



BOMBAY BEACH COMMUNITY SERVICES DISTRICT

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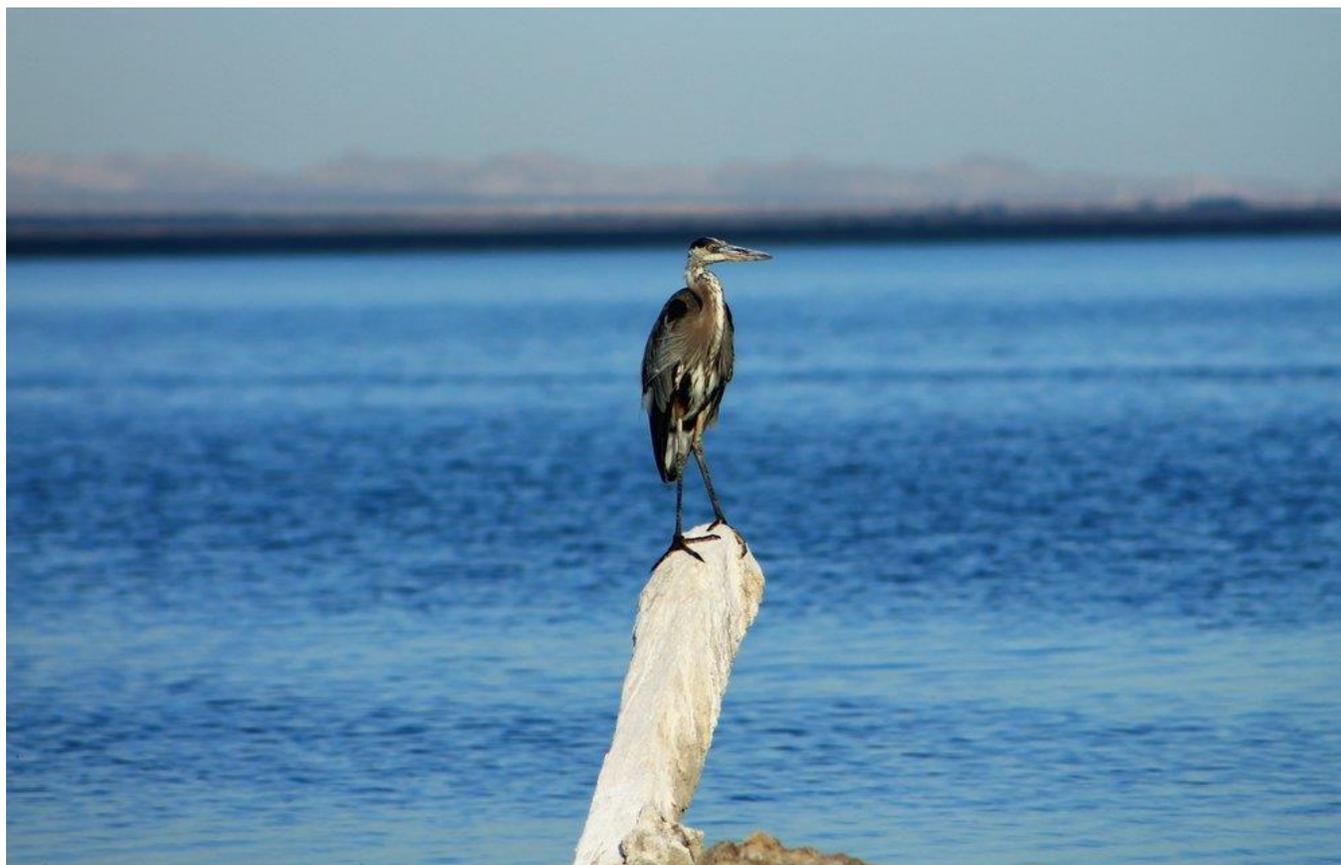
Board Manual of Policies

Ver CSDA 1 – Approved by the Board of Directors – April 16, 2020

Version 2 approved by the Board of Directors - May 2019

Original approved by the Board of Directors - April 21, 2016

The Work of the Board of Directors



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Bombay Beach Community Services District Board Policies

Original Policy approved by the Board of Directors - April 21, 2016

Revision #1 was Version 2 approved by the Board of Directors - May 2019

BBCSD Policy Manual re written to CSDA Standards. First reading was approved on March 19, 2020. Second and final reading was approved by the Board of Directors on April 16, 2020.



SECTION 1000 GENERAL

- Policy 1000 Adoption/Amendment of Policies
- Policy 1005 Association Memberships
- Policy 1010 Basis of Authority
- Policy 1015 Board Secretary
- Policy 1020 Board/Staff Communication
- Policy 1025 Claims Against the District
- Policy 1030 Code of ethics
- Policy 1035 Conflict of Interest
- Policy 1040 Correspondence to the Board
- Policy 1045 Legal Counsel and Auditor
- Policy 1050 Overview of the General Manager's Role
- Policy 1055 Legislative Advocacy

SECTION 2000 ADMINISTRATION

Section 2100 Financial Management

- Policy 2100 Accounts Receivable Policy
- Policy 2105 Asset Protection and Fraud in the Workplace
- Policy 2110 Budget Preparation
- Policy 2115 Credit Card Use
- Policy 2120 Employment of Outside Contractors and Consultants
- Policy 2125 Expense Authorization
- Policy 2130 Investment of District Funds
- Policy 2135 Purchasing
- Policy 2140 Receiving/Depositing Remittances
- Policy 2145 Records Retention
- Policy 2150 Reserve Policy
- Policy 2155 Debt Management
- Policy 2160 Internal Controls

Section 2200 Inventory & Property Management

- Policy 2200 Disposal Surplus Property or Equipment
- Policy 2205 District Electronic Resources Policy and Procedures
- Policy 2210 Use/rental of District Facility
- Policy 2215 Naming of District Parks and Facilities
- Policy 2220 Flag Display Policy



Section 2300 Risk Management

Policy 2300 Emergency Preparedness

Policy 2305 Emergency Response Guideline for Hostile or Violent Incidents

Policy 2310 Workers' Compensation

Section 2400 Communications & Technology

Policy 2400 Customer Relations

Policy 2405 Press Relations

Policy 2410 Public Complaints

Policy 2415 Social Media Use

Policy 2420 Webpage

Policy 2425 California Public Records Act Response Procedures

Policy 2430 Electronic Document Retention Policy

SECTION 3000 PERSONNEL

Section 3100 Employment Practices

Policy 3100 Accommodations for Disability

Policy 3102 Demotion – Nondisciplinary

Policy 3104 Disciplinary Action

Policy 3106 Driver Training and Record Review

Policy 3108 Drug and Alcohol Testing

Policy 3110 Employee Information/Emergency Data

Policy 3112 Employee Promotion

Policy 3114 Employee Records

Policy 3116 Employee Status

Policy 3118 Equal Opportunity

Policy 3120 Grievance Procedure

Policy 3122 Hours of Work and Overtime

Policy 3124 Letters of Recommendation

Policy 3126 Nepotism

Policy 3128 Payroll Deductions for Salaried Employees

Policy 3130 Performance Evaluation

Policy 3134 Recruitment & Hiring

Policy 3136 Separation from District Employment

Policy 3138 Temporary Reclassifications

Policy 3140 Unlawful Harassment

Policy 3141 Inclusive Workplace Policy

Policy 3142 Whistleblowing Policy



Section 3200 Standards of Conduct

Policy 3200 Dress Code & Personal Standards
Policy 3205 Housekeeping
Policy 3210 Outside Employment
Policy 3215 Receipt of Gifts
Policy 3220 Uniforms and Protective Clothing

Section 3300 Communications

Policy 3300 Internet, E-Mail and Electronic Communications

Section 3400 Compensation & Benefits

Policy 3400 Authorized Leave
Policy 3405 Bereavement Leave
Policy 3410 Catastrophic Time Bank
Policy 3415 Compensation
Policy 3420 Educational Assistance
Policy 3425 Family and Medical Leave
Policy 3430 Holidays
Policy 3435 Jury Duty
Policy 3440 Leave for Crime Victims and Family Members
Policy 3445 Military Leave
Policy 3450 Pregnancy Disability Leave
Policy 3455 Rest & Meal Periods
Policy 3460 Sick Leave
Policy 3465 Time Keeping/Time Records
Policy 3470 Time off for Children – School Activities
Policy 3475 Time off to Vote
Policy 3480 Unauthorized Voluntary Absence
Policy 3485 Use of Make up Time
Policy 3490 Vacations
Policy 3495 Workers' Compensation Leave

Section 3500 Health, Safety & Security

Policy 3500 Employee Assistance During Response to Emergency Situations
Policy 3505 Health and Welfare Benefits
Policy 3510 Illness and Injury Prevention Program
Policy 3515 Smoke-free Workplace
Policy 3520 Substance Abuse
Policy 3525 Workplace Violence Prevention Policy



Section 4000 BOARD

Section 4100 Board of Directors

Policy 4100 Attendance at Meetings

Policy 4105 Committess of the Board of Directors

 Claims against the District – Policy # 1025

 Legislative Advvocacy Committee – Policy # 1055.3

Policy 4110 Duties of Board President

Policy 4115 Ethics Training

Policy 4120 Members of the Board of Directors

Policy 4125 Training, Education and Conferences

Section 4200 Board Meetings

Policy 4200 Board Actions and Decisions

Policy 4205 Board Meeting Agenda

Policy 4210 Board Meeting Conduct

Policy 4215 Brown Act Compliance – Open Meeting Requirements

Policy 4220 Minutes of Board Meetings

Policy 4225 Review of Administrative Decisions

Policy 4230 Rules of Order for Conduct of Board and Committee Meetings

Policy 4235 Types of Board Meetings



GENERAL

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Policy 1005 Association Memberships

Policy 1010 Basis of Authority

Policy 1015 Board Secretary

Policy 1020 Board/Staff Communication

Policy 1025 Claims Against the District

Policy 1030 Code of ethics

Policy 1035 Conflict of Interest

Policy 1040 Correspondence to the Board

Policy 1045 Legal Counsel and Auditor

Policy 1050 Overview of the General



POLICY TITLE: Adoption/Amendment of Policies
POLICY NUMBER: 1000

1000.1 Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director. The proposed adoption or amendment shall be initiated by a Director by submitting a written draft of the proposed or new or amended policy to the Board Chairperson and the Secretary through the District office, 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 Board Chairperson of the Board at a meeting of the Board. The Board Chairperson will direct the Secretary to place the Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

1000.2 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. Adoption of a new policy or amendment of an existing policy shall require a 4/5th super majority vote of a full board.

1000.3 Before considering adopting or amending any policy, Directors shall have the opportunity to review and discuss the proposed adoption or amendment at the regular Board meeting prior to the meeting at which consideration for adoption or amendment is to be given. 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 available to each Director for review at least seventy-two (72 hours), per Brown Act, prior to any meeting at which the policy(ies) are to be considered.

1000.4 The requirement to review a proposed new or amended policy prior to the meeting at which adoption is to be considered may be waived by a 4/5 affirmative vote of the entire Board, with the agenda specifying consideration of such action.



POLICY TITLE: Association Memberships
POLICY NUMBER: 1005

Purpose: This policy sets forth the rules for membership in associations and establishes who may represent the District.

1005.1 Appropriate Memberships. To take advantage of in-service training opportunities, the District may hold membership in industry related associations. Board Members and staff may attend meetings of national, state, and local associations directly related to the purposes and operations of the District. Decisions to continue, discontinue, or add new memberships shall occur through the annual budget process.

1005.2 Appointment of Representatives. The Board of Directors shall appoint Board Members or the Secretary as representatives and alternates, as appropriate, to serve as contacts between the District, stakeholder groups, associations and others. The representatives and alternates shall report to the Board in a timely manner on their activities involving these associations. In some cases members may be allowed certain expenses for travel and membership in such associations. This shall be determined and approved by the full Board.

1005.3 Memberships. The Board of Directors may designate a Board member or the Secretary as the appropriate representative or alternate in connection with memberships in any association. The Board of Directors may designate those associations or industry specific organizations with which their association is necessary or desired.

1005.4 The Board of Directors shall maintain membership in the California Special Districts Association and shall insure that annual dues are paid when due.

1005.5 At the regular meeting in December, a member of the Board shall be selected to represent the District in accordance with said chapter's constitution/bylaws, and another member of the Board or staff member shall at the same time be selected to serve as an alternate for the representation.



POLICY TITLE: Basis of Authority
POLICY NUMBER: 1010

1010.1 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.

1010.2 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.



POLICY TITLE: Board Secretary

POLICY NUMBER: 1015

1015.1 The Secretary works at the pleasure of the Board of Directors. The Secretary performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

1015.2 If for any reason the Board President and Vice-President resign or are absent or disabled, the Secretary shall assist the remaining Board members select a temporary Board President to fulfill the duties until the position of President is filled.

1015.3 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.

1015.4 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 of Directors; and
- e) Perform any other duties required under law.

1015.5 Responsibilities of the Secretary: The duties of the Secretary, with assistance of the Board Chairperson, are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including preparing the agenda with the advice of the Board Chairperson and 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.



POLICY TITLE: Board/Staff Communications

POLICY NUMBER: 1020

Objectives: 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 insure 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 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, establishing and setting policy goals and procedures for staff to carry out the Boards policies, and setting 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.



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 Districts Legal Counsel will pass critical information to all Board members through the Secretary.

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.

1020.1 All requests for information or questions by the Board to staff outside of a Board or Committee meeting, shall be directed to the Secretary 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 Board Chairperson or may ask the Board member to contact the Board Chairperson directly.

1020.2 Individual Directors cannot directly assign work to staff members. Board initiated projects will follow organizational channels, through the Board Chairperson, 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 Board Chairperson prior to contacting individual members of the staff and, in most cases, the Board Chairperson should direct and handle the request for the Director.
- b) For long-term, involved studies or where the matter includes confidential material, the Board Chairperson 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.

1020.3 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, 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.

1020.4 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 Board Chairperson to get clarification or raise concerns.

1020.5 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 Board Chairperson to add a closed session item on the next regular agenda for discussion by the complete Board privately to ensure the concern is resolved. All complaints about employees from Directors should be directed to the Board Chairperson to add a closed session item on the next regular agenda for discussion by the whole Board privately to ensure the concern is resolved.

1020.6 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 submit his request to the Board Chairperson to add a closed session item on the next regular agenda for discussion by the complete Board privately to ensure the subject matter is presented without any fear of reprisal.



POLICY TITLE: Claims against the District

POLICY NUMBER: 1025

Purpose: The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

In December of each year, the Board will select three Board members to be the Standing Committee to determine claims against the District.

1025. Property (Land and Improvements) Damage Claims

In the course of District's operations, damage to land and improvements thereon occasionally occur due to the proximity of the District's facilities to the private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property, (by telephone or in person), the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, the Board Chairperson shall be notified. The Board Chairperson and the standing committee to determine claims against the District shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board of Directors, the information will be given to the Board Chairperson. Directors should not independently investigate claims, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate.



A copy of the report shall be submitted to the Board Chairperson for presentation to the Full Board at the next regular meeting or if circumstances require, the Secretary will be directed by the Board Chairperson to call a Special or Emergency meeting depending on the circumstances.

If the investigating Standing Committee to determine claims against the District is convinced that the damage was caused by District personnel, equipment, or infrastructure, The Committee shall prepare a request to the Board to have the damage repaired, subject to the following conditions:

- a) The Board approves the expense;
- b) Property owner agrees that the proposed repairs are appropriate and adequate;
- c) Property owner agrees to allow District personnel access to their property to perform the repair work;
- d) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- e) Repair work can be accomplished within a reasonable amount of time; and
- f) Cost of material for the repairs will not exceed five hundred dollars (\$500).

If the cost of material for repairs is stated by claimant or estimated by staff to exceed five hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.

The Standing Committee to determine claims against the District shall review the damage claim and the proposed repair work within a reasonable amount of time. If the Committee determines that the damage is the District's responsibility and that the proposed repair work is appropriate, the Committee may authorize the work if the cost of material for the repairs will not exceed one thousand five hundred dollars (\$1,500).

A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified of any action by the Committee regarding their claim. If the cost of material for repairs is stated by claimant or estimated to



exceed one thousand five hundred dollars (\$1,500), the claim will be submitted to the Claims Committee.

The Claims Committee shall review the claim and receive input from staff in closed session [qualifies as “anticipated litigation” under the Brown Act]. After reviewing the damage claim, the Committee may authorize the work if the cost of material for the repairs will not exceed three thousand dollars (\$3,000) or may make a recommendation to the Board of Directors.

A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim. If the cost of material for repairs is stated by claimant or estimated to exceed three thousand dollars (\$3,000), the claim will be submitted to the Board of Directors for its consideration.

The Board will consider the claim during a closed session [“anticipated litigation”] of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board’s action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the [insurance deductible], including the cost of investigation, without prior written approval of the District’s insurance company. Claims in excess of the District’s insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District’s insurance company.

1025.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles, or other unsecured property, shall be submitted to the Board Chairperson for distribution to the Claims Committee. The Committee shall review the damage claim and the requested restitution. If The Committee determines that the damage is the District’s



responsibility, The Committee may authorize repairs or reimbursement of expenses to an amount not to exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved. The claim will be processed as described above if the cost of material for repairs is estimated to exceed the applicable thresholds.

1025.3 Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than five hundred dollars (\$500), all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District. If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, of the California Government Code. Section 910 specifies that a claim needs to show all of the following:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices to be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following: The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on



a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code Section 910 and Section 910.2, then a letter shall be sent to the claimant informing them of this fact. District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

1025.4 Account Adjustment Requests - Any request for an account adjustment must be presented to the Board of Directors. The request may go through any Director of the Board.



**BOMBAY BEACH COMMUNITY SERVICES DISTRICT
BOMBAY BEACH, CALIFORNIA**

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CLAIMS FOR DAMAGES AGAINST PUBLIC ENTITY [Government Code § 910 and 910.2 and Bombay Beach Community Services District Board Policy § 1025]

1. NAME OF CLAIMANT: _____
2. MAILING ADDRESS: _____

3. MAILING ADDRESS TO WHICH PERSON PRESENTING THE CLAIM
DESIRES NOTICES TO BE SENT: _____

4. DATE OF INJURY, DAMAGE, LOSS OR OBLIGATION: _____

5. LOCATION WHERE THE INJURY, DAMAGE, LOSS OR OBLIGATION
OCCURRED: _____



6. THE GENERAL DESCRIPTION OF THE INJURY, DAMAGE, LOSS OR OBLIGATION: _____

(Attach Additional Pages, If Necessary)

7. NAME(S) OF PUBLIC EMPLOYEE(S) WHO CAUSED INJURY, DAMAGE OR LOSS: _____

8. DESCRIPTION OF THE ACTIONS OR CONDUCT OF EMPLOYEE(S) WHO CAUSED THE INJURY, DAMAGE OR LOSS: _____

(Attach Additional Pages, If Necessary)



9. NAMES/ADDRESSES/TELEPHONE NUMBERS OF ANY WITNESSES:

10. TOTAL AMOUNT CLAIMED: \$_____

11. BASIS FOR COMPUTATION AMOUNT OF CLAIM:

Current Medical Expenses \$_____

Future Medical Expenses \$_____

Wage Loss \$_____

Damage to Personal Property \$_____

General Damages \$_____

Other Damages (Describe) \$_____

Description _____

Attach Copies of Medical Bills/Estimates for Property Damages/Proof of Loss

12. IF CLAIMANT IS A MINOR (Under age 18-years)

Name of Parent/Legal Guardian _____

Address of Parent/ Legal Guardian: _____

Parent/Legal Guardian Telephone Number: _____



13. SUPPLEMENTAL INFORMATION.

Claimant's Drivers License No.: _____

Claimant's Date of Birth: _____

Law Enforcement /Public Agency Report Number: _____

Claimant's Telephone Number: _____

14. ATTORNEY FOR CLAIMANT:

Name: _____

State Bar Number: _____

Address: _____

Telephone Number: _____

SIGNATURE OF CLAIMANT: _____

Date: _____ Telephone Number: _____

Relationship of Signer. If not the claimant: _____

Date: _____ Telephone Number: _____

Notices

A claim relating to a cause of action for death or for injury to person or to personal property or to growing crops must be presented to the public entity, in the manner provided for in Government Code § 915, et seq., not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented to the public entity as provided in Government Code § 915, et seq., not later than one year after the accrual of the cause of action. [Government Code § 911.2] A person is required by law, under Government Code § 910.4(a), to Use this prescribed Claim Form, in order that his or her claim is deemed to be in conformity with Government Code § 910 and § 910.2. A claim may be returned to a person may be resubmitted using the appropriate form.



POLICY TITLE: Code of Ethics

POLICY NUMBER: 1030

1030.1 Background information:

The Bombay Beach 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.

1030.2 Goals of the code of ethics & values:

- a) To make The Bombay Beach Community Services District 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 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.

1030.3 Preamble:

- a) The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The Bombay Beach Community Services District 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.

1030.4 Applicability:

This Code shall apply to all District Officials as defined in 1030.2 b. 1030.5 Core Value:

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

1030.6 As a representative of The Bombay Beach Community Services District 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 will do. 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.

1030.7 As a representative of The Bombay Beach Community Services District 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.

1030.8 As a Representative of The Bombay Beach Community Services District, 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.

1030.9 As a representative of The Bombay Beach Community Services District, 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.

1030.10 As a representative of The Bombay Beach Community Services District, 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.

1030.11 As a representative of The Bombay Beach Community Services District, 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.

1030.12 As a representative of The Bombay Beach Community Services District, 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.

1030.13 As a representative of The Bombay Beach Community Services District, 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.



1030.14 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 Board of Directors.



POLICY TITLE: Conflict of Interest

POLICY NUMBER: 1035

1035.1 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 Regulations. §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 October 17, 2019. 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 Bombay Beach Community Services District.

1035.2 Designated employees shall file statements of economic interests with the Clerk of the County of Imperial.

- A. Designated positions that shall file a statement of economic interest are:
1. All Board members
 2. Secretary to the Board



POLICY TITLE: Correspondence to the Board
POLICY NUMBER: 1040

1040.1 All written or electronic correspondence addressed to the Board of Directors is to be sent to the District office. Copies of the written or electronic correspondence and written responses in reply thereto, if any, shall be distributed to each member of the Board, together with the next regular agenda or at the next regular meeting of the Board, depending on date of receipt or response. Individual Board members may receive correspondence addressed to him or her in his or her official capacity. However, Board members are not permitted to use agency resources for sending or receiving personal correspondence.



POLICY TITLE: Legal Counsel and Auditor
POLICY NUMBER: 1045

1045.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole and the Secretary to the Board. 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 Secretary for consultation on applicable issues and activities.

1045.3 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 Board will install and maintain an accounting



system that will completely, and at all times, show the financial condition of the District.



POLICY TITLE: Overview of the General Manager's Role
POLICY NUMBER: 1050

1050.1 The Board of Directors shall assume all duties and responsibilities normally held by a General Manager.

- a) The Board of Directors is responsible for the overall administration of the District.
- b) The Board of Directors shall be responsible for the efficient administration of all the District's Affairs.
- c) The Board of Directors plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with short and long range goals, policy statements, and directives of the Board.

1050.2 The Board of Directors Duties

The Board of Director duties are those normally assigned to a District's General Manager and shall be responsible for:

- a) The implementation of policies established by the Board 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) Attend and participate in District Board meetings, prepare and present reports as necessary, represent 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.

1050.3 The Board shall provide policy direction and instruction to District Staff on matters within the authority of the Board during duly-convened board meetings. Members of the Board will deal with matters within its authority and not through other District employees. Members of the Board will refrain from making requests directly to District employees 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.



POLICY TITLE: Legislative Advocacy Policy
POLICY NUMBER: 1055

1055 Purpose

The purpose of the policy is to guide The Bombay Beach Community Services District officials and staff in considering legislative or regulatory proposals that are likely to have an impact on The Bombay Beach Community Services District, and to allow for a timely response to important legislative issues. Although the expenditure of public funds for the purpose of supporting or opposing a ballot measure or candidate is prohibited, (Cal. Gov. Code § 54964), the expenditure of public funds is allowed to advocate for or against proposed legislation or regulatory actions which will affect the public agency expending the funds. (Cal. Gov. Code § 53060.5; *Stanson v. Mott* (1976) 17 Cal. 3d 206)

The purpose for identifying Legislative Advocacy Procedures is to provide clear direction to on The Bombay Beach Community Services District staff with regard to monitoring and acting upon bills during state and federal legislative sessions. Adherence to Legislative Advocacy Procedures will ensure that legislative inquiries and responses will be administered consistently with “one voice” as to the identified Advocacy Priorities adopted by the Board of Directors. The Legislative Advocacy Procedures and Advocacy Priorities will provide the on The Bombay Beach Community Services District, or other designee, discretion to advocate in on The Bombay Beach Community Services District best interests in a manner consistent with the goals and priorities adopted by the Board of Directors. This policy is intended to be manageable, consistent, and tailored to the specific needs and culture of on The Bombay Beach Community Services District.

1055.1 Policy Goals

- Advocate the on The Bombay Beach Community Services District legislative interests at the State, County, and Federal levels.
- Inform and provide information to the Board of Directors and district staff on the legislative process and key issues and legislation that could have a potential impact on the district.
- Serve as an active participant with other local governments, the California Special Districts Association, and local government associations on



legislative and regulatory issues that are important to the district and the region.

- Seek grant and funding assistance for on The Bombay Beach Community Services District projects, services, and programs to enhance services for the community.

1055.2 Policy Principles

The Board of Directors recognizes the need to protect The Bombay Beach Community Services District interests and local control, and to identify various avenues to implement its strategic and long-term goals. It is the policy of The Bombay Beach Community Services District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors.

This policy provides The Bombay Beach Community Services District, or other designee, the flexibility to adopt positions on legislation in a timely manner, while allowing the Board of Directors to set Advocacy Priorities to provide policy guidance. The Board of Directors shall establish various Advocacy Priorities and, so long as the position fits within the Advocacy Priorities, staff is authorized to take a position without board approval. Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting The Bombay Beach Community Services District the matter shall be brought before the Board of Directors at a regularly scheduled board meeting for formal direction from the Board of Directors. The Board of Directors may choose to establish a standing committee of two Directors, known as the “Legislative Advocacy Committee”, with the authority to adopt a position when consideration by the full Board of Directors is not feasible within the time-constraints of the legislative process. Generally, The Bombay Beach Community Services District will not address matters that are not pertinent to the district’s local government services, such as social issues or international relations issues.

1055.3 Legislative Advocacy Procedures

It is the policy of The Bombay Beach Community Services District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction



with local, state, and federal government entities both in regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by The Bombay Beach Community Services District. Monitoring legislation is a function of the Board of Directors. The Legislative Advocacy Procedures are the process by which staff will track and respond to legislative issues in a timely and consistent manner. The Board of Directors, will act on legislation utilizing the following procedures:

1. The Board of Directors shall review requests that The Bombay Beach Community Services District take a position on legislative issues to determine if the legislation aligns with the district's current approved Advocacy Priorities.
2. The Board of Directors will conduct a review of positions and analysis completed by the California Special Districts Association and other local government associations when formulating positions.
3. If the matter aligns with the approved priorities, The Bombay Beach Community Services District response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the district, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the Board of Directors. The Board of Directors shall advise staff to administer the form of advocacy, typically via letters signed by the Board of Directors.
4. All draft legislative position letters initiated by the Board of Directors shall state whether the district is requesting "support", "support if amended", "oppose", or "oppose unless amended" action on the issue, and shall include adequate justification for the recommended action. If possible, the letter should include examples of how a bill would specifically affect the district, e.g. "the funding the district will lose due to this bill could pay for X capital improvements."
 - a. Support – legislation in this area advances the district's goals and priorities.



summarizing activity on legislative measures to the Board of Directors.

1055.4 Advocacy Priorities

Revenue, Finances, and Taxation

- a. Ensure adequate funding for special districts' safe and reliable core local service delivery.
- b. Protect special districts' resources from the shift or diversion of revenues without the consent of the affected districts.
- c. Promote the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies.
- d. Protect and preserve special districts' property tax allocations and local flexibility with revenue and diversify local revenue sources.
- e. Support opportunities that allow the district to compete for its fair share of regional, state, and federal funding, and maintain funding streams.
- f. Opportunities may also include dedicated funding streams at the regional, state, or federal levels that allow the district to maximize local revenues, offset and leverage capital expenditures, and maintain district goals and standards.

Governance and Accountability

- a. Enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner.
- b. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits all approaches.



- c. Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preferences of each community.
- d. Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources without effectively fostering public engagement and enhancing accountability of government agencies.
- e. Promote local-level solutions, decision-making, and management concerning service delivery and governance structures while upholding voter control and maintaining LAFCO authority over local government jurisdictional reorganizations and/or consolidations.

Human Resources and Personnel

- a. Promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service.
- b. As public agency employers, support policies that foster productive relationships between management and employees.
- c. Maintain special districts' ability to exercise local flexibility by minimizing state mandated contract requirements.
- d. Oppose any measure that would hinder the ability of special districts to maximize local resources and efficiencies through the use of contracted services.

Infrastructure, Innovation, and Investment

- a. Encourage prudent planning for investment and maintenance of innovative long-term infrastructure.
- b. Support the contracting flexibility and fiscal tools and incentives needed to help special districts meet California's changing demands.



- c. Promote the efficient, effective, and sustainable delivery of core local services.
- d. Prevent restrictive one-size-fits-all public works requirements that increase costs to taxpayers and reduce local flexibility.



Administration

SECTION 2000 ADMINISTRATION

Section 2100 Financial Management

- Policy 2100 Accounts Receivable Policy
- Policy 2105 Asset Protection and Fraud in the Workplace
- Policy 2110 Budget Preparation
- Policy 2115 Credit Card Use
- Policy 2120 Employment of Outside Contractors and Consultants
- Policy 2125 Expense Authorization
- Policy 2130 Investment of District Funds
- Policy 2135 Purchasing
- Policy 2140 Receiving/Depositing Remittances
- Policy 2145 Records Retention
- Policy 2150 Reserve Policy
- Policy 2155 Debt Management
- Policy 2160 Internal Controls

Section 2200 Inventory & Property Management

- Policy 2200 Disposal Surplus Property or Equipment
- Policy 2205 District Electronic Resources Policy and Procedures
- Policy 2210 Use/rental of District Facility
- Policy 2215 Naming of District Parks and Facilities
- Policy 2220 Flag Display Policy

Section 2300 Risk Management

- Policy 2300 Emergency Preparedness
- Policy 2305 Emergency Response Guideline for Hostile or Violent Incidents
- Policy 2310 Workers' Compensation

Section 2400 Communications & Technology

- Policy 2400 Customer Relations
- Policy 2405 Press Relations
- Policy 2410 Public Complaints
- Policy 2415 Social Media Use



Policy 2420 Webpage

Policy 2425 California Public Records Act Response Procedures

Policy 2430 Electronic Document Retention Policy



POLICY TITLE: Accounts Receivable Policy
POLICY NUMBER: 2100

2100.1 It is the policy of the District that accounts receivable be reviewed monthly, as it is critical to the cash flow of the District and requires continued follow-up and attention.

2100.2 Procedures:

- a) The accounts receivable balances are reviewed monthly by the Account Clerk and the Secretary.
- b) Notices are sent for all accounts 30 or more days past their due date.
- c) Finance charges are not normally assessed on accounts past due.
- d) Credit memos are limited to control of the Board of Directors
- 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 decision of the Board of Directors at a Regular Meeting of the Board.



POLICY TITLE: Asset Protection and Fraud in the Workplace

POLICY NUMBER: 2105

2105.1 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.

2105.2 The Bombay Beach Community Services District is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the Bombay Beach Community Services District to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Bombay Beach Community Services District and, when appropriate, to pursue available legal remedies.

2105.3 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;
 7. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned software;
 8. Misrepresentation of information;
 9. Theft of equipment or 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.
- 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 Bombay Beach Community Services District. The term also includes any volunteer who provides services to the Bombay Beach Community Services District through an authorized arrangement with the District or a District organization.
 - c. Management – In this context, management refers to any Director, manager, supervisor, or other designated 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 a Director, the Internal Audit Committee shall consist of the Board President, The Board Vice-President, the District's Legal Counsel and any other persons appointed to the Internal Audit Committee by the Board of Directors. If the claim of fraud involves the District's President or Vice-President, the Internal Audit Committee shall consist of the non-involved President or Vice-President the Past 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 President of the Board to appoint other persons to the Internal Audit Committee. Individuals appointed to the Internal Audit Committee by the President of the Board other than the District's Legal Counsel shall serve at the pleasure of the President of the Board.
 - e. External Auditor – In this context, External Auditor refers to independent audit professionals who perform annual audits of the



District's financial statements and are approved by the District's Board of Directors.

2105.4 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 becomes the subject of such investigation. An employee being investigated for fraud may request representation by any private attorney of their choice and at their own expense.

2105.5 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.

2105.6 For claims of fraud not involving Members of the Board of Directors, the Board President or an Internal Audit Committee appointed by the Board President shall have primary responsibility for investigation of activity covered by this policy. For claims of fraud involving Board Members, the President or Vice President of the Board or an Internal Audit Committee appointed by the President or Vice-President shall have primary responsibility for investigation of activity covered by this policy. The District's General Counsel shall advise the Committee, the Board President on all such investigations.

2105.7 Throughout the investigation, the Internal Audit Committee will document all investigative findings.

2105.8 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.

2105.9 Upon conclusion of the investigation, the results shall be documented and reported to the Board in a closed session. The Board President shall advise the Board of Directors.

2105.10 Following review of investigation results, the Board President, as the case may be, will take appropriate action regarding employee misconduct. Disciplinary action can include termination, referral of the case for criminal prosecution, or both.

2105.11 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.

2105.12 Procedures:

2105.12.1 Board of Directors Responsibilities

- a. If a Board Member has reason to suspect a fraud has occurred, he or she shall immediately contact the Board President, if the activity involves the Board President, then, contact the Board Vice President 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 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 Board President after consultation with the District's Legal Counsel and any Internal Audit Committee appointed as to the matter.

2105.12.2 Management Responsibilities

- a. Management staff are responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.



- b. Each 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, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
- d. If a manager determines a suspected activity may involve fraud or related dishonest activity, he or she should contact the Board President. If the activity involves the Board President, it shall be reported to the Board Vice President or the District's Legal Counsel.
- e. Managers should not attempt to conduct individual investigations, interviews, or interrogations other than as directed by the Board President or General Counsel. However, manage staff are responsible for taking appropriate corrective actions to implement adequate controls to prevent recurrence of improper actions.
- f. Management staff 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. Management staff 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, management staff 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, managers have 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 Districts Legal Counsel; and
 3. Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the Board President, Internal Audit Committee, the District’s Legal Counsel or law enforcement personnel.
 4. Direct all inquiries from the suspected individual, or his or her representative, to the Board President, or the District’s Legal Counsel. All inquiries by an attorney of the suspected individual should be directed to the District’s Legal Counsel. All inquiries from the media should be directed to the Board President.
 5. Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the Districts Legal Counsel, in conformance with District policy and applicable law.

2105.12.3 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 Board President. If the activity involves the Board President, it shall be reported to the Board Vice 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 Internal Audit Committee, the District’s Legal Counsel, or law enforcement personnel.



2105.12.4 Internal Audit Committee Responsibilities

- a. Upon assignment by the Board President, an Internal Audit Committee will promptly investigate the fraud.
- b. In all circumstances where there reason to suspect a criminal fraud has occurred, the Internal Audit Committee, in consultation with the Board President and Legal Counsel, 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 District's Legal Counsel;
 2. Advise The Board, if the case involves District staff members, to meet with the District's Legal Counsel 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 with 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 Board President.



8. At the conclusion of the investigation, the Internal Audit Committee will document the results in a confidential memorandum report to 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.

2105.13 Exceptions

There will be no exceptions to this policy unless provided and approved in writing by 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.



POLICY TITLE: Budget Preparation

POLICY NUMBER: 2110

2110.1 An annual budget proposal shall be prepared by the Board Chairperson with support from the Secretary.

2110.2 Before review by the Board of Directors, the Board's President shall meet with the Secretary to review the proposed annual budget.

2110.3 The proposed annual budget as reviewed and amended by the Board's President shall be reviewed by the Board at its regular meeting in April.

2110.4 The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in May.



POLICY TITLE: Credit Card Use

POLICY NUMBER: 2115

2115.1 Purpose: The purpose of this policy is to prescribe the internal controls for management of District credit cards.

2115.2 Scope: 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.

2115.3 Implementation: A credit card shall be issued to the Secretary to the Board of Directors. 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 shall review and approve all credit card transactions.
- 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.



POLICY TITLE: Employment of Outside Contractors and Consultants

POLICY NUMBER: 2120

2120.1 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 and the local contractors bidding news if available. 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.

2120.2 Consultants will be approved by the Board of Directors. The Board of Directors will make their decision based on the consultant's experience 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.

2120.3 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 code.



POLICY TITLE: Expense Authorization

POLICY NUMBER: 2125

2125.1 All purchases made for the District by staff shall be authorized by the Board of Directors and shall be in conformance with the approved District budget.

2125.2 Any commitment of District funds for a purchase or expense greater than \$1,000.00 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

2125.3 A "petty cash" fund has not been established for the District office

2125.4 Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon request to the Board. In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the Board of Directors. The District has an established reimbursement request form and no reimbursement will be made without submission of a request on that form.

2125.5 Requests for reimbursement to the District must have a good faith basis. Submission of a request for 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.



POLICY TITLE: Investment of District Funds

POLICY NUMBER: 2130

2130.1 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 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)).
- 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.

2130.2 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 (Checking Account)
- d. Local Agency Investment Funds (Savings Accounts)
- e. Operation and Maintenance Fund
- f. Enterprise Funds

2130.3 Prudence:

The Board and persons authorized to make investment decisions subject to these policies are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling,



or managing public funds, a trustee 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 capacity 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 their 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 expectations are reported in the next issued quarterly treasury report and appropriate action are taken to control adverse developments. When a deviation poses a significant risk to the District's financial position, the Board shall be notified immediately.

2130.4 Objectives:

As specified in GC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and 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.



POLICY TITLE: Purchasing

POLICY NUMBER: 2135

2135.1 To purchase small items — such as office supplies, auto parts, and other miscellaneous items costing less than \$500 — The Secretary will search out the best pricing information by online searches. Small items will be purchased based on the best prices found. Expenses will be presented to the Board for full transparency of expenses.

2135.2 To purchase items costing more than \$500 and up to \$1,000.00, 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 Board must approve purchase over \$500.00.

2135.3 For items over \$1,000.00 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.

2135.4 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.

2135.5 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: (2120 - Employment of Outside Contractors and Consultants)



POLICY TITLE: Receiving/Depositing Remittances

POLICY NUMBER: 2140

2140.1 It is the policy of the District that the Secretary shall timely receive and deposit remittances and to ensure accountability.

2140.2 Procedures for incoming Checks:

- a. The Secretary opens mail, receiving all checks and stamping “for deposit only”.
- b. Using approved account codes, the Secretary logs each check to be deposited to the County account on the Counties deposit forms. Payments received for rental of the Bombay North property, the check will be deposited to the appropriate Bank account.
 - If the application of any check to a particular fund or account of the District is unclear, the Secretary logs as “Miscellaneous”.
- c. The Secretary completes a County demand for payment form for all bills and invoices received and deemed payable. The Board of Directors approves all demands for payment.
 - If there is no accompanying paperwork, the Secretary will match check to open invoice(s) and proceed with above.
- d. At the end of each month, the Account Clerk updates the District general ledger.
- e. Checks are restrictively endorsed when received and prepared for deposit.
- f. The Secretary records each check in the accounting program.
 - Any checks logged as “Miscellaneous” go to the Secretary for appropriate coding.
- g. The Secretary prepares the bank deposit slips.
- h. The Account Clerk verifies correct coding and dollar amounts coding and accounting for any check classified as payment for an administrative service will be verified by the Secretary.
- i. The Secretary deposits checks to the appropriate agency or bank.
- j. The Secretary records the deposit in the General Ledger.



POLICY TITLE: Records Retention

POLICY NUMBER: 2145

2145.1 The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and, ensure compliance with legal and regulatory requirements.

2145.2 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

2145.3 The Secretary is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below, after consultation with the Board President.

2145.4 Pursuant to the provisions of Government Code §§ 60200 through 60203, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

2145.4.1 Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

2145.4.2 Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media except for permanent records of the District as defined in this policy.

2145.4.3 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.



2145.4.4 Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

2145.4.4.1 The record, paper or document is photographed, micro-photographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standard, or copied to an approved electronic media;

2145.4.4.2 The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

2145.4.4.3 The photographs, micro-photographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

2145.4.5 Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

2145.4.5.1 There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

2145.4.5.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

2145.4.5.3 Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;

2145.4.5.4 Said audit or audits contain the expression of an unqualified opinion.

2145.4.6 Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time without Board authorization or consultation with the General Counsel:



2145.4.6.1 Duplicated (original-subject to aforementioned requirements).

2145.4.6.2 Rough drafts, notes or working papers (except audit).

2145.4.6.3 Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

2145.4.7 All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years' retention, provided said records have been microfilmed and qualify for destruction section 3090.4.4, above. Payroll and personnel records include the following:

2145.4.7.1 Accident reports, injury claims and settlements.

2145.4.7.2 Medical histories.

2145.4.7.3 Injury frequency charts.

2145.4.7.4 Applications, changes and terminations of employees.

2145.4.7.5 Insurance records of employees.

2145.4.7.6 Time cards.

2145.4.7.7 Classification specifications (job descriptions).

2145.4.7.8 Performance evaluation forms.

2145.4.7.9 Earning records and summaries.

2145.4.7.10 Retirements.

2145.4.8 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4, above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than 10 years if microfilmed as provided



for in section 3090.4.4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for 10 years.

2145.5 Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon the Boards authorization, be destroyed if they are microfilmed as provided for in section 3090.4.4, above. Recording tapes of Board meetings will be kept for a period of 30 days from the date of the recorded meeting, after which they will be deleted, overwritten or destroyed.

2145.5.1 Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

2145.5.2 Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

2145.5.3 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.



Appendix A

Definitions for Records Retention and Disposal Policy

1. **AUTHORIZATION.** Approval from the Board President, as authorized by the District's Board of Directors.

2. **ACCOUNTING RECORDS.** Include but are not limited to the following:

a. **SOURCE DOCUMENTS**

- (1) Invoices
- (2) Warrants
- (3) Requisitions/Purchase Orders (attached to invoices)
- (4) Cash Receipts
- (5) Claims (attached to warrants in place of invoices)
- (6) Bank Statements
- (7) Bank Deposits
- (8) Checks
- (9) Bills
- (10) Various accounting authorizations taken from Board minutes, resolutions or contracts

b. **JOURNALS**

- (1) Cash Receipts
- (2) Accounts Receivable or Payable Register
- (3) Check or Warrant (payables)
- (4) General Journal
- (5) Payroll Journal

c. **LEDGERS**

- (1) Expenditure
- (2) Revenue
- (3) Accounts Payable or Receivable Ledger
- (4) Construction
- (5) General Ledger
- (6) Assets/Depreciation

d. **TRIAL BALANCE**



- e. STATEMENTS (Interim or Certified - Individual or All Fund)
 - (1) Balance Sheet
 - (2) Analysis of Changes in Available Fund Balance
 - (3) Cash Receipts and Disbursements
 - (4) Inventory of Fixed Assets (Purchasing)

- f. JOURNAL ENTRIES

- g. PAYROLL and PERSONNEL RECORDS include but are not limited to the following:
 - (1) Accident reports, injury claims and settlements
 - (2) Applications, changes or terminations of employees
 - (3) Earnings records and summaries
 - (4) Fidelity Bonds
 - (5) Garnishments
 - (6) Insurance records of employees
 - (7) Job Descriptions
 - (8) Medical Histories
 - (9) Retirements
 - (10) Time Cards

- h. OTHER
 - (1) Inventory Records (Purchasing)
 - (2) Capital Asset Records (Purchasing)
 - (3) Depreciation Schedule
 - (4) Cost Accounting Records

3. LIFE. The inclusive or operational or valid dates of a document.

4. RECORD. Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

5. RECORD COPY. The District copy of a document or file.

6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.



7. RECORDS CENTER. The site selected for storage of inactive records.
8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.
11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:
 - a. The resumption and/or continuation of operations;
 - b. The recreation of legal and financial status of the District, in case of a disaster;
 - c. The fulfillment of obligations to bondholders, customers, and employees.

Vital records include but are not limited to the following: [developed with the advice of legal counsel, as there are many laws governing records retention]:
<http://archives.cdn.sos.ca.gov/local-gov-program/pdf/records-management-8.pdf>

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements
- (7) Deeds
- (8) Depreciation schedule
- (9) Disposal of surplus & excess property
- (10) Disposal of scrap materials
- (11) District insurance records
- (12) District water rights



- (13) Employee accident reports, injury claims & settlements
- (14) Employee earning records
- (15) Employee fidelity bonds
- (16) Employee insurance records
- (17) Encroachment permits (by others)
- (18) Encroachment permits (by BBCSD)
- (19) Facility improvement plans
- (20) Improvement districts
- (21) Individual water rights
- (22) Individual claims/settlements
- (23) Inventory
- (24) Journal vouchers
- (25) Ledgers
- (26) Licenses & permits (to operate)
- (27) Loans & grants
- (28) Maps
- (29) Minutes of Board meetings
- (30) Payroll register
- (31) Policies, Rules & Regulations
- (32) Purchase orders & requisitions
- (33) Restricted materials permits
- (34) Rights of ways & easements
- (35) Spray permits
- (36) Statements of Economic Interest



Appendix B

Group No	Title or Description	Original	Duplicate	Retention Periods		
				Office	Record Center	Retain or Destroy
1	Records affecting title to real property or liens thereof.			2 yrs	OP	ES
2	Records required to be kept permanently by statute.	X		2 Yrs	OP	ES
3	Minutes, ordinances & resolutions of Boar	X		2 Yrs	OP	ES
4	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 Yrs	OP	ES
5	Correspondence, operational reports and information upon which District policy has been established.	X		2 Yrs	10 Yrs	12 Yrs
6	Duplicates of 5, above, when retention is necessary for reference.	X		2 Yrs		2 Yrs
7	Records requiring retention for more than five years, but no more than 15 years by statute or administrative value.	X		2 Yrs	13 Yrs	15 Yrs
8	Duplicates needed for administrative purposes for five to 15 years.		X		13 Yrs	15 Yrs



9	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 Yrs	1 Yr	3 Yrs
10	Duplicates and other documents not public records required to be maintained for administrative purposes.	X	X	2 Yrs	3 Yrs	5 Yrs
11	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3Yrs		3 Yrs
12	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 Yr		1 Yr



13	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, and other duplicate copies no longer needed.	X	X	3 Months		3 Mos
14	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 Yrs	3Yrs	5 Yrs
15	Policy files and reference sets of publications.		X	Indef		Indef
16	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.		X	Indef		Indef

OP = Original or photographic copy.

ES = May be destroyed if stored in electronic media.

I = Indefinitely



POLICY TITLE: Reserve Policy

POLICY NUMBER: 2150

2150.1 Purpose: The Bombay Beach Community Services District (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.

2150.2 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 the 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: 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.
- e) 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.
- f) 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].

2150.3 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.
Operations/Repair & Administrative Operations Reserve:
- e) 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;
 - 3) Facility repairs (distinguished from Capital Improvements and may include painting, caulking of seams, roof repairs, HVAC repairs, patching of walls, etc.).

2150.4 Monitoring Reserve Levels: The Financial Committee of the Board of Directors shall perform a reserve status analysis annually 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 the Financial Committee and/or Board request.



POLICY TITLE: Debt Management

POLICY NUMBER: 2155

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 credit-worthiness.
- 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.

2155.1. Purposes for Which Debt May Be Issued

2155.1.1 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.

2155.1.1.2 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.



- 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.

2155.1.2 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.

2155.1.3 Financings on Behalf of Other Entities. The District may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties to further the public purposes of District. In such cases, the District shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with this policy.

2155.2. 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

2155.2.1 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.

2155.3. Relationship of Debt to Capital Improvement Program and Budget

2155.3.1 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.

2155.3.2 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.

2155.3.3 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.

2155.4. Policy Goals Related to Planning Goals and Objectives

2155.4.1 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.

2155.4.2 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.



2155.4.3 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.

2155.4.4 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.

2155.4.5 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.

2155.4.6 The District shall seek to time debt issues to avoid need for unplanned general fund expenditures for capital improvements or equipment.

2155.5. Internal Control Procedures

2155.5.1 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.
- 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.

2155.5.2 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 Finance Director 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.



POLICY TITLE: Internal Controls

POLICY NUMBER: 2160

A policy of the Bombay Beach Community Services District Board of Directors or defining financial internal controls

- Whereas, the district is a district created pursuant to Local Agency Formation Commission; and
- 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 financial internal 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 is amended or rescinded:

2160.1 There will be established procedures for the adequate separation of duties, including at least the following:

- a) A receipt log of all cash/checks received will be prepared daily by an employee not in the Finance department
- b) The Secretary prepares or oversees the deposit and ensures it is made using the procedures approved by the District and those normally used between the District and the Bank and the County of Imperial Auditor/Controllers office.
- c) The Secretary confirms that the daily deposits agree with the original of the receipt log which he/she maintains
- d) The bank reconciliation will be prepared promptly after month-end by an the Account Clerk with no authority to prepare or sign checks or authorize other debits against the account



- e) All invoices presented for payment must be approved by the Board of Directors.
- f) Every check must be signed by an authorized signers
- 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.

2160.2 There will be an annual financial audit and any finding(s) shall be reported directly to the Board of Directors.

2160.3 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.

2160.4 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 the Board of Directors. The requests for such transfers out of LAIF shall be signed by the Board of Directors and shall be supported by detailed information which shall be maintained by district's Finance Committee.

2160.5 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

2160.6 That funds in the investment account(s) shall only be withdrawn upon approval of the Board of Directors. Such withdrawals must then be remitted only to the checking accounts referenced above in Section 4 of this policy. The requests for such transfers shall be approved by the Board of Directors and be supported by detailed information which shall be provided to the district files.

2160.7 To maximize interest earnings and manage district's cash flow needs, the Board of Directors 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.

2160.8 Templates for Fed-wire or Automated-Clearing House (ACH) Transfers out of the district's bank accounts may only be approved by the Board of Directors. Subsequent use of these Fed-wire or ACH templates shall require the approval of the Board of Directors.

2160.9 The signing of any checks written on the accounts of the district will be in accordance with the district's policy. All "fed wires" or ACH transfers that exceed \$50,000 (other than to/from LAIF or from the Health Benefits Account) shall be considered similar to a "large check" and be disclosed on the quarterly report to Directors.

2160.10 Any payment of funds for claims and/or allocated loss adjustment expenses will be made in accordance with the district's [Claim Settlement Policy].

2160.11 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 No. 2160 supersedes any policy inconsistent with the provisions included above.



POLICY TITLE: District Electronic Resources Policy and Procedures

POLICY NUMBER: 2205

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

Policy

2205.1 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 (except as described in subsection 6), 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. 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.

2205.2 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.

2205.3 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.

2205.4 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.

2205.5 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 (except as described in subsection 6 below).
- 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 with 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.”

2205.6 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 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.

2205.7 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 Board of Directors for evaluation and recommendation to the Board of Directors.

2205.8 Equipment operation and maintenance:

- a) The authorized 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) 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) Technology staff shall maintain an on-site inventory control of all workstation hardware and software.
- d) Technology staff shall provide on-site training and consulting advice on approved software and make recommendations as appropriate.
- e) 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) Technology staff shall periodically review the District technology systems for adherence to operating standards and implement approved upgrades.
- g) Technology staff shall backup District databases daily, weekly, monthly, quarterly and annually for archival and retrieval purposes.

2205.9 Security: The Board of Directors 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:

2205.10 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 the user to routinely change their password. Should the user forget their password, and attempt to input a password they are not sure of, the system may lock them out after three failed attempts.

2205.11 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.
- 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.

2205.12 Electronic Document, Software and Mail Storage

- a) Electronic mail is backed-up on a regular basis. It is synchronized with the server on every start-up and shut-down. The District back-up procedures allow the District to restore current software, documents and electronic mail upon a system failure.
- b) Electronic mail is not intended to be a permanent storage medium. Electronic in-boxes and out-boxes should be regularly archived or purged. The District may, in its discretion, automatically purge older mail.
- c) 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.

- d) **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, company name, direct telephone number, FAX number and email address and be in a format approved by District management.



POLICY TITLE: Use/Rental of District Facility

POLICY NUMBER: 2210

2210.1 The District owns and operates various facilities to carry out its mission. The District has determined that the public or other entities may be allowed to rent or use facilities 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 facilities as may be necessary to meet district needs from time to time. The District's procedure for use of facilities is as follows:

- a) Organizations or individuals shall submit requests to the District's Building Manager in advance (30 calendar days or more) for use of one or more facilities. The request shall include the date(s), times and proposed uses including information deemed pertinent by the Building Manager to verify that the use is acceptable. The Building Manager will notify the applicant of approval or denial of the request within 15 days unless more information is required for a decision.
- b) Organizations or individuals whose request is denied by the Building Manager may request a hearing with the District Board of Directors for reconsideration of their request. A hearing shall be held within 30 days of receipt of such a request in writing outlining the reasons for the request and any explanation of the factors appealed by the applicant.

2210.2 The Board of Directors may establish a user fee and deposit fee schedule for various facilities by resolution using criteria and costs borne by the District for operation and maintenance of such facilities. The user fee may be adjusted from time to time to reflect changes in costs of use and maintenance of the facility.

- a) District staff shall collect a deposit and estimated use fee in advance of reserving a facility. 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.

2210.3 A priority schedule for use of facilities 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;
- 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.

2210.4 Any organization or individual requesting use of District facilities 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. If alcohol is to be served, an alcohol liability insurance rider is required. Any organization or individual requesting use of District facilities shall execute a waiver of liability form as deemed necessary by the District for each event in advance of final approval of the use of the facility.

2210.5 All requesting organizations will be required to comply with Federal, State and local laws in the use of District facilities. If special permits, such as large gathering permits, fire or building code or use of alcohol permits are required, any preliminary approval of a use will be contingent upon satisfactory proof of compliance with all permit requirements before a final approval will be issued. Failure to complete final permits requirements may be grounds for rejection or revocation of use approval and grounds for denial of future use requests.



POLICY TITLE: Naming of District Parks and Facilities

POLICY NUMBER: 2215

Purpose

These guidelines are intended to establish rules and procedures for naming district facilities, including parks, recreation facilities, sections of facilities, or rooms within the facilities. This policy also applies to the naming of park benches, picnic tables, and other community property as deemed appropriate.

Definitions

- a) Parks are open space areas used for public recreation, which are owned and managed by the district.
- b) Facilities are buildings or amenities owned and managed by the district to conduct district business.
- c) Specific features are amenities that could be located within a park or as part of a facility. Specific features may include, but are not limited to, athletic fields, gymnasiums, meeting rooms, picnic shelters, groves, walkways, trails, ball fields, tennis and basketball courts, aquatic facilities, and playground equipment.
- d) Board is the board of Directors of the Bombay Beach Community Services District.

Naming Process

- a) During the planning phase, or prior to the board approving final plans and specifications for any park or facility, an open period of approximately two weeks will be announced giving individuals, staff, and the board an opportunity to suggest names for the new park or facility.
- b) If using a community naming process, a press release notifying the public about the new park or facility will be sent out at least two weeks before final approval. The press release should state that interested individuals can submit an appropriate form to the Board of Directors to suggest a name for the park or facility. Reasons why the name is suggested should be included on the form.
- c) Please note that financial provisions for plaques or other physical commemorative items relating to the park or facility naming, if not



donated, should be subject to normal district budgeting and purchasing processes.

- d) The Board of Directors, staff, or an established selection committee, should review all of the proposed names and should prioritize and recommend names for final selection by the board. The staff and/or selection committee should include an evaluation of the names with their recommendation. The board shall receive all of the names submitted along with the evaluation. The board shall consider the evaluation and make a final decision regarding the name of the park or facility pursuant to the policy and procedures below.

Please note that land or gifts with deed restrictions may not follow these guidelines.

Policy

2215.1 Naming

- a) Parks – parks shall be named as follows:
 - 1) To reflect the geographical location.
 - 2) To reflect the historical features of the land on or around the park.
 - 3) To reflect the significant or unusual natural features of the land on or around the park.
 - 4) After a significant individual(s).
- b) Facilities – facilities shall be named as follows:
 - 1) To reflect the services provided in the facility.
 - 2) To reflect the geographical location.
 - 3) After a significant individual(s)

2215.2 Criteria for naming a park or facility after an individual

- a) The individual to which the park or facility will be named after must have made a significant contribution to the park or facility by:
 - 1) Donating land,
 - 2) Making a large financial contribution, or
 - 3) Contributing substantially to improving the quality of life in the district. This could relate to involvement with parks and recreation or other community involvement.



- b) The park or facility may also be named after a person from the community who died in the line of duty serving the local city, state, or United States of America.
- c) Each park or facility may be named after selected individuals in their honor as desired and appropriate.

2215.3 Criteria for Naming or Creating a Memorial in an Individual's Name

- a) A donor may request that a park, facility, or specific feature in the park or facility be named after, or in memorial for, a specific individual.
- b) The individual to which the park, facility, or specific feature may be named after must have made a significant contribution to the park or facility by:
 - 1) Donating land,
 - 2) Making a large financial contribution, or
 - 3) Contributing substantially to improving the quality of life in the district. This could relate to involvement with parks and recreation or other community involvement.
- c) If the name or memorial is made in terms of a specific facility, the specific facility should be a non-living, low maintenance improvement, which should serve a purpose to the district, for example, a picnic table or bench with a plaque. All costs of the specific facility shall be the responsibility of the donor. The donor may submit information and recommendation to the Board of Directors regarding the relevant history of the person to be memorialized, the type of improvement desired, and the verbiage requested, if any. Final decisions regarding the specific feature, including, but not limited to, materials, equipment, location, and labor, shall be made by the district.

2215.4 Approval of the Individual's Name

- a) If the district is naming a park, facility, or special feature after an individual, or in memorial to an individual, the district shall get approval from the individual (if living) or their family (if the individual is deceased and the family is available).
- b) The intent of naming the park, facility, or special feature is for permanent recognition. Therefore, any request of the district to rename an existing park, facility, or specific feature should be subject



to examination so as to not diminish the original justification for the name.

Procedure

2215.5 The following procedures for naming a park, facility, or specific feature shall be used by the board:

- a) The board will evaluate the merit of each suggested park, facility, or specific feature name according to criteria outlined in this policy. The general manager, staff, or designated committee shall make recommendations to the board for their final approval.
- b) When appropriate, the district may solicit help from and/or suggestions of historical societies or other groups having a specific knowledge, when considering a name to highlight an area's geographic or historical significance.
- c) To stimulate public interest and to obtain additional suggestions, the district may include a contest or competition involving the public as part of the selection process to name a park, facility, or specific feature. However, only suggestions which meet these policy guidelines should be considered.
- d) The naming of a park, facility, or specific feature should begin prior to the first phase of development of the project when possible, but no later than two weeks before final approval.
- e) Groups or individuals may submit nominations for naming a park, facility, or specific feature in writing on a form provided by the district, or in a letter that contains all pertinent information including the reasoning for the name being recommended.



POLICY TITLE: Flag Display Policy
POLICY NUMBER: 2220

Purpose

The purpose of this policy is to maintain consistency and ensure proper respect for the flag. The following policy is also adopted to ensure the proper care and display.

Policy

2220.1 Flags should be displayed in conformance with Federal and State law, 4 U.S.C.A § 1 et seq. and the State of California Government Code § 430 - 439.

2220.2 To establish a policy with respect to the location, time, and manner the flags should be displayed, the following procedures should be followed.

2220.3 The District Building Manager shall be responsible for ensuring the proper execution of this policy at all district facilities.

Procedures:

2220.4 Location of the flags

- a) The flag of the United States (“National flag”) and the flag of the State of California (“State flag”) shall be prominently displayed:
 - 1) In all rooms where any district commission holds any sessions.
 - 2) At each public building belonging to the district.
 - 3) The flags should be displayed daily on or near the main entrance of the building.

2220.5 Display of the flags

- a) The National flag and State flag shall be the same size.
- b) If only one flagpole is used for the display of both flags, the National flag shall be placed above the State flag and the State flag shall be hung in such a manner as not to interfere with any part of the National flag. The National flag shall be placed in the higher position than the State flag at all times.
- c) Flags flown outdoors shall be all-weather flags.



2220.6 Time of Display

- a) The National flag and State flag should only be displayed outdoors from sunrise to sunset, unless the flags are properly illuminated during the hours of darkness.
- b) If the flags are not illuminated then they shall be raised after sunrise, and lowered prior to sunset from the flagpole daily.

2220.7 Days of Display

- a) The flags should be displayed on all days, especially on:
 - New Year's Day, January 1
 - Inauguration Day, January 20
 - Martin Luther King Jr.'s birthday, third Monday in January
 - Lincoln's Birthday, February 12
 - Washington's Birthday, third Monday in February
 - National Vietnam War Veterans Day, March 29
 - Easter Sunday (variable)
 - Mother's Day, second Sunday in May
 - Armed Forces Day, third Saturday in May
 - Memorial Day (half-staff until noon), the last Monday in May
 - Flag Day, June 14
 - Father's Day, third Sunday in June
 - Independence Day, July 4
 - National Korean War Veterans Armistice Day, July 27
 - Labor Day, first Monday in September
 - Constitution Day, September 17
 - Columbus Day, second Monday in October
 - Navy Day, October 27
 - Veterans Day, November 11
 - Thanksgiving Day, fourth Thursday in November
 - Christmas Day, December 25
 - The birthday of the State of California (date of admission), September 9
 - and on State holidays or any other such days as may be proclaimed by the President of the United States.
- b) The flags should be flown at half-staff on the following days:
 - Peace Officers' Day, May 15
 - Memorial Day (flag shall be flown at half-staff only until noon and then raised to the top of the staff), the last Monday in May



- Patriot Day, September 11
- Pearl Harbor Day, December 7
- c) The term “half-staff” means the position of the flag when it is one-half the distance between the top and bottom of the staff
- d) Flags should also be flown at half-staff upon the death of a United States president, California State Governor, or other principal figure of the United States or State Government as a mark of respect to their memory. In the event of the death of other officials, foreign dignitaries, or a member of the Armed Forces, the flag is to be displayed at half-staff according to President (or Governor) instructions.
- e) To display the flag at half-staff, first raise it briskly to the full height, and then lower it ceremoniously to half-staff. When a district office is closed, and no staff is available to lower the flag to half-staff, then the flag should not be flown.
- f) The flying of flags at half-staff shall be coordinated among the district's offices. The Building Manager shall be responsible for coordinating. Except for the days listed in Section b above, approval shall otherwise be obtained from the Building Manager prior to flying flags at half-staff. When a staff member is aware of a situation, which would seem to be appropriate to fly the flags at half-staff, he/she should advise the Building Manager and obtain direction.
- g) The State flag or any other flag shall never be placed above the National flag; thus, all other flags shall also fly at half-staff when the National flag flies at half-staff or shall be removed.

2220.8 Care and Removal of the flags

- a) The flags should be hoisted briskly and lowered ceremoniously.
- b) Upon being removed from the flagpole, the National flag should be properly folded into the shape of a triangle. It should be folded as follows:
 - 1) Begin by holding the flag so that its surface is parallel to the ground.
 - 2) Fold the flag in half twice, length-wise.
 - 3) Fold one corner into the opposite side of the flag, forming a triangle.
 - 4) Repeat this triangular folding until only a strip of the star field shows.



- 5) Tuck the remaining strip into the triangle.
 - 6) When the flag is completely folded, only a triangular blue field of stars should be visible.
- c) Note that the folding procedure identified in Section b above only applies to the National flag, not the State flag.
 - d) When not on the flagpole, the flags should not be left unfolded, nor should they be allowed to touch or lie on the ground. Flags should be properly stored to ensure their safekeeping. Flag should never be stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
 - e) Questions regarding the display or care of the flags should be directed to the Building Manager.



POLICY TITLE: Emergency Preparedness

POLICY NUMBER: 2300

2300.1 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.

2300.2 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.

2300.3 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.

2300.4 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.

2300.5 District Emergency Declaration: When an emergency condition arises, the Board President may, in consultation with the entire Board of Directors, declare a



“District Emergency.” The Board must ratify the declaration within 14 days at a regular, special or emergency Board meeting.

2300.6 Authorization During District Emergencies: The Board President’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, may suspend competitive bidding and enter into emergency contracts of up to \$250,000, as authorized by Public Contract Code § 20567 and § 22050.

2300.7 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 Board of Directors, in accordance with the Emergency Plan, may request mutual aid assistance from other agencies, or commit District resources to other agencies requesting aid. The Board President may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

2300.8 Continuity of Management: The District’s emergency plan will list at least two successors to critical staff identified in the plan, including the Board President. 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.

2300.9 Status Reports: The Board President 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.



POLICY TITLE: Emergency Response Guideline for Hostile or Violent Incidents

POLICY NUMBER: 2305

2305.1 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.

2305.2 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 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 well being of employees and/or customers is the District's highest priority.

2305.3 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.
 - 3) 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.
 - 4) 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.
 - 5) Irate 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.

2305.4 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.
- c) Develop an emergency notice code for intercom, email and radio to facility and District staff. Use of a Color Code is recommended.
- d) Develop a radio communication alert code to notify other District staff so they will not return to the facility during the incident until cleared to do so by public safety personnel.
- e) 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 Board of Directors member as may be possible or call 911. If assessment of a possible threat is needed, the Board President or ranking staff person shall be notified. Public safety agency shall be contacted by 911 whenever a perceived threat is considered valid.

2305.5 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 Board President 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 Board President 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.

2305.6 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 first hand 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.



POLICY TITLE: Workers' Compensation

POLICY NUMBER: 2310

2310.1 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 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 designated Claims/Loss Prevention Manager, or the Board President, within 24 hours of the occurrence. Failure to do so could result in a delay of benefits.

2310.2 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 the Board President.

2310.3 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 the Board President.

2310.4 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.

2310.5 Any Director 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 the Secretary and shall promptly report doing so to the Board President.



2310.6 Notices of workers compensation benefits shall be posted annually as required by California law by or at the direction of the Board of Directors. A form for such notices is available at: <https://www.dir.ca.gov/dwc/NoticePoster.pdf>.



POLICY TITLE: Customer Relations

POLICY NUMBER: 2400

2400.1 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.

2400.2 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.

2400.3 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.

2400.4 When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the Board President 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.



POLICY TITLE: Press Relations

POLICY NUMBER: 2405

2405.1 Purpose:

The purpose of this policy is to provide for an orderly presentation to the press of factual information about District activities and Board action.

2405.2 Press Relations:

The Board President is hereby designated as the official of the District to represent the District to the press. Employees of the District shall refer all press inquiries to the Board President. Board members and other District officials are encouraged to refer press inquiries regarding District activities and Board actions to the President of the Board. Individual Board members should take care not to represent their own opinions as those of the Board or the District, even when those opinions coincide with formal Board action.

2405.3 Press Releases:

Press releases regarding the District shall be approved by the President of the Board. Whenever possible, all members of the Board shall be given an opportunity to review proposed press releases. Board members should take care not to comment on proposed press releases outside Board meetings in a way that might constitute a serial meeting violation of the Brown Act. Thus, comments should be directed to the President of the Board, but not to other members of the Board.



POLICY TITLE: Public Complaints

POLICY NUMBER: 2410

2410.1 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

2410.2 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.

2410.3 Complaints shall be resolved as follows:

- a) An individual with a complaint shall first discuss the matter with the Board President 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 Board President, it shall be forwarded to the Full Board. At the option of the Board President, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The Board President 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 Board President, he/she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the Board President 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 Board President. 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.

2410.4 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.



POLICY TITLE: Social Media Use

POLICY NUMBER: 2415

2415.1 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.

2415.2 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 include: 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), MySpace (social networking), 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.
- 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:

2415.3 No district social media site may be created without the approval of the Board of Directors. All District social media sites created on 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 Board. 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 Board of Directors. The District's website, 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.

2415.4 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.

2415.5 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, monitoring, 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 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 Board of Directors. 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 the Districts social media platforms only during working hours. After-hours or weekend postings may only be made with prior approval of the Board President.
- i) Any person authorized to post items on any of the Districts 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 Districts social media platforms shall not express personal views or concerns through such postings. Instead, postings on any of the Districts 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:

2415.6 The Board President 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.

2415.7 The District may invite others to participate in its social media sites. Such invitations will be based upon the best interests of the District as determined by the Board President

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Responsibilities:

2415.8 It is the responsibility of employees, and appointed and elected officials to understand the procedures as outlined in this policy.

2415.9 Employees who are not designated by the Board President 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.

2415.10 The Board President will determine if a requested use of District social media sites or other District resources is appropriate and complies with this policy.

2415.11 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 Board President. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by Board President or, at his or her request, Legal Counsel.

Notwithstanding the opinion of the District counsel, the Board President reserves the right to restrict or remove District information from a District social media site



if the Board President concludes the information does not serve the best interest of the District.

2415.12 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.

2415.13 The District reserves the right to change, modify, or amend all or part of this policy at any time.



POLICY TITLE: District Web Page

BombayBeachCSD.SpecialDistrict.Org

POLICY NUMBER: 2420

Policy:

2420.1 It is District policy to control the content and accuracy of the information provided on the District's Web page. All information will go through the Board Chairperson for uploading by the Secretary acting in the capacity of the District Web 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:

2420.2 Any District Board Director may request postings to the District Web page through the Board President. Postings must be non-political in nature. The Board President shall approve, modify, or deny the request. Postings shall be submitted in Word format as an email 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 insure no inadvertent errors appear on the final document. The submitter shall inspect the posted submission within 24 hours of posting.

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

2420.3 Privacy Policy.

Last Updated: **March 19, 2020**

The following privacy policy shall be posted to the District's website under a link on the home page.



The Bombay Beach Community Services District (“District,” “we” or “us”) 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 BombayBeach2015@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 Sites 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 websites 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.

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 other 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.
- 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.

Choices and Access:

Your choices regarding our use of your Personal Information for marketing purposes You may opt-out of receiving these marketing-related emails by following the unsubscribe instructions in any message we send you, by emailing us



at bombaybeach2015@gmail.com We strive to honor such request(s) as soon as reasonably practicable.

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 bombaybeach2015@gmail.com 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 bombaybeach2015@gmail.com or by other means as noted on the “Contact Us” portion of this website.

Please note 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.



POLICY TITLE: California Public Records Act Response Procedures

POLICY NUMBER: 2425

The California Public Records Act (Government Code, section 6250 et seq.) grants California residents important rights to obtain access to records held by public agencies. Bombay Beach Community Services District adopts this policy to clarify how it will respond to requests for records under the Public Records Act.

2425.1 All requests for public records shall be in writing on a form approved by the Board of Directors, unless the request is to review an agenda, agenda reports, or minutes of the Board or ordinances or resolutions of the Board or any of its committees, which are available in the District office.

2425.2 Staff will respond to all requests as soon as possible after they are received, but not later than the 10- day period, or extensions thereof, provided by Government Code section 6253.

- a) Staff shall review each request and determine whether it seeks identifiable records and, if not, staff shall help the requestor identify records responsive to the request.
- b) Staff shall request all Directors who may have the records requested to search their files and report whether they have the records and, if so, when the records can be made available to the requestor.
- c) Staff shall respond to the requestor, advising him or her in writing of the availability of the documents, a description of the medium (paper, electronic format, etc.) and location of the records, and whether any are exempt from disclosure under the Public Records Act. As the Public Records Act requires, to the extent feasible, staff will provide suggestions to overcome any practical basis for denying access to the records sought.
- d) If a request is made for copies of records, staff shall also advise the requestor of the estimated copying cost.
- e) The person requesting the copies shall pay the charges for the requested copies established by the Board. At present those are: \$.25 for each page. No charge if sent out electronically. Staff shall not make the requested copies until a deposit of the estimated copying cost is received and shall not release the copies until the actual copying cost is paid.



2425.3 In accordance with the Public Records Act, the administrative staff will provide specific, identifiable records but will not research records for particular types of information or analyze information which may be contained in public records.

2425.4 Administrative staff will respond to requests for public records in accordance with the Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.



**BOMBAY BEACH COMMUNITY SERVICES DISTRICT
REQUEST FOR PUBLIC RECORDS**

Date Requested:	Date Required:
-----------------	----------------

Please list each document, file, or record separately

- I wish to Review
 Obtain copies of the following public records:

=====

I/We, the undersigned, request documents as indicated and agree to pay the Bombay Beach Community Services District for copies at the rate of \$.25 per page for documents requested pursuant to the Political Reform Act) when I receive or my representative receives them.

Name/Organization: _____

Mailing Address: _____

Phone Number: (____) _____ Signature: _____

FAX Number: (____) _____ Email: _____

FOR INTERNAL USE ONLY	
Approved <input type="checkbox"/> Denied <input type="checkbox"/>	Signature:
Reason, if denied:	
Disposition of Request: Documents/response provided on (date)	
By: Mail <input type="checkbox"/> Pick-up <input type="checkbox"/> FAX <input type="checkbox"/> Email <input type="checkbox"/> Delivered <input type="checkbox"/> Verbal <input type="checkbox"/> Phone <input type="checkbox"/>	
Comments:	



POLICY TITLE: Electronic Document Retention Policy

POLICY NUMBER: 2430

The Electronic Document Retention Policy of the Bombay Beach Community Services District governs the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of District business.

2430.1 Definitions

- a) Email Message: An electronic communication sent and received via web mail or email client.
- b) Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snapchat, and LinkedIn.
- c) Text Message: An electronic, written communication sent and received via telephone or Internet connection.
- d) Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

2430.2 Text Messages, Voicemail Messages, and Social Media

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). Directors and District staff are not required to retain these electronic documents. Business done on behalf of the District that requires the creation and preservation of records should be conducted in other media.

2430.3 Email Messages

- a) Email messages sent or received by the District's computer systems from the date this policy is adopted will be preserved for two years and made available for public inspection on the same terms as other District records.
- b) Except as provided in point 3 below, Directors and District staff are required to use (or copy to an address on) the District's computer



systems for all email messages regarding District business. Such email messages fall within point 1 above, i.e., they will be preserved for two years and made available for public inspection on the same terms as other District records.

- c) The District will continue to comply with Government Code § 54957.5 which deems to be a public record any document communicated to a majority of the Directors, whether at the same time or seriatim, with respect to an item of District business regardless of the means of that communication, including via non-District email accounts. Directors are encouraged to forward such email messages not received by the District's computer systems nor copied to its staff or to an email address designated for that purpose so they can be preserved in the District's email retention system, relieving individual Directors of any duty to preserve such email messages or make them available for public inspection.
- d) This policy applies only to the conduct of District business that is subject to the Public Records Act. It has no application to communications to or from Directors in their other public and private capacities or communications to or from District staff that are personal, private or otherwise not District business.



SECTION 3000 PERSONNEL

Section 3100 Employment Practices

Policy 3100 Accommodations for Disability
Policy 3102 Demotion – Nondisciplinary
Policy 3104 Disciplinary Action
Policy 3106 Driver Training and Record Review
Policy 3108 Drug and Alcohol Testing
Policy 3110 Employee Information/Emergency Data
Policy 3112 Employee Promotion
Policy 3114 Employee Records
Policy 3116 Employee Status
Policy 3118 Equal Opportunity
Policy 3120 Grievance Procedure
Policy 3122 Hours of Work and Overtime
Policy 3124 Letters of Recommendation
Policy 3126 Nepotism
Policy 3128 Payroll Deductions for Salaried Employees
Policy 3130 Performance Evaluation
Policy 3134 Recruitment & Hiring
Policy 3136 Separation from District Employment
Policy 3138 Temporary Reclassifications
Policy 3140 Unlawful Harassment
Policy 3141 Inclusive Workplace Policy
Policy 3142 Whistleblowing Policy

Section 3200 Standards of Conduct

Policy 3200 Dress Code & Personal Standards
Policy 3205 Housekeeping
Policy 3210 Outside Employment
Policy 3215 Receipt of Gifts
Policy 3220 Uniforms and Protective Clothing

Section 3300 Communications

Policy 3300 Internet, E-Mail and Electronic Communications

Section 3400 Compensation & Benefits

Policy 3400 Authorized Leave
Policy 3405 Bereavement Leave



Policy 3410 Catastrophic Time Bank
Policy 3415 Compensation
Policy 3420 Educational Assistance
Policy 3425 Family and Medical Leave
Policy 3430 Holidays
Policy 3435 Jury Duty
Policy 3440 Leave for Crime Victims and Family Members
Policy 3445 Military Leave
Policy 3450 Pregnancy Disability Leave
Policy 3455 Rest & Meal Periods
Policy 3460 Sick Leave
Policy 3465 Time Keeping/Time Records
Policy 3470 Time off for Children – School Activities
Policy 3475 Time off to Vote
Policy 3480 Unauthorized Voluntary Absence
Policy 3485 Use of Make-up Time
Policy 3490 Vacations
Policy 3495 Workers' Compensation Leave

Section 3500 Health, Safety & Security

Policy 3500 Employee Assistance During Response to Emergency Situations
Policy 3505 Health and Welfare Benefits
Policy 3510 Illness and Injury Prevention Program
Policy 3515 Smoke-free Workplace
Policy 3520 Substance Abuse
Policy 3525 Workplace Violence Prevention Policy

POLICY TITLE: Accommodations for Disability



POLICY NUMBER: 3100

3100.1 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.

3100.2 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 Board of Directors to request an evaluation of such an accommodation. Generally, an interactive process meeting will be scheduled to discuss the request, job duties and possible accommodations.

Employee or applicant should contact the Board of Directors for further information.

POLICY TITLE: Demotion – Non-disciplinary



POLICY NUMBER: 3102

3102.1 The Board of Directors 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.

3102.2 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.

3102.3 The Board of Directors 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 Board of Directors shall have the discretion of extending the employee's probationary period or terminating the employee.

POLICY TITLE: Disciplinary Action



POLICY NUMBER: 3104

3104.1 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.

3104.2 Examples of Unacceptable Conduct. 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 may result in discipline, up to and including immediate termination:

- Discourteous treatment of the public or fellow employees
- Drinking of intoxicating beverages or use of illegal or non-prescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs;
- Habitual absence or tardiness;
- Abuse of sick leave;
- Disorderly conduct;
- Incompetence or inefficiency;
- Being wasteful of material, property, or working time;
- Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor;
- Neglect of duty;
- Dishonesty or fraud;
- Misuse of District property;
- Willful disobedience;
- Conduct unbecoming a District employee;
- Violation of the District’s Unlawful Harassment Policy;
- Possession of firearms or dangerous weapons on District property;
- Theft.



3104.3 Types of Disciplinary Action. Disciplinary action includes oral warning, written warning, disciplinary probation, suspension, reduction in salary, demotion, or termination of employment.

3104.3.1 Oral Warning: Communication to an employee that his or her performance or behavior must be improved and failure to do so may result in more serious discipline. The Board President may note the date, time, and content of oral reprimand, but no record of oral reprimand shall be placed in the employee's personnel file unless subsequent action is necessary.

3104.3.2 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 filed 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.

3104.3.3 Disciplinary Probation: This form of disciplinary action lasts for a specified period of time not to exceed six (6) months. Employees on disciplinary probation may be terminated for failure to meet performance or behavior standards as provided by in the employee's job classification.

3104.3.4 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.

3104.3.5 Reduction in Salary: A decrease in salary paid to an employee for a specified period of time for disciplinary purposes.

3104.3.6 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.

3104.3.7 Discharge: The removal of an employee from District services, as provided for in these Guidelines.

3104.4 Disciplinary Notice/Appeal Procedure



This Section does not apply to probationary or temporary employees.

3104.4.1 Written Notice of Proposed Action. In the event the District imposes disciplinary action as described in sections 3104.3.3-3104.3.7 above, the employee will be given a notice of the disciplinary action.

- a) Notice of Disciplinary Action. Whenever a disciplinary action is to be taken against an employee, the employee shall be notified in writing of the proposed disciplinary action to be taken. The notice may be served upon the employee, either personally or by certified mail and shall contain the following information:
 - 1) A statement of the disciplinary action to be taken;
 - 2) The effective date of the disciplinary action;
 - 3) The reason or cause of the disciplinary action;
 - 4) A summary of the facts upon which the charges are based;
 - 5) Notice that the employee may inspect copies of all materials upon which the disciplinary action is based; and
 - 6) A statement notifying the employee that he or she has ten (10) business days in which to respond orally or in writing regarding the proposed disciplinary action.
 - 7) Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.
- b) Notice of Suspension. Prior to the imposition of discipline as described in sections 3104.3.3-3104.3.7 above, a regular employee shall be provided a written notice or “Skelly letter” by the Board President proposing to implement discipline which contains:
 - 1) Notice of the proposed action;
 - 2) The reasons for the proposed action;
 - 3) A copy of the charges and any materials upon which the proposed action is based;
 - 4) Notice that the employee is entitled to an opportunity to respond within five (5) working days after the notice has been served upon employee to the charges orally or in writing, or both, personally or with a representative who may be an attorney;
 - 5) The date and time of the response or “Skelly” meeting, which shall be held according to section 3102.4.2; and



- 6) Notice that if the employee fails to attend the response meeting the employee shall be deemed to have waived all rights to said meeting and from appeal to any action taken.

3104.4.2 Response Meeting/Skelly Hearing - No less than ten (10) business days after the notice has been served upon employee, employee shall have the opportunity to refute charges or present facts that may not be known at a “Skelly” Hearing. The employee may respond orally or in writing, personally or with a representative. Neither party shall be entitled to call witnesses or take testimony. At the meeting, the Board President may consider information contained in the charges and recommendations, as well as information presented by the employee or his or her representative.

3104.4.3 Post-Skelly Final Notice – Within ten (10) days after the Skelly Hearing, the appropriate authority shall:

- 1) dismiss the notice and take no disciplinary action against the employee;
- 2) modify the intended disciplinary action; or
- 3) prepare and serve upon the employee a final notice of disciplinary action.

The final notice of disciplinary action shall include the following:

- 1) The disciplinary action taken;
- 2) The effective date of the disciplinary action taken;
- 3) Specific charges upon which the action is based;
- 4) A summary of the facts upon which the charges are based;
- 5) The written materials, reports and documents upon which the disciplinary action is based; and
- 6) The employee’s right to appeal.

If an employee fails to respond to the notice for a Skelly Hearing, the Board President shall notify the employee in writing that his or her time to respond has expired and that the discipline shall be imposed. Disciplinary action other than a suspension, demotion or termination (i.e., written or oral reprimands) shall not be subject to appeal. Disciplinary action consisting of a suspension, demotion or termination may be appealed by regular employees pursuant to section 3104.4.4.

3104.4.4 Appeals of Disciplinary Action



Any regular employee shall have the right to appeal to the Board President from any disciplinary action taken by The Board following a Skelly Hearing. Such appeal shall be in writing and must be filed with the Board President within ten (10) business days after receipt of written notice of such disciplinary action. Failure to file an appeal within such period constitutes a waiver of right to appeal. The Board President shall conduct a hearing as provided above. Neither the provisions of this section or this Chapter shall apply to reductions in force or reductions in pay, which are part of a general plan to reduce or adjust salaries and wages. However, any reduction in pay is subject to the meet and confer process pursuant to Government Code sections 3504.5 and 3505. In the event the Board President institutes the disciplinary action against an employee, he or she shall be disqualified from presiding at the appeal hearing. In such case, the hearing officer will be appointed by mutual agreement of the parties.

3104.4.5 Selection of Hearing officer for Appeal of Disciplinary Action

If the Board President is disqualified, the appeal shall be heard by a hearing officer provided to the District by a non-profit organization or governmental agency with whom the District has contracted to conduct hearing pursuant to these Guidelines. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.

3104.4.6 Appeal Hearing

The Board President, or the appointed hearing officer, shall conduct an appeal within thirty (30) days of receipt of employee's request for appeal. The Board President, or the appointed hearing officer, may continue the hearing either for the convenience of the District or for good cause upon written application of the appellant or District, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing shall be conducted in accordance with the provisions of section 11509 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in section 19580 of said Government Code, and the parties may submit all proper and competent evidence against, or in support of the causes.

3104.4.7 Representation at Appeal

Any District employee, shall be permitted to represent another District employee or group of District employees at the hearing of the appeal. The appellant may appear in person or be represented by counsel.



3104.4.8 Notices to Witnesses: Cost

The Board President shall issue notice for the appearances of witnesses for the appellant upon his written request and at his cost. The Board President may require such cost to be prepaid.

3104.4.9 Failure of Employee to Appear at Appeal Hearing

Failure of the appellant to appear at the hearing, without the prior written approval of the hearing officer, shall be deemed a withdrawal of his or her appeal and the action of the Board President shall be final.

3104.4.10 Decision on the Appeal

The Board President or appointed hearing officer shall render a written decision within thirty (30) days after concluding the hearing. The Board President's decision shall be final and conclusive, except when an employee is suspended for more than three (3) days or discharged. A copy of such decision shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the Board President or an appointed hearing officer, the employee will be compensated for the time lost, if any, that resulted from the reversed disciplinary action. In cases involving suspending an employee for more than three (3) days or discharging an employee, a copy of such decision shall be forwarded to the employee.



POLICY TITLE: Driver Training and Record Review
POLICY NUMBER: 3106

3106.1 Purpose. The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by: (a) applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; (b) establishing disciplinary procedures for different types of driving violations.

3106.2 Scope. This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District. Directors are encouraged to provide their license information, but cannot be required to do so in accordance with State law.

3106.3 Implementation. The Bombay Beach Community Services District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (a.k.a.: "Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV: (a) every six months; and, (b) immediately in the event of new activity (e.g., moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3106.4 Review Criteria. Information that will be generated during the record review will include:

- (a) type of license;
- (b) expiration date;
- (c) endorsements;
- (d) DMV action suspensions, revocations, and penal code violations; and,
- (d) Vehicle Code violations.

3106.5 Disciplinary Procedures:

- a) A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:
 - 1) They earn two points within 36 months of report date; or,
 - 2) They receive any moving violation in a District vehicle within 36 months of report date; or,



- 3) They are involved in an accident within 36 months of report date.
- b) A driver will be placed on a 12-month driving probation if they earn three to five points within 36 months of report date. Additional point violations within this probation period will affect a 120-day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
 - c) A driver will be suspended from District driving privileges for 120 days if:
 - 1) They earn four or more points within 24 months of report date; or,
 - 2) They earn six or more points within 36 months of report date; or,
 - 3) They receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
 - 4) If they are involved in two chargeable (resulting in a point violation) accidents within 24 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
 - d) A driver will be permanently suspended of District driving privileges if:
 - 1) They receive a citation for DUI, reckless driving, or speed contest during District business within 36 months of report date; or, they receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within 12 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.
 - e) Occasionally, it may be brought to the District's attention that an employee is exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.



3106.6 Defensive Driver Training. All drivers shall attend an approved defensive driver-training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State law.



POLICY TITLE: Drug and Alcohol Testing
POLICY NUMBER: 3108

3108.1 Pre-Employment Drug Testing: As a part of the District’s employment screening process, any applicant to whom a conditional offer of employment is made must pass a test 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.

3108.2 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, firefighters, 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.

3108.3 Reasonable Suspicion Testing: If an employee 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 test in accordance with the procedures described herein. If the 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, which results in termination.

3108.4 On-the-Job Inquiry: Should an injury occur while working, a drug or alcohol test may be administered if a Board Member has a reasonable suspicion that an employee was injured due to drug or alcohol use.

3108.5 Procedures for Drug 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 Board Member 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 nonprescription 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 accordingly.

3108.6 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 the presence of alcohol 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 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.

3108.7 Confidentiality: All drug testing records will be treated as confidential.



POLICY TITLE: Employee Information/Emergency Data
POLICY NUMBER: 3110

3110.1 It shall be the policy of District to maintain accurate and vital personal contact information for each employee and Director of the District in case of need to contact them. All such information shall be maintained as confidential to the extent allowed by law.

3110.2 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
- Number, Names, and Status of Spouse and Dependents
- Change of Emergency Contact Information
- Educational Accomplishments
- Marital or Registered Domestic Partner Status
- Change of Military Status
- Payroll Deductions
- Benefit Plan Beneficiary

3110.3 Employees are responsible for notifying the Secretary to the Board of Directors in the event of a name, address or other vital information change as required by this policy or any other District policy/procedure.

3110.4 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner and a loss of benefits or services by the employee or dependents.

3110.5 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.

3110.6 Release of Information. Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, by contacting the Board President or his or her designee. 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. 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.



POLICY TITLE: Employee Promotion
POLICY NUMBER: 3112

3112.1 An employee may be promoted only if the employee has the desirable qualifications for the higher position. Desirable qualifications shall be ascertained on the same basis of information, application, examination, interview, and evaluation as those for an initial appointment in accordance with the most current Job Description.

3112.2 A promoted employee shall be required to successfully complete a six (6) month probation period, as outlined in Policy 3116. If a promoted employee is unable to perform the required duties of the new 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.



POLICY TITLE: Employee Records

POLICY NUMBER: 3114

3114.1 All personnel information and records are to be considered as 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 that 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 Board of Directors, or the 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 change in insurance beneficiary, or any other information needed to maintain accurate records. These changes shall be provided to the Board of Directors, or the 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.

3114.2 Release of Information: Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, by contacting the Board of Directors, or the designee. 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. 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.



POLICY TITLE: Employee Status
POLICY NUMBER: 3116

3116.1 A "Regular Full-Time" employee is one who has been hired to fill a regular position in any job classification. Regular full-time employees are regularly scheduled to work at least forty (40) hours per week, are not temporary employees, and who have successfully completed the probationary period.

3116.2 A "Probationary" employee is one who has been hired to fill a regular position in any job classification and has less than twelve (12) continuous months of service with the District. Upon completion of twelve (12) months of continuous service with the District in said classification, and upon the Personnel Director's [or other responsible managing employee] decision to retain said employee, said employee shall be granted regular employee status.

- a) A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he or she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- b) The Board of Directors may elect to extend the probationary period for any employee up to an additional three (3) months.

3116.3 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. A temporary employee shall not work more than one thousand (1,000) hours in a fiscal year.

- a) Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees unless said leave of absence is in excess of one hundred eighty (180) days.
- b) A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, nor will he or she accrue seniority or leave of absence rights. A temporary employee may take time off without pay with the approval of the Board of Directors and shall be permitted to take time off for District-recognized holidays without pay.
- c) If a temporary employee is reclassified to probationary or regular status, he or she will be credited with all continuous service in



determining eligibility for such benefits that may accrue to him or her in his or her new status.

3116.4 A "Part-Time" employee is one who is hired to work within any job classification but whose position is not regular in nature. The part-time employee works whenever the District's workload increases to a level that regular employees cannot accommodate it. He or she also works standby as discussed in Policy #3112, "Hours of Work and Overtime."

3116.5 An "Exempt" employee is an employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor and Standard Act ("FLSA"). To be considered "exempt", an employee must work in a bona fide executive, administrative, or professional capacity and be paid on a salary basis as required by the FLSA. These positions shall be so designated in the classification plan.

3116.6 A "Non-Exempt" employee is an employee who is not a bona fide executive, administrative, or professional employee as defined by the FLSA. Non-exempt employees can earn overtime pay in accordance with the overtime requirements of the FLSA.



POLICY TITLE: Equal Opportunity
POLICY NUMBER: 3118

3118.1 The District employs persons having the best available skills to efficiently provide high quality service to the public.

3118.2 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.



POLICY TITLE: Grievance Procedure

POLICY NUMBER: 3120

3120.1 This policy shall apply to all regular employees in all classifications.

3120.2 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.

3120.3 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.

3120.4 Grievance Procedure Steps.

3120.4.1 Level I, Preliminary Informal Resolution. Any employee who believes he or she has a grievance shall present the evidence thereof orally to the Board President within five (5) working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The Board President shall hold discussions and attempt to resolve the matter within ten (10) working days after the discussions. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the Board President. If the grievance is against the Board President, the employee may skip Level I and advance to Level II, provided he or she complies with all applicable time limits and other requirements for Level I.

3120.4.2 Level II, Board of Directors' Personnel Committee. If the grievance has not been resolved at Level I, the grievant may present his or her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the Board of Directors' Personnel Committee within ten (10) working days after the occurrence of the act or omission giving rise to the grievance.

3120.4.2.1 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 Board President at Level I, if any;
- d) The dates when:
 - (i) the grievance was first discussed with the Board President;
 - (ii) the Level I response was issued, and
 - (iii) the employee submitted the grievance to Level II; and
- e) The specific remedy sought.

3120.4.2.2 The Board of Directors' Personnel Committee shall communicate their 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 Board of Directors' Personnel Committee 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 Board of Directors' Personnel Committee written decision. Within the above time limits, either party may request a personal conference with the other.

3120.4.3 Level III, Board of Directors. In the event the grievant is not satisfied with the 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 within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the Board of Directors; and a clear, concise statement of the reasons for the appeal to Level III.

3120.4.3.1 The Board of Directors 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 Board's decision shall be announced in open session immediately after the closed session in which it was made.

3120.5 Basic Rules.

3120.5.1 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.

3120.5.2 By agreement in writing, the parties may extend any and all time limitations specified above.



3120.5.3 The Board of Directors' Personnel Committee may temporarily suspend 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.

3120.5.4 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3120.6 Expungement of Written Reprimands: A written reprimand may be expunged upon sustained corrective behavior, as determined by The Board, 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.

3120.6.1 The Board of Directors' Personnel Committee will consider the following factors in making his or her decision to expunge a written reprimand:

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



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Appendix "A"

EMPLOYEE GRIEVANCE FORM
BOMBAY BEACH COMMUNITY SERVICES DISTRICT

Employee's Name: _____ Date: _____

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:

.....



POLICY TITLE: Hours of Work and Overtime
POLICY NUMBER: 3122

3122.1 This policy shall apply to all non-exempt employees.

3122.2 The regular hours of work each day shall be consecutive except for interruptions for meal periods and breaks, or as otherwise approved by the Board of Directors in writing.

3122.3 A work week is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic work week is defined to consist of five (5) consecutive work days of eight (8) hours each, Monday through Friday. The regular work hours shall be 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch. A majority of employees may request a change of regular work hours, for their division, with the written consent of the Board of Directors, so that the regular work hours may be revised to accommodate needs of the public, such as 7:00 a.m. to 4:00 p.m. with one (1) hour off for lunch. Regular work hours may be modified as outlined in an applicable Memorandum of Understanding between the District and a District-recognized bargaining unit.

3122.4 Overtime is defined as:

- Time worked in excess of forty (40) hours in a work week;
- Time worked in excess of eight (8) hours on a scheduled work day if a five (5) day, eight (8) hour per day work week is in effect; or,
- Time worked in excess of scheduled hours on a scheduled work day if an alternative work day is in effect such as a four (4) day, ten (10) hour per day work week is in effect; or,
- Time worked on a designated holiday.

3122.5 All overtime work shall be authorized in advance by the Board of Directors, or their designee, specifically vested with this authority. Employees working overtime without prior approval by the appropriate individual may be subject to discipline.

3122.6 On Call policy (Reserved)



POLICY TITLE: Letters of Recommendation

POLICY NUMBER: 3124

3124.1 The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interest of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law. Therefore, the Board of Directors is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the Board of Directors, or his or her designee, before dissemination.

3124.1.1 The Board of Directors shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all District employees other than himself or herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the Board President or his or her designee.

3124.1.2 At their discretion, Board of Directors, may refuse to give a recommendation. Any recommendation he or she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.



POLICY TITLE: Nepotism

POLICY NUMBER: 3126

3126.1 It is the policy of The Bombay Beach Community Services District 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:

3126.1.1 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.

3126.1.1.1 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.

3126.2 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.

3126.3 When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.



POLICY TITLE: Payroll Deductions for Salaried Employees
POLICY NUMBER: 3128

3128.1 Employees paid on a “salary basis” regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, a salaried employee will receive his or her full salary for any work period in which he or she performs any work, regardless of the number of days or hours worked. A salaried employee may be paid for any work week in which he or she performs no work, subject to the District’s benefits programs and policies.

3128.2 No deductions from salary may be made for time when work is not available, provided the salaried employee is ready, willing, and able to work. Deductions from pay are permissible when a salaried employee:

- Is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- Is absent for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for military duty and performs no work during the time off;
- Works less than a full week during the initial or final week of employment;
- Violates safety rules of major significance; or
- Violates written workplace conduct rules applicable to all employees and is suspended without pay for one (1) or more full days.

3128.3 It is The Bombay Beach Community Services District policy to comply with these salary basis requirements. Therefore, The Bombay Beach Community Services District prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. The District wants employees to be aware of this policy and know that The District does not allow deductions that violate Federal or State law.

3128.4 If you believe that an improper deduction from your salary has been made, you should immediately report this information to The Board President.

3128.5 Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.



3128.6 Every employee is required to submit a Form W-4 at the beginning of each year to direct the payroll staff to make appropriate Federal and State income tax deductions.



POLICY TITLE: Performance Evaluation
POLICY NUMBER: 3130

3130.1 This policy shall apply to all employees.

3130.2 In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the Board of Directors will conduct formal written employee evaluations at least once per year, preferably using the employee's hire date anniversary is desired for an annual evaluation. Generally, employee evaluations may be performed at three (3) months and/or six (6) months after date of hire and shall be performed near the end of the twelve (12) month probationary period. In the event the Board of Directors determines that a regular part-time or regular full-time employee's job performance has not improved after receiving a written evaluation, the supervisor or the Board of Directors may elect to establish a performance improvement plan ("PIP"), also known as a performance action plan to provide an employee the opportunity to succeed while still being held accountable for past performance. A PIP shall be used to address either failures to meet specific job performance-related or behavior-related issues.

3130.3 Ratings: Performance evaluations shall be in writing on forms prescribed by the Board of Directors. The evaluation shall provide recognition for effective performance and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Improvement Needed, Satisfactory, Above Satisfactory, or Outstanding.

- Unsatisfactory Work is well below the standard expected of a competent worker in that job position, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the evaluator.
- Improvement needed performance is frequently less than the standard expected of a competent worker in that job position, and improvable with additional training, experience, or effort.
- Satisfactory Work performance consistently meets the standard expected of a competent worker in that job position.
- Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job position, a majority of the time.
- Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job position; performance is



superior. Outstanding ratings must be substantiated in a written statement by the evaluator.

3130.4 Evaluation Procedure: The performance evaluation must be signed by the evaluator, as well as the employee, and discussed with the employee. Unscheduled performance evaluations may be made at the discretion of the Board of Directors or his or her designee. Performance evaluations can be appealed to the Board of Directors as outlined in the Grievance Procedure of these Guidelines. Employee evaluation grievances will only be considered by the Board of Directors; they will not be heard by the Board. The Board of Directors may only modify employee evaluations if there is a compelling reason to do so.



POLICY TITLE: Recruitment and Hiring
POLICY NUMBER: 3134

Recruitment:

3134.1 Announcement: All recruitments for classification vacancies within the District shall be publicized by such methods as the Board of Directors 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 examination(s). 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.

3134.2 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 Board of Directors. The Board of Directors may also require applicants to submit additional job related information.

3134.3 Examinations: Examinations for the establishment of eligibility lists shall be competitive and by such character shall test and determine the qualifications, fitness, and ability of applicants to perform the essential functions of the classifications for which they seek appointment.

The examination may include an investigation of character, personality, education, experience, criminal history, credit bureau, drug & alcohol and any tests of intelligence, capacity, technical knowledge, manual skill, or job related physical fitness that the Board of Directors deems appropriate.

The Board of Directors shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The District will make every reasonable effort to accommodate disabled applicants in the administration of employment tests in accordance with applicable law. Examinations may be promotional, open, or continuous as directed by the Board of Directors. In making



a decision regarding the type of examination, the Board of Directors will consider the availability of qualified interested personnel in the District workforce, the possible Affirmative Action implications, and the need for expediency in filling the position.

3134.3.1 Open/Promotional Examinations: Any person who meets the requirements set forth in the open/promotional examination announcement may compete in open/promotional examinations. The Board may adopt and implement objective standards to initially screen applications in order to reduce the number of applicants to a manageable size.

3134.3.2 Promotional Examinations: Regular and non-regular employees, except temporary employees, who meet the requirements set forth in the promotional examination announcement may compete in a promotional examination announcement.

3132.3.3 Continuous Examinations. Continuous examinations may be administered periodically for a single classification. Names shall be placed on eligibility lists and shall remain on such lists as prescribed in Section 3134.4

3134.4 Eligibility Lists

3134.4.1 Establishment: As soon as possible after the completion of an examination, the Board of Directors shall prepare and maintain an eligibility list consisting of the names of the applicants or employees who qualified in the examination. The names on the list shall be in order based on each applicant's competitive score for the examination process, with the highest score being first on the list. Each applicant or employee shall be given notice of the results of his or her examination and ranking on the eligibility list.

Applicants on the eligibility list for a particular classification may be certified by the Board of Directors for consideration to hire for a classification in an equal or lower salary range in the event that an eligibility list for that classification does not exist, provided that the applicant is qualified. This may be done only with the approval of the Board of Directors. Applicants will not be removed from the eligibility list pursuant to



Section 3134.4.3 if they refuse to accept employment in the lower classification.

3134.4.2 Duration of Lists: All eligibility lists shall remain in effect until exhausted or abolished by the Board of Directors for due cause. As a general policy, eligibility lists shall remain in effect for not more than one (1) year. Eligibility lists may remain in effect for more than one (1) year at the Board of Directors discretion. The Board of Directors may abolish eligibility lists with three (3) names or less before the one (1) year expires.

3134.4.3 Removal of Names from Eligibility Lists: The Board of Directors may remove a name of any eligible candidate appearing on an eligibility list if:

- The eligible candidate requests that his or her name be removed;
- The eligible candidate fails to provide notification of a change in address;
- The eligible candidate fails to attend a scheduled interview;
- The eligible candidate declined an interview on two (2) occasions;
- The eligible candidate declined an offer of employment;
- The eligible candidate was on an eligibility list as a result of a promotional examination and has subsequently left District employment;
- or
- The eligible candidate was on a list for a specialized classification within one department of the District and was determined to be unsuitable by the department head.

3134.4.4 Disqualification: At any point in the recruitment and selection process, the Board of Directors may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certification, prior to appointment by the Board of Directors, 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:

3134.5 Decisions regarding employment are based upon an individual's qualifications for the applicable position as described below.

3134.5.1 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.

If a vacancy is awarded to a current regular employee, that employee shall serve a three (3) month probationary period in that position with continued benefits for health care, sick leave, vacation and comp time-off. Within three (3) months of the move to the vacant position, the employee may return to their previous position with written notice to and approval by the Board of Directors, so long as the position has not been filled.

3134.5.2 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.

3134.5.3 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 ninety (90) days of employment. 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 may be performed at three (3) months and/or six (6) months after the date of hire and shall be performed at the end of the twelve (12) 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 Board of Directors.

Regardless of whether the Board of Directors completes a written performance evaluation, probationary 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 twelve (12) months, commencing with their first day of employment. The Board of Directors, 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.



POLICY TITLE: Separation from District Employment
POLICY NUMBER: 3136

3136.1 Resignation: To leave District service in good standing, an employee must file a written notice of resignation with the Board of Directors at least two (2) weeks before the effective date of separation of employment from the District. The Board may, however, grant good standing with less notice if he or she determines the circumstances warrant. Resignations may not be withdrawn without the Board of Directors approval.

3136.2 Layoffs: Whenever, in the judgment of the District Board, 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 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.

3136.2.1 Notification: Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.

3136.2.2 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."



3136.2.3 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.

3136.2.4 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.

3136.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the Board of Directors for cause and after following the proper disciplinary termination procedures as outlined in the “Disciplinary Termination” section of these policies.

3136.3.1 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 Board of Directors shall notify the probationary employee in writing that he or she is being separated from District service.

3136.4 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 the Board of Directors 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 be transmitted to the employee for comment and be returned for retention in the employee’s personnel file.

3136.5 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.



3136.6 Employment Reference Checks: All inquiries regarding a current or former District employee must be referred to the Board of Directors. Should an employee receive a written request for a reference, he or she must refer the request to the Board for handling. Employees may not issue a reference letter to any current or former employee without the permission of the Board of Directors.

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 Board of Directors.

In response to an outside request for information regarding a current or former District employee, the Board of Directors 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.



POLICY TITLE: Temporary Reclassifications
POLICY NUMBER: 3138

3138.1 The Board of Directors may temporarily assign an employee to perform work normally performed by another employee or position classification at a different level or salary.

3138.2 An employee temporarily assigned to perform work of a lower paid classification shall not have his or her salary reduced, and an employee temporarily assigned to perform work of a higher paid classification shall receive compensation equal to either the lowest salary step for that position that would provide for an increase in pay or five percent (5%), for all time spent in the acting position in excess of four (4) consecutive work weeks. An approved reclassification shall continue only until such time as the employee is returned to his or her original job duties.

3138.3 Temporary assignments to a higher or lower paid class need to be in writing and approved by the Board of Directors in advance.



POLICY TITLE: Unlawful Harassment

POLICY NUMBER: 3140

3140.1 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 is 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.

3140.2 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;
- 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.



3140.3 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;
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

3140.4 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:

- 3140.4.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.
- 3140.4.2 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.
- 3140.4.3 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.

3140.5 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.

3140.6 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.

3140.6.1 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 Board President.

3140.6.2 An annual bulletin may also be prepared and distributed to all employees informing them of the District's sexual harassment policy.

3140.7 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.

3140.7.1 An informal complaint is made verbally by the employee to the Board President.

3140.7.2 A formal complaint is made in writing using the “Employee Grievance Form,” see "Appendix A" in Policy #3120. Said form should be submitted by the employee to the Board President. Although submitting the formal complaint with Board President the employee is free to submit a formal complaint to the Board of Directors

3140.8 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 President of the Board of Directors.

3140.8.1 After a formal or informal complaint is received, an impartial investigation shall be conducted by the Board President.

3140.8.2 A written record of any investigation of an alleged Unlawful Harassment complaint shall be maintained. Findings will be sent to the Personnel Committee. The Board of Directors shall immediately inform, in total confidentiality, the Personnel Committee of the Board or the entire Board of Directors. If a Board member is personally involved in the complaint, such findings will instead be provided directly to the Personnel Committee of the Board or to the entire Board of Directors to determine options and/or remedial action, if appropriate.

3140.8.3 All discussions resulting from said investigation shall be kept confidential to the extent possible by all informed of said investigation.

3140.8.4 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.

3140.9 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 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.

3140.10 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.

3140.11 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 and www.dfeh.ca.gov.



POLICY TITLE: Inclusive Workplace Policy
POLICY NUMBER: 3141

3141.1 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 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 nonconforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

3141.2 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.

3141.2.1 Transgender. Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth.

3141.2.2 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.

3141.2.3 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.



3141.2.4 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.

3141.2.5 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, changes in name and pronoun usage, facility usage, participation in employer-sponsored activities or undergoing hormone therapy, surgeries, or other medical procedures.

3141.4 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.

3141.5 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.

3141.5.1 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.

3141.6 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.

3141.7 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.

3141.8 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.

3141.9 Dress Code. The District does not have a dress code that restrict 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.

3141.10 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.

3141.10.1 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.

3141.10.2 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 Board President. The process for filing a complaint is outlined in Policy 3140.7.



POLICY TITLE: Whistleblowing Policy
POLICY NUMBER: 3142

3142.1 It is the policy of the District 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 District best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the District. The District 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 improper activities under this policy to the District 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 District 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 District any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the District's policies, promptly to those members of the District specified in this policy; and (2) prohibit the District's Board of Directors, and employees from retaliating against any employee who reports illegal or improper activities to the District 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 District and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the District alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the District or law enforcement protected by this policy.

3142.2 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 District 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 District 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 District to the District 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 District 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.

3142.3 Encouragement of reporting of illegal or improper activity: District encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with Board Members. 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 a Board Member 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 District's General Counsel.

Other allegations with respect to which the District 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 District. 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.

3142.4 Investigations of Allegations of Illegal or Improper Activity: The Board President 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 Personnel Committee 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 Board President 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 District. The Board President may request the assistance of District's 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 Board of Directors 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 Board of Directors finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the Board President 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 Board of Directors. 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 District in initiating discipline against a member of the Board of Directors. The District shall keep confidential all investigation work product including the investigative report.

3142.5 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 Board of Directors which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the Board of Directors 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 Board of Directors may utilize the services of District's 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 Board of Directors 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 Board of Directors decision shall be communicated to the complaining employee. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the Board of Directors 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 Board of Directors 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 Board of Directors, 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 Board of Directors.

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.



POLICY TITLE: Dress Code & Personal Standards

POLICY NUMBER: 3200

3200.1 At Bombay Beach Community Services District, professional image is important and is maintained, in part, by the image that employees present to members, visitors, vendors, and others in our business. In choosing appropriate work attire, employees should consider factors including tastefulness, anticipated requirement for public contact, the nature of the job, and working conditions.

3200.1.1 All employees who are required to wear uniforms shall wear the appropriate uniform for their work area

3200.2 The District expects all employees to use good judgment and taste in matters of personal grooming and dress. Good judgment includes consideration for both The District and its constituents and clients. Attire should be in keeping with the dignity and image of a professional office. Employees should always be neat and clean in appearance, dressed in reasonably professional and conservative attire, and conduct themselves in a businesslike manner.

3200.2.1 No visible tattoos are allowed anywhere on the head, face, or neck, unless for religious reasons or purposes that the employee professes or provides information of religious affiliation or associate. Any visible tattoos cannot be obscene, sexually explicit, or otherwise violate the District's policy against unlawful harassment or discrimination. Extremist or gang-related tattoos are also not permitted. All non-conforming tattoos must be covered with clothing or a bandage while at work, or must be removed.

3200.2.2 No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part (including the tongue or any part of the mouth) except that an employee may wear two sets (i.e., four holes total) of reasonable-sized (i.e., small and professional looking) earrings in the ear lobe. Piercings as described herein shall be allowed if the employee provides information of religious affiliation or association related to his or her piercings. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer while the employee is working.



3200.3 In all cases, The Board will assist employees to determine what is considered appropriate attire for the particular situation.



POLICY TITLE: Housekeeping
POLICY NUMBER: 3205

3205.1 All employees are expected to keep their work areas clean and organized and also assist in maintaining an overall clean work environment. Employees using common areas such as lunch rooms and restrooms or equipment are expected to keep them clean and sanitary. Employees are requested to clean up after meals and dispose of trash properly.



POLICY TITLE: Outside Employment
POLICY NUMBER: 3210

3210.1 No District employee shall be permitted to accept employment in addition to or outside of District service if:

- The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,
- The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,
- The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

3210.2 An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities, or other District resources in connection with said employment.



POLICY TITLE: Receipt of Gifts
POLICY NUMBER: 3215

3215.1 An employee or his/her immediate family may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

- Is customary and gives no appearance of impropriety and does not have more than a nominal value;
- Does not impose any sense of obligation on either the giver or the receiver;
- Does not result in any kind of special or favored treatment;
- Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense.
- Is given and received with no effort to conceal the full facts by either the giver or receiver.



POLICY TITLE: Uniforms and Protective Clothing
POLICY NUMBER: 3220

3220.1 The cost of uniforms and/or protective clothing, shoes, etc., that employees are required to wear shall be borne by the District.

3220.2 The District has the option of authorizing reimbursements to qualifying employees upon proof of purchase; or arranging 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.

3220.3 When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated for any reason prior to completing three (3) continuous months of service after said purchase, a portion of the cost of said items shall be retained from his or her final payment. That portion retained shall be a percentage of the total cost of said items equal to one hundred percent (100%) less the ratio of the amount of time worked to three (3) continuous months of regular work.



POLICY TITLE: Internet, Email and Electronic Communications
POLICY NUMBER: 3300

3300.1 The District believes that employee access to and use of the internet, email, and other electronic communications resources, benefits the District and makes it a more successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success. Employees should have no expectation of privacy in work-related emails or internet usage while using District computers.

The District has established this policy to ensure that the District employees use the District-provided computer resources, such as the internet and email, in an appropriate manner.

3300.2 Rules Regarding Prohibited Use Employees shall not use the District internet and email in an inappropriate manner. Prohibited use of the internet and email systems includes, but is not limited to:

- a) Accessing internet sites that are gen pornography or that exploit children), or accessing sites for which there is no official business purpose (e.g., social media websites or online shopping websites).
- b) Engaging in any profane, defamatory, harassing, illegal, discriminatory, or offensive conduct or any conduct that is otherwise inconsistent in any way with the District policies.
- c) Distributing copyrighted materials.
- d) As computer viruses can become attached to executable files and program files, receiving or downloading executable files and programs via email or the internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include email or documents received via email and the internet.
- e) Use of another person's name or account, without express permission of the System Administrator, is strictly prohibited.
- f) Using the District's computer resources for personal social media, online shopping, and other similar online commercial activity.
- g) Employees must respect all copyright and licensed agreements regarding software or publication they access or download from the internet. The District does not condone violations of copyright laws and licenses and the employee will be personally liable for any fines



or sanctions caused by the employee's license or copyright infringement.

3300.3 Additional Guidelines

Employees are expected to understand and comply with the following additional guidelines regarding use of the internet and District computer systems.

- a) Internet access is to be used for the District business purposes only. Employees who have completed all job tasks should seek additional work assignments. Use of the internet should not interfere with the timely and efficient performance of job duties. Personal access to the internet and email is not a benefit of employment with the District. Limited personal use of the District's systems to access internet, email, and other electronic communications may be permitted only during the employees' authorized break time.
- b) Employees do not have any right or expectation to privacy in any of the District computer resources, including email messages produced, sent, or received on the District computers or transmitted via the District's servers and network. The District may monitor the contents of all computer files and email messages to promote the administration of the District operations and policies.
- c) Employees' access to and use of the internet, email, and other electronic communications on the District systems is monitored, and such files and electronic communications may be reviewed by the District at any time. Employees have no expectation of privacy.
- d) Deleting an email message does not necessarily mean the message cannot be retrieved from the District's computer system. Backup copies of all documents, including email messages, that are produced, sent, and received on the District's computer system, can be made.
- e) Email and any attachments are subject to the same ethical standards, and standards of good conduct, as are memos, letters, and other paper-based documents.
- f) Currently all District email sent is not encrypted. Unencrypted email is not a secure way of exchanging information or files. Accordingly, employees are cautioned against transmitting information in an email message that should not be written in a letter, memorandum, or document available to the public.



- g) Email, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.
- h) Virus scanning software shall be used where provided.
- i) It is advisable for all employees of the District to remind customers, clients, and contractors of security issues when sending confidential email or documents to the District via email. If applicable, our customer, clients, or contractors should be reminded to implement a security policy and make sure their employees understand the ramifications of sending confidential information via email.
- j) Employees must scan all downloadable materials before using or opening them on their computers to prevent the introduction of any computer virus.



POLICY TITLE: Authorized Leave

POLICY NUMBER: 3400

3400.1 With the approval of the Board of Directors, an employee may request an unpaid leave of absence without pay for a period of up to three months

3400.2 Such leave of absence may be taken only after all accumulated vacation time has been exhausted. If the leave of absence is for medical reasons, then all accumulated sick leave time must also be exhausted before an unpaid leave of absence can be granted.

3400.3 Employees will not accrue benefits available to regular employees of the District (e.g., vacation, holiday, or sick leave) during an unpaid leave of absence.

3400.4 Dependent upon the reason for the leave and due to the District's limited work force, maintenance of job classifications for the term of an authorized leave of absence cannot be guaranteed beyond three months. Employees returning from a leave of absence will be reinstated to the first available job classification for which they are qualified.



POLICY TITLE: Bereavement Leave

POLICY NUMBER: 3405

3405.1 This policy shall apply to probationary and regular employees in all classifications.

3405.2 In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three days. This is in addition to regular sick leave and vacation time. Verification may be required by the Board of Directors.

3405.3 "Immediate family" is defined as being spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee.



POLICY TITLE: Catastrophic Time Bank
POLICY NUMBER: 3410 (RESERVED)



POLICY TITLE: Compensation

POLICY NUMBER: 3415

3415.1 This policy shall apply to all District employees.

3415.2 Compensation at Hiring.

3415.2.1 New Employees. All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

3415.2.2 Advanced Step Hiring. If the Board of Directors finds that qualified applicants cannot be successfully recruited at the first step of the wage range, the Board of Directors is authorize an appointment at an advanced step of the wage range.

3415.2.3 Former Employees. A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

3415.3 Merit Advancement within Range.

3415.3.1 Performance Evaluation Required. The Board of Directors shall authorize a merit advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

3415.3.2 Period of Employment Required for Merit Advancement. Unless otherwise specified herein, each employee shall, in addition to receiving a satisfactory performance evaluation, complete the following required time of employment to be eligible to receive a merit increase:



3415.3.2.1 New Employees. A person hired as a new employee shall have a merit advancement date which is twelve (12) months following the appointment date.

3415.3.2.2 Promotion or Demotion. An employee who is promoted or demoted shall have a new merit advancement date which shall be one year from the date of promotion or demotion.

3415.3.2.3 Voluntary Demotion. An employee who voluntarily demotes to a position at a lower salary range shall have no change in merit advancement date.

3415.3.2.4 Change-in-Range Allocation. If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

3415.3.2.5 Position Reclassification. An employee whose position is reclassified to a position having the same or lower salary range shall have no change in merit advancement date. An employee whose position is reclassified to a position having a higher salary range shall have a new merit advancement date which is one year following the effective date of the position reclassification.

3415.3.2.6 Non-Merit Step Adjustments. An employee whose salary step is adjusted to a higher step for reasons other than regular merit advancement shall have a new merit advancement date effective one year from the date of said adjustment.

3415.3.3 Effective Date. An employee's merit increase shall take place on the first day of the pay period in which his/her merit advancement date falls. The Board of Directors may delay authorizing the merit advancement up to 90 days beyond the employee's merit advancement date without affecting the normal merit advancement date. In case of such a delay, the employee's merit advancement shall be effective the first day of the pay period following the Board of Directors authorization. If authorization for merit advancement is delayed beyond 90 days from the employee's merit advancement date, the employee shall not be eligible for a merit increase until his/her next normal merit advancement date.



3415.4 Promotion. Employees promoted to a position with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, whichever is greater, provided that an employee promoted to a salary range in excess of one range above his/her former range shall receive no less than one range increase 5% at the same step, in rate.



POLICY TITLE: Educational Assistance
POLICY NUMBER: 3420 (RESERVED)



POLICY TITLE: Family and Medical Leave

POLICY NUMBER: 3425

3425.1 The purpose of this policy is to clarify how Bombay Beach Community Services District will implement the Family and Medical Leave Act of 1993 (FMLA). The District will comply with all minimum requirements of the FMLA. At present, the District does not have any full time employees.



POLICY TITLE: Holidays

POLICY NUMBER: 3430

3425.1 This policy shall apply to all employees.

3425.2 The following days shall be recognized and observed as paid holidays:

- New Years Day;
- Martin Luther King, Jr.'s Birthday;
- President's Day;
- Memorial Day;
- Independence Day;
- Labor Day;
- Veteran's Day;
- Thanksgiving Day;
- Christmas Day;

3425.3 All regular work shall be suspended and employees shall receive one-day's pay for each of the holidays listed above. A full-time employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on vacation or had notified the Board of and received permission to be absent from work on that specific day or days.

3425.4 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

3425.5 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

3425.6 While not required by law, if any non-exempt employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1½) his/her regular rate of pay, or as otherwise specified under Policy #3122, "Hours of Work and Overtime."



POLICY TITLE: Jury Duty
POLICY NUMBER: 3435

3435.1 This policy shall apply to probationary and regular employees in all classifications.

3435.2 An employee summoned for jury duty will immediately notify the Board President

3435.3 While serving on a jury, an employee will be given a paid leave of absence for the duration of said jury duty. Said leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workaday. It is also conditional upon the employee's conveyance to the District of any compensation received as a juror, not including any travel allowance received.



POLICY TITLE: Leave for Crime Victims and Family Members

POLICY NUMBER: 3440

3440.1 An employee who is a victim of a crime, a member of a crime victim's immediate family (spouse, child, stepchild, sibling, stepsibling, parent, or stepparent), a registered domestic partner of a crime victim, or the child of a registered domestic partner of a crime victim shall be allowed to be absent from work in order to attend judicial proceedings related to that crime, subject to Board of Directors determining that work requirements may be maintained during the absence.

3440.2 "Victim" means a person against whom one of the following crimes has been committed:

- a) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code;
- b) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code; or
- c) A felony provision of law proscribing theft or embezzlement.

3440.3 Prior to an employee being absent from work, the employee must provide the District with a copy of the official notice provided to the victim of each scheduled proceeding.

3440.4 An employee absent from work to attend a scheduled proceeding may elect to use accrued vacation leave, sick leave, compensatory time off, or unpaid leave time.

3440.5 The District shall keep confidential any records regarding an employee's absence from work pursuant to this Policy.



POLICY TITLE: Military Leave

POLICY NUMBER: 3445

3445.1 Military leave is a form of a personal leave of absence subject to federal and state applicable laws and regulations. Leaves of absence and re-employment resulting from service in the National Guard or U.S. Military Armed Forces will be in accordance with applicable State and Federal laws. A copy of the applicable, official military orders for training or active duty must accompany an employee's request for a leave of absence.

3445.2 An employee who is assigned to an U.S. Military Armed Forces Reserve organization and is subject to active or inactive duty training will be granted leaves of absence without pay, generally for up to two (2) weeks per calendar year unless additional time is approved by Board of Directors.

3445.3 The following conditions also apply: The employee may remain in paid status while using appropriate accrued leave balances (vacation) to supplement his/her military pay to maintain the equivalent of full salary.



POLICY TITLE: Pregnancy Disability Leave
POLICY NUMBER: 3450

3450.1 Any female employee planning to take Pregnancy Disability Leave (PDL) should advise their supervisor or the Board of Directors as soon as possible. The employee should also inform their supervisor when such leave is expected to begin and how long it will likely last. The employee should make arrangements with their supervisor regarding the scheduling of any planned medical treatment or appointments in order to minimize disruption to the operations of the District.

3450.2 Upon the request of an employee and recommendation of the employee's health care provider, the employee's work assignment may be modified if necessary to protect the health and safety of the employee and her child.

3450.3 The following conditions also apply:

3450.3.1 PDL begins when ordered by the employee's health care provider. The employee must provide their supervisor with a certification from a health care provider containing:

- a) The date on which the employee became disabled due to pregnancy;
- b) The probable duration of the period or periods of disability; and
- c) A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- d) Return to work from PDL will be allowed only when the employee's health care provider endorses a release that must be submitted to the employee's supervisor.

3450.3.2 The duration of the leave will be determined by the employee's health care provider, but in accordance with regulations may be for not more than 17 1/3 weeks or 693 hours. Regular part-time employees are entitled to leave on a pro rata basis. The 17 1/3 weeks or 693 hours of available leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.



3450.3.3 The employee will remain in paid status while using appropriate accrued leave (sick or vacation) during a PDL to satisfy any disability waiting periods and/or to supplement disability benefits in order to maintain the equivalent of full salary.

3450.3.4 The employee will be in non-paid status after exhaustion of appropriate accrued leave balances or at the employee's election to not use accrued leave benefits.

3450.3.5 During the period of PDL, the District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums as if the employee were not in leave status, as required by law or regulations. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District can cancel any policies and/or plans for which they have not been reimbursed.

3450.4 Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a PDL, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.



POLICY TITLE: Rest & Meal Periods
POLICY NUMBER: 3455 (RESERVED)



POLICY TITLE: Sick Leave

POLICY NUMBER: 3460

3460.1 This policy shall apply to probationary and regular employees in all classifications.

3460.2 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to the District.

3460.3 Employees shall earn sick leave at the rate of one working day per month, cumulative to a maximum of 60 days. The determination of total accumulated sick leave days shall be made on January 2 of each year.

3460.4 Each employee may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick immediate-family members. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses and are defined as follows:

3460.4.1 A “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild.

3460.4.2 A “parent” means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered “parents for purposes of this division.

3460.4.3 The term “spouse” is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.



3460.5 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

3460.6 If absence from duty by reason of illness occurs, satisfactory evidence may be required by the Board of Directors.

3460.7 Unused sick-leave time may be "bought back" by the District at a rate of one-half ($\frac{1}{2}$) day [specify whatever rate your district provides] for each whole day accrued. Said buy back shall be limited only to time over and above 30 days of accrued sick leave. No more than 12 days of accrued sick leave shall be bought back in any given calendar year unless employment is terminated for non-cause reasons, in which case all accrued sick leave over and above 30 days shall be bought back at said one-half ($\frac{1}{2}$) rate. Termination for cause shall result in loss of all accrued sick leave.



POLICY TITLE: Time Keeping/Time Records
POLICY NUMBER: 3465

3465.1 It is the responsibility of every non-exempt employee to accurately record time worked. Federal and State laws require the District to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

3465.2 Overtime compensation will be paid to qualified hourly employees. Overtime work must always be approved by a supervisor before it is performed. In accordance with Federal law, the District rounds this time to the nearest one-quarter hour/fifteen minutes.

3465.3 It is the employee's responsibility to sign and submit on time his/her time records certifying the accuracy of all time recorded for compensation.



POLICY TITLE: Time Off for Children - School Activities
POLICY NUMBER: 3470 (RESERVED)



POLICY TITLE: Time Off to Vote

POLICY NUMBER: 3475

3475.1 The District believes that it is the responsibility and duty of employees to exercise the privilege of voting in federal, state or local governmental elections. In accordance with this philosophy, the District will grant its employees advance arranged and approved time off to vote and for periods of service as an election official.

3475.2 All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, managers are authorized to grant a reasonable period of time, up to three hours, during the work day to vote. Time off for voting should be coordinated to occur at the beginning or end of a work shift where possible and reported and coded appropriately on timekeeping records.



POLICY TITLE: Unauthorized Voluntary Absence
POLICY NUMBER: 3480 (RESERVED)



POLICY TITLE: Use of Make up Time
POLICY NUMBER: 3485 (RESERVED)



POLICY TITLE: Vacations
POLICY NUMBER: 3490 (RESERVED)



POLICY TITLE: Workers' Compensation Leave [Not applicable to Sworn Public Safety Employees

Due to Labor Code Section 4850]

POLICY NUMBER: 3495

3495.1 If an employee is injured at work and is temporarily unable to perform his or her usual and customary work, the employee will be allowed to take an unpaid leave of absence while receiving workers' compensation benefits.

Certification from a recognized medical professional confirming the necessity of the leave must be provided to the District within fourteen (14) days after the leave begins. The duration of the leave will be determined on a case-by-case basis, considering both the injured employee's medical condition and the District business needs.

3495.2 The employee may elect during such absence to apply sick leave on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received as regular salary and the amount received as Workers' Compensation benefits, not to exceed the amount of available accrued sick leave. Similarly, the employee may elect to use any accrued paid leave time and accrued time off after the sick leave is exhausted.

3495.3 The employee may return to work only after a recognized medical professional certifies that the employee is capable of resuming all of the essential functions of the employee's position, the District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation. If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that the District can operate safely and efficiently or the employment relationship has otherwise been terminated.

3495.4 Workers' compensation leave will run concurrently with any family and medical leave. [Not applicable to sworn public safety employees.] During the period of leave, the District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums, as if the employee were not in leave status, for the duration of the leave. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of



the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District can cancel any policies and/or plans for which they have not been reimbursed.



POLICY TITLE: Employee Assistance During Response to Emergency Situations

POLICY NUMBER: 3500 (RESERVED)



POLICY TITLE: Health and Welfare Benefits

POLICY NUMBER: 3505

3505.1 Medical Expense Insurance. Health and dental insurance to cover non-occupational injuries and sickness for probationary and full-time employees in all job classifications, and their dependents, is not provided by the District.



POLICY TITLE: Illness and Injury Prevention Program

POLICY NUMBER: 3510

3510.1 Program Goal and Outline.

The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

3510.1.1 Providing mechanical and physical safeguards to the maximum extent possible.

3510.1.2 Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

3510.1.3 Training all employees in good safety and health practices.

3510.1.4 Providing necessary personal protective equipment, and instructions for use and care.

3510.1.5 Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.

3510.1.6 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

3510.1.7 Developing a system of recognition and awards for outstanding safety service and/or performance.

3510.2 Program Responsibility.

Although the District recognizes that the responsibility for safety and health is shared, the Board of Directors shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.



3510.2.1 The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.

3510.2.2 Supervisory personnel are responsible for developing proper attitudes toward safety and health for themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

3510.2.3 No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program -including compliance with all rules and regulations - and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

3510.3 Injury and Illness Records.

The District's record keeping system for its Injury and Illness Prevention Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

3510.3.1 A report shall be obtained on every injury or illness requiring medical treatment. (See also Section 3510.8.)

3510.3.2 Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 200, according to its instructions.

3510.3.3 A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness," with the same information as in 3510.32, above.

3510.3.4 Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.



3510.3.5 All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

3510.4 Documentation of Activities.

Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

3510.4.1 Records of scheduled and periodic inspections as required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

3510.4.2 Documentation of safety and health training required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] for each employee. The documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three years.

3510.5 Program Communication System.

Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

3510.5.1 Written communications to employees shall be in a language they can understand. If an employee cannot read in any language, said communication shall be made orally in a language he/she can readily understand.

3510.5.2 The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's maintenance office, and shall be provided to each supervisory employee who shall keep it readily available.



3510.5.3 Periodic meetings (at least one per quarter) of employees shall be held under the direction of the Board of Directors for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three years.

3510.5.4 District employees shall conduct "toolbox" or "tailgate" safety talks, or equivalent, with their crew(s) at least quarterly to emphasize safety.

3510.5.5 General employee meetings shall be conducted quarterly at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meeting shall be maintained for three years. Discussions at these meetings should concentrate on:

3510.5.5.1 Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

3510.5.5.2 Feedback from employees.

3510.5.5.3 Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.

3510.5.5.4 Brief audio-visual materials that relate to the District's operations.

3510.5.6 Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

3510.5.6.1 New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training shall be maintained for three years.



3510.5.7 Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's maintenance office.

3510.5.8 News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

3510.5.9 A safety suggestion box shall be maintained where employees, anonymously if desired, can communicate their concerns to the District's Board of Directors.

3510.6 Hazard Assessment and Control.

Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

3510.6.1 Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

3510.6.2 Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

3510.6.3 A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

3510.6.4 The Board of Directors will review written inspection reports and/or assessments and will assist in prioritizing actions and verify



completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

3510.7 Accident Investigation.

All accidents shall be thoroughly and properly investigated by an employee who should be trained in accident investigation, with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

3510.7.1 The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near-miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

3510.7.2 The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

3510.7.3 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

3510.7.4 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

3510.7.5 Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

3510.8 Code of Safe Practices.



General

3510.8.1 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the Board of Directors.

3510.8.2 The Board of Directors shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as necessary to obtain observance.

3510.8.3 Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition, and will be subject to the discipline specified in Policy #2190.

3510.8.4 Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.

3510.8.5 Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

3510.8.6 No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

3510.8.7 Employees shall not enter manholes, underground vaults, chambers or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.

3510.8.8 Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the Board of Directors.

3510.8.9 Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.



3510.8.10 Workers shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received instructions from the Board of Directors.

3510.8.11 All injuries shall be reported promptly to the Board of Directors so that arrangements can be made for medical or first aid treatment.

3510.8.12 When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.

3510.8.13 Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.

3510.8.14 Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.

3510.8.15 Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.

3510.8.16 Gasoline shall not be used for cleaning purposes.

3510.8.17 No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from the Board of Directors.

3510.8.18 Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to the Board of Directors.

Use of Tools and Equipment

3510.8.19 All tools and equipment shall be maintained in good condition.



3510.8.20 Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."

3510.8.21 Pipe or Stillson wrenches shall not be used as substitute for other wrenches.

3510.8.22 Only appropriate tools shall be used for the job.

3510.8.23 Wrenches shall not be altered by the addition of handle-extensions or "cheaters."

3510.8.24 Files shall be equipped with handles and not used to punch or pry.

3510.8.25 Screwdrivers shall not be used as chisels.

3510.8.26 Wheelbarrows shall not be used with handles in an upright position.

3510.8.27 Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.

3510.8.28 In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.

Machinery and Vehicles

3510.8.29 Only authorized persons shall operate machinery or equipment.

3510.8.30 Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

3510.8.31 Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.



3510.8.32 Where appropriate, lock-out procedures shall be used.

3510.8.33 Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.

3510.8.34 Air hoses shall not be disconnected at compressors until hose line has been bled.

3510.8.35 All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.

3510.8.36 Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.

3510.8.37 Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.



POLICY TITLE: Smoke-free Workplace

POLICY NUMBER: 3515

3515.1 Smoking is prohibited within the buildings, facilities and vehicles of Bombay Beach Community Services District. Those who smoke are requested to do so outdoors away from entrances or windows of buildings and covered parking lots.

3515.2 Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.

3515.2.1 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.



POLICY TITLE: Substance Abuse

POLICY NUMBER: 3520

3520.1 Policy Statement: The purpose of this policy is to assure worker fitness for duty and to protect District employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 DFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, “The Drug-Free Workplace Act of 1988,” which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

The District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

3520.1.1 Applicability: This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

A safety-sensitive employee is:

- a) one in any classification requiring the use of a Class “A” or Class “B” commercial driver’s license, as listed in Appendix A;
- b) one who has voluntarily driven a District vehicle requiring a commercial license within the last 12-month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or,



- c) one who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

3520.1.2 Prohibited Substances: “Prohibited substances” addressed by this policy include the following:

- a) Drugs: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.
- b) Alcohol. The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. “Alcohol” is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.
- c) Legal Medications. Using or being under the influence of any legally pre-scribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. This prohibition includes the use of medically prescribed marijuana. An employee who feels his/her performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work-related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

3520.1.3 Prohibited Conduct:

- a) Manufacture, Trafficking, Possession and Use. Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation



may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), and may result in discipline up to and including termination of employment.

- b) **Impaired/Not Fit for Duty.** Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines.
- c) **Alcohol Use.** No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision is prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
- d) **Compliance with Testing Requirements.** All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.



- e) Treatment/Rehabilitation Program. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
- f) Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one (1) year or longer than five (5) years.
- g) Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the Board President for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment. Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

3520.1.4 Notifying The District of Criminal Drug Conviction: Pursuant to the "Drug Free Workplace Act of 1988," any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

3520.1.5 Proper Application of the Policy: The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. There-fore, Board



Members are required to administer all aspects of the policy in an unbiased and impartial manner. Any Board Member who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination of employment.

3520.1.6 Testing for Prohibited Substances: Analytical urine controlled substance testing and breathe testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to employment and for reasonable suspicion. All safety-sensitive employees shall be subject to testing randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results in an alcohol concentration of 0.02 or less. An alcohol



concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Circumstances under Which Employees May be Tested:

- a) **Pre-Employment Testing.** All job applicants for any safety-sensitive position who have been offered District employment, including current safety-sensitive employees who promote, demote or transfer to another safety sensitive position, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide “clean” records from previous employers will fail to complete the District’s probationary period.
- b) **Reasonable Suspicion Testing.** All employees will be subject to urine and/or breathe testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:
 1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
 2. Physical signs and symptoms consistent with prohibited substance use.



3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
 4. Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures. Reasonable-suspicion determinations will be made by a Board Member or a person who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.
- c) **Post-Accident Testing.** Safety-sensitive employees will be required to undergo controlled substance and/or breathe alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident. Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.
- d) **Random Testing.** Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty. When safety-sensitive employees are off work due to long-term lay-offs, illness, injury, or vacation, the employee's name will be placed back



into the pool and another employee name selected. The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, 25% of the employee pool is tested for alcohol and 50% for substance abuse. The employee pool will either be all [district] safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

- e) **Return-to-Duty Testing.** All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.
- f) **Employee Requested Testing.** Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.
- g) **Records Retention.** The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and, employee evaluations and referrals.



Records will be kept for a minimum of two (2) years regarding the alcohol and controlled substance collection process. Records will be kept for a minimum of one (1) year regarding the following: collection process; collection logbooks; documents of random selection process; calibration documents for breath testing device; and, documentation of breath alcohol technician training.

3520.1.7 Employee Assessment: Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An SAP is a District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse. If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

3520.1.8 Test Related Time-Off Work Provisions: Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, administrative leave, personnel necessity leave or floating holidays, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.



3520.1.9 Contact Person: Any questions regarding this policy should be directed to the Secretary of the Board at (760) 550-3264 or email at Bombaybeach2015@gmail.com or regular mail 9590 Ave C, Niland, CA 92257

3520.10 Definitions:

- a) Accident - An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
- b) Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- c) Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).
- d) Alcohol Use - Consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).
- e) Breath Alcohol Technician (BAT) - A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BAT's are the only qualified personnel to administer the EBT tests.
- f) Chain of Custody - The procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
- g) Collection Site - A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breathe.
- h) Commercial Motor Vehicle - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:



- (1) has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or,
- (2) has a gross vehicle weight rating of 26,001 or more pounds; or,
- (3) is designed to transport 16 or more passengers, including the driver; or,
- (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials

Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

- i) Confirmation Test - For alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
- j) Controlled Substance (Drug) Test - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.
- k) Covered Employee - A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.
- l) Department of Transportation Guidelines - The controlled substance and alcohol testing rules – 49 CFR Part 382 (FWHA - Commercial Motor Vehicle) - setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.
- m) District – Bombay Beach Community Services District.
- n) District Time - Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-



sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

- o) Driver - Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.
- p) Drug (Controlled Substance) Metabolite - The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.
- q) Evidential Breath Testing Device (EBT) - The device to be used for breath alcohol testing.
- r) Medical Review Officer (MRO) - A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.
- s) Performing (Safety-Sensitive Function) - A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.
- t) Post-Accident Alcohol and/or Controlled Substance testing - Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See "Accident."
- u) Pre-Employment Controlled Substance testing - Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.
- v) Prohibited Drugs (Controlled Substances) - Marijuana, cocaine, opiates, amphetamines, or phencyclidine.
- w) Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.
- x) Random Alcohol and/or Controlled Substance Testing - Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.



- y) Reasonable Suspicion Alcohol and/or Controlled Substance Testing - Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
- z) Refuse to Submit (to an Alcohol and/or Controlled Substance Test) - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).
- aa) Rehabilitation - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.
- bb) Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance testing - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty upon the SAP recommendation.
- cc) Return-to-Duty Agreement - A document agreed to and signed by the Board President, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.
- dd) Safety-Sensitive Employee (Function and/or Position) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)
- ee) Screening (Initial) Test - An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an



immunoassay screen to eliminate negative urine specimens from further consideration

- ff) Substance Abuse Professional (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.
- gg) Supervisor – Board Member who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse
- hh) Vehicle - Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

3520.2 Procedures:

3250.2.1 Reasonable Suspicion Testing:

- a) An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a Board Member. Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any Board Member (employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action). The board Member must witness first-hand the employee's signs and symptoms.
- b) The Board Member is then obligated to ensure that the matter is immediately investigated. If possible, two Directors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
- c) When the Board Member(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a Board Member (or others designated) to the District specified collection site. Because of a testing facility requirement, the



employee in question must show proof of identification, such as a driver's license photo or state-issued photo identification card.

Whenever practical, the Board President should be notified in advance of the employee being taken to the collection site.

- d) At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
- e) The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a Board Member.
- f) The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
- g) The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3520.2.2 Random Testing:



- a) The compliance company notifies the Board President, who in turn notifies a responsible Director to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
- b) The Board Member notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a drivers license photo or state-issued photo identification card.
- c) At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- d) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
- e) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-



to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.3 Post- Accident:

- a) The safety-sensitive employee notifies a Board President that an accident has occurred.
- b) The Board President determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the Board President directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- c) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- d) The Board President will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- e) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- f) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-



sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.4 Return-To-Duty and Follow Up

- a) The safety-sensitive employee notifies a supervisor that an accident has occurred. The Board President determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the Board President directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- b) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- c) The Board President will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- d) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to



follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

- e) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.5 Chain of Custody for Controlled Substance Specimens:

- a) At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
- b) Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
- c) Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
- d) A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

3520.2.6 Specimen Collection of Strange and/or Unrecognizable Substances:

- a) An employee is observed with a strange and/or unrecognizable substance.



- b) The Board Member, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the witness.
- c) An incident report is written by the Board Member and signed by both the Board Member and the witness.
- d) The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

3520.2.7 Alcohol Concentration:

- a) The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
- b) After an explanation of how the breathalyzer works, an initial breath sample is taken.
- c) If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.
- d) The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

3520.2.8 Deviations from Procedures: Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.



APPENDIX "A"

Safety-Sensitive Classifications and Functions

[To be added by Board of Directors]

Safety-Sensitive Function

Operating any vehicle where a Class A or Class B driver's license would be required.

Employee's Name Printed



POLICY TITLE: Workplace Violence Prevention Policy
POLICY NUMBER: 3525

3525.1 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 Directors, full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

3525.2 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.

3525.3 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.

3525.4 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, Director or member of the public:
 - 1) Direct threats or physical intimidation.
 - 2) Implications or suggestions of violence.
 - 3) Stalking, including following to and from work.
 - 4) 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
 - 5) Assault of any form.
 - 6) Physical restraint or confinement.
 - 7) Dangerous or threatening horseplay.
 - 8) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
 - 9) Blatant or intentional disregard for the safety or well-being of others.
 - 10) Commission of a violent felony or misdemeanor on District premises.
 - 11) 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:

- 1) Spouse or former spouse;
- 2) Domestic partner or former domestic partner;
- 3) Cohabitant or former cohabitant and or other household members;
- 4) A person with whom the victim is having, or has had, a dating or engagement relationship;
- 5) 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, or push the emergency button located underneath the front counter 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 a Board Member by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The Director shall inform the Board President 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 the Board President. The Board President shall provide copies 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 Board President will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the Board President 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, are provided training and instruction on general workplace security practices. The Board of Directors 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.
 - To all newly hired employees, 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 diffuse 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.



Section 4000 - Board

Section 4100 Board of Directors

Policy 4100 Attendance at Meetings
Policy 4105 Committess of the Board of Directors
Policy 4110 Duties of Board President
Policy 4115 Ethics Training
Policy 4120 Members of the Board of Directors
Policy 4125 Training, Education and Conferences

Section 4200 Board Meetings

Policy 4200 Board Actions and Decisions
Policy 4205 Board Meeting Agenda
Policy 4210 Board Meeting Conduct
Policy 4215 Brown Act Compliance – Open Meeting Requirements
Policy 4220 Minutes of Board Meetings
Policy 4225 Review of Administrative Decisions
Policy 4230 Rules of Order for Conduct of Board and Committee Meetings
Policy 4235 Types of Board Meetings



POLICY TITLE: Attendance at Meetings
POLICY NUMBER: 4100

4100.1 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 capacity.

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 Secretary 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.

In the event that a Board member can no longer perform duties as a board member due to death, illness or resignation, the position will be filled Pursuant to Government Code, Title 1, Division 4, Chapter 4, Article 2, Sec 1780 d, where the Board will advertise within the District boundaries of the open position on the Board for a minimum of fifteen (15) days in a minimum of three (3) locations. Applicants for the Board position will be verified for qualification by the Imperial County Elections Department as qualified to apply for the position. Applicants will be publicly interviewed and the remaining Board will select the new Director.

In the event that less than three Board Members remain on the Board, one position will be filled by an appointment by the Imperial County Board of Supervisors District Representative..



The new Director will be sworn in by the County Board of Supervisors District Representative.



POLICY TITLE: Committees of the Board of Directors
POLICY NUMBER: 4105

4105.1 Temporary Advisory or ad hoc 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 be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

4105.1.1 A temporary advisory committee shall be comprised solely of members of the Board, and shall consist of less than a majority of Board Members.

4105.1.2 A temporary advisory committee may make recommendations to the Board. The Board may not delegate any decision-making power to a temporary advisory committee.

4105.1.3 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.

4105.2 Standing Committees:

The following shall be standing committees of the Board:

- Planning Committee;
- Policy Committee;
- Personnel Committee; Ref Policy #3120.4.2
- Finance Committee – Ref. Policy # 2150 & 2155
- Public Relations Committee.
- The Executive Committee
- Claims against the District Committee – Ref. Policy # 1025
- Legislative Advocacy Committee Policy # 1055.3
- Internal Audit Committee. – Ref Policy # 2105.3d

The Board President shall appoint and publicly announce the members of the standing committees for the coming year no later than the Board's regular



meeting in December. 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.

4105.2.1 The Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

4105.2.2 The Policy Committee shall be concerned with proposed ordinances, resolutions, and District policies, except those pertaining specifically to personnel.

4105.2.3 The Personnel Committee shall be concerned with the functions, activities, operations, compensation, and welfare of District staff.

4105.2.4 The Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget, major expenditures and shall perform a reserve status analysis annually. The Finance Committee shall also be responsible for providing recommendations to the Board of Directors for the Districts Debt Management.

4105.2.5 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.

4105.2.6 The Executive Committee of the Board of Directors shall consist of the Board President and the Vice-President

4105.2.7 Claims against the District Committee. The standing committee's purpose is to determine claims against the District and shall investigate the property owner's allegations.

4105.2.8 Internal Audit Committee. Committee is made up of the Board President, Board Vice President and District Counsel



POLICY TITLE: Duties of the Board President
POLICY NUMBER: 4110

4110.1 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.

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.

4110.2 Duties Regarding Meetings:

The President shall preside over and conduct all meetings of the Board of Directors, He/she 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, 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.



4110.3 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 Secretary;
- f) Confer with the Secretary or designee on crucial matters which may occur between Board of Directors meetings;
- g) Be responsible for the orderly conduct of all Board meetings;
- 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.



POLICY TITLE: Ethics Training
POLICY NUMBER: 4115

The purpose of this Article is to set forth the ethics training requirements of the District, which are adopted in accordance with Assembly Bill 1234 (Government Code Section 53234 et seq.).

4115.1 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.

4115.1.1 All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

4115.1.2 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.

4115.1.3 Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.

4115.1.3.1 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.

4115.1.4 District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy at least once every year.

4115.1.5 A single training course may be used to satisfy the obligation to receive training for multiple agencies or positions.



POLICY TITLE: Members of the Board of Directors
POLICY NUMBER: 4120

4120.1 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.

4120.1.1 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the Secretary.

4120.1.2 The Secretary shall be responsible for providing the requested information and shall make all information equally available to all Directors.

4120.1.3 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.

4120.2 Meeting Decorum:

4120.2.1 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

4120.2.2 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.

4120.2.3 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).

4120.3 Abstentions and Failure to Vote:

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.



POLICY TITLE: Training, Education and Conferences
POLICY NUMBER: 4125

4125.1 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.

4125.2 It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted.

4125.2.1 The District shall reimburse Directors and authorized staff for conference tuition and registration expenses, and for per diem expenses. Per diem expenses, when appropriate, shall include meals, lodging, and travel. Per Diem rates shall be consistent with the IRS rates published at time of travel. All expenses for which reimbursement is requested by Directors and authorized staff, or which are billed to the District by Directors, shall be submitted to the Secretary, 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.

4125.2.2 Attendance by Directors and authorized staff 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.



4125.2.2.1 Registration fees for approved conferences, seminars, workshops and meetings shall be a District expense and shall be paid in advance directly by the District.

4125.2.3 Expenses to the District for Board of Directors and staff training, education, and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations recommended by the Board. In addition, no reimbursement will be made for extra services or entertainment purchased by a Director.

4125.2.3.1 Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates. Lodging costs for approved travel shall be an expense of the District. Where an overnight stay is required, Directors may arrange to have the District billed in advance for lodging expenses.

4125.2.3.2 Directors traveling together whenever feasible and economically beneficial.

4125.2.3.3 Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

4125.3 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.

4125.4 Upon returning from educational conferences, seminars, trainings, and professional meetings where expenses are reimbursed by the District, Directors and authorized staff 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.



POLICY TITLE: Board Actions and Decisions
POLICY NUMBER: 4200

4200.1 Actions by the Board of Directors include but are not limited to the following:

4200.1.1 Adoption or rejection of regulations or policies;

4200.1.2 Adoption or rejection of a resolution;

4200.1.3 Adoption or rejection of an ordinance;

4200.1.4 Approval or rejection of any contract or expenditure;

4200.1.5 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

4200.1.6 Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

4200.2 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

4200.2.1 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.

4200.2.1.1 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.

4200.2.1.2 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.



4200.2.1.3 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.

4200.3 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 Secretary.

4200.3.1 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.

4200.3.2 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 Secretary for review and recommendation, etc.).

4200.3.3 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.

4200.3.4 Nothing in this policy prevents the Board from providing direction to the Secretary in response to public comments or under Board member comments, as allowed under the Brown Act. No vote or action shall be taken.



POLICY TITLE: Board Meeting Agenda
POLICY NUMBER: 4205

4205.1 Agenda preparation. The Secretary, in cooperation with the Board President, 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 Secretary and request an item to be placed on the agenda no later than 5:00 P.M. four (4) days prior to the closing of the agenda for the next meeting date. The closing of the agenda for the next regular meeting is seventy two (72) hours prior to the next regular meeting.

4205.2 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:

4205.2.1 The request must be in writing and be submitted to any sitting Director, together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.

4205.2.2 The Board Member in coordination with the Secretary shall make the determination of whether the public request is or is not a "matter directly related to District business."

4205.2.3 The Board member in coordination with the Secretary shall determine the timing of when the item will be placed on the agenda.

4205.2.4 The public member requesting the agenda item may appeal the Board member and Secretary's decision to the Board of Directors 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.

4205.2.5 No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

4205.2.6 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.



4205.3 Agenda descriptions. All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items. The Secretary shall ensure that the description gives notice to the public of the essential nature of business to be considered.

4205.4 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. On or before January 1, 2019, 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 by that date.

4205.5 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.

4205.6 Public comment.

4205.6.1 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.

4205.6.2 For special meetings, the Board shall provide the public with an opportunity to address any item on the agenda.

4205.6.3 The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comment.

4205.6.4 The Board may not require members of the public to give names or sign a register as a condition of attendance or speaking.

4205.7 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.

4205.8 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.



POLICY TITLE: Board Meeting Conduct
POLICY NUMBER: 4210

4210.1 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. Policy No. 4230, "Roberts Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol.

4210.2 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.

4210.3 Conduct of meetings. The following concepts shall be applied to Board meetings:

4210.3.1 The meetings shall be conducted in an open and fair manner.

4210.3.2 The public shall be given ample opportunity to participate in the meetings.

4210.3.3 Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.

4210.3.4 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.

4210.3.5 The Board may receive, consider and take any needed action with respect to reports of accomplishment of District operations.

4210.3.6 Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

4210.3.7 The Board may weigh and determine the credibility of evidence and public comment.



4210.4 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:

4210.4.1 Three minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

4210.4.2 The Board president may allow additional per speaker and per subject comment time when necessary for a full and fair proceeding.

4210.4.3 No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Board President, of that person's privilege of address.

4210.5 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:

4210.5.1 Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

4210.5.2 If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.

4210.5.3 In cases of extreme disruption, clear the room of all members of the public, and conduct the Board's business without them present.

4210.5.4 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.



POLICY TITLE: Brown Act Compliance –Open Meeting Requirements
POLICY NUMBER: 4215

4215.1 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.

4215.2 Compliance with Brown Act. All meetings of the Board of Directors shall comply with the Brown Act.

4215.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

4215.2.2 Member of the Board includes newly elected and appointed officials prior to assuming office.

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

4215.2.4 Meetings through the use of intermediaries, serial communications, or emails are prohibited.

4215.2.5 The Board shall only take action during a properly noticed meeting.

4215.3 Committees. Committees created by formal action of the Board shall comply with the Brown Act



POLICY TITLE: Minutes of Board Meetings

POLICY NUMBER: 4220

4220.1 Duty to keep minutes. The Secretary of the Board of Directors shall keep minutes of all regular, special and emergency meetings of the Board.

4220.1.1 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.

4220.1.2 Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1, but not withstanding under Section 34090, may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency. (GC Section 54953.5(b))

4220.1.3 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.

4220.1.4 All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. (example: Year-Month-Sequential number of resolution for the month 2020-11-01)

4220.1.5 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.



POLICY TITLE: Review of Administrative Decisions
POLICY NUMBER: 4225

4225.1 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.

4225.1.1 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.

4225.1.2 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.

4225.1.3 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.

4225.2 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.

4225.3 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.

4225.4 Claims. Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.



POLICY TITLE: Rules of Order for Conduct of Board and Committee Meetings

POLICY NUMBER: 4230

4230.1 General:

4230.1.1 Action items shall be brought before and considered by the Board by motion in accordance with this policy. Although Section 4210.1 prefers to follow Roberts Rules of Order for Board and Committee Meetings,” they shall be used as a general guideline for meeting protocol and may apply some flexibility to Roberts Rules of Order may be applied in conducting its meetings.

Rules of Order.

4230.1.1.1 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.

4230.2 Obtaining the Floor:

4230.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

4230.3 Motions:

4230.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

4230.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

4230.3.2 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.



4230.3.2.1 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.

4230.4 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 a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

4230.4.1 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.

4230.4.2 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.

4230.4.3 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.

4230.4.4 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.

4230.4.5 Motion to Close Debate and Vote Immediately: As provided above, any Director may move to close debate and immediately vote on a main motion.

4230.4.6 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.

4230.5 Decorum:



4230.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject 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.

4230.5.2 The President may also declare a short recess during any meeting.

4230.6 Amendment of Rules of Order:

4230.6.1 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.



POLICY TITLE: Types of Board Meetings

POLICY NUMBER: 4235

4235.1 Regular meetings: Regular meetings of the Board of Directors are normally held on the third Thursday of each calendar month at 6:00 P.M. in the Bombay Beach Community Services District Office at 9590 Avenue C, Bombay Beach, Niland, California 92257. The date, time and place of regular Board meetings will be reconsidered annually at the annual organizational meeting of the Board, in December of each year or such other time as the Board may determine due to a change in District needs and circumstances.

4235.1.1 The Regular Board meetings are suspended annually during the months of July, August and September (Board goes dark). During the “dark” months, all expenditure authorizations for recurring expenses are approved by the Board President or Vice President and one other board member.

4235.2 Special meetings: Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

4235.2.1 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.

4235.2.2 An agenda shall be prepared and posted at least 24 hours before the meeting, as specified in Policy #4210 and shall be delivered with the notice of the special meeting to the Board of Directors.

4235.2.3 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.

4235.2.4 Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

4235.3 Emergency Meetings: In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened



disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

4235.3.1 When possible, notice shall be provided to the media outlets by telephone at least one hour before the meeting.

4235.3.2 Actions taken during an emergency meeting shall be by roll call vote.

4235.3.3 The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

4235.3.4 Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in the District office.

4235.4 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 Secretary 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.

4235.5 Annual Organizational Meeting: The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President and a Vice President among its members to serve as the principal executive leadership going forward until the next organizational meeting in the following December. The Secretary will serve as the Clerk of the Board.

4235.5.1 A Director may be elected to be President or Vice-President of the Board once in their elected term. Example: elected to Vice-President then elected to President of the Board in the same term is the normal succession to Board.

