or Technology staff shall backup District databases daily, weekly, monthly, quarterly and annually for archival and retrieval purposes.

### **Security:**

The General Manager must approve remote access to District systems. All computer systems users are responsible for data residing on personal devices used to access District systems remotely. Employees may not access systems remotely so as to incur overtime compensation without advance authorization by District management.

### **Procedures:**

#### **Passwords:**

- a) Users dealing in confidential matters will define their own confidential password. Users should be aware that this does not imply that the system may be used for personal communication or that email is confidential or the property of the user.
- b) To ensure the security of the email system, the system will prompt users to routinely change their passwords. Should a user forget his or her password, the system may lock them out after a certain number of failed attempts.
- c)

#### **Internet and email access:**

- a) Access to the Internet and email is restricted to authorized employees. The District may deny or restrict Internet and/or email access to any employee at any time.

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- b) When using email and the Internet, employees are cautioned to remember they represent the District and must act professionally, courteously and so as to not bring an employee or the District into disrepute. Employees may not speak for the District unless they are authorized to do so.
- c) Email and Internet messages can be forwarded without the express permission of the original author. Users must use caution in the transmission and dissemination of messages outside the District and must comply with all State and Federal laws, rules and regulations and District policy.

### **<sup>2</sup>Electronic Document, Software and Mail Storage**

- a) Electronic mail is not intended to be a permanent storage medium. Electronic in-boxes and out-boxes should be every 30 days. The District may, in its discretion, automatically purge older mail in accordance to the Records Retention Policy.
- b) To save critical electronic mail as a permanent record, employees should print out a hard copy for permanent filing or save the file on the "C" drive of the desktop or laptop computer assigned to them or to another electronic archive designated by District management.
- c) Signature Block: Email sent outside the District should include a signature block at the end of all messages. The block should include the sender's name, title, district name, direct telephone number email address and be in a format approved by District management.

### **USE/RENTAL OF DISTRICT EQUIPMENT**

The District owns and operates various equipment to carry out its mission. The District has determined that the public or other entities may be allowed to rent or use equipment that have been identified as appropriate for such use. The Board of Directors of the District reserve the right to limit or prohibit use of equipment as may be necessary to meet District needs from time to time. The District's procedure for use of equipment is as follows:

- a) Organizations or individuals shall submit requests to the District's General Manager in advance (30 calendar days or more) for use of one or more equipment. The request shall include the date(s), times and proposed uses, including information deemed pertinent by the General Manager to verify that the use is acceptable. The General Manager will notify the applicant of approval or denial of the request within 15 days unless more information is required for a decision.
- b) An employee of the District shall operate the equipment being used unless the General Manager states otherwise.

The Board of Directors may establish a user fee and deposit fee schedule for various equipment by resolution using criteria and costs borne by the District for operation and maintenance of such equipment. The user fee may be adjusted from time to time to reflect changes in costs of use and maintenance of the equipment.

- a) District staff shall collect a deposit and estimated use fee in advance of reserving the equipment. The deposit shall include a reasonable estimate of the clean-up and administrative time for handling the reservation. The deposit may be refundable to the extent that clean-up costs are less than the deposit, minus the administrative processing costs.

A priority schedule for use of equipment may be established using the following general criteria:

- a) Use by the Registrar of Voters for elections;
- b) Community activities which directly benefit the District or its customers;

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<sup>2</sup> Please refer to the Records Retention Policy on Page 14 in regard to email retention.

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- c) Public or non-profit organizations for non-political or non-commercial uses; and
- d) Commercial or private uses to the extent that other users have not expressed an interest in use of the facility for that date at least 30 days in advance.

Any organization or individual requesting use of District equipment shall be required to provide special liability insurance coverage, on a form acceptable to the District, or compensate the District for special use insurance coverage if deemed necessary by the District. Any organization or individual requesting use of District equipment shall execute a waiver of liability form as deemed necessary by the District in advance of final approval of the use of the equipment. All requesting organizations will be required to comply with Federal, State and local laws in the use of District equipment.

### **EMERGENCY PREPAREDNESS**

It is the policy of the District to create and maintain an active emergency preparedness program to manage the District's critical functions during any emergency and to protect District staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency services.

#### **Emergency Defined:**

"Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and response to which may require the combined forces of other agencies.

#### **Emergency Preparedness:**

The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally recognized four phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with other agencies on matters pertaining to response to the emergency and recovery of damaged systems and costs incurred during the emergency.

#### **Standardized Emergency Management System:**

The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created pursuant to Government Code § 8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.

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### **District Emergency Declaration:**

When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within 14 days at a regular, special or emergency Board meeting.

### **Authorization During District Emergencies:**

The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and enter into emergency contracts of up to \$250,000, as authorized by Public Contract Code § 20567 and § 22050.

### **Mutual Aid:**

The California Master Mutual Aid Agreement (Government Code §§ 8561–8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

### **Continuity of Management:**

The District's emergency plan will list at least two successors to critical staff identified in the plan, including the General Manager. If the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary person.

### **Status Reports:**

The General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within 60 days of the occurrence of a declared District Emergency.

## **EMERGENCY RESPONSE GUIDELINE FOR HOSTILE OR VIOLENT INCIDENTS**

### **Purpose of the Policy:**

To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents including possible armed intruders or related threats on District facilities or properties.

### **Background:**

The potential for hostile or violent incidents on District facilities or operational locations always exists. Recent incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities. Often, an intruder is a person who is an ex-employee, customer, or person known to the agency. The person often is upset at an event or person who works at the facility. However, armed intruders can be any person with or without a prior relationship with the

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District or its officers and employees. Incidents involving armed intruders can escalate to include multiple persons and potentially taking of hostages, including District customers.

Threats of these types are dire emergencies and the safety and wellbeing of employees and/or customers is the District's highest priority.

### **Response to an Incident:**

Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously. Any District Director or employee observing or sensing that a violent or hostile situation is occurring or threatened should consider precautionary and safety actions. Any event resulting in awareness of a possible violent act including gunfire, explosion, fighting, or scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises, including but not limited to:

- a) Attempt to communicate the situation to everyone in the facility by means of telephone, paging, email and/or radio system including basic information that a potential incident is occurring. If a perpetrator(s) is seen or known, information on the person(s) should be provided.
- b) Since different types and levels of workplace violence may require various responses, establishing basis information on the type of event is essential. Examples are:
  - 1) Gunfire: Awareness of gunfire in a District facility should result in evacuation to the extent possible. If not possible, securing of rooms or offices and notification of others by phone or email is encouraged. Calling emergency services via 911 is imperative once it is safe to do so. Remain in the most secure location possible until contacted by public safety personnel or a facility supervisor, etc.
  - 2) Explosion: An explosion could occur naturally or by violent intention. Awareness of an explosion or fire in the facility should result in immediate evacuation in accordance with established fire safety procedures. Response to a planned location is important so safety personnel can determine who is out of the facility.  
Physical or bomb threat: Awareness of a telephone or in-person threat to facility or staff should be met with action to evacuate and clear staff from the threatened area. Calling 911 as soon as it is safe to do so is imperative.
  - 3) Situations involving hostages: If a possible hostage incident is known, evacuation of the facility is paramount to safety of persons in the area. Contact 911 as soon as it is safe to do so.
  - 4) Irrate customer/threat at counter or meeting: When any person threatens a staff person or customer at a District facility in a manner causing fear for safety, action to summon public safety personnel by 911 should be taken. In no way should steps be taken to physically confront or subdue such a person except in defense of life at the facility. If a volatile situation occurs at a Board of Directors or other public meeting, the person chairing or hosting the meeting should take steps to control the situation or adjourn the meeting to abate the confrontation, if possible. In event of threatening or hostile situation, call 911 immediately and proceed with evacuation or other appropriate actions.

### **Planning for Emergency Incidents:**

Steps should be taken to plan response capabilities for emergencies in addition to fires, earthquakes, etc. that may involve hostile situations. These include but are not limited to:

- a) Preparation of a facility evacuation plan for each room. Post the plan at each doorway and hallway exit. Establish a safe area zone for staging.
- b) Procedures to lock both exterior and interior doors to secure the facility.



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- c) Training of all personnel in dealing with customers, employees and other persons in threatening situations and in how to identify and assess potential threats or volatile situations. All employees assigned or expected to serve at the front desk or counter shall receive such training regularly.

All employees and members of the Board of Directors shall receive training on response to violent or hostile incidents. In the event of a potential incident, employees should notify a supervisor, or the General Manager as may be possible or call 911. If assessment of a possible threat is needed, the General Manager or ranking staff person shall be notified. Public safety agency shall be contacted by 911 whenever a perceived threat is considered valid.

Actions for Violent or Armed Threat Situation: The existence or potential for an event involving a violent person or armed intruder at a District facility should be considered an emergency condition. Actions could include some or all of:

- a) Notify your supervisor or General Manager and other staff immediately if a threat is received but not actively in process. If validated, contact public safety by calling 911 immediately.
- b) The General Manager or ranking staff member shall evaluate the situation and consider appropriate actions including shutting down operations and evacuation and/or locking down the facility until public safety response abates the threat.
- c) Initiate notification of other facility staff of active threat by emergency code procedure. Evacuate the facility if possible. Secure money or computer equipment if time allows.
- d) Activate an alarm for notifying other staff or an alarm company if one engaged by the District. A call contact would be included in procedure to double check for safety at the facility.
- e) Upon sighting an armed intruder, an alert to all employees should be made by page, email, or radio.
- f) Secure your work area or evacuate if safely possible. If not able to evacuate, find a safe hiding place and stay put until contacted by public safety personnel.
- g) Once outdoors after an evacuation, proceed to designated staging area to report in for identification. Inform public safety personnel of any information on the incident.
- h) Attempt to remain calm and assist others; wait for instructions from public safety or supervisory personnel.
- i) Do not attempt to look around to see what is happening. Evacuate whenever possible and with others in areas you see directly. Do not confront or attempt to apprehend a violent perpetrator unless directly attacked for self-defense. Do not assume someone already called 911, call them immediately.

### **Post Event Actions:**

Following the clear announcement of ending of a violent or hostile-person situation, contact public safety or supervisory personnel for instructions. Report any firsthand observations or other knowledge of the incident. Contact your family and immediate friends so they will not take any unnecessary actions to respond to new reports. Await direction as to return to work or other steps dependent on level of the incident. If not able to do so, consult with your supervisor or notify the ranking person on-site.

An Emergency Response Coordinator shall evaluate and debrief any major incident and take needed steps to abate the conditions after the event and prepare as necessary for continued operations. Planning and actions to address conditions are expected and your input via your supervisor is important. There may be the potential to lock-down or close the facility for some time or other corrective steps. If necessary, seek direction on what actions you should take to assist in procedure.

### **WORKERS' COMPENSATION**

All employees are covered for Workers' Compensation, effective the first day of employment. Workers' Compensation provides employees and/or their beneficiaries with certain benefits in the event of a

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work-related illness, injury, or accidental death. The District pays the full cost of this coverage, whether through a self-insurance mechanism or an insurance product. If an employee sustains a work-related illness or injury, he or she must report the illness or injury to the General Manager or his or her supervisor in the absence of the General Manager, within 24 hours of the occurrence. Failure to do so could result in a delay of benefits.

All payments for lost wages or salary due to a work-related illness or injury, medical treatment, and any other benefits will be made by the workers' compensation claims administrator or insurance carrier as required by law. Workers' Compensation benefit payments may be coordinated with any accrued sick leave or vacation leave as part of a medical or disability leave of absence. For more information about Workers' Compensation benefits, please contact General Manager or your supervisor.

The District provides medical treatment for work-related injuries and illnesses through designated hospitals or clinics. Clinics are selected due to their experience in treating work-related injuries; an emergency hospital may be needed in major injury situations and used for first treatment pending added review by General Manager.

Employees who are injured in a work-related accident will be referred to the designated clinic unless the District has received a written notice that the employee wishes to be treated by his/her own health care provider. This notification must have been submitted to the employee's supervisor before any injury.

Any supervisor who learns that an employee has incurred a work-related illness or injury shall provide that employee with a notice of his or her right to seek workers' compensation benefits in a form provided by General Manager and shall promptly report doing so to General Manager.

Notices of workers compensation benefits shall be posted annually as required by California law by or at the direction of General Manager. A form for such notices is available at: <https://www.dir.ca.gov/dwc/NoticePoster.pdf>.

### **CUSTOMER RELATIONS**

Employees are expected to be polite, courteous, prompt, and attentive to every customer. Never regard a customer's question or concern as an interruption or an annoyance. All employees must make every effort to achieve complete, accurate, and timely communications — responding promptly and courteously to all proper requests for information and to all complaints.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a person requesting assistance, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the General Manager or supervisor should be called immediately for assistance. Employees should never argue with a customer. If a problem develops, or if a customer remains dissatisfied, ask your supervisor to assist in a resolution.

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### Public Complaints

A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal law by an individual who has been adversely affected by that alleged violation or misinterpretation.

#### Complaints shall be resolved as follows:

- a) An individual with a complaint shall first discuss the matter with the General Manager to resolve the matter informally if possible.
- b) If an individual registering a complaint is not satisfied with the disposition of the complaint by the General Manager, it shall be forwarded to the General Manager. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager shall memorialize his/her decision in writing, providing the individual registering the complaint with a copy.
- c) If an individual filing a complaint is not satisfied with the disposition of the matter by the General Manager, he/she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's decision. The Board may consider the matter at its next regular meeting, call a special meeting, or decline to consider the matter further. In making a decision, the Board may conduct conferences, hear testimony, and review the materials provided to the General Manager. The Board's final decision shall be memorialized in writing, copied to the individual registering the complaint. The action of the Board, including an action to decline to consider a complaint, is the final action of the District, not subject to further internal appeal.

This policy is not intended to prohibit or deter a member of the community or a staff member from appearing before the Board to orally present testimony, a complaint, or a statement in regard to actions of the Board, District programs and services, or pending considerations of the Board as permitted by the Brown Act. Nothing in this policy shall alter the duties of District employees to protect the District's confidences and avoid insubordination and as otherwise provided by law and District policy.

### Social Media Use

#### Purpose:

The policy outlines the protocol and procedures for use of social media to publicize District services and events. In addition, this policy addresses the responsibilities of employees and District officials with regard to social media and the use of District resources (time/equipment), as well as responsibilities related to the public records and open meeting laws.

#### Definitions:

- a) Social Media: Various forms of discussions and information-sharing, including social networks, blogs, video sharing, podcasts, wikis, message boards, and online forums. Technologies includes: picture-sharing, wall-postings, fan pages, email, instant messaging and music-sharing. Examples of social media applications include but are not limited to Google and Yahoo Groups, (reference, social networking), Wikipedia (reference), Facebook (social networking), YouTube (social networking and video sharing), Flickr, (photo sharing), Twitter (social networking and microblogging), LinkedIn (business networking), and news media comment sharing/blogging.

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- b) Social Networking: The practice of expanding business and/or social contacts by making connections through web-based applications. This policy focuses on social networking as it relates to the Internet to promote such connections for District business and for employees, elected and appointed officials who are using this medium in the conduct of official District business.
- c) "Posts" or "postings" means information, articles, pictures, videos, or any other form of communication posted on a District social media site.

### **Policy:**

No district social media site may be created without the approval of the General Manager or his or her designee. All District social media sites if created will be on the behalf of the District, by its employees on District time, or using other District resources are the property of the District and shall be administered and regularly monitored by the General Manager or his/her designee. These social media sites shall be used only to inform the public about District business, services and events. Individual departments may not have their own pages/sites. Individual departments wishing to add content to District social media sites may submit a request to the General Manager. The District's web site, [www.gualalacsd.org](http://www.gualalacsd.org), will remain the location for content regarding District business, services and events. Whenever possible, links within social media formats should direct users to the District web site for more information, forms, documents, or online services necessary to conduct business with the District. District social media sites shall clearly state that such sites are maintained by the District and that the sites comply with this Social Media Policy.

District employees and appointed and elected officials shall not disclose information about confidential District business on the District's social media sites, personal social media sites, or otherwise. In addition, all use of social media sites by elected and appointed officials shall be in compliance with California's open meeting laws, which prohibit serial meetings of a majority of the Board or another legislative body of the District via email or other electronic means. Members of the Board, committees and/or legislative bodies shall not respond to, "like", "share", retweet, or otherwise participate in any published postings, or use the platform or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body on which they serve. Employees and elected or appointed officials' posts to non-District social media sites are a reflection of their own views and not necessarily those of the District and should not suggest otherwise.

### **Posting/Commenting Guidelines:**

- a) All postings made by the District to social media sites will contain information and content that has already been published or broadcast by the District. The District will not comment on other social media member's sites. All official social media postings by the District will be done solely on the District's social media sites or in response to postings made on the District's social media sites. Officers, employees and agents of the District representing it on District social media sites shall conduct themselves professionally and in accordance with all District policies. All District social media sites shall use authorized District contact information for account set-up, monitoring and access. Personal email accounts or phone numbers may not be used to set up, monitor, or post to a District social media platform.
- b) The District reserves the right to remove from its social media sites content that it finds to violate this policy or applicable law. Any participants on the District's social media sites who are in continual violation of the postings/commenting guidelines may be barred from further use of the District's site. The District will only post photos for which it has copyright or the owner's permission.
- c) District social media platforms are subject to the California Public Records Act. Any content maintained on a District social media site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on District social media sites shall be sent

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to a District email account and maintained consistently with the Public Records Act, provided, however, that any material removed from a District social media site consistently with this policy shall be considered a preliminary draft, note or memorandum not retained by the District in the ordinary course of business and shall not constitute a public record of the District required to be retained consistently with the District's records retention schedules.

- d) Chat functions in any social media sites will not be used.
- e) Links to all social media networks to which the District belongs will be listed on the District's website. Interested parties wishing to interact with these sites will be directed to visit the District's web site for more information on how to participate.
- f) The District reserves the right to terminate any District social media site without notice or to temporarily or permanently suspend access to District social media as to some or all persons at any time. The District reserves the right to implement or remove any functionality of its social media platforms, in the discretion of the General Manager or his or her designee. This includes, but is not limited to, information, articles, pictures, videos, or any other form of communication that can be posted on a District social media platform
- g) District social media sites 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 District social media sites by the social media site's owners, vendors, or partners.
- h) District employees may post to District social media platforms only during working hours. After-hours or weekend postings may only be made with prior approval of the District Manager or his or her designee.
- i) Any person authorized to post items on any of the District's social media platforms shall review, be familiar with, and comply with this Policy and each social media platform's terms and conditions of use.
- j) Any person authorized to post items on behalf of the District to any of the District's social media platforms shall not express personal views or concerns through such postings. Instead, postings on any of the District's social media platforms on behalf of the District shall only reflect the views of the District.
- k) Posts 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.
- l) Posts may NOT contain any personal information, except for the names of persons being available for contact by the public as representatives of the District. Posts to District social media sites shall NOT contain any of the following:
  - 1)Comments that are not topically related to the information commented upon;
  - 2)Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
  - 3)Profane language or content;
  - 4)Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, or any other category protected by federal, state, or local law;
  - 5)Sexual content or links to sexual content;
  - 6)Solicitations of commerce;
  - 7)Conduct or encouragement of illegal activity;
  - 8)Information that may tend to compromise the safety or security of the public or public systems; or
  - 9)Content that violates a legal ownership interest of any other party.

### **Procedures:**

The General Manager or his designee will be responsible for responding to comments and messages as appropriate. The District will direct users to the District's web site for more information, forms, documents or online services necessary to conduct business with the District. The District may invite others to

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participate in its social media sites. Such invitations will be based upon the best interests of the District as determined by the General Manager or his or her designee.

### **Responsibilities:**

It is the responsibility of employees and appointed and elected officials to understand the procedures as outlined in this policy. Employees who are not designated by the General Manager to access social media sites for District business are prohibited from accessing social media sites utilizing the District computer equipment and/ or the District's web access. While at work, employees who are not granted access via District systems and computing equipment may use personal computing devices and personal web accounts to access social media sites only during non-working hours such as lunch periods and breaks. State law provides that more than occasional or incidental personal use of District resources is a crime.

The General Manager will determine if a requested use of District social media sites or other District resources is appropriate and complies with this policy.

All content on District social media sites must comply with District web standards, the rules and regulation of the social media site provider, including privacy policies, and applicable law. Employee or District confidentiality shall be maintained in accordance with all applicable laws and District policies. If a question arises regarding the use or posting of confidential information on a social media site, the matter shall be referred to the General Manager. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by General Manager or, at his or her request, Legal Counsel. Notwithstanding the opinion of the District counsel, the General Manager reserves the right to restrict or remove District information from a District social media site if the General Manager concludes the information does not serve the best interest of the District.

All social media-based services to be developed, designed, managed by or purchased from any third-party source for District use requires appropriate budget authority and approval from the Board of Directors. The District reserves the right to change, modify, or amend all or part of this policy at any time.

### **DISTRICT WEB PAGE**

#### **Policy:**

It is District policy to control the content and accuracy of the information provided on the District's Web page. All information will be directed to the General Manager. All information posted on the District website must be consistent with the District's mission and public interest and the District's social media policy.

#### **Procedure:**

Any District Board Director, official or employee may request postings to the District Web page through the General Manager or his designated representative. Postings must be non-political in nature. The General Manager shall approve, modify, or deny the request. Postings shall be submitted in Word format as an e-mail attachment unless only a hard copy is available. In either case, it is the submitter's responsibility to check the item for accuracy both prior to submission and after posting to the Web page to ensure no inadvertent errors appear on the final document. The submitter shall inspect the posted submission within 24 hours of posting.

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- a) The General Manager or his or her designee shall submit the approved request for inclusion on the web page and, when necessary, to suggest alternative solutions.
- b) The General Manager or his or her designee shall also manage removal of outdated postings.

### Privacy Policy

The following privacy policy shall be posted to the District's website under a link on the home page. The GCS D is concerned about privacy issues and wants you to be familiar with how we collect, use and disclose information. We are pleased to provide this Privacy Policy to inform you of our practices as information that we collect through this website. Please note that this Privacy Policy applies only to our online information-gathering and dissemination practices conducted in connection with this website and does not apply to any of our practices conducted offline. If you have any questions or comments about the Privacy Policy or our privacy practices, please contact us at [gcsdplant@gmail.com](mailto:gcsdplant@gmail.com). By accessing or using this website, you agree with all the terms of this Privacy Policy, so please do not access or use this website if you do not. We may change this Privacy Policy at any time. Please take a look at the "Updated" legend at the top of this page to see when this Privacy Policy was last revised. Any changes to this Privacy Policy will become effective when posted to this website. By accessing or using the website after any such changes, you accept the revised Privacy Policy.

### Personal Information We May Collect

We collect two types of information through this website: Personal Information and Other Information. "Personal Information" is information that identifies you or relates to you as an individual. "Other Information" is any information that does not reveal your specific identity or does not directly relate to an individual. Other Information is addressed below, under the heading "Other Information".

#### We may collect Personal Information through the Website such as:

- Name
- Email address
- Mailing Address
- Preferences for electronic or physical delivery of newsletters

#### We may use Personal Information:

- to respond to your inquiries and fulfill your requests, such as to send you information, to register you for events, and to provide you District services.
- to keep a record of your contact information and correspondence, if you contact us through this website and to respond to you.
- to send you administrative information, including information regarding the website and changes to our terms, conditions and policies.
- to facilitate social sharing functionality.
- for our internal business purposes, such as improving or modifying this website and operating and expanding our services.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to pursue available remedies or limit the damages that we may sustain.

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### How Personal Information May Be Disclosed:

- to third parties provide us services such as website hosting, data analysis, IT services and infrastructure, customer service, email delivery, auditing and the like.
- to a third party (whether affiliated or unaffiliated with us) upon any reorganization of the District or transfer or some of all of its services to another entity.
- by you, on message boards, blogs and other services to which you are able to post information. Please note that any information you post or disclose through these services will become public information and may be available to visitors to this website and to the general public. We urge you to be thoughtful when disclosing your Personal Information, or any other information, on this site. to your friends associated with your social media account, to other website users as well as to your social media account provider, in connection with your social sharing activity, such as if you connect your social media account to your use of this website. By connecting your use of this website to your social media account, you authorize us to share information with your social media account provider and you understand that the use of the information we share will be governed by the social media site's privacy policy. If you do not want your Personal Information shared with other users or with your social media account provider, please do not connect your social media account with your use of this website and do not participate in social sharing on this website.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to allow us to pursue available remedies or limit the damages that we may sustain.

### Other Information We May Collect:

"Other Information" is any information that does not reveal your identity or relate to an individual, such as:

- Browser information
- Information collected through cookies, pixel tags and other technologies
- Demographic information and Other Information you provide
- Aggregated information
- Zip codes

### How We May Collect Other Information:

We and our third-party service providers may collect Other Information in a variety of ways, including:

- Through your browser: Most Internet browsers transmit certain information to websites that you visit, such as your computer's type (Windows or Macintosh) and its Media Access Control (MAC) address and screen resolution, and the type and version of your computer's Operating System and browser. We use this information to ensure this website functions properly.
- Using cookies: Cookies are text files, containing small amounts of information, which are downloaded to your computer, or smartphone or another device by which you visit a website. Cookies allow us to recognize your browsing device to assist with your use of this website. This can include helping us understand how this website is used, letting you navigate between pages efficiently, remembering your preferences, and generally improving your browsing experience. Cookies can also help ensure marketing you see online is more relevant to you and your interests, although we do not intentionally use them for that purpose, our service providers may.



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- If you do not want information to be collected through the use of cookies on your computer, most browsers allow you to automatically decline the transfer of cookies to your computer or other device, or to be given the choice of declining or accepting a particular cookie (or cookies) from a particular website. If cookies are disabled, however, some features of this website may not operate as intended. Information about procedures to disable cookies can be found on your Internet browser provider's website.
- Using applications: We may use applications, including mobile applications or widgets, to collect information from you.
- Using pixel tags and other similar technologies: Pixel tags (also known as web beacons and clear GIFs) may be used in connection with some website pages and HTML-formatted email messages to, among other things, track the actions of users of this website and email recipients, measure the success of marketing campaigns and compile statistics about use of this website and response rates.
- IP Address: Your "IP Address" is a number that is automatically assigned to your computer or other web-browsing device by your Internet Service Provider (ISP). An IP Address is identified and logged automatically in our server log files whenever a user visits this website, along with the time of visit and the page(s) visited. Collecting IP Addresses is standard practice on the Internet and many websites do it automatically. We use IP Addresses for purposes such as measuring use of this website, helping diagnose server problems and administering this website.
- From you: We collect information when you provide it voluntarily, such as your company, title, interests and preferred means of communication. Unless combined with Personal Information, such information does not personally identify you or any other user of this website.
- By aggregating information: Aggregated Personal Information does not personally identify you or any other user of this website. For example, we may aggregate Personal Information to calculate the percentage of our users who have a particular telephone area code.

### **How We May Use and Disclose Other Information:**

We may use and disclose Other Information for any purpose, except when applicable law requires to treat Other Information as Personal Information. In those situations, we may use and disclose Other Information for the purposes for which we use and disclose Personal Information. In some instances, we may combine Other Information with Personal Information (such as combining your name with your company and title). If we combine any Other Information with Personal Information, we will treat the combined information as Personal Information as long as it is so combined.

### **Third Party Sites:**

This Privacy Policy does not address, and we are not responsible for, the privacy, information or other practices of any third parties, including any third party operating any site to which this website contains a link. Please read the terms, conditions and policies of third-party sites before accessing or using them. The inclusion of a link on the Sites does not imply our endorsement of the linked site.

### **Security:**

We use reasonable organizational, technical and administrative measures to protect Personal Information under our control. Unfortunately, no data storage system or method of Internet data transmission is perfectly secure. Please do not send sensitive or confidential information to us by email or by any other means in connection with this website. If you have reason to believe that your communications with us have been compromised in any way, please immediately notify us of the problem by contacting us as provided in the "Contact Us" page of this website.

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### **How you can access, change or suppress your Personal Information:**

You may request to review, correct, update, suppress or otherwise modify any Personal Information that you have previously provided to us through this website, or object to our use of such Personal Information by emailing us at [contact email address] or by other means as noted on the “Contact Us” portion of this website. You may also oppose the processing or transferring of Personal Information to the extent the laws of your country require, if you have a legitimate reason to do so.

In your request, please state what information you would like us to change, and whether you would like to have your Personal Information removed from our database or otherwise let us know what limitations you would like to place on our use of your Personal Information. For your protection, we will only implement requests with respect to the Personal Information associated with the particular email address that you use to send us your request, and we may need to verify your identity before doing so. We strive to comply with requests as soon as reasonably practicable.

We may need to retain certain information for recordkeeping purposes, and there may also be residual information that will remain in our databases and other records. Such information will not be removed. We may, from time to time, re-contact former users of this website. Finally, we are not responsible for removing information from the databases of third parties (such as service providers) with whom we have shared your Personal Information.

### **Retention Period:**

We will retain your Personal Information as necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or allowed by law.

### **Use of Site by Minors:**

The Sites is not directed to children under the age of 13 and we request they not provide Personal Information through this website.

### **Cross-Border Transfer:**

Your Personal Information may be stored and processed in any country in which we engage service providers, and by using our Sites you consent to the transfer of information to countries outside of your country of residence, including the United States, which may have different data protection rules than those in your country.

### **Sensitive Information:**

We ask that you not send us, and you not disclose, any sensitive Personal Information (e.g., Social Security numbers, credit card or other payment card information, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, criminal background or trade union membership) on or through this website or otherwise except as necessary to pay for District services.

### **Contacting Us:**

If you have any questions about this Privacy Policy, please contact us by email at [gcsdplant@gmail.com](mailto:gcsdplant@gmail.com) or by other means as noted on the “Contact Us” portion of this website. Please note

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that email communications are not secure; accordingly, please do not include credit card information or other sensitive or confidential information in your emails to us.

### **ACCOMMODATIONS FOR DISABILITY**

The employment related provisions of the Fair Employment and Housing Act (“FEHA”) and the Americans with Disabilities Act (“ADA”) apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship related to the necessity of business operations would result, in accordance with federal or state law. An applicant or employee who requires accommodation in order to perform the essential functions of the job should inform the General Manager, or his or her supervisor, to request an evaluation of such an accommodation. The District will participate in the interactive process with the employee in order to determine whether or not a reasonable accommodation, which does not present undue hardship to the District, exists.

Employee or applicant should contact his or her supervisor or the General Manager for further information.

### **DEMOTION – NON-DISCIPLINARY**

The General Manager may demote an employee, with the written consent of the employee, to a vacant position in lieu of layoff, provided the employee possesses the desired qualifications for the position to which he/she is assigned.

At least five working days before a non-disciplinary demotion becomes effective, written notice of the action shall be provided to the employee and the payroll department.

The General Manager shall provide the employee with written job duties within five working days of starting the new position and a written performance review within six months. The employee shall be subject to a probationary period, generally a six-month period. In the event that the employee does not perform satisfactorily within the probationary period, the General Manager shall have the discretion of extending the employee's probationary period or terminating the employee.

### **DISCIPLINARY ACTION**

The District expects all of its employees to act in the best interest of the District and its customers and residents. It is the responsibility of all employees to observe all rules, guidelines, and operating procedures of the District. The District further expects that each of its employees will act in a polite and professional manner when dealing with members of the public and other employees. These General Rules of Conduct, along with the “Examples of Unacceptable Conduct” listed below, are not meant to be all-inclusive, but rather to provide illustrations of acceptable conduct versus problematic conduct.

#### **Examples of Unacceptable Conduct**

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The following list presents examples of some of the types of unacceptable conduct that may result in disciplinary action, up to and including immediate termination. This list is not an exhaustive list of what conduct may result in discipline, but is merely meant to be illustrations of unacceptable conduct:

- a) Discourteous treatment of the public or fellow employees.
- b) Use, possession, or being under the influence of alcohol, marijuana, or illegal drugs while on duty or on District premises.
- c) Habitual absence or tardiness.
- d) Abuse of sick leave.
- e) Disorderly conduct.
- f) Incompetence or inefficiency.
- g) Being wasteful of material, property, or working time.
- h) Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor.
- i) Neglect of duty.
- j) Dishonesty or fraud.
- k) Misuse of District property.
- l) Willful disobedience or Insubordination.
- m) Conduct unbecoming a District employee.
- n) Violation of the District's Unlawful Harassment Policy.
- o) Possession of firearms or dangerous weapons on District property.
- p) Theft.
- q) Falsifying records
- r) Any act or failure to act during or outside of work hours, which is detrimental to the best interest of the District as determined by the General Manager or the Board.

The District also reserves the right to discipline an employee for unsatisfactory job performance including incompetence and/or inefficiency, permanent or chronic physical or mental ailment (including impairment from alcohol or drugs) or other condition which renders the employee unable to perform the essential duties of his or her job, or failure to satisfactorily perform job tasks or responsibilities.

### **Prior to Disciplinary Action**

Depending on the nature of the conduct or the performance deficiency, the District will generally give an employee an oral warning, which is corrective and is non-disciplinary in nature, prior to taking formal disciplinary action. An oral warning is encouraged but is not required before issuing formal disciplinary action.

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An oral warning is a communication to an employee that his or her performance or behavior must be improved and failure to do so may result in discipline. An employee's supervisor or the General Manager may note the date, time, and content of oral warning, but no record of an oral warning shall be placed in the employee's personnel file unless subsequent disciplinary action is taken.

### **Types of Disciplinary Action**

Disciplinary action includes verbal warning, written warning, suspension, reduction in salary, demotion, or termination of employment.

#### **Written Warning:**

A formal written notice to an employee that further disciplinary action will be taken unless his or her performance or behavior improves. A copy of the written reprimand is given to the employee and the original is placed in the employee's personnel file. The employee must acknowledge receipt of the written warning by signing the letter at the time of presentation; this signature signifies only the receipt of the document; it does not signify the employee's agreement with the allegations.

#### **Suspension:**

The temporary removal of an employee from his or her duties without pay for disciplinary purposes for up to thirty (30) working days. Employees suspended from his or her employment with the District forfeit all rights, privileges, and salary with the exception of group health and life insurance benefits.

#### **Reduction in Salary:**

A decrease in salary paid to an employee for a specified period of time for disciplinary purposes.

#### **Demotion:**

The removal of an employee from a position to another position carrying a lower maximum rate of pay as a result of a disciplinary action.

#### **Discharge:**

The removal of an employee from District services, as provided for in these Guidelines.

### **Disciplinary Notice/Appeal Procedure**

See Grievance Procedures Section on Page 55.

## **DRUG AND ALCOHOL TESTING**

### **Pre-Employment Drug Testing.**

As a part of the District's employment screening process, all applicants to whom a conditional offer of employment is made must successfully test negative for controlled substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District's drug testing policy in the employment application and process.

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### **Testing of Employees in Designated Safety-Sensitive Position.**

Employees in health and safety sensitive positions, including, but not limited to, the following management and non-management positions: vehicle and heavy machinery drivers with commercial licenses/operators (who are subject to random drug-testing under the Department of Motor Vehicles), and utility crew members, will be required to submit to random drug testing under the procedures described below. This testing shall occur at random by an independent, third party drug testing company performing such testing. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

### **Reasonable Suspicion Testing.**

If an employee's supervisor or manager has a verifiable and confirmed reasonable suspicion by at least two (2) people, including any Board Members, who are qualified by having reasonable suspicion training, that the employee is working in an impaired condition or otherwise engaging in conduct that violates these Guidelines, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug and/or alcohol test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug and/or alcohol test, the refusal will be handled in the same manner as a positive test result, which results in discipline, up to and including termination.

### **On-the-Job Inquiry.**

Should an injury occur while working, a drug and/or alcohol test may be administered if the injured employee's supervisor has a reasonable suspicion that an employee was injured due to drug or alcohol use.

### **Procedures for Drug Testing.**

If employee is a member of a District-recognized collective bargaining unit and is subject to an alcohol and/or drug test based on reasonable suspicion, the District will meet and confer with the respective collective bargaining group before testing.

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse ("NIDA"), certified medical clinic or laboratory, which will administer the test. The District shall require drug testing for: A) pre-employment testing, B) random testing, and C) reasonable suspicion testing. The District will pay the cost of the test. If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then a District supervisor or General Manager will transport the individual to a medical facility for immediate testing or treatment.

The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory's testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of these Guidelines and will be subject to discipline, up to and including termination.

### **Acknowledgment and Consent.**

Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining

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the presence of alcohol and/or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the authorization form or to submit to the drug and/or test, will result in the revocation of an applicant's job offer, or will be considered the same as a positive test leading to termination.

### **Confidentiality.**

All alcohol and drug testing records will be treated as confidential.

### **EMPLOYEE INFORMATION & RECORDS**

It shall be the policy of the District to maintain accurate personal contact information for each employee and Director of the District. All such information shall be maintained confidential to the extent allowed by law.

It is important that employees promptly notify District of any changes to their personal information including:

- Name
- Home and Mailing Address
- Home and Cell Phone/Telephone Numbers
- Names, Phone Numbers, and Status of Spouse and Dependents
- Change of Emergency Contact Information
- Marital or Registered Domestic Partner Status
- Change of Military Status
- Payroll Deductions
- Benefit Plan Beneficiary

Employees are responsible for immediately notifying the General Manager or Administrative Assistant in the event of a name, address or other vital information change as required by this policy or any other District policy/procedure.

The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner results in a loss of benefits or services by the employee or dependents.

Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

All personnel information and records are to be considered confidential to the extent allowed by federal or state law. The District policy is to require all personnel files to be maintained in a secure and private location and to have all employees manage personnel information in a safe and confidential manner.

The District retains personnel records concerning its employees. Such records ordinarily include applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary action, training records, and any certificates or credentials required for an employee's job. Other information concerning employees may be kept as personnel records at the discretion of the District.

In order to keep personnel records current, the General Manager, or his or her designee, must be notified of any change in an employee's personal status and information, such as: changes of address, telephone number, marital status, military status, any birth or death in an employee's immediate family, any change in the name or telephone number of the person to be notified in case of emergency, any

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change in insurance beneficiary, or any other information needed to maintain accurate records. These changes shall be provided to the General Manager, or his or her designee, within thirty (30) days of the change in an employee's personal status.

Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

### **Release of Information**

Personnel records are considered confidential. Employees may examine their own personnel file upon request to the General Manager (written request is preferred). Each employee shall have the right to inspect or copy their personnel file within twenty-one (21) calendar days of the request. If the District provides copies of the personnel file, the actual cost of reproduction may be charged. All information contained therein is District property and may not be removed by the employee but may only be copied.

Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. This authorization must be signed and dated. Ordinarily, no information on past or present employees shall be provided by the District, other than employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.

### **EMPLOYEE PROMOTION**

An employee may be promoted only if the employee has the desirable qualifications for the higher-level position and has meet the criteria described in the GCSD Personnel Manual. Desirable qualifications shall be ascertained on the same application, examination, interview, criteria, and evaluation as those for an initial appointment in accordance with the most current Job Description. An employee who has meet the requirements to be promoted will receive a minimum of a five (5) percent pay increase above their previous payroll amount.

A promoted employee shall be required to successfully complete a six (6) month probation period. If a promoted employee is unable to perform the required duties of the new higher-level position and has not successfully completed the probation period, the employee may be restored to the position from which he or she was promoted, if the position is available, or be required to successfully complete an additional six (6) month probationary period.

### **GRIEVANCE PROCEDURES**

The purpose of this policy is to provide a procedure by which an employee may formally claim that he or she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and claims or complaints of alleged discrimination or harassment (as there is an alternate procedure for those complaints).

### **Grievance Procedure Steps**



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### **Level I, Preliminary Informal Resolution:**

Any employee who believes he or she has a grievance shall present the evidence thereof in writing to his or her immediate supervisor within thirty (30) calendar days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions with the employee within five (5) working days and attempt to resolve the matter within ten (10) working days after the discussions. The supervisor shall provide a written decision to the employee either denying or granting the employee's grievance. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor. If the grievance is against the employee's supervisor, the employee may skip Level I and advance to Level II, provided that he or she complies with all applicable time limits and other requirements for Level I (i.e., the employee must still file the initial grievance within 30 calendar days).

### **Level II, General Manager:**

If the grievance has not been resolved at Level I, the grievant may appeal his or her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the General Manager within ten (10) working days after the supervisor has issued his or her written decision.

#### **The statement shall include the following:**

- (a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- (b) The circumstances involved;
- (c) The decision rendered by the immediate supervisor at Level I, if any;
- (d) The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued, and (iii) the employee submitted the grievance to Level II; and
- (d) The specific remedy sought.

The General Manager shall communicate his or her decision within ten (10) calendar days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other. If a personal conference is requested, the General Manager shall have ten (10) calendar days from the date of the conference to issue his or her decision.

### **Level III, Board of Directors' Personnel Committee:**

In the event the grievant is not satisfied with the District Manager's decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix "A") to the District Board of Directors' standing Personnel Committee within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

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The Personnel Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made, unless the employee request the grievance be kept confidential.

### **Basic Rules**

If an employee does not present the grievance or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved and no further appeal will be allowed.

By agreement in writing, the parties may extend any and all-time limitations specified above.

The General Manager may temporarily suspend the grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

### **Expungement of Written Reprimands**

A written reprimand may be expunged upon sustained corrective behavior, as determined by the General Manager, after a period of three (3) years from the date of the reprimand. It is the responsibility of the employee to request that his or her personnel file be purged of the written reprimand.

The General Manager will consider the following factors in making his or her decision to expunge a written reprimand:

1. whether the employee received further discipline of any kind;
2. employee's performance evaluation reviews are at least satisfactory in all categories; and
3. that only one (1) expungement can occur during their employment with the District.

### **NEPOTISM**

It is the policy of the GCSD to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:

No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.

When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.

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When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.

### RECRUITMENT AND HIRING

#### Recruitment:

**Announcement:** All recruitments for classification vacancies within the District shall be publicized by such methods as the General Manager deems appropriate, consistent with District standards. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming positions. Announcements shall specify the title and compensation of the classification; the nature of the work to be performed delineating the essential and marginal functions of the job; the minimum qualifications for the classification; the manner of making application; the examination components; and other pertinent information.

**Applications:** Every applicant for examination shall file a formal, signed District employment application. Other methods of acceptable application due to an applicant's disability will be considered. Application forms shall require information covering training, experience, and other pertinent information as required by the General Manager. The General Manager may also require applicants to submit additional job-related information.

#### Disqualification:

At any point in the recruitment and selection process, the General Manager may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certification, prior to appointment by the General Manager, anyone who:

- Has failed to provide proof for any of the requirements established in the announcement for the classification for which he or she applied;
- Has been convicted of a felony of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the position;
- Has a history of dismissal from any position in public or private service for any cause which would be a cause for dismissal from District employment;
- Has practiced or attempted to practice any deception or fraud in his or her application, examination, or in securing eligibility; or
- Is otherwise not qualified for employment with the District.

#### Hiring:

Decisions regarding employment are based upon an individual's qualifications for the applicable position as described below.

**Vacancies:** Employees of the District are encouraged to apply for any vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best suited to meet the needs of the District, regardless of whether the applicant is a current District employee or not.

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Selection of employees. All persons considered for employment with the District shall be qualified to perform the duties of the position for which they are employed. Before reporting for their first day of work, employees may be required to undergo a medical examination and drug/alcohol testing, which confirms their ability to perform the essential functions of the job.

- a) **Citizenship Verification:** All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws. Failure to provide such documentation will result in disqualification from selection or immediate termination.

### **Probationary Period.**

The purpose of the probationary period is to give the District and the new employee the opportunity to determine whether employment relationship suits both parties. New employees may be eligible for health benefits under the Affordable Care Act after sixty (60) days of employment, if not enrolled in the District's health care coverage. During the probationary period, the District evaluates the employee's job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to him or her. Generally, employee evaluations shall be performed at the end of the three (3) month probationary period. The employee's supervisor will conduct a written performance evaluation to ascertain the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the General Manager.

Regardless of whether the supervisor completes a written performance evaluation, all employees are at-will and the District retains the right to terminate employment with or without cause, during the probationary period, in accordance with California law. Similarly, the probationary employee can end his or her employment at any time with at least two (2) weeks' written notice.

New employees hired for regular positions serve a probationary period of three (3) months, commencing with their first day of employment. The General Manager, in conjunction with the employee's supervisor, may extend the probationary period one or more times if it is determined that such an extension is appropriate. The status of regular employment following the probationary period shall only occur after a successful evaluation has taken place, and only if confirmed in writing by the District.

## **SEPARATION FROM DISTRICT EMPLOYMENT**

### **Resignation:**

To leave District service in good standing, an employee must file a written notice of resignation with the General Manager at least two (2) weeks before the effective date of separation of employment from the District. The General Manager may, however, grant good standing with less notice if he or she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

### **Layoffs:**

Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or

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offered the option of moving to another position within the District, if a position is available and if the employee is qualified without disciplinary action and without the right of appeal.

### **Notification:**

Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.

### **Order of Layoff:**

Employees are generally laid off in the inverse order of their seniority in their classification in the department, although this order is subject to business needs. Seniority is determined based upon date of hire in the department. Within each class, and subject to business needs, employees will generally be laid off in the following order: temporary, part-time, probationary, and regular.

In cases where there are two (2) or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off, as follows: (1) all employees having ratings of "improvement needed;" (2) all employees having ratings of "competent;" (3) all employees having rating of "outstanding."

**Transfer in Lieu of Layoff:** An employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification, first within the affected department and then District-wide, which the employee once held as a regular employee, provided that the employee meets the minimum qualifications of said positions and the compensation is at the same or lower rate of pay.

**Re-employment Rights for Laid Off Employees:** Regular employees who have been laid off shall be automatically placed on a re-employment list for two (2) years from the date of layoff for the classification from which they were laid off.

### **Dismissal of Regular Employees**

A regular employee may be dismissed at any time by the General Manager for cause and after following the proper disciplinary termination procedures as outlined in the "Disciplinary Termination" section of these policies.

A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the General Manager shall notify the probationary employee in writing that he or she is being separated from District service.

Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.

### **Exit Interview:**

For the purpose of ascertaining potential eligibility for unemployment insurance benefits, all employees separating from the District for any reason shall be given an interview prior to termination. The interview shall be conducted by a representative of the General Manager and shall produce specific information as to the causes and reasons for the separation. The information shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete report shall

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be transmitted to the employee's immediate supervisor and/or the General Manager for comment and be returned for retention in the employee's personnel file.

### **Property Return Agreement.**

Upon employment with the District, each employee may complete a Property Return Agreement if they receive any District property. Property includes, but is not limited to, laptops, cell phones, PDAs, equipment, keys, reports, proprietary information, and any other job-related materials. All District property must be returned prior to departure.

### **Employment Reference Checks:**

All inquiries regarding a current or former District employee must be referred to the General Manager. Should an employee receive a written request for a reference, he or she must refer the request to the General Manager for handling. Employees may not issue a reference letter to any current or former employee without the permission of the General Manager.

Under no circumstances should an employee release any information about a current or former employee over the telephone. All telephone inquiries regarding any current or former employees of the District must be referred to the District Manager.

In response to an outside request for information regarding a current or former District employee, the General Manager will only verify an employee's name, date of employment, and job title. No other data regarding any current or former District employee will be released unless the employee authorizes the District to release such information in writing, or the District is required by law to furnish any information.

If, however, an employee is contacted to give a personal reference regarding a current or former District employee, he or she is permitted to do so and should emphasize to the inquirer that the reference is personal only and not on behalf of the District. Failure to follow these directions may be cause for disciplinary action up to and including termination.

### **UNLAWFUL HARASSMENT**

Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), age (40 and over), physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment are a violation of these Guidelines. Section 3140 shall also include and apply to members of the District Board of Directors, independent contractors, unpaid interns, volunteers, persons providing services to the District pursuant to a contract, and other persons with whom District employees may come into contact while working.

Unlawful harassment in employment may take many forms. Some examples include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, unwanted touching, or otherwise physically interfering with work of another individual;

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- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination or having assisted another employee to report harassment or discrimination.
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by District policy.

Please note that prohibited harassment is not just sexual harassment, but harassment based on any protected category.

Sexual harassment under state and federal laws is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment; or adversely
- Affected the employee's performance, appraisal, assigned duties, or any other condition of employment or career development; or
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions from subtle pressure for sexual activity to physical assault. Sexual harassment conduct need not be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Examples of the kinds of conduct included in the definition of sexual harassment are:

- 1) Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.
- 2) Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature.
- 3) The following is a list of some, but not all, actions employees are to avoid that could be interpreted as sexual harassment:
  - Unwelcome sexual advances and propositions;
  - Offensive flirtations with sexual overtones;
  - Sexual innuendo;
  - Obscene and suggestive comments;
  - Humor or jokes about sex or gender specific traits;
  - Sexual or graphic comments about an individual's body, dress, or overall appearance; or
  - Sexually suggestive or explicit graffiti, illustrations, visual or printed material in the workplace, including inappropriate emails, internet sites, and social media postings.

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Abusive conduct or workplace bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

- Repeated infliction of verbal abuse;
- Derogatory remarks, insults, epithets;
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
- Gratuitous sabotage or undermining of a person's work performance.

Policy Publicizing. All employees shall be informed of the District's unlawful harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

- a) All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.
- b) An annual bulletin may also be prepared and distributed to all employees informing them of the District's sexual harassment policy.

### **Complaint Process**

Any employee who believes he or she is the victim of unlawful harassment, abusive conduct, or discrimination on any prohibited basis, or who has observed such conduct, or believes he or she is subject to retaliation ("Unlawful Harassment") may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

An informal complaint is made verbally by the employee to the immediate supervisor and/or HR Manager/Personnel Manager. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

A formal complaint is made in writing using the "Employee Grievance Form," see "Appendix A" . Said form should be submitted by the employee to their immediate supervisor and/or HR/Personnel Manager. Although submitting the formal complaint with the immediate supervisor and/or HR/Personnel Manager is preferred, the employee is free to submit a formal complaint with any supervisory employee, including the General Manager, or with the President of the Board of Directors, if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

### **Complaint Response Process**

Any supervisory employee who receives a formal or informal Unlawful Harassment complaint shall maintain the confidentiality of the complainant to the extent possible and shall personally deliver said complaint immediately and directly to the division manager, or to the General Manager if the division manager is unavailable or personally involved in said complaint. If the General Manager is unavailable or personally involved in said complaint, then said complaint shall be delivered to the President of the Board of Directors.

After a formal or informal complaint is received, an impartial investigation shall be conducted by the manager of



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the division, the General Manager, or another impartial investigator within a timely manner.

A written record of any investigation of an alleged Unlawful Harassment complaint shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board if one exists or the entire Board of Directors. If the General Manager is personally involved in the complaint, such findings will instead be provided directly to the Personnel Committee of the Board if one exists or to the entire Board of Directors to determine options and/or remedial action, if appropriate.

All discussions resulting from said investigation shall be kept confidential to the extent possible by all informed of said investigation.

The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions. Said advocate may support and/or represent the complainant but should not interfere with the integrity of the investigation or the investigatory process.

### **Disciplinary Procedures and Sanctions**

If upon the conclusion of the investigation of the alleged Unlawful Harassment claim, the investigator determines that harassment, discrimination, retaliation, or other prohibited conduct has occurred, appropriate corrective and remedial action shall be taken by the General Manager/Board of Directors against the harasser in accordance with the circumstances involved. The District will also take appropriate action to deter future misconduct. Any employee determined by the District to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including, termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

### **Retaliation**

Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the California Department of Fair Employment and Housing (“DFEH”) or Federal Equal Employment Opportunity Commission (“EEOC”), or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

Employee should also be aware that the EEOC and the DFEH investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Information is available at [www.eeoc.gov](http://www.eeoc.gov) and [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

### **INCLUSIVE WORKPLACE POLICY**

#### **Purpose**

The District is dedicated to maintaining a safe and productive workplace environment for all employees. This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This inclusive workplace policy does not anticipate

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every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. However, in all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

### Definitions

The definitions provided within this policy are not intended to label employees but rather to assist in understanding this policy and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

- a) Transgender. Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth.
- b) Gender expression. Gender expression is defined by the law to mean a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. It includes an individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
- c) Gender identity. Gender identity is a person's internal understanding or sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Each person has a gender identity.
- d) Gender non-conforming. Gender non-conforming is a term that describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations.
- e) Transitioning. Transitioning is a process some transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. This process may include, but is not limited to, change in name and pronoun usage, facility usage, participation in employer-sponsored activities or undergoing hormone therapy, surgeries, or other medical procedures.

### Right to Privacy

Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee can decide when, with whom, and how much to share of their private information.

Management, human resources staff, and coworkers should avoid revealing an employee's transgender status or gender non-conforming presentation to others without the transgender employee's consent and should only do so with coworkers who need to know to do their jobs.

### District Records

The District will change an employee's official employment record to reflect a change in name and/or gender upon request from the employee, to the extent it is possible. Please note that certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be officially changed. However, to the extent possible, the District will work to reflect an employee's preferred name on District records without proof of a legal name change.

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**Name/Pronoun.** A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. District employment records will also be changed to reflect the employee's new name and gender, to the extent possible, upon the employee's request.

**Transitioning.** Employees who transition during their employment with the District can expect the support of management and human resources staff. HR will work with each transitioning employee individually to ensure a successful workplace transition.

**Restroom Accessibility.** All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity or gender expression, regardless of the employee's sex assigned at birth. Employees shall have access to the restroom corresponding to their gender identity or gender expression. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a unisex single-stall restroom, if available. No employee, however, shall be required to use such a restroom.

**Locker Room Accessibility.** All employees have the right to use the locker room that corresponds to their gender identity or gender expression, regardless of the employee's sex assigned at birth. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity or gender expression before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

**Dress Code.** The District does not have a dress code that restricts employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with District's dress code in a manner consistent with their gender identity or gender expression.

### **Discrimination/ Harassment**

It is unlawful and violates the District's policy to discriminate in any way against an employee because of the employee's actual or perceived gender identity and/or gender expression. Additionally, it also is unlawful and contrary to this policy to retaliate against any person objecting to or supporting enforcement of legal protections against gender identity and/or gender expression discrimination in employment.

- a) **Investigation.** Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action and providing employees and staff with appropriate resources.
- b) **Complaint.** Any employee who believes he, she, or they are the victim of unlawful harassment or discrimination based on gender identity or gender expression shall promptly file a complaint with the immediate supervisor and/or the General Manager.

### **WHISTLEBLOWING POLICY**

It is the policy of GCS D that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence or inefficiency without fear of retaliation or retribution. This policy is based on a finding that the GCS D best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the GCS D.

The GCS D prohibits retaliation by employees, Board members or volunteers against any staff member, Board member or volunteer for making good faith complaints, reports or inquiries regarding illegal or

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improper activities under this policy to the GCSD or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. The GCSD reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members and volunteers to report to the GCSD any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the GCSD 's policies, promptly to those members of the GCSD specified in this policy; and (2) prohibit the GCSD 's Board of Directors, General Manager and supervising employees from retaliating against any employee who reports illegal or improper activities to the GCSD or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities of or retaliation by members of the Board of Directors or employees can be reported to the GCSD and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the GCSD alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the GCSD or law enforcement protected by this policy.

### Definitions:

- a) "Illegal Order" means a directive to violate or assist in violating a federal, state or local law, rule or regulation, or an order to an employee to work or cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of employees or the public.
- b) "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the GCSD that is undertaken in the performance of that person's duties that is either: (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful omission to perform a duty; or (2) violates GCSD policies, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members.
- c) "Protected Disclosure" means a good faith communication from an employee or Board member of the GCSD to the GCSD or law enforcement agencies that discloses information that may be evidence of Illegal or Improper Activity.
- d) "Retaliation" means an employee or director using or attempting to use his or her official authority or influence over an employee to intimidate, threaten, or coerce any employee in order to interfere with the rights of employees to freely report Illegal or Improper Activity to the GCSD or a law enforcement agency. Retaliation includes, but is not limited to, promising to confer, or conferring any benefit; affecting or threatening to affect any reprisal; or taking or directing others to take, recommend, or approve any personnel action against an employee making a Protected Disclosure including, but not limited to, demotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action including termination.

Encouragement of reporting of illegal or improper activity: GCSD encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with the General Manager. All such complaints shall include specific facts supporting any allegation of Illegal or Improper Activity, or Retaliation, as defined by this policy. Complaints of Illegal or Improper Activity or Retaliation may be made anonymously, but such anonymity may impede the ability of the DISTRICT to conduct a thorough investigation. If the General Manager is alleged to be involved in the complaint or report, then such complaint shall be filed with the President of the Board of Directors. If the President of the Board is also alleged to be involved in the complaint, then the complaint or report shall be filed with the GCSD's General Counsel.

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Other allegations with respect to which the GCSD has existing complaint, grievance or appeal procedures as specified in the DISTRICT's policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the GCSD's human resources department. This policy is not intended to provide a procedure for the filing of employee or Board member complaints regarding any employment issues other than whistleblowing activities and protection of employees from Retaliation for making Protected Disclosures.

**Investigations of Allegations of Illegal or Improper Activity:** The General Manager may request that a person submitting a complaint alleging Illegal or Improper Activity provide his or her name and contact information and provide the names and contact information for any persons who could help substantiate the claim. However, this information is not required in order to submit a complaint.

Upon receiving a complaint from any employee or member of the Board that an employee or Board member has engaged in an Illegal or Improper Activity, the General Manager will conduct an investigation of the allegations in the complaint. The identity of the person filing the complaint, or of any person providing information in confidence regarding the facts in the complaint shall not be disclosed without the express permission of the person providing the information. However, the General Manager may disclose the facts in the complaint to a law enforcement agency in the event that an allegation of criminal conduct is contained in the complaint filed with the GCSD.

The General Manager may request the assistance of GCSD General Counsel and/or any outside consultant for assistance in evaluating an allegation of Illegal or Improper Activity or conducting an investigation of Illegal or Improper Activity as authorized by this policy. The General Manager shall investigate the allegations in the complaint and prepare a report of the results of the investigation within sixty (60) days of the date of the complaint.

If, upon completion of the investigation, the General Manager finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the General Manager shall make such findings in the investigative report and include recommended actions to prevent the continuation or recurrence of the Illegal or Improper Activity. Such recommendations may include taking disciplinary action against those employees found to have violated this policy, which action may be taken by the General Manager. The investigative report may also recommend imposing sanctions, including loss of office, on those Board members found to have violated this policy. In that event the report shall be filed with the Executive Committee of the Board of Directors which shall comply with the policies of the GCSD in initiating discipline against a member of the Board of Directors. The GCSD shall keep confidential all investigation work product including the investigative report.

**Complaints of Retaliation and Investigation.** An employee or volunteer who believes he or she has been subjected to Retaliation as defined and prohibited by this policy shall file a written complaint with the General Manager which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the General Manager shall commence an investigation of the allegations contained in the complaint of Retaliation, which shall include interviews of the complainant and any potential witnesses. The General Manager may utilize the services of GCSD General Counsel and/or other consultants in conducting such investigation and preparing an investigation report. A written investigation report regarding the alleged Retaliation shall be completed within thirty (30) days of receipt of a complaint of Retaliation.

Based on the investigation, the General Manager shall make a determination as to whether Retaliation occurred in violation of this policy and, if so, what steps should be taken to remedy the situation. The General Manager's decision shall be communicated to the complaining employee. In making his or her

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determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the General Manager shall consider whether the taking or failing to take any personnel action with respect to an employee who has complained of Retaliation is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure, such as inadequate job performance. If the evidence in the investigation reveals that a Protected Disclosure was a contributing factor in the alleged Retaliation against a former or current employee, the burden of proof shall be on the supervisor or other employee imposing the discipline to demonstrate by clear and convincing evidence that the alleged personnel action would have occurred for legitimate, independent reasons even if the complaining employee had not engaged in Protected Disclosures of illegal or Improper Activity.

The investigation report of the alleged Retaliation prepared by the General Manager shall include a written decision as to whether this policy has been violated. If the investigation report concludes that this policy has not been violated and the complaining employee disagrees with the determination of the General Manager, the complaining employee may appeal in writing the decision to the Executive Committee of the Board of Directors. That appeal must be filed within ten (10) business days of receipt of the investigation report and decision of the General Manager.

If an appeal is filed, the Executive Committee of the Board of Directors shall conduct a hearing of the complaining employee's appeal and hear and receive all evidence submitted by the complaining employee. In hearing the appeal, the Executive Committee may take evidence, and hear testimony from the complaining employee and other witnesses. The Executive Committee shall consider whether an activity protected by this policy was a contributing factor in the alleged Retaliation against the complaining employee and if the alleged retaliatory action could have occurred for legitimate, independent business reasons even if the complaining employee had not made Protected Disclosures. The Executive Committee shall render a final decision in writing to the complaining employee within thirty (30) days after completing the hearing which concludes whether Retaliation prohibited by this policy has occurred or not. If the Executive Committee finds that the provisions of this policy have been violated, it shall order that any personnel action taken against the complaining employee be reversed and that a memorandum be placed in the employee's personnel file indicating the results of the decision of the Executive Committee of the Board of Directors on appeal.

A complaining employee shall be required to exhaust his or her administrative remedies by filing an appeal with the Executive Committee of the Board of Directors regarding any alleged violation of this policy before being entitled to commence a civil action in the Superior Court.

### **UNIFORMS AND PROTECTIVE CLOTHING**

The cost of uniforms and/or protective clothing, shoes, etc., that employees are required to wear shall be borne by the District. All employees required to wear uniforms provided by the District must take care of their uniforms and report any wear or damage to their supervisors. Supervisors will inform employees of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing.

The District has the option of authorizing reimbursements to qualifying employees upon receipt or proof of purchase. The District may also make an arrangements with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements and bill the District for the total cost of all products purchased.

Upon separation from District employment, all clothing with District logos or other uniforms or clothing items that identify a person as a District employee are to be washed and returned to the supervisor or manager from whom the employee received the clothing item.

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### **SMOKE-FREE WORKPLACE**

Smoking is prohibited within the buildings, facilities and vehicles of GCSD. Those who smoke are requested to do so outdoors away from entrances or windows of buildings and covered parking lots. Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.

Personnel who smoke in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner, not littering or throwing residual parts on the ground or street or areas of drains, etc.

### **WORKPLACE VIOLENCE PREVENTION POLICY**

#### **Purpose:**

The purpose of this policy is to maintain a zero-tolerance standard of violence in the workplace. This policy provides District employees with guidance that will maintain an environment at and within District premises and facilities as well as events that are free of violence and the threat of violence. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

#### **Policy:**

The District prohibits violent behavior of any kind or threats of violence, either implied or direct, in District premises and facilities as well as at District sponsored events. Such conduct by a District employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including termination. Violent threats or actions by a non-employee may result in criminal prosecution. The District will investigate all complaints filed and will also investigate any possible violation of this policy of which District management are made aware. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

#### **Definitions:**

- a) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.
- b) Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.
- c) District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District-owned or -leased property, parking lots, and storage areas. The term also includes District-owned or -leased vehicles and equipment wherever located, as well as, pump station, sites, sewer line, excavation sites.
- d) Intimidation: Making others afraid or fearful through threatening behavior.
- e) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.
- f) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

#### **Prohibited Behavior:**

- a) Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:

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- a) Direct threats or physical intimidation
  - b) Implications or suggestions of violence
  - c) Stalking, including following to and from work.
  - d) Possession of weapons of any kind on District premises, including parking lots, other exterior premises or while engaged in activities for District in other locations, or at District sponsored event
  - e) Assault of any form.
  - f) Physical restraint or confinement.
  - g) Dangerous or threatening horseplay.
  - h) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
  - i) Blatant or intentional disregard for the safety or well-being of others.
  - j) Commission of a violent felony or misdemeanor on District premises.
  - k) Any other act that a reasonable person would perceive as constituting a threat of violence. Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:
- b) Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional or reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:
- a) Spouse or former spouse;
  - b) Domestic partner or former domestic partner;
  - c) Cohabitant or former cohabitant and or other household members;
  - d) A person with whom the victim is having, or has had, a dating or engagement relationship;
  - e) A person with whom the victim has a child.

The District recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

- c) Reporting Acts or Threats of Violence:  
An employee who:
- 1) is the victim of violence, or;
  - 2) believes they have been threatened with violence, or
  - 3) witnesses an act or threat of violence towards anyone else shall take the following steps:
    - i. If an emergency exists and the situation is one of immediate danger, the employee shall contact the Police Department by dialing 9-1-1 and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
    - ii. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the District's Workplace Violence Incident Report Form.
- d) Procedures for Future Violence:
- 1) Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with the District, shall inform their supervisor by immediately completing a Workplace Violence



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Incident Report Form so appropriate action may be taken. The supervisor shall inform the General Manager and the local law enforcement officials.

- 2) Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the General Manager and to the Police Department.

e) Incident Investigation:

- 1) Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the General Manager will refer the matter to local police for their review of potential violation of civil and/or criminal law.
- 2) Procedures for investigating incidents of workplace violence include:
  - Visiting the scene of an incident as soon as possible.
  - Interviewing injured and threatened employees and witnesses.
  - Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
  - Determining the cause of the incident.
  - Taking mitigating action to prevent the incident from recurring.
  - Recording the findings and mitigating actions taken.
- 3) In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District will not tolerate retaliation against any employee who reports workplace violence.

f) Mitigating Measures:

Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- 1) Notification of law enforcement authorities when a potential criminal act has occurred.
- 2) Provision of emergency medical care in the event of any violent act upon an employee.
- 3) Post-event trauma counseling for those employees desiring such assistance.
- 4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
- 5) Requesting District Counsel file, a restraining order as appropriate.

g) Training Instruction:

- 1) The District shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices. Managers and supervisors shall be responsible for ensuring that all employees are provided training and instructions on job specific workplace security practices.
- 2) Training and instruction shall be provided as follows:
  - To all current employees when the policy is first implemented. Employees will be required to sign a written acknowledgment that the policy has been received and read.

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- To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Employees will be required to sign a written acknowledgment that the policy has been received and read.
- To affected employees whenever management is made aware of a new or previously unrecognized hazard.

3) Workplace security training and instruction includes, but is not limited to, the following:

- Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
- Methods to de-fuse hostile or threatening situations.
- Escape routes.
- Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.

### **BOARD ACTIONS AND DECISIONS**

Actions by the Board of Directors include but are not limited to the following:

- a) Adoption or rejection of regulations or policies;
- b) Adoption or rejection of a resolution;
- c) Adoption or rejection of an ordinance;
- d) Approval or rejection of any contract or expenditure;
- e) Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,
- f) Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors [if five-member Board, four if seven-member Board] represent a quorum for the conduct of business.

A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

Example. If three of five Directors are present at a meeting, a quorum exists, and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

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Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

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

A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

### **BOARD MEETING AGENDA**

#### **Agenda preparation**

The General Counsel, in cooperation with the General Manager, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda no later than 5:00 P.M. on the day that is 48 hours prior to the closing of the agenda for the next meeting date.

Public requests. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

- a) The request must be in writing and be submitted to the General Manager [or other responsible managing employee] together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.
- b) The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."
- c) The General Manager shall determine the timing of when the item will be placed on the agenda.

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- d) The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.
- e) No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.
- f) The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting and may limit the time allowed for any one person to speak on the issue at the meeting.

### **Agenda descriptions**

All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. The internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format.

### **Agenda packages**

When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time. Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

### **Public comment.**

For regular meetings the Board shall provide the public with an opportunity to address not only any item on the agenda but any item within the subject matter jurisdiction of the District.

For special meetings, the Board shall provide the public with an opportunity to address any item on the agenda.

The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comment.

The Board may not require members of the public to give names or sign a register as a condition of attendance or speaking.

### **Closed sessions**

The Board may conduct a closed session during a noticed meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending litigation. The Board shall allow public comment on any closed session item before going into closed session.

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## **Items not on the agenda**

The Board shall not discuss or take action on any item that does not appear on the posted agenda except that the Board may act on items not on the agenda to address emergency situations, subsequent need items, and hold-over items from a continued previous meeting held within the prior five days. The Board may also respond to public comments and make announcements.

## **BOARD MEETING CONDUCT**

### **Rules of order**

Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District.

### **Agenda timing**

All Board meetings shall commence at the time stated on the agenda and shall be guided by same. The placement of an item on the agenda shall not be deemed a requirement that the items proceed in any particular order. The Board President, with concurrence of a majority of the Board, may alter the order in which agenda items shall be considered for discussion and/or action by the Board.

### **Conduct of meetings**

The following concepts shall be applied to Board meetings:

- a) The meetings shall be conducted in an open and fair manner.
- b) The public shall be given ample opportunity to participate in the meetings.
- c) Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.
- d) The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve the problems.
- e) The Board may receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- f) Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.
- g) The Board may weigh and determine the credibility of evidence and public comment.

### **Public comment**

Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as followed:

- a) Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

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- b) The Board president may allow additional per speaker and per subject comment time when necessary for a full and fair proceeding.
- c) No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive
- d) conduct shall be grounds for summary termination, by the Board President, of that person's privilege of address.

### **Disruption of meetings**

Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.

In cases of extreme disruption, clear the room of all members of the public, and conduct the Board's business without them present.

Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

### **BROWN ACT COMPLIANCE**

#### **The Brown Act**

The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed, and compliance is constitutionally mandated.

Compliance with Brown Act. All meetings of the Board of Directors shall comply with the Brown Act.

Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

Member of the Board includes newly elected and appointed officials prior to assuming office.

All Board meetings shall be open and freely accessible to the public, including those with disabilities.

Meetings through the use of intermediaries, serial communications, or emails are prohibited.

The Board shall only take action during a properly noticed meeting.

#### **Committees**

Committees created by formal action of the Board shall comply with the Brown Act.

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### MINUTES OF BOARD MEETINGS

#### Duty to keep minutes

The Administrative Assistant or the General Manager shall keep minutes of all regular and special meetings of the Board.

Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet.

Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fireproof vault or in fire-resistant, locked cabinet for a minimum of 60 days. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

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

In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of staff reports;
- Summary record of public comment regarding matters not on the agenda, including names of commentators;
- Approval of the minutes or modified minutes of preceding meetings;
- Approval of financial reports;
- Record by number (a sequential range is acceptable) of all warrants approved for payment;
- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Resolutions and ordinances described as to their substantive content and sequential numbering;
- Record of all contracts and agreements, and their amendment, approved by the Board;
- Approval of the annual budget;
- Approval of all polices, rules and/or regulations;
- Approval of all dispositions of District assets;
- Approval of all purchases of District assets; and,
- Time of meeting's adjournment.

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### REVIEW OF ADMINISTRATIVE DECISIONS

Code of Civil Procedure § 1094.6. The provisions of California Code of Civil Procedure §1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

In accordance with §1094.6, the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final.

No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

#### **Applicability**

This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard has been provided.

#### **Purpose**

The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

#### **Claims**

Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

### RULES OF ORDER FOR CONDUCT OF BOARD AND COMMITTEE MEETINGS

#### **General:**

Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

#### **Obtaining the Floor:**

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



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### **Motions:**

Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

A Director makes a motion; another Director seconds the motion; and the President states the motion.

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

If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

### **Secondary Motions:**

Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are few exceptions to the general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

**Motion to Amend:** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

**Motion to Table:** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

**Motion to Postpone:** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

**Motion to Refer to Committee:** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

**Motion to Close Debate and Vote Immediately:** As provided above, any Director may move to close debate and immediately vote on a main motion.

**Motion to Adjourn:** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

### **Decorum:**

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

The President may also declare a short recess during any meeting.

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### **Amendment of Rules of Order:**

By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

### **TYPES OF BOARD MEETINGS**

#### **Regular meetings:**

Regular meetings of the Board of Directors shall be held on the third Thursday of each calendar month at 5:00 pm located at the Elaine Jacobs Center, 38550 CA-1, Gualala, CA 95445. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board, or such other time as the Board may determine due to a change in District needs and circumstances.

#### **Special meetings:**

Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

- a) All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.
- b) An agenda shall be prepared and posted at least 24 hours before the meeting and shall be delivered with the notice of the special meeting to the Board of Directors.
- c) Notice of the meeting shall be provided to the local newspaper and any other media outlet or person who has requested to receive notices of meetings by serving a copy of the agenda at least 24 hours before the meeting.
- d) Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

#### **Emergency Meetings:**

In the event of an emergency situation involving matters upon which prompt action is necessary, the Board of Directors may hold an emergency meeting without complying with the 24-hour notice requirement. An emergency situation means either, as determined by a majority of the Board: (1) a work stoppage, crippling activity, or other activity that severely impairs public health or safety; or (2) a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril (a dire emergency).

- a) When possible, notice shall be provided to the media outlets by telephone at least one hour before the meeting.
- b) Actions taken during an emergency meeting shall be by roll call vote.

The Board may meet in closed session if agreed to by 2/3 vote of the members present, by unanimous vote.

Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be

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notified of the meeting, and actions taken must be posted for ten (10) days in the District office.

## **Adjourned Meetings:**

A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or General Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

## **Annual Organizational Meeting:**

The Board of Directors shall hold an annual organizational meeting at its regular meeting in December [or other appropriate month]. At this meeting the Board will elect a President, Vice President and Clerk from among its members to serve during the coming calendar year and will appoint the General Manager [or other responsible managing employee] as the Board's Secretary and the Finance Division Manager as the District's Treasurer.

## **ATTENDANCE AT MEETINGS**

Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting.

Good cause for absence, including late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the President of the Board is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official District.

A Board Member who will be absent for good cause may notify the President by electronic transmission (email), telephone communication, or letter. The President shall notify the General Manager and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, except as otherwise provided for by law or as authorized by the Board.

## **COMMITTEES OF THE BOARD OF DIRECTORS**

### **Temporary Advisory Committees:**

The Board President shall appoint any such temporary advisory committees as may be deemed necessary or advisable by the President or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall

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be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

A temporary advisory committee shall be comprised solely of members of the Board and shall consist of less than a majority of Board Members.

A temporary advisory committee may make recommendations to the Board. The Board may not delegate any decision-making power to a temporary advisory committee.

A temporary advisory committee shall meet on an as needed basis and shall not have a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Board.

### **Standing Committees:**

The following shall be standing committees of the Board: Planning Committee; Policy Committee; Personnel Committee; Finance Committee; and Public Relations Committee. The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January. Standing committees may be assigned to review District functions, activities, and operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations from standing committees shall be submitted to the Board via a written or oral report. All meetings of standing committees are subject to the requirements of all applicable open meeting laws, including but not limited to the Brown Act.

The Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

The Policy Committee shall be concerned with proposed ordinances, resolutions, and District policies, except those pertaining specifically to personnel.

The Personnel Committee shall be concerned with the functions, activities, operations, compensation, and welfare of District staff.

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

The Public Relations Committee shall be concerned with assuring that information regarding the affairs of the District is adequately and appropriately communicated to its constituents and the public at large.

### **DUTIES OF THE BOARD PRESIDENT**

#### **Presiding Officer:**

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent and disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

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The presiding officer shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The presiding officer may move, second, debate, and vote from the chair.

### **Duties Regarding Meetings:**

The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- a) Call the meeting to order at the appointed time;
- b) Announce the business to come before the Board in its proper order;
- c) Enforce the Board's policies in relation to the order of business and the conduct of meetings;
- d) Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- e) Explain what the effect of a motion would be if it is not clear to every member;
- f) Restrict discussion to the question when a motion is before the Board;
- g) Rule on parliamentary procedure;
- h) Put motions to a vote, and state clearly the results of the vote; and
- i) Preserve order and decorum.

### **Responsibilities:**

Responsibilities of the President include, but are not limited to, the following:

- a) Sign all instruments, act, and carry out stated requirements and the will of the Board;
- b) Sign the minutes of the Board meeting following their approval;
- c) Appoint and disband all committees, subject to Board ratification;
- d) Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- e) Coordinate the preparation of meeting agendas with the General Manager;
- f) Confer with the General Manager or designee on crucial matters which may occur between Board of Directors meetings;
- g) Be responsible for the orderly conduct of all Board members;
- h) Be the spokesperson for the Board; and
- i) Perform other duties as authorized by the Board.

In the absence or disability of the President, the alternate presiding officer may temporarily carry out these responsibilities until such time as the President is able to resume his or her responsibilities.

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

### **ETHICS TRAINING**

All Directors, designated staff, and members of all commissions, committees and other bodies that are subject to the Brown Act shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 et seq. as may be amended from time to time.

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All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person, or online.

Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.

District staff shall maintain records indicating both the dates that attendees completed the ethics training and the name of the provider that provided the training. These records shall be maintained for at least five years after the date of training and may be public records subject to disclosure under the California Public Records Act.

District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy at least once every year.

A single training course may be used to satisfy the obligation to receive training for multiple agencies or positions.

### **MEMBERS OF THE BOARD OF DIRECTORS**

#### **Meeting Preparation:**

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors may request information from staff before meetings.

Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

The General Manager shall be responsible for providing the requested information and shall make all information equally available to all Directors.

If writings are distributed to a majority of the Board in connection with an agenda item, those writings shall be made available to the public in the manner required by law.

#### **Meeting Decorum:**

Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

#### **Abstentions and Failure to Vote:**

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Directors should not abstain from the Board's decision-making responsibilities unless a personal or financial conflict of interest exists. Directors abstaining due to a disqualifying conflict of interest will not be counted as part of a quorum and will be considered absent for the purposes of determining the outcome of a vote on the matter. Directors who fail to vote in the absence of a declared conflict of interest will be counted as part of a quorum and in effect consent that a majority of the quorum will determine the outcome of a vote on the matter.

### **BOARD MEMBER COMPENSATION**

Each board member shall receive fifty (\$50.00) dollars per regular scheduled board meeting. Any committee or special meeting does not constitute as a regular scheduled meeting and therefore the above dollar amount does not apply. If a board member chooses, he/she can use the above dollar amount for life insurance provided by SDRMA. The monthly cost for life insurance coverages cannot exceed the above allotted amount.

### **TRAINING, EDUCATION AND CONFERENCES**

Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the members of a body do not discuss issues related to their local agency's business. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District. Directors shall not attend or engage in any tour or journey for pleasure at public expense (e.g. "junkets" or other such events that are not beneficial to the District).

It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for travel and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted. Each Board member is allowed up to forty (\$40.00) dollars per day as a meal allowance. The District will pay for lodging and tuition in advance to the scheduled training or conference date.

The Administrative Assistant or the General Manager shall reimburse Directors for conference tuition and registration expenses, and for per diem expenses. Per diem expenses, when appropriate, shall include meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Finance Division Manager, together with validated receipts. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines.

Attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to the District incurring any reimbursable costs.

Expenses to the District for Board of Directors' training, education, and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations recommended by the General Manager, and by:

Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

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Directors traveling together whenever feasible and economically beneficial.

Requesting reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.

A Director shall not be reimbursed for expenses incurred at any educational conference, seminar, training, or professional meeting event 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.

Upon returning from educational conferences, seminars, trainings, and professional meetings 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. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.