II

BOARD PROCEDURES

and

RESPONSIBILITIES

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Section I CODE OF ETHICS

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

Goals of the code of ethics & values:

a) To make the Auburn Area Recreation and Park 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.

Preamble:

a) The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The 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.
c) This Code shall apply to all District Officials as defined in Preamble (b)

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

1. As a representative of the 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.

2. As a representative of the 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.

3. As a Representative of the 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.

4. As a representative of the 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.

5. As a representative of the 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.

6. As a representative of the 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.

7. As a representative of the 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.

8. As a representative of the District, I will be open-minded. 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.

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

Section II RESPONSIBILITIES AND DUTIES OF THE BOARD

A policy as used herein, is a definite course of action adopted by the Board of Directors. It defines what shall be done, what purpose shall be pursued, what principles shall govern, what programs shall be followed, what financial procedure shall operate, what personnel practices shall be, and what course of action shall be taken. Policies are guidelines for everyone in the organization, employees and volunteers, in all applicable situations. Only the Board of Directors can change policy or vote exceptions.

Policy determination is the responsibility of the Board alone. Policy execution is the responsibility of the District Administrator and staff.

BOARD RESPONSIBILITIES.

1. Board Members should understand that parks and recreation plays a significant and important role in the Community.
2. Board Members should look objectively at their responsibility as a Board Member, ensure District keeps abreast of the Recreation needs of the Community, and assess changing needs on an annual basis.
3. Board Members should have the courage to resist pressures of all types and insist upon high standards for themselves and the District.
4. Board Members should be aware of their role as Board Members, acting in concert with their fellow Board Members without usurping the function of the District Administrator.
5. Board Members should attend all regularly scheduled Board Meetings and/or assigned Committee Meetings.
6. Board Members should be informed and prepared to the best of their ability.
7. Review, evaluate, and approve the following:

    A. Evaluate and make recommendations regarding policies.
    B. Approve fees and charges for recreation facilities and parks.
    C. Approve policies for use of community centers, pools, parks, and other facilities.
    D. Approve salary schedules and new job descriptions.
    E. Hear appeals in accordance with the District's Personnel Policy.
    F. Approve the fiscal year operating budget.
    G. Review monthly financial expenditures.
    H. Recommend budgetary items for fiscal Capital Outlay Budget for new projects.
    I. Approve acquisition of new sites.
    J. Approve types of facilities that should be planned for development.
    K. Inspect Capital Improvement Facilities over $25,000 prior to final acceptance.

BOARD DUTIES.

1. To perform their legal responsibility.
2. To approve policy and ordinances.
3. To select, employ, supervise and if necessary, dismiss the District Administrator.
4. To review, approve and oversee the budget and financial reports.
5. To assure there are effective policies.
6. To maintain good public relations.

DUTIES OF CHAIRPERSON:

It shall be the duty of the Chairperson to preside at all meetings of the Board; to appoint and replace committee members, and to call special meetings when it may be deemed appropriate and in accordance with policies and applicable laws.

DUTIES OF THE VICE-CHAIRPERSON:

The Vice-Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

The Vice-Chairperson is also responsible for circulating, collecting and tabulating the District Administrator's Annual Performance Review, to be shared with the rest of the Board and the Administrator when completed.

LEASES, CONTRACTS, ETC.:

All leases, contracts, etc., entered into by the Board and receiving Board approval, shall be signed by the Chairperson and/or the District Administrator or as authorized by other Board action.

Section III BOARD PROCEDURES AND CONDUCT OF BOARD MEETINGS

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON; COMMITTEE APPOINTMENTS AND REPLACEMENTS

The Chairperson and Vice-Chairperson shall be elected at the last scheduled Board of Directors meeting of each year. The election shall take place at the conclusion of all business items and will use the following procedures with the Chairperson being nominated and elected first, followed by the nomination and election of the Vice Chairperson:

Each Board Member has the right to nominate another Board Member. No second is required for a nomination.

Elections proceed by voting on nominees in the order in which they were nominated. Member first vote on the election of the first nominee. If that person does not receive a minimum of three (3) votes, then a vote is taken on the second Board Member nominated, and so on, until a Board Member receives three votes. If a nominee is elected, a vote is not taken on the remaining nominees since the position is filled.
If no one is elected, nominations and voting are reopened, following the same procedures, until the position is filled.

The new Chairperson shall make appointments to each Standing Committee immediately after the elections and the appointments must be confirmed by the Board. The appointments shall be made no later than December 31st of each year. The Chairperson may replace Committee members at any time with the approval of the Board.

COMMITTEES – DEFINITIONS & RESPONSIBILITIES FOR EACH COMMITTEE:

PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE.

The Program, Personnel, Policy, Fee and Legal Review Committee has an agenda, is generally composed of two Board Members and is responsible for the following:

1. Review and possibly revise all written policies sent for recommendation.
2. These policies can be brought by Board, staff or via legal mandate.
3. Draft policies should be prepared by staff. Upon review, corrections and/or revisions will be forwarded to the Board or to the District's attorneys for further action as required.
4. Review all new job descriptions and proposed changes to current job descriptions.
5. Review the District's Activity Guide.
6. Review proposals from the Board or public for new programs or services to be offered.
7. Review proposed changes to all rentals and other fees. This includes, but is not limited to:
   Processing fees, rental fees, custodial fees, and public swim fees. Program fees will not be reviewed unless specifically requested by a Board member, staff or member of the public.
8. Review and approve/disapprove all legal billings received by the District.

FINANCE COMMITTEE.

The Finance Committee has an agenda, is generally composed of two Board Members and is responsible for the following:

1. Review and forward to the Board all monthly financial statements as presented by staff. This should include summaries of all checks and other payments made. This review is for the purpose of accuracy and comparison with budget.
2. Evaluation of budget performance.
3. Review fiscal impact of items, if such items are above District Administrator limits.
4. Review the fiscal impact of new job descriptions and proposed changes to current job descriptions.
5. Review the fiscal impact of changes to the project list.

ACQUISITION & DEVELOPMENT COMMITTEE.

The Acquisition & Development Committee has an agenda, is generally composed of two Board Members and is responsible for the following:

1. Review the staff prepared project list and send recommendations to the Board for approval.
2. Review and track the Board approved project list.
3. Make recommendations to the Board for changes in the approved project list.
4. Review and approve all contracted projects prior to final payment.
5. Review and make recommendations for construction or projected related contracts.

6. Review proposed acquisitions and make recommendations to the Board.

PROCEDURES FOR THE CONDUCT OF BOARD AND COMMITTEE MEETINGS.

The Board of Directors of the Auburn Area Recreation & Park District deems it advisable to establish written procedures for the conduct of its Board meetings to conform with current legislation as it relates to the Ralph M. Brown Act, California Government Code Section 54950 et. seq., and proper parliamentary procedure, pursuant to the authority provided in Public Resources Code Section 5782, hereby adopts the following procedural rules for the conduct of its meetings:

Regular Meetings – The regular meetings of the Board of Directors shall customarily be held on the last Thursday of each month at 6:00 p.m. The November and December Board meetings will be scheduled in consideration of recognized holidays. All regular meetings shall be held at the Canyon View Community Center, 471 Maidu Dr., Auburn, California unless otherwise noticed. An agenda containing a brief general description of each matter to be considered or discussed must be posted at least 72 hours prior to the meeting in accordance with Chapter IV of Government Code Section 54954.2.

Board Policy on Attendance of Regular Board Meetings – Pursuant to Government Code Section 1770 (g), it shall be Board policy that an office will become vacant upon the case of any Board member who has been absent from the Board meetings for a period of three consecutive months.

Government Code Section 1770: An office becomes vacant on the happening of any of the following events before the expiration of the term:

Government Code Section 1770 (g): His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

If a Board member is going to be absent at a Board meeting, the Board Chairperson or District Administrator should be notified prior to the meeting.

Board Policy on Rescheduling and Attendance of Committee Meetings

Committee Meetings – Once an Agenda has been posted and a committee meeting has been scheduled, committee meetings may not be cancelled unless by mutual agreement that both committee members are unable to attend.

If a committee member is unable to attend a committee meeting, the other member of the committee will conduct the meeting.

Special Meetings – Special Board meetings may be called at any time by the presiding officer of the Board of Directors, or by a majority of the members of the Board of Directors by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in

writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with by any member who at, or prior to the time the meeting convenes, files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. Government Code Section 54956 of the Public Resource Code.

Emergency Meetings – An Emergency meeting shall be called as provided in Section 54956.5 of the Government Code of the State of California in the event of work stoppage or crippling disaster. Such a meeting may be called with one (1) hour notice.

Closed Session – All items to be considered in closed session must be described in the notice or agenda for the meeting. Prior to each closed session, the body may orally announce the subject matter of the closed session. If final action is taken in closed session, the body must report the action in open session in accordance with Chapter IV of Government Code Section 54954.2, 54954.5, 54957.1, and 54957.7.

CONDUCT OF BUSINESS:

Any meeting of the Board of Directors may be adjourned to a time and place specified in the order of adjournment. Unless otherwise noticed, meetings shall be held at the District office located at 471 Maidu Drive, Auburn, California.

At the December meeting of each calendar year or at the first meeting of a newly seated Board of Directors, the Board of Directors shall elect a Chairperson and Vice Chairperson to serve for a period of one (1) year or until the election of their successors.

Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. Rosenberg's Rules of Order may be used as a general guideline for meeting protocol. District policies shall prevail whenever they are in conflict with Rosenberg's Rules of Order.

Writings which are public records, except those exempt from public disclosure as provided by the Government (or other) Code, which are distributed prior to commencement of a public meeting, or during a public meeting, shall be made available for prior inspection upon request.

PRESIDING OFFICER – DESIGNATION. The Chairperson, or in his/her absence the Vice-Chairperson, shall take the chair at the hour appointed for the meeting and shall call the Board to order. In the absence of the Chairperson and the Vice-Chairperson, the present

Board Member shall call the Board to order, whereupon a Temporary Chairperson shall be selected by the Board Members present. Upon the arrival of the Chairperson or the Vice-Chairperson, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the agenda item then before the Board.

CHAIRPERSON – POWERS AND DUTIES. The Chairperson shall act as the Presiding Officer and shall assume his/her place and duties, as such, immediately following his/her election.

He/she shall preserve order and decorum at all Board meetings, state questions coming before the Board, announce its decision on all subjects and decide all questions of order; subject, however, to appeal by a Board Member to the Board as a whole, in which event the majority shall govern and conclusively determine such questions of order.

He/she may vote on all questions on Roll Call vote. His/her name should be called last.

The Chairperson shall sign all ordinances and resolutions adopted and contracts approved by the Board at meetings at which he/she is in attendance. In the event of his/her absence, the District Administrator or other individual as approved by Board Action shall sign such documents.

The Presiding Officer shall control public debate so that repetitive or irrelevant statements are not made, so that where public participation is in order, everyone will have a chance to speak before other persons have a second chance to speak, to expedite business at hand and to prevent Board meetings from being used as a forum for libel, slander or otherwise defamation of persons, under the cloak of "public privilege."

ROLL CALL. Before proceeding with the business of the Board, the Clerk to Board shall call the roll of the members and the names of those present shall be entered in the minutes.

GAINING THE FLOOR. Every Board Member desiring to speak shall first address the chair and gain recognition by the Presiding Officer. Such member shall confine himself/herself to the question under debate, avoiding reference to character and indecorous language. Every Board Member desiring to question the District staff shall, after recognition by the Presiding Officer, address their questions to the District Administrator, who shall be entitled to answer either for themselves or designate a member of the staff or other for that purpose.

INTERRUPTIONS OF A BOARD MEMBER. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, or unless a point of order or personal privilege is raised by another Board Member, or unless the speaker chooses to yield to a question by another Board Member. If a Board Member, while speaking, is called to order, he/she may not proceed. A Board Member, when speaking, shall speak to the subject matter of the item on the floor and shall keep his/her remarks to a reasonable length. If a Board Member fails to do so, he/she may be called to order by a point of order.

Members of the District staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

PROPRIETY OF CONDUCT OF BOARD. Members of the Board must observe order and decorum and shall not by conversation or otherwise, delay or interrupt the proceedings of the Board or in any way make or disturb any other member of the Board while speaking or refuse to obey the order of the Board or Presiding Officer, except as in this Resolution otherwise provided.

PUBLIC COMMUNICATION. No person shall be entitled to make an oral presentation to the Board under "Public Comment" or at any other time or place who has not been recognized by the Presiding Officer.

The public shall have the opportunity to address each item placed on the agenda after each agenda item has been called and introduced by the Chairperson or presented by staff, and before motion by the Board.

ORAL PRESENATION BY MEMBER(S) OF AUDIENCE. The purpose of oral presentations at Board meetings, as well as written presentations, is to hear the public expression thereon and to assist the Board by advising the Board of facts and circumstances not otherwise known to it. The Board considers that such presentations are helpful to it in arriving at its decisions. However, presentations that are repetitive of previous presentations and/or irrelevant to the issue in question are not helpful and are thus out of order.

The Board welcomes information and expressions of opinion from members of the public on any item which it may be considering. However, in an effort to maintain proper decorum, the following provisions shall apply to oral presentation by the public:

1. The Presiding Officer or Board may bar from further audience before the Board at that meeting any person who:

   A. Makes any personal, impertinent or defamatory remarks;
   B. Becomes boisterous or disruptive while addressing the Board;
   C. Speaks without being recognized by the Presiding Officer; or
   D. Violates any rules of order established by this Resolution or the Board.

   The ruling of the Presiding Officer to bar an individual from further audience at that meeting shall be final and conclusive, subject only to right of appeal by any Board Member to the entire Board, as provided by in this Policy.

2. Any person who engages in disorderly conduct, such as hand clapping, stamping of
   feet, whistling, using profane language, yelling or similar demonstration which conduct disturbs the peace and good order of the meeting, shall be guilty of a

misdemeanor and, at the request of the Presiding Officer of the Board, the Sergeant-at-Arms shall remove any such person from the Board chambers, or place them under arrest, or both.

3. Any person who refuses to comply with the lawful order of the Presiding Officer shall
be guilty of a misdemeanor and at the request of the Presiding Officer or the Board, the Sergeant-at-Arms shall remove such person from the Board chambers or place them under arrest, or both.

4. In the event that the Board shall take the action specified in subparagraphs A, B, or C of this section, such actions may be taken by motion adopted by the Board.

ADDRESSING THE BOARD – SPOKESPERSON FOR GROUPS OR SPOKESPERSON FOR GROUPS OF PERSONS. In order to expedite matters and avoid repetitious presentations, whenever a group of persons wish to address the Board on the same subject matter, it shall be proper for the Presiding Officer to inquire whether or not the group has a spokesperson and, if so, that he/she be heard with the speakers from the group following such spokesperson to be limited to facts not presented by the group spokesperson.

ADDRESSING THE BOARD – PROCEDURE. Each person desiring to address the Board shall approach the podium, state their name and address for the record (optional) and state the subject which they wish to discuss (unless they are speaking to an agenda item), state whom they represent if there on behalf of an organization or other persons, and shall limit their remarks to three (3) minutes. If it is determined that circumstances such as the presence of many speakers or the need to hear a lengthier presentation exists, the Presiding Officer, with the consent of the Board, may grant more or less time for public comment. Such changes to the time limit shall be enforced fairly and without regard to speakers' viewpoints. Speakers shall confine remarks to the subject matter which was previously stated or which is pending before the Board. No person shall address the Board unless they have first been recognized by the Presiding Officer.

All remarks shall be made to the Board as a whole, and not to any member thereof. No questions shall be asked of any Board Member or member of the District staff without first obtaining permission of the Presiding Officer. Any person violating this procedure while addressing the Board shall be called to order by the Presiding Officer.

After public comments have been made on an agenda item, each Board Member will be allowed time to address the matter and ask questions regarding the information presented by members of the public. Once a motion and second has been made on the matter, no further questions of the public will be allowed.

COMMUNICATIONS. Interested parties or their authorized representatives may address the Board by written communication in regard to the subject matter then under discussion.

ENFORCEMENT OF ORDER. The District Administrator may be designated by the Presiding Officer as Sergeant-at-Arms of the Board and shall carry out all lawful orders of the Presiding Officer for the purpose of maintaining order at the Board meeting. In the absence of the District Administrator, the Presiding Officer may designate any person to act as Sergeant-at-Arms. Any Board Member may move to require the Presiding Officer to enforce rules and an affirmative vote of the majority of the Board shall require him/her to do so.

POINT OF PERSONAL PRIVILEGE. The right of a Board Member to address the Board on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questions, or where the welfare of the Board is concerned. A Board Member raising the point of personal privilege may interrupt another Board Member who has the floor only if the Presiding Officer recognizes the privilege.

POINTS OF ORDER. The Presiding Officer shall determine all points of order subject to the right of any Board Member who requests full board ruling on the question, and the question shall be: "Shall the decision of the Presiding Officer be sustained?' The majority vote shall conclusively determine such question of order.

PRIVILEGE OF CLOSING THE DEBATE. The Board Member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate, subject to Board majority voting the debate should be continued.

DIVISION OF A QUESTION. If a matter contains two or more divisible propositions, the Chairperson may, and upon the request of a Board Member shall, unless appealed, divide the same.

VOTING. The passage of all motions shall be by roll call vote and entered upon the record. All ordinances, resolutions and actions involving money shall be by roll call vote. A vote of the Board shall be registered by members by voting "aye" or "yes" for affirmance or "nay" or "no" for negative vote, upon his or her name being called by the Clerk to the Board. The results of any vote shall be audibly announced by the Clerk to the Board and recorded in the minutes of the meetings as they vote.

Every member should vote unless disqualified for cause, but no Board Member shall be forced to vote. A member who does not vote shall be listed as such in the minutes.

Any member who abstains from a vote shall audibly announce that he/she is abstaining and be recorded as such in the minutes.

CONFLICTS – ABSTENTIONS. A Board Member who is disqualified by reason of conflict of interest shall be recorded as "absent." An abstention for reasons other than conflict of interest shall have the same effect as "not voting" on either side of the motion.

CHANGE OF VOTE. After the roll has been completed but before the result of the vote is announced, a member may change his or her vote. A member may not change his or her vote after the vote has been announced unless a majority consent is obtained.

ABSTRACT OF BOARD MEMBER'S REMARKS. A Board Member may request of the Presiding Officer the privilege of having an abstract of his/her statement on any subject matter under consideration by the Board entered in the minutes. A Board Member may prepare a written statement on any subject under consideration by the Board and have same entered in the minutes immediately, during and at the time the subject matter is under discussion by Board.

RIGHT TO RECORD REASONS FOR DISSENT. Any Board Member shall have the right to have the reasons for his or her dissent or his or her protest to any action before the Board entered in the minutes. Such dissent or protest shall be entered in the minutes and shall be made in substantially the following manner. " I would like the minutes to show that I am opposed to this action for the following reasons."

A Board Member may file a written statement with the Clerk to the Board to be entered into the minutes setting forth the reasons for his or her dissent or protest to any action during the meeting and at the time the subject of the action is under consideration.

RECONSIDERATION. A motion to reconsider any action taken by the Board may be made only at the meeting when such action was taken. It may be made either immediately or during the same session of a recessed or adjourned session thereof. Such a motion to reconsider shall be made only by one of the Board Members who voted with the prevailing side. Nothing herein shall be construed to prevent any Board Member from making or remaking the same or another motion at a subsequent meeting of the Board.

FAILURE OF AN ITEM TO PASS. In the event that any matter comes before the Board requiring preliminary action to be taken, such as public hearings, or recommendation of a standing committee, three (3) negative votes against the adoption of such action shall be deemed to be a rejection of the proposed matter or item, unless the same is reconsidered or further affirmative action on the matter or item is taken at the same meeting of the Board. In the event of such rejection, further consideration of the same matter or item shall require that such preliminary steps be repeated prior to taking further action on the matter or item.

PROCEDURAL RULES – VIOLATION SHALL NOT INVALIDATE. Insofar as practicable, the business of the Board shall be conducted substantially in the order and manner provided in this resolution; provided, however, that the failure to observe or enforce such procedural rules shall in no manner affect the regularity, validity or legality of any action or proceeding taken by the Board. The Board, in its discretion, reserves the right to govern its own proceedings.

RULES OF DEBATE.

1. The Presiding Officer may debate and vote. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by

these rules imposed on all Board Members, and shall not be deprived of any of the rights and privileges of a Board Member by reason of his or her acting as the Presiding Officer.

2. The use of informal procedures by the Board or the failure of the Board to act strictly in accordance with Rosenberg's Rules of Order shall be deemed waived by all Board Members, unless a Board Member expresses his/her objections at the time when such matter is pending.

PUBLIC HEARING – OPENING. After the Presiding Officer or Clerk to the Board has announced that the time has arrived for the public hearing on any scheduled item set for public hearing, and any staff reports presented on the same, the Presiding Officer shall ascertain whether any member of the public desires to present testimony, evidence or comment on the subject. Members of the public shall be allowed to present testimony, evidence or comment on the subject before any Board Member speaks on the subject.

PUBLIC HEARING – EVIDENCE RECEIVED. During the public hearing the Board shall receive all oral and written evidence relative to the matter being considered. Evidence received at the public hearings provided for in this resolution shall be relevant and material to the issues before the Board; provided, however, the rules of evidence shall be substantially relaxed in order to afford full presentation of facts essential for judicious consideration of the Board on the matter which is the subject of the public hearing. After the close of any public hearing, each Board Member will be allowed time to address the matter and ask questions regarding the evidence presented by members of the public. Once a motion and second has been made on the matter, no further questions of the public will be allowed.

PUBLIC HEARINGS – CONTINUANCE. At any time it appears to the Presiding Officer or the majority of the Board, through the Presiding Officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the Board at any time of a public hearing, continuation of such hearing may be ordered to afford the applicant, his opponents, or the District staff, adequate time to assemble additional evidence for the Board's consideration. Any continuation ordered by the Board through the Presiding Officer, shall be to a date certain, which date shall be publicly announced in the Board Chambers and shall constitute notice to the applicant and his/her opponents at the time and place that such further evidence will be taken. Public announcements provided herein shall constitute notice to the applicant and his opponents as to the time and place for further evidence to be taken by the Board.

PUBLIC HEARING – CLOSING. When neither the applicant nor his/her opponents nor the District staff have further evidence to produce, or when in the opinion of the Presiding Officer, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed, at which time no further written or oral evidence shall be accepted by the Board; provided, however, that this rule may be relaxed by the Presiding Officer or the majority of the Board through the Presiding Officer, when it appears that good cause exists that further evidence concerning the matter which is the subject of the public hearing may exist and shall be received without giving due and proper notice to all persons concerned.

PUBLIC HEARING – REOPENING. A public hearing on any matter, once closed, cannot be reopened on the date set for hearing. Nothing herein, however, is intended to prevent or prohibit the reopening of public hearing at any subsequent, regular or special meeting of the Board. No public hearing may be reopened without the same notice as required for the original public hearing and due and proper notice being given to any applicants and to persons who have spoken on the subject, if possible, at the previously closed public hearing, designating the time and place of said reopening.

TESTIMONY UNDER OATH. The Presiding Officer may require any person addressing the Board to be sworn as a witness and testify under oath, and the Presiding Officer shall so require if directed to do so by a majority of the Board.

MINUTES OF BOARD. The official minutes of the District Board shall be kept by the Clerk to the Board with the record of each particular type of business transacted set off under the proper headings. All matters brought to the attention of the Board shall be duly noted in the minutes for each matter taken up and considered by the Board and shall include sufficient description to fully acquaint any uninformed reader of the minutes at a later date of the subject matter under consideration. Acronyms and initials shall not be used unless, on first reference, the matter for which the acronyms or initials stand has been set forth in full. The minutes need not reflect the verbatim remarks of any member of the Board or any other person. Board Members or members of the public wanting to have their comments maintained verbatim must provide the Clerk a written transcript of the comments at the time of the meeting which will be kept on file at the District. All regular and special meetings of the Board may be recorded for preparation of Board meeting minutes. Recordings may be destroyed after those minutes have been approved by the Board of Directors. The provisions of this section shall be directory and not mandatory.

RETENTION OF RECORDS. All reports, documents, letters and other written materials referenced in the minutes shall be retained as part of the permanent records of the District Board as though they were incorporated in and made a part of the minutes.

NECESSITY OF AN ORDINANCE. An ordinance is necessary at times to impose criminal sanctions or as required by statute.

INVESTIGATIONS AND HEARINGS. The Board shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the District, and shall have the power of subpoena as provided in Sections 37104 through 37109 of the Government Code of the State of California. The Board may order the Clerk to issue subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled meeting of the Board.

NO SMOKING AT MEETINGS. No person shall smoke any cigarette, cigar or pipe during any meeting of the District Board.

CELL PHONE USE AT MEETINGS: Board Members may not use cell phones or other electronic communication devices at a Board meeting. This prohibition includes the use of cell or other electronic communication devices for verbal conversations and texting. Board Members who are "on call" for their job or who may receive a call for emergency purposes should notify the Presiding Officer before the meeting and arrange to take the call so as to disrupt the meeting in the most minimal manner possible.

RECESSES – BREAKS. The Presiding Officer shall endeavor to call a recess every one-and one-half hours any time a meeting is in progress; in the event the Presiding Officer fails to call for such break a majority of Board may, on motion, effect a recess at such intervals.

LEGAL OFFICER. In any case of ambiguity or uncertainty in the interpretation or application of this Policy or regarding any procedure, the Presiding Officer may direct such question for a ruling to the Legal Counsel if he or she is in attendance at the meeting or the District Administrator.

ADJOURNMENT. It shall be the policy of the District Board to adjourn its meetings at or before 10:00 p.m. If the Board has not completed all items under the Board Considerations section of the agenda by 9:00 p.m., the Board shall review the remaining items under consideration and at that time determine which items will be completed before 10:00 p.m. of the present meeting date and which items shall be placed on the agenda at some future meeting date. A violation of this provision shall not invalidate any action taken.

QUORUM. Three (3) members of the Board shall constitute a quorum for the transaction of business. All action items shall be passed by no less than three (3) affirmative votes. Motions relating to the procedures for the conduct of Board meetings may be passed by a majority of a quorum. Urgency ordinances and motions to approve the budget or amend or supplement the budget to authorize a transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenue not included in the budget shall require at least three (3) affirmative votes. Less than a quorum may adjourn from time to time, until a quorum is present. Where there is no quorum, the Chairperson, Vice Chairperson, or in their absence, the Board Members present may so adjourn the meeting. If no member is present the Clerk to the Board shall adjourn such meeting. For the purpose of considering any item which is subject to the vote of the Board, when a member disqualifies himself/herself due to a conflict of interest, his/her presence shall not be considered in determining the presence of a quorum. If by such disqualification a quorum is not present, consideration of such items shall be deferred until a quorum of non-interest Board Members are present to discuss and vote on the matter.

Teleconference Meeting Policy

The District Board of Directors is required to comply with the provisions of the Brown Act, which allows teleconference meetings only to the extent that they are conducted in

compliance with § 54953(b) of the California Government Code. To comply with this section, teleconferences must be conducted in the following manner:

1. At least a quorum of the members must participate from locations within the boundaries over which the body has jurisdiction.
2. All votes must be by roll call.
3. Each teleconference location must be noticed and placed on the agenda.
4. Each teleconference location must be fully accessible to members of the public, even if conducted from a member's home or some other private area.
5. Members of the public must be able to testify from each location.
6. Each location must be accessible to the disabled.
7. An agenda must be posted at each teleconference location.

In order to comply with number 3, Board Members who request teleconference meetings shall provide the District with adequate advance notice. In addition, said Board member shall be responsible to post the agenda at the teleconference location (number 7).

MEETINGS TO BE PUBLIC – EXCEPTIONS. All regular and special meetings and study sessions of the Board shall be open to the public provided; however, the Board may hold closed sessions in the manner and form provided by law for such closed sessions. No member of the Board, employee of the District or persons present during closed session of the Board shall disclose to any person the content and substance of any confidential discussion which took place during said closed session, unless Board authorizes disclosure of such information at that meeting.

AGENDA. All reports, ordinances, resolutions, contracts, documents or other matters to be submitted to the Board or committee at a scheduled meeting shall be delivered to the Clerk to the Board no later than ten days prior to the meeting.

LEGAL COUNSEL REVIEW. A contract, substantive resolution or ordinance that will be placed on the agenda for Board action may be reviewed and approved as to form by the Legal Counsel. If to be reviewed by Legal Counsel, all ordinances, resolutions and contracts to be submitted to the Board at a scheduled meeting shall be delivered to the Legal Counsel no later than eight days prior to the meeting.

DISTRICT ADMINISTRATOR APPROVAL. Documents requiring expenditure of funds, contracts, agreements, resolutions and ordinances should be reviewed and approved by the District Administrator prior to Board consideration.

DISTRICT ADMINISTRATOR RECOMMENDATIONS. Every agendized item requiring Board action shall be reviewed by the District Administrator, who may provide additional recommendations as warranted.

PREPARATION. By direction of the District Administrator, the Clerk of the Board shall prepare the agenda of all such matters according to the order of business. A Board Member may ask for any item directly related to District business be placed on a committee or Board agenda a minimum of ten days preceding a meeting. All items should be vetted through the appropriate committee before being placed on a Board

Agenda. Once an item has been considered at a Board meeting, it may not come back to the Board or a committee for six months unless a majority of Board members request that the item be revisited. This request must be made at a Board meeting.

Any member of the public may request that a matter directly related to District business be placed on an agenda by contacting a Board member.

The agenda shall include a brief description and a staff recommendation of each item of business to be transacted or discussed at the Board meeting together with the time and location of said meeting. All reports, documents, letters or other written material presented to the Board for consideration in connection with an item on the agenda, other than a closed session, shall be included in the agenda packet. Before the agenda is typed in final form and duplicated for distribution and posting, it shall be reviewed by the District Administrator, or designee. Said agenda packet, and/or any portion thereof, including supplemental information, shall be available to be picked up, delivered or sent electronically to each Board Member and each department head, at their preference, not later than 72 hours but preferable six (6) days preceding the meeting.

POSTING.

Regular Meetings. The agenda for a regular or adjourned regular meeting shall be posted in a location that is freely accessible to members of the public, 72 hours before the regular or 24 hours before an adjourned regular meeting. In the event it is found after the agenda has been posted but before the posting period deadline that an item has been inadvertently omitted from the agenda, an addendum to the agenda may be prepared, distributed and posted in accordance with the procedures for the preparation of agendas.

Special Meetings. A special meeting may be called at any time by the Chairperson or the Vice Chairperson if the Chairperson is unable to perform, or by determination of the majority of the Legislative Body at a meeting. Written notice of any such meeting must be given to all members of the Board and to all newspapers, radio stations, or other media who have previously requested same in accordance with applicable provisions of the Government Code. Such notice may be given either personally or by any other means but must be received at least 24 hours before the time set for the special meeting. Such notice is not necessary for any Board Member who submits a written waiver of notice to the Clerk to the Board at or before the time set for the meeting, or for any member who is actually present at the special meeting. Waiver may be by telegram. The call and notice shall be posted at least 24 hours prior to the special meeting.

Adjourned Meetings. The District Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all Board Members are absent from any regular or adjourned regular meeting, the District Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Board Member at least three (3) hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular,

adjourned regular, special, or adjourned special meeting was held, within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting shall be a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Affidavit of Posting. Immediately following the posting of the notice and agenda, the Clerk to the Board or his or her designee shall complete an Affidavit of Posting. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the posting, and shall be signed under penalty of perjury. The Clerk to the Board shall retain all such affidavits, together with a copy of each notice and agenda so posted, in his or her files. The affidavit, notice and agenda shall be retained at least two (2) years subsequent to the date of posting, and pursuant to Government Code Section 34090, shall not be destroyed thereafter without the written consent of the Board of Directors.

NO ACTION UNLESS POSTED – EXCEPTIONS.

No action shall be taken on any item not appearing on the posted agenda unless one of the following conditions exists:

PREVIOUSLY POSTED.

The item was included in a properly posted agenda for a prior meeting occurring not more than five days prior to the meeting at which the action is taken and was continued to the meeting at which the action is taken.

EMERGENCY.

The Board determines that an emergency situation exists. This determination must be made by separate motion and majority vote. The motion shall specify the specific facts on which the Board relies in making the determination.

An "emergency situation" as defined by Government Code Section 54956.5 means any of the following:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

2. Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

NEED AROSE AFTER POSTING.

The Board determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Board Members are present, that the "need to take action" on the item arose subsequent to the posting of the agenda;

Written justification must be presented to the Board by the proponent prior to the Board's determination, addressing the following criteria:

1. Did the need for action come to the attention of the Board subsequent to the agenda being posted? In this regard, simple negligence being the matter on the agenda shall be insufficient justification.

2. Is there a need to take immediate action at this meeting? If the action can be taken at the next regular meeting without adverse impact, the item shall not be placed on the agenda.

AUTOMATIC REFERRAL TO STAFF.

All matters on which action is requested, which do not qualify within one of the three exceptions listed above, shall be directed to the District Administrator for analysis, recommendation and placement on a future Board agenda when and if appropriate. No deliberations shall be taken on the matter.

PUBLIC PARTICIPATION.

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board. The public shall be provided an opportunity to address the Board on any item on the agenda. Persons desiring to speak on any particular agenda item or items are encouraged to complete a card stating their name and address and identifying the particular item upon which they desire to speak. Public comment on any agenda item shall be made prior to Board's discussion of the item.

REQUEST FOR DEFERRAL OF AGENDA ITEM. Except when a public hearing or other similar matter has been advertised pursuant to law, a Board Member may request that an agenda item be deferred to a future meeting if said Board Member will be absent from the meeting at which the matter has been agendized. Such a request shall be made to the Chairperson and accompanied by the reasons there for. If in the opinion of the Chairperson the deferral of the agenda item will not unduly inconvenience the public, including persons who have come to the meeting specifically to participate in the discussion of the item, the request shall be granted.

ORDER OF BUSINESS. All regular meetings of the Board shall take up for consideration and disposition matters in substantially the following order, except as may otherwise be ordered by the presiding officer or Board:

1. Call to order;
2. Flag Salute;
3. Roll call;
4. Introductions, presentations and announcements;
5. Agenda review, changes and approval;
6. Public comments;

7. Consent Items;
8. Items removed from consent calendar for discussion or separate action and/or any added agenda items;
9. Administrator's and staff reports;
10. Unfinished business;
11. New business;
12. Items for discussion and informational items;
13. Brief Announcements/reports by Board members;
14. Correspondence/communications and informational;
15. Items to be considered at future board meetings;
16. Public Comment:
17. Closed Session;
18. Open Session – Report/action on or about Closed Session;
19. Adjournment.

The provisions of this section shall be directory and not mandatory.

PROCEDURES FOR DISCUSSION OF AGENDIZED ITEMS. All items on the agenda for consideration and disposition shall be handled substantially in the following order, except as may otherwise be ordered by the presiding officer or Board:

1. Presiding officers announce the item;
2. Staff reports and recommendations on the item;
3. Board questions for staff;
4. Comments by members of the public;
5. Board questions and discussion of the item;
6. Motions and seconds;
7. Brief comments by Board Members as to motions;
8. Vote on item and reading of the vote into record.

CONSENT CALENDAR. Actions recommended by the staff to be listed in a Consent Calendar shall be listed in a summary form and be part of the item. Whenever an ordinance appears on the Consent Calendar it shall be deemed to be approved and an affirmative unanimous vote that such ordinance shall be read by title only.

The adoption of the Consent Calendar may be made in one motion by the Board; provided, however, that any Board Member, staff or member of the public may request that the Board defer action on any matter or matters on the Consent Calendar and place them on the regular agenda. In such event, the Chairperson or Presiding Officer shall order that such matter be removed from the Consent Calendar and placed for consideration as a general item.

Adoption of the Consent Calendar and approval of the same shall constitute an affirmative vote for each and every item contained thereon. The Consent Calendar shall be adopted only by roll call vote.

Section IV BOARD MEMBERS COMPENSATION, REIMBURSEMENT FOR EXPENSES, TRAVEL, EDUCATION AND CONFERENCES

Board Member Compensation Board Members are eligible for compensation and reimbursement for necessary and actual District related activities in accordance with California Public Resource Code 5784.15 and as supplemented by Chapter 2 (commencing with Section 20200) of Division 10 of the California Water Code:

1. The Board of Directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed two hundred fifty dollars ($250) for attending each meeting of the Board.

2. The maximum compensation in any calendar month shall be five hundred dollars ($500).

3. In addition, members of the Board of Directors may receive their actual and necessary traveling and incidental expenses incurred while on official business.

4. A member of the Board may waive or designate to another entity, any and/or all compensation and/or reimbursement.

5. For the purposes of this section, a meeting of the Board of Directors includes but is not limited to, regular meetings, special meetings, closed session, emergency meetings, Board field trips, district public hearings, or meetings of a committee of the Board. It may also include any appearance and/or participation of a Board Member acting in a capacity as a representative of the Board of Directors, purposes benefiting District business, attendance or participation at meetings or gatherings of other agencies or organizations that have a relationship with the Auburn Recreation District, and training or educational seminars or classes that relate to the position of a Director.

Training, Education and Conferences Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the members of a body do not discuss issues related to their local agency's business. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District. Directors shall not be paid or reimbursed for any tour, event, activity or journey that is not beneficial to the District.

It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for 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.

The Administrative Services Manager shall reimburse Directors for conference tuition and registration expenses, and for per diem expenses. Per diem expenses, when appropriate, shall include meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Administrative Services Manager, together with validated receipts. Unless the Board or this policy establishes other permitted reimbursement rates for travel, meals, lodging and other actual and necessary expenses, the District will reimburse expenses at the U.S. General Services Administration (GSA) rate for travel, meals, lodging and other actual and necessary expenses as established in the current year's schedule. Reimbursement for alcoholic beverages will not be allowed.

Attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences, with anticipated expenses over $500, shall be approved by the Board of Directors prior to the District incurring any reimbursable costs.

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

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

Directors traveling together whenever feasible and economically beneficial.

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

A Director shall not be reimbursed for expenses incurred at any educational conference, seminar, training, or professional meeting event if such event occurs after the District has announced that Director's pending resignation, or if such event occurs after an election in which it has been determined that the Director will not retain his or her seat on the Board.

Upon returning from educational conferences, seminars, trainings, and professional meetings where expenses are reimbursed by the District, Directors will either prepare a written or verbal report for presentation at the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

Any appeals for non-payment will be handled by the Board of Directors as an agenda item.

Financial Interest

Board Members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board Members. (Government Code Section 1090.) A Board Member shall not be considered to be financially interested in a contract if any of the exceptions set forth in Government Code section 1091.5 apply.

A Board Member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract. A remote interest shall be any of those defined in Government Code section 1091.

A Board Member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have this disclosure noted in the official Board minutes. The affected Board Member shall not vote or debate on the matter or attempt to influence any other Board Member to enter into the contract. (Government Code Section 1091.)

If a Board Member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board. (2 California Code of Regulations 18700.)

A Board Member shall abstain from voting on personnel matters that uniquely affect a relative, as defined in the next paragraph, of the Board Member. A Board Member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs.

A relative includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse unless the individual is widowed or divorced.

A Board Member shall not be deemed to be financially interested in a contract between the Board Member's spouse and the District provided the contract concerns the same employment as that held by the employee when the employee's spouse became a Board Member, and provided the Board Member's spouse has been employed by the District in that same position for at least one year prior to the Board Member's election or appointment. (Government Code Section 1091.5 and 69 Ops. Cal. Atty. Gen. 255.)

Section V LETTER POLICY

All letters, faxes, and emails addressed to the District or to the Board of Directors will be opened by staff, and a response will be drafted by the District Administrator. A copy of the letter and response will be included in the Board of Directors' board packet. Any letter addressed to an individual board member will be forwarded unopened to the Board member.

Section VI REPORTING VIOLATIONS/INVESTIGATIONS

Unlawful Harassment

The District is committed to providing a work environment free of unlawful harassment. District policy prohibits sexual harassment and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, marital status, age, sexual orientation, or any other basis protected by federal, state, or local law or ordinance or regulation. *All such harassment is unlawful.* The District's anti-harassment policy applies to all persons involved in the operation of the District and prohibits unlawful harassment by any member of the Board of Directors. It also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

Prohibited unlawful harassment includes, but is not limited to, the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments;
2. Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
3. Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race, or any other protected basis;
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
5. Retaliation for reporting or threatening to report harassment.

SEXUAL HARASSMENT.

Sexual Harassment includes, but is not limited to, any unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature when:

1. Submission to such conduct is explicitly or implicitly a term or condition of an individual's employment.

2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Employee and/or Board Member Complaint Rights & Procedures

An employee and or Board Member has the right and responsibility to submit a written complaint regarding any situation or conduct which the employee or Board Member believes constitutes unlawful harassment, Board Member misconduct, violation of policies or laws directed at the employee, or at another employee.

If an employee believes that he/she has been unlawfully harassed or otherwise violated by a member of the Board of Directors, or observes other Board violation by a member of the Board of Directors, or observes unlawful harassment of another employee by a member of the Board of Directors, he/she has a right and responsibility to submit a written complaint directly to the Board of Directors, with a copy to the District Administrator, as soon as possible after the incident. The written complaint should be delivered to the Board of Directors (except for the member against whom the complaint is made) and the District Administrator by U.S. Postal Service first-class, certified or registered mail and include the following:

1. A statement of facts or opinions regarding the incident, specifying the complaint;

2. Copies of relevant documentation regarding the incident;

3. A list of relevant parties involved, including any witnesses;

4. A summary of the facts that any witness will provide.

The complaint shall be initially reviewed by a quorum of the Board of Directors (except for the member against whom the complaint is made, because there is a conflict of interest as determined by the Board of Directors), to determine whether the complaint states facts sufficient to properly constitute a complaint based on unlawful harassment. In this initial review, a quorum of the Board of Directors that does not include the member against whom the complaint is made, may:

1. Conclude that additional facts are needed, and respond to the complainant requesting such additional facts, or

2. The Board may conclude that the complaint does not properly state facts sufficient to constitute allegations of unlawful harassment, or other violations by a member of the Board of Directors. The Board will then advise the complainant of this determination, and that no further action will be taken on the complaint, or

3. The Board may decide to proceed with an investigation of the complaint, and

4. The Board may thereafter decide, based on the results of the investigation, to conduct a further hearing, as described below, or it may decide, based on the results of the investigation, that a further hearing is not needed, or

5. The Board may elect to hire an independent consultant to proceed with an investigation of the complaint.

The Board's determinations, as set forth above, shall be final and non-appealable.

Any further hearing on the unlawful harassment or Board misconduct, and/or other violation by a member of the Board of Directors, will be conducted at an administratively convenient date; taking into consideration the established schedule of the District Administrator and the availability of the Board of Directors, counsel and witnesses, if applicable. The employee shall be entitled to appear personally, produce evidence and witnesses. The informality of any such hearing shall not invalidate any order or decision made or approved by the Board of Directors.

The Board of Directors may advise parties concerned of the findings of the investigation. The decision of the Board of Directors shall be final.

The Board of Directors reserves the right to have the hearing heard by a neutral hearing officer or arbitrator of its choosing.

In arriving at a decision, the Board of Directors may consider the records of any prior relevant proceeding involving the parties, and any records contained in any involved employee's personnel files, if such records are introduced into evidence at the hearing.

If the District, pursuant to the foregoing policies and procedures, determines that unlawful harassment has been engaged in by a member of the Board of Directors, remedial action will be taken in accordance with the circumstances involved. Appropriate action also will be taken to deter any future unlawful harassment. Any member of the Board of Directors determined by the Board of Directors to be responsible for unlawful harassment will be subject to appropriate disciplinary action, up to, and including, but not limited to removal from Officer and/or Committee appointments and/or public censure.

A District representative may advise parties concerned of the findings of the investigation. The District will not retaliate against employees for filing a complaint and will not tolerate or permit retaliation by members of the Board of Directors.

The District encourages all employees to report any incidents of unlawful harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. The Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of prohibited harassment in employment. An employee, who thinks he/she has been harassed or retaliated against for resisting or complaining, may file a complaint with the appropriate agency. The District will attempt to complete an investigation within 45 days.

Section VII ACCOUNTABILITY

All Board Members are responsible for implementing and monitoring compliance with the Code of Conduct, the policies of the District, federal, state and local laws, regulations

and ordinances. Board Members who violate the Code of Ethics and/or District Policy may be subject to disciplinary action. Knowledge of a violation and failure to report or correct the violation may also subject the Board Member to disciplinary action. Some violations are illegal and may subject the Board Member to civil and/or criminal liability.