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BOARD OF DIRECTORS' POLICY AND PROCEDURES MANUAL

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ARTICLE 1: THE FIRE DISTRICT BOARD

1.1 Fire District Governing Authority

The Fire Protection District was established in 1939. The Fire District is a California Special District (Independent) as a local government agency with taxation authority pursuant to Government Code Section 16271.

1.2 Policy Adopting Governing By Policy

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

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

In addition, these policies are intended to:

- Reflect the Board's commitment to order, consistency, responsiveness, and transparency in its actions.
- Make clear and readily available to the residents of the District all relevant information about the operations of the Board.

In keeping with these principles, a current copy of the Board of Director's Policy and Procedures Manual is posted on the District's website.

1.3 Fire District Board Policies

It is the intent of the Fire District Board to be governed by a set of policies. The policies shall be adopted by the Board and made available as public documents. The Board is also governed by a set of Rules of Order for conducting meetings as noted in Article 9.

The policies of the District Board shall be drafted, adopted, and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the residents of the District within the limitations of the District's ability to support it.

The Board of Directors, as the governing body representing the people of the District, determines all questions of policy to be employed in the operation of the Fire District.

In the event that a Board Policy is found to be in conflict with state or federal law or the rules of a higher authority, that portion of such policy is automatically null and void without Board action and shall be deleted from the accumulated body of policies and rules.

If disagreement over the application, extent, or interpretation of a policy arises, the resolution of the conflict will be based on the majority opinion of the Board, at a public meeting. If such an interpretation is deemed to have future significance, an amendment to the applicable policy shall specify the intent of the Board in interpreting the policy.

Policy Adoption, Changes, Deletions, Additions, and Review: In its deliberations leading to the establishment or amendment of Board Policy, the Board's central concern will be for increased efficiency and effectiveness in carrying out the legally mandated tasks and general policies in the interest of the public good.

The District recognizes that all Board policies should remain flexible and subject to review or change as needed.

ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS

2.1 Basis of Authority

The Board of Directors is the unit of authority within the District. Apart from their normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, expenditure, or give individual direction to the Fire Chief, Staff, or the District's Legal Counsel.

2.2 Duties

The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are delegated to professional staff members of the District. The members of the Board of Directors have the ultimate responsibility to ensure the lawful and efficient operations of the District.

The majority of the members of the Board of Directors set the official policy of the District. Said policies are to be mindful of the legal and constitutional rights of all employees and are to be set with care and in accordance with the law.

The Board is entitled to enter into all contracts on behalf of the District within the scope of its authority and in the line of duty.

Board members are expected to be familiar with the rules of the Ralph M. Brown Act ("Brown Act") regarding open meetings, required notice for meetings, and the requirements for entering into closed session.

Board members are determined to be Designated Positions under the Districts Conflict of Interest Code and as such should be familiar with California Code of Regulations, Title 2, Division 6, Section 18730, Conflict of Interest. Board members must disclose disqualifying interest and should not be involved with Board Meeting agenda items that pose potential conflicts of interest. Board members are encouraged to contact the California Fair Political Practices Commission (FPPC) with questions or specific advice on what constitutes conflict(s) of interest. Board members are required to file Fair Political Practices Commission, Form 700, Statement of Economic Interests, upon assuming or leaving office and annually with the Clerk of the Board.

2.3 Attendance at Meetings

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

2.4 Attendance at Committee Meetings

Board members assigned to committees may teleconference if appropriate. Board members NOT assigned to a specific committee may not attend committee meetings, even as private citizens.

2.5 Attendance at Meetings via Teleconference

A Board member may attend meetings via Teleconference if the following requirements are met. If a Board Member determines that any or all of these requirements cannot be met, he/she shall not participate in the meeting via teleconference.

The following are the approved Teleconference guidelines for Board Members:

1. As soon as practical but before the deadline for publication of the Agenda for that meeting, written notice must be given by the Board Member to the Clerk; the notice must include the address at which the teleconference meeting will occur, the address the Board packet should be mailed to, who is to initiate the phone call to establish the teleconference connection and the phone number of the teleconference location.
2. The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for the same amount of time required for a normal Agenda. This is usually 72 hours for regular meetings of all types and 24 hours for special and emergency meetings. The Board Member is responsible for posting the notice in the remote location, or having the Agenda

posted by somebody at the location and confirming that it has been posted the required number of hours in advance of the meeting.

3. The teleconference location is open and fully accessible to the public, and fully accessible under ADA throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain open and accessible throughout the meeting, without required identification or registration. The teleconference technology used is open and fully accessible to all members of the public. Persons with disabilities requesting accommodations in the technology used at the teleconference location must provide their request to the District at least 24 hours before the start of the meeting. Members of the public who attend the meeting at teleconference locations have the same opportunity to address the Board from the remote location that they would if they were present in the Board Meeting location. The teleconference location must not require an admission fee or any payment for attendance.
4. The Board Member must state at the beginning of the meeting that the posting requirement was met.
5. All votes taken during those meetings shall be by roll call vote.
6. During the teleconference meeting, at least a quorum of the Board must participate from locations within the District's boundaries.

ARTICLE 3: MEMBERSHIP OF THE FIRE DISTRICT BOARD

The Board of Directors of Burney Fire Protection District shall consist of five (5) members serving four-year, staggered terms. By state law, a resident of the District who is a registered voter over 18 years of age living within the District, shall be eligible to serve as a Board member. The election of the Board members shall be conducted as provided by California Law.

3.1 Board Orientation

Board Candidate Orientation

The Fire Chief and the Board President (or designee, should the current Board President be a candidate for re-election) are responsible for the appropriate orientation of candidates who have filed for the Board in an election year. Candidates should be invited to attend this orientation as scheduled by the Fire District.

New Board Member Orientation

The Fire Chief in cooperation with the Board President (or designee) shall be responsible for the appropriate orientation and training of new Board members prior to taking their seat on the Board.

The orientation and training session for new Board members shall be for information purposes only to acquaint them with the facilities, equipment, and personnel of the Fire District and provide an overview and/or copies (if requested) of:

1. Fire Board Policies and Procedures (this Manual)
2. District boundaries
3. Labor and other major contracts
4. Brown Act Summary
5. Other Matters Concerning Conflict of Interest
6. The current Fire District budget
7. Board Resolutions
8. District Ordinances
9. Any other important issues or training
10. After taking office, the new Board Member will be provided with additional orientation and issued certain items.

3.2 Training, Education and Conferences

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Board members may also attend or observe certain District training classes as approved by the Fire Chief. The internal training calendar will be provided to the Board members. Directors are encouraged to minimize expense to the District by using online courses where possible.

External Training

It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging, and meals because of training, educational courses, participation with professional organizations, and attendance at local, state, and national conferences associated with the interests of the District.

In the event a Board Director desires to attend training for the District, the request should be made to the Board at a public meeting. The request will then be included as part of the annual budget process.

The Board Clerk is responsible for arranging for Directors for conference and registration expenses, and for per diem (at Fire District mandated per diem allowance.) Per Diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for reimbursement shall be submitted to the Board Clerk, together with validated receipts. 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 put forth by the Fire Chief and by the adopted budget amounts.

1. Utilizing hotel(s) recommended by the event sponsor to obtain discounted rates, Directors traveling together whenever feasible and economically beneficial, and requesting reservations sufficiently in advance, when possible, to obtain discounted fares and hotel rates.
2. A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that, they will not retain their seat on the Board.
3. Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the sessions that will be of benefit to the District. Materials from the sessions may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

Internal District Training

Board members are encouraged to observe fire ground and disaster training events, to foster a better understanding of the knowledge, skills, and abilities required of Command Staff and Line personnel in performing their duties. Request for attendance shall be submitted to the Fire Chief in advance of the training for approval.

3.3 Directors' Compensation and Reimbursement

The Fire District does not provide financial compensation to Board members for attending Board meetings.

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

3.4 Directors' Apparel and Equipment

The District may provide a District "Director" official nametag, Burney Fire District plastic laminated photo identification, and a Directors Badge. All of the above items should be displayed only while conducting official District business.

Board members shall not be issued, pagers, radios, or any device that is capable of two-way communication on local, county, state, or federal emergency frequencies or channels. For safety reasons, Board members shall not use two-way communications devices on emergency frequencies or channels without proper license, training, and authorization from the Chief.

District issues I.D.'s, are to be returned to Fire District upon completion of service.

3.5 Board Member Inaction

Pursuant to California Government Code Section 1770(g) an office becomes vacant for *"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."*

Filling vacancies in the office of a Director shall be in accordance with California Government Code Section 1780. Generally, vacancies may be filled by appointment (by the current Board) or by special election.

3.6 Board Elections

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

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

The County Clerk, serving as elections officer, has total responsibility for the conduct and administration of District elections.

ARTICLE 4: OFFICERS AND COMMITTEES OF DISTRICT BOARD

It shall be a policy of the Fire District Board to elect officers of the Board during the month of December.

4.1 Board Officers

The Board will hold annual elections at its December meeting for President and Vice President. The terms for President and Vice President shall commence on the first day of January and end on the thirty-first day of December. The President and Vice President shall be elected for a one-year term with no officer serving more than two consecutive terms in any one position. The Vice President shall become President upon the death, incapacitation, resignation, or removal of the President. In the case that the Vice President succeeds to the Presidency, the Board shall elect a new Vice President at its next meeting. The Board may extend the limit on consecutive terms for an officer from two years to three years by a "super-majority" vote of the Board. Greater than 79 percent of the current Board members must approve such an extension.

4.2 President Duties

- a) Presiding Officer of the Board meetings.
- b) Shall collaborate with the Fire Chief to determine the agenda for each Board meeting.
- c) Shall sign all documents on behalf of the Board and District as required.
- d) Shall have the same rights and responsibilities as other Directors to participate in and vote at Board meetings.

4.3 Vice President Duties

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

4.4 Board Standing Committees and Liaisons

Through the open meeting process, the Board of Directors shall outline and/or approve the duties and responsibilities of individual Board members appointed to committees. No more than two Board members shall serve on standing and ad hoc committees. Ad hoc committees shall be considered dissolved upon submission of the final report unless their standing is continued by a vote of the majority of the Board members.

ARTICLE 5: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD

It is the policy of the Fire District Board to exercise those powers granted to it by California Law and to carry out those duties assigned to it as may best meet the fire and life-safety needs of the District.

5.1 Board Responsibilities and Duties of Fire Chief

Important activities of the Fire Board are the formulation of policies and rules regarding Fire District programs and services. In carrying out its legislative and policy-making responsibility, the Board shall delegate the administrative, personnel, and executive functions to the Fire Chief.

5.2 Code of Ethics

Board members shall attend a two-hour Ethics Training for local agency officials, every two years, as required by AB1234.

5.3 Board Members Meeting Participation

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

5.4 Board Members Decorum

It is understood that Board Members will not always agree. Board members have the right to maintain and express differing viewpoints, styles, opinions, and values. Nonetheless, Board members should aspire to respect the dignity of their office and to observe common standards of decorum to the extent possible.

In order to assist in the governing of the behavior between and among members of the Board of Directors, the following rules shall be observed:

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

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

5.5 Board Members Responsibility to Constituents

Board Members, individually and collectively, act as representatives of the citizens of the Fire District in maintaining and promoting fire and life-safety needs of the District.

5.6 Board Members Action and Service

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

5.7 Board Members Memberships and Continuing Education

The Fire District Board encourages members to participate in organizations such as the Fire District Association of California, California Special District Association, and others with similar benefits to the District. Through the yearly Budget process, membership fees and reasonable expenses for meetings, seminars, and training sessions may be considered for payment by the Fire District.

5.8 Board Members Conduct and Responsibilities

The Fire District Board Members shall observe the following code of conduct designed to guide their actions in carrying out their responsibilities. A Fire District Board Member should strive to:

1. Understand that their basic function is "policy" and not "administration".

2. Not make commitments outside of Board meetings on any matter relating to the Fire District, which should come before the Board as a whole.
3. Whenever possible, utilize the "Reports and Requests" Section of meeting agendas to educate Board Members about information obtained outside of scheduled meetings (either during one-on-one or while in attendance at public or other meetings) that may be relevant to the District.
4. Recognize that they have no legal status to act for the Board outside of official meetings, without specific approval from a quorum of the Board of Directors.
5. Respect the rights of Fire District constituents to be heard at official meetings within established parameters and guidelines for public testimony.
6. Make decisions only after available facts bearing on a question have been presented and discussed.
7. Accept the principle of "majority rule" in Board decisions.
8. Recognize that the Fire Chief should have full administrative authority for properly discharging duties within the limits of established Board policies.
9. Recognize that the Fire Chief or designee is the technical advisor to the Board.
10. Present personal criticisms, complaints, or problems regarding Fire District operation directly to the Fire Chief and discuss them at a regular meeting only after failure of an administrative solution.
11. Declare conflicts of interest into the public record.
12. Conduct all Fire District business in an ethical manner.
13. Not use their position on the Fire District Board in any way, whatsoever, for access to personal gain.
14. Position themselves so as not to interfere with emergency operations or become a distraction to Command or staff, if observing Fire District personnel while they are engaged in District business or emergency operations.
15. Observe the chain of command under the direction of the Fire Chief or their authorized designee as defined by the Incident Command System (ICS, if assigned to the Emergency Operations Center (EOC) during an emergency or disaster operation.
16. Maintain a work environment free of all forms of harassment, discrimination, and retaliation. All Directors must be familiar with and in compliance with the District's Policy prohibiting such behaviors. All new Directors shall participate in Harassment, Discrimination, and Retaliation Training within one year of joining the Board if they have not already done so.
17. Give staff and contemporaries the respect and consideration due to skilled professional personnel.

Directors are also responsible for monitoring the Fire Chief's progress in attaining District goals and objectives while pursuing its mission. Directors shall practice the following:

1. When seeking clarification on informational items, Directors may directly approach the Fire Chief or appropriate staff to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
2. When handling complaints from residents and property owners of the District employees, said complaints shall be referred directly to the Fire Chief.
3. When handling items related to safety, safety concerns, or hazards shall be reported to the Fire Chief or in their absence, the Duty Chief.
4. When seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, said concerns shall be referred directly to the Fire Chief.
5. When approached by District personnel concerning specific District policy, Directors shall direct inquiries to the appropriate staff supervisor if known. The Fire Chief shall also be made aware of personnel concerns.

The work of the District is a team effort. All individuals shall work together in the collaborative process, assisting each other in conducting the affairs of the District. When responding to constituent requests and concerns, Directors shall be courteous, positively responding to individuals and routing their questions through appropriate channels and to responsible management personnel.

Director's function as a part of the whole. As such, issues of concern involving the Fire District should be brought

to the attention of the Board as a whole, rather than to individual members selectively.

5.9 Board Member Discipline

Censure: The Board reserves the right to censure, criticize, disapprove, or condemn actions taken by individual Board members if their actions exceed the grounds of authority conferred upon Board members by the law or if by their actions, they fail to fulfill their fiduciary duty to the District.

The right to censure a fellow elected official is established by case law. Censure is a disciplinary matter and, as such, the person who is proposed for censure has a right to due process (i.e., hearing on the charges). Boards may also pass resolutions criticizing, disapproving, or condemning a Board member for their conduct.

5.10 Board and District Public Communication

In the course of normal events, Board members should refer news media inquiries to the Fire Chief as the District's designated spokesperson.

However, Board members as elected officials have all of the rights and privileges of any private citizen to speak with the news media. If a Board member finds it necessary to speak to the media regarding the Fire District, that member should be clear that they are speaking as an individual and not as a spokesperson for the Board. In order to speak for the Board, any individual Board member must be authorized by the Board. When speaking to the media on matters not related to the Fire District, any Board member should clearly state that they are speaking as a private citizen and not as a Board member.

5.11 Board Philosophy for Fire District Reserves

The Fire District's Reserve Policy has been developed to ensure adequate ongoing funding for operating expenses and liabilities to maintain funds for specific purposes and future uncertainties and to uphold the District's investment-grade bond ratings. In addition, the District is to maintain a minimum fund balance of at least 50 percent of the operating revenues in the General Fund at Fiscal Year-End. The policy also ensures that the District's fiscal management adheres to all related Government Accounting Standards with proper classifications applied to all Reserve Funds. Specifically, the District maintains classified Reserve funds for the following:

- General Fund (Committed)
- BFPD Contingency Designation (Assigned)
- BFPD Public Employees Retirement System (PERS) Designation (Assigned)
- BFPD Capital Improvements Designation (Assigned)

5.12 Fire Board Employee Compensation Policy

The Fire Board values its represented and unrepresented employees and seeks to provide equitable compensation for each group and classification.

Principle No. 1 – Recruitment and Retention: Compensation should, when economically feasible, be set at a level sufficient to recruit and retain employees who are qualified and committed to providing high-quality services to the community. One critical measure of whether compensation meets this criterion is whether there are a sufficient number of qualified applicants for advertised job openings.

Principle No. 2 – Fairness: The Board should strive to ensure its compensation program is fair and equitable from all legitimate perspectives, including the perspectives of the community, labor, and management. The District may choose to survey public and private employers to evaluate the appropriateness and fairness of its compensation program. The Board is directly accountable to the District's constituents, and the Board accordingly retains the discretion to determine the fairness of all compensation programs.

Principle No. 3 – Transparency: Compensation for all District employees should be 100% transparent – i.e., the public should be able to see all pay elements, including the cost of all health, pension, and welfare benefits, applicable to each employee. District pay packages should be simple and easily understood. Safeguards must be in place to prevent abuses such as pension spiking and maximizing overtime through manipulation.

Principle No. 4 – Fiscal Sustainability: All compensation commitments must be made consistent with principles of fiscal sustainability and to ensure the District’s long-term success in achieving its mission. Compensation adjustments must not compromise the District's ability to successfully meet its ongoing and future financial commitments.

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

Principle No. 6 – Economic Climate: The District may consider the overall economic climate and condition affecting the District and its constituents when setting compensation levels, including regional economic indicators such as the rate of unemployment, inflation, current and projected revenues, and the District’s anticipated ability to pay in the long term.

Principle No. 7 – Legal Compliance: The District will ensure that its pay practices comport with the Federal Fair Labor Standards Act and, to the extent legally applicable, State law. The District renews its commitment to negotiate in good faith with labor pursuant to the Meyers-Milias-Brown Act ("MMBA") and to abide by all requirements of the MMBA.

Principle No. 8 – Flexibility: The District may strive to remain flexible and innovative in light of changing conditions and improving technologies and may continually re-evaluate its pay practices to ensure they are consistent with best practices.

5.13 Collective Bargaining Agreement

It is the policy of the District Board to engage in discussions for the purpose of reaching agreements with recognized employee groups (Represented Safety, Represented Chief Officers, Unrepresented Miscellaneous), as required in the Meyers Milas-Brown Act. The District Board should not directly engage in negotiations itself but reserves the right to delegate to:

- The Fire Chief,
- A contract negotiator,
- A designee,

During contract negotiations, a Board member should limit communication with the bargaining group on matters pertaining to the negotiation. Board members shall not negotiate directly with represented labor groups and cannot agree to anything as an individual or on behalf of the Board.

The Memorandum of Understanding (MOU) is entered into by and between the BURNEY FIRE PROTECTION DISTRICT (District), a California Special District and the A PROFESSIONAL FIREFIGHTERS LOCAL (Union), pursuant to Government Code 3500, et seq.

The MOUs, including side letters to such, are of no force or in effect in regard to matters within the authority of the District Board of Directors until such matters are adopted by a roll call vote of the Board.

ARTICLE 6: DELEGATION OF BOARD AUTHORITY

The Fire District Board has primary responsibility for the approval of District policy, contracts, plans, and procedures and for the appraisal of the ways in which these decisions are implemented and results obtained. The Board recognizes its authority to delegate specific responsibilities to the Fire Chief for the implementation of the programs and services of the District.

6.1 Board Approval of Fire Chief Position

The Board will approve a position description for the Fire Chief as per District Policy. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of employment.

6.2 Responsibilities of Fire Chief to the Board

The Fire Chief shall serve as the Executive Officer of the Fire District. Responsibilities of the Fire Chief may include but not limited to:

1. Preparing the agenda in collaboration with the Board President for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required.
2. Bringing to the attention of the Board matters requiring its consideration.
3. Reporting periodically to the Board on the progress of the programs in the District.
4. Addressing personnel, financial, and capital improvement matters under the direction of the Board.
5. Reporting to the Board, appointments, demotions, transfers, and dismissals in accordance with the policies of the Board as applicable.
6. Provide succession planning for management and personnel within the District, as needed, to ensure that the District's long-term goals and objectives are met.

6.3 Fire Chief Evaluation

The Board shall establish a process for evaluating the Fire Chief on an annual basis.

6.4 Delegation of Authority to the Fire Chief

The Fire District Board delegates authority, to the Fire Chief, the function of specifying the required actions and designing the detailed arrangements under which the Fire District will be operated. Such administrative policies and procedures will detail the operations of the Fire District.

6.5 Fire Chief Administrative Actions

When urgent or emergency action must be taken on issues where the Board has provided no guidelines, the Fire Chief shall have the authority to act as they deem appropriate. Such decisions or actions shall be subject to review by the Board at its next regular meeting.

ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS

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

7.1 Meeting Location

Regular meetings of the Fire District Board shall be held at Burney Fire Station, 17, on the third Tuesday of each month at 3:00 p.m. unless by specific action of the Board, State Legislation or Governor's Executive Order.

The Presiding Officer and the Fire Chief shall ensure that appropriate information is available for the audience at meetings of the Board of Directors and that physical facilities for said meetings are functional and appropriate.

7.2 Regular Meetings

The Brown Act requires that the Fire District shall post an agenda, at least seventy-two (72) hours prior to the time of all regular meetings. The agenda will include but is not limited to, all matters on which there may be discussion and/or action by the Board. The agenda shall be posted conspicuously for public review at all District Fire Stations and to the District's Website. All Board meetings are open to the public, except as provided for Closed Sessions.

Notice of all meetings and a copy of the proposed agenda will be sent to all persons making requests (if possible, in writing) and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act. Agendas will be posted on the District's website.

A nominal charge may be charged for copies of public records in accordance with the Districts' Schedule of fees.

It is the intent of the Fire District Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

7.3 Special Meetings

The Presiding Officer of the Board or a majority of the legislative body may call a Special Meeting. Notice of a Special Meeting must be provided 24 hours in advance of the meeting to all of the legislative body members and to all media outlets who have requested notification. The notice also must be posted at least 24 hours prior to the meeting in a location freely accessible to the public. Notice is required even if the meeting is conducted in closed session.

7.4 Emergency Meetings

An Emergency Meeting may be called by the District Board for "emergency situations" as defined by California Government Code Section 54956.5. All of the special meeting provisions apply to emergency meetings, except for the 24-hour notice requirement and the minutes will identify a list of persons the Presiding Officer notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting. These minutes shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

7.5 Standing Committees

Standing Committees may meet monthly or as necessary concerning their respective responsibilities and/or duties. Agendas shall be noticed and published in the same manner as Regular meetings. Reports, findings, and recommendations may be forwarded to the full Board for its consideration. Meetings may include closed sessions as necessary under the law.

7.6 Ad-Hoc Committees

Ad hoc committees appointed by the Board shall meet as necessary in accordance with their specific mission and purpose. An Ad hoc committee generally has a limited purpose and/or a limited span or time frame. These committees exist as long as necessary to accomplish their goal after which they are disbanded. There are no notice, agenda, or minutes requirements for ad-hoc committees. As with all Committees, the maximum number of directors that may be on an ad hoc committee is two.

7.7 Study Sessions

Study sessions may be scheduled from time to time to allow the Board to focus closely on a specific subject. The notice and agenda requirements for a Study Session are the same as those for a regular Board meeting. No action may be taken at a Study Session except providing direction to staff to initiate agenda items for future Regular Meetings.

7.8 Agendas

The Agenda shall list the items for the Board's consideration by number with a brief statement of the subject matter for each of the items. The agenda should include suggested actions or recommendations from the Fire Chief. The business of each regular meeting of the Board shall be in the order as printed on the agenda or as directed by the Presiding Officer.

- Call to order.
- Pledge of Allegiance.
- Attendance and Determination of Quorum
- Approval of agenda.
- Public Comment Period for Non-Agenda Items.
Any member of the public may address the District Board on any subject pertaining to District business, which is not listed on the agenda. This comment is provided by the Ralph M Brown Open Meeting Act (Government Code § 54950 et seq.) and will be limited to three (3) minutes for any person addressing the Board. Any request that requires Board action may be set by the Board for a future agenda or referred to staff.
- Presentations (If required).
- Consent Calendar.
Consent calendar items are considered routine and are acted upon by the Board with a single action. Members of the audience wishing to provide public input may request that the Board remove the item from the Consent Calendar. Comments will be limited to three (3) minutes.
- Correspondence & Communications.
 - *Public Correspondences*
 - *Written communications to the Board for possible action and/or review*
 - *Committee Reports*
 - *Report from standing or active ad-hoc committees*
 - *Chief's Monthly Report*
 - *Director Matters*
- *District Business*
 - *New business or previously tabled agenda items to be presented/ or acted upon by the Board*
- Closed Session, (if required).
- Adjournment.

Agenda Item Requests - Board Members

The Fire Chief in, collaboration with the Board President, or in their absence, the Presiding Officer, shall prepare

an agenda for each regular, special meeting, or emergency meeting of the Board of Directors. Any Board member may request the placement of any item related to District business on the agenda of an upcoming scheduled regular Board Meeting in one of four ways:

1. By voicing a request during the open session of a Board Meeting that an item be placed on the agenda for the following meeting
2. By submitting a request, outside of a Board Meeting, to the Board President or the Fire Chief with a copy to the Clerk of the Board.

The Agenda Item request from Board members will be placed under the “Proposed Agenda Items” section of the agenda. If the Board approves the Agenda Item request, that item will be placed on the upcoming regularly scheduled Board Meeting and the requestor will work with staff to provide necessary reports and/or attachments for the Board Meeting packet.

All requests for agenda items are subject to the requirements and limitations of the open meeting laws of the State of California must be within the subject matter jurisdiction of the Board and shall be consistent with these rules governing Board roles and responsibilities. Barring urgent matters or other exigent circumstances, all agenda requests should be made at least six weeks prior to the next Board meeting. If appropriate, requested agenda items may be combined or other items of similar subject matter for purposes of parliamentary convenience.

Agenda Item Requests - Members of the Public

Any member of the public may request consideration that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors. The request may be made during the public comment portion of any Board meeting. The process for determining Agenda items for future Board Meetings is as follows:

1. A majority vote of the Board of Directors may direct staff to place specific matters on a future meeting agenda.
2. The Fire Chief, through collaboration with the Board President, may add appropriate items to Board meeting agendas as outlined in Section 4.2.

Consent Agenda

Items of recurring nature that are routine and non-controversial may be included for consideration. These items will be determined during agenda-setting meetings between the President and Fire Chief.

7.9 Closed Sessions

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

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

The Brown Act states that the legislative body of any local agency shall publicly report actions taken in closed session as well as the vote or abstention on that action of every member present when the body acts to do one of the following:

1. Approve an agreement concluding real estate negotiations.
2. Grant legal counsel permission to defend litigation.
3. Grant legal counsel permission regarding settlement of litigation.
4. Act to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee.
5. Act to approve an agreement concluding labor negotiations.
6. Make a decision regarding a pension fund investment transaction.

7.10 Quorum

A quorum is the minimum number of members of a deliberative body necessary to conduct the business of the Fire District Board. Three members of the five-member Board must be physically present within the District to conduct Fire District business.

7.11 Public Comments

Public comment is encouraged at all Board meetings. Public comment is limited to three minutes per speaker, which may be waived or modified by the Board President.

There are two opportunities for public comment:

1. *Public Comment for Non-Agenda Items* - Under "Public Comment Period for Non-Agenda Items," the public may address the Board on any subject NOT listed on the agenda. Each speaker may address the Board once under Public Comment for a limit of three minutes. Speakers will be asked (but are not required) to clearly state their name and address or political jurisdiction where they live. The Board cannot act on items that are not listed on the agenda and, therefore, the Board cannot respond to non-agenda items brought up under Public Comment other than provide general information.
2. *Public Comment for Agenda Items* - District policy assures members of the public the opportunity to speak to any regular or special meeting agenda item before final action is taken. This opportunity to speak is during the public discussion portion of each agenda item and must be related to matters under consideration for that agenda item.

7.12 Presiding Officer

The Board President shall normally preside at meetings of the Board. In the absence of the Board President, the Board Vice President shall preside. In the absence of both the President and the Vice President, the first order of business at the Board meeting shall be the appointment, by the Board members present, of a presiding Board member to chair the meeting.

ARTICLE 8: MEETING MINUTES, PUBLIC RECORDS

8.1 Board Meeting Minutes

The minutes of the meetings of the Fire District Board shall provide the information required by law and Board policies. Minutes shall be maintained in the Administration Office of the District, however, an additional posting of the Board Minutes may be found on the Burney Fire District Website.

8.2 Board Clerk

The Board Clerk performs various administrative and managerial duties such as, preparation of the Board agenda, facilitation of the execution of official and legislative processes, which includes administering provisions of the Political Reform Act of 1974, attesting to the passing of resolutions and ordinances, and participating in the Fire District Board Meetings.

The Board Clerk also records official actions and legislation of the District, documenting the proceedings of meetings and retaining other legal and historical records. Records are maintained while providing appropriate public access to District business. The Board Clerk manages the proper maintenance and disposition of District records and information according to the Retention Schedule and helps to preserve District history.

8.3 Board Meeting Minutes-Public Record

The official minutes of Board meetings, including supporting documents, shall be governed by the District's Records Policy.

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

1. Date, place, time, and type of each meeting.
2. Directors present and absent by name.
3. District Staff in attendance
4. Time the meeting is called to order.
5. Approval or amended approval of the Minutes from previous Board meetings.
6. Name and address (if provided) of any persons giving public comment during the designated time.
7. Summary only, of discussion for each agenda item.
8. Documentation of Roll Call vote, by Director's name and vote (aye, nay, abstain or absent), for each agenda topic action motion.
9. Adjournment time of the meeting.

The following items shall also be included in Minutes, when relevant:

1. The arrival time of tardy Directors, by name.
2. Any pre-adjournment departure time of Directors, by name, or if an absence takes place when any agenda items are acted upon.
3. Any new material or documents received during the Public Hearing must be made available to all Board members, staff, and the public. Said materials will be recorded into the Minutes and included as attachments to the Minutes in perpetuity.

8.5 Board Electronic Communications Policy

The District has established an Information Technology Use policy to which users are expected to adhere. The purpose of this policy is to ensure the proper use of District technologies and all District Board members are accountable under the policy.

The Electronic Communication Policy covers such items as Personal Use, Protocol for Use, Unauthorized Purposes, Authorized Hardware and Software Configurations, Data Backup, Security, Internet Use, Shared Resources, the Public Records Act, Confidentiality, Privacy, and Misuse.

The Information Security Procedures include such items as Passwords and the Use of the District Network with Non-District Equipment.

The complete text of the policy can be found in the District Policy Manual.

Information Technology Use

Each member of the District's Board of Directors will be provided with an e-mail account on the District's server. The District's website provides the public with a link to these e-mail addresses. **Members of the Board of Directors should use only their District e-mail accounts for all District business and should not use their personal or business e-mail accounts for this purpose.**

The District will retain all incoming and outgoing e-mail messages from the Board of Directors e-mail accounts on the District's server for two years. These e-mail messages are public records and are subject to disclosure through the provisions of the Public Records Act, with rare exceptions.

ARTICLE 9: RULES OF ORDER DURING MEETINGS

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

9.1 Points of Order

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

9.2 Decorum and Order - Board Members

Any Board Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine themselves to the question under debate.

1. A Board Member desiring to question the staff shall address their question to the Fire Chief who shall either answer the inquiry or designate a staff member for that purpose.
2. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, unless another Board Member raises a Point of Order, or unless the speaker chooses to yield to questions from another Board Member.
3. Any Board Member called to order while they are speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, they shall be permitted to proceed. If ruled to be not in order, they shall remain silent or shall alter their remarks to comply with the rules of the Board.
4. At all times, Directors shall conduct themselves with courtesy to each other to staff and members of the audience present at Board meetings and public sessions.
5. Any Board member may invite any members of the public to speak at a Board meeting during the period reserved for public comment.

9.3 Decorum and Order - Employees

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to Board Members.

9.4 Conflict of Interest

All Board Members are subject to all provisions of California law relative to conflicts of interest and conflict of interest codes adopted by the Board. Any Board Member prevented from voting because of a conflict of interest shall state the basis for the conflict, recuse themselves and leave the room for the duration of the debate, and vote on the item.

9.5 Limitation of Debate

Under normal circumstances, no Board Member should speak more than once upon any one subject until every other member choosing to speak thereon has spoken.

9.6 Dissents, Protests, and Comments

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

9.7 Rulings of Presiding Officer Final Unless Overruled

In presiding over meetings, the Board President or Presiding Officer shall decide all questions or interpretation of these rules, points of order, or other questions of procedure requiring rulings. Any such decision or ruling

shall be final unless overridden or suspended by a majority vote of the Board Members present and voting and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

9.8 Actions Not Invalidated

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

9.9 Actions

The Board may act only by ordinance, resolution, or motion. For example, Board actions setting rules for long-term application are taken by ordinance, whereas more routine business and administrative matters (usually more temporary in nature) are accomplished by "resolutions."

The "motion" (assuming it passed) is a Board action that is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it (unless a minute order is requested).

9.10 Processing of Motions

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. The mover, without the consent of the person seconding it, shall not withdraw a motion, so stated.

9.11 Motions Out of Order

By majority consent of the Board, the Presiding Officer may at any time, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

9.12 Division of Question

If the question (motion) contains two or more divisional propositions, and a Board member thinks that one of the amendments needs to be carved out and voted on separately, they can insist that the presiding officer divide the question and take a vote on one or more of the propositions on the list.

9.13 Precedence of Motions

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

1. Adjourn
2. Fix hour of adjournment
3. Table
4. Limit or terminate discussion
5. Substitute, Reconsider or Amend
6. Postpone

A. Motion to Adjourn - Not debatable

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

1. When repeated without intervening business or discussion
2. When made as an interruption of a Member
3. When discussion has been ended and vote on the motion is pending
4. When a vote is being taken a motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

B. Motion to Fix Hour of Adjournment - Not debatable

Such a motion shall be to set a definite time at which to adjourn and shall not be debatable and amendable except by unanimous vote.

C. Motion to Table - Not Debatable

A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

D. Motion to Limit or Terminate Discussion - Not Debatable

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

E. Motion to Amend - Debatable

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

F. Motion to Continue - Debatable

Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and time set.

G. Reconsideration - Debatable

Any Board Member who voted with the majority may move for a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent to the Board.

H. Voting Procedure

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Presiding Officer voting last. The Clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond 'aye' or 'no' or 'abstain.' Any Board Member not audibly and clearly responding 'no' or 'abstain' or otherwise registering an objection shall have their vote recorded as 'aye.'

9.14 Tie Votes

Tie votes shall be considered a no vote or denial.

ARTICLE 10: PROCEDURE FOR ADOPTING A RESOLUTION

Actions of the Board on matters of policy or procedure of a less formal nature than the subject of an ordinance is taken by resolution, which is effective upon adoption. Ordinarily, resolutions should be prepared in advance. The procedure for adoption is:

1. Motion
2. Second
3. Discussion
4. Vote, pursuant to the methods set out for motions
5. Result declared

When a resolution has not been prepared in advance, the Board may adopt the resolution by title. In that case, the general counsel or staff shall prepare the form of the resolution for presentation at the next meeting.

ARTICLE 11: PROCEDURE FOR ADOPTING AN ORDINANCE

The Board shall adopt Ordinances Pursuant to Government Code Sections 25120 et seq.

All ordinances shall be placed on the agenda for regular meetings by title and a brief description of the content. (An exception is an urgency ordinance, which may be adopted at a special meeting.) The procedure for adoption is:

1. Discussion
2. First Reading/Introduce the Ordinance
 - a) Motion to waive reading of the entire ordinance and read by title and number only must be carried by a majority.
3. Reading of ordinance (or title) by the Clerk of the Board
4. Motion to introduce.
 - a) Moved by:
 - b) Seconded:
 - c) Carried by:
5. Adoption/Second Reading, in general, must be adopted at a regular meeting or a regular adjourned meeting, not earlier than five (5) days following introduction.
6. Second Reading/Adopt the Ordinance.
 - a) Except as specified by law, ordinances become effective 30 days after final passage providing the ordinance has been published within 15 days of adoption in a newspaper of general circulation in the District.

ARTICLE 12: PROCEDURE FOR PUBLIC HEARING

12.1 General

When public hearings are required by law, they are considered a quasi-judicial proceeding in which the individual has due process rights. Accordingly, such hearings need to be conducted formally and with due process to protect the right of all persons. Applicants are entitled to a decision by an unbiased body that has not prejudged the matter before hearing all the evidence relevant to the decision to be made.

12.2 Staff & Written Material Presentation

Staff report

Staff reports should include, but not be limited to, historical information, findings, potential budget impacts, findings, determinations, and possible recommendations on the item the Board is taking under consideration. There may also be written comments (e.g., protests, etc.), or other forms of documentation, which have been received and filed in advance of the meeting and included as part of the board packet.

New written Material

Written material not in the agenda packet, if any is received and filed. Any new material or documents received during the Public Hearing must be made available to all Board members, staff, and the public. Said materials will be recorded into the Minutes and included as attachments to the Minutes in perpetuity.

Oral Report

Unless waived by the Board, Oral staff reports are presented by a staff member, unless there is none.

Board questions of Staff

Prior to hearing public testimony or comments, Board members are encouraged to raise factual issues or questions that can clarify and identify issues of concern. Board members shall refrain from asking a question or expressing opinions, which tends to show the board members have formed opinions before the hearing has been conducted and public testimony received.

Record

All the aforementioned materials shall be deemed a part of the public record, even though the public hearing is not opened until the conclusion of the staff report. All discussions following the close of the hearing are also part of the record of the matter.

12.3 Public Hearing

Following the presentation of the staff report, the Presiding Officer shall open the public hearing to take testimony from members of the public who wish to testify in support or opposition to the matter being heard. The Presiding Officer may establish an order for speakers, such as those in favor or opposed.

Procedures

Based on the number of persons wishing to speak, ground rules can be set as long as they are evenly applied, limiting speaker times, providing representative speakers, and so forth. The Presiding Officer's instructions to the audience may vary and will depend upon the issues being discussed. Generally, the instructions will follow these guidelines.

1. Participants must speak from the podium.
2. The normal time limit for each speaker is three minutes.
3. The testimony should be relevant to the hearing topic.
4. Speakers will be discouraged from reading a submission that is already contained in the agenda materials.

Speaker time

Although the time limit is three (3) minutes for each speaker, the Presiding Officer may grant additional time to

a representative speaking for an entire group. However, they should not discourage anyone from addressing the Board individually. Speakers may not allocate or assign their time to another speaker, absent approval by the Presiding Officer.

Principal Parties

The principal party, or their representative, speaks first and will be allowed ten (10) minutes. Other speakers will follow the presentation by the principal party or their representative. The principal party or representative will be limited to a three-minute rebuttal if requested after all other interested persons have spoken. The Presiding Officer may grant additional time, to the principal party or their representative, at their discretion.

Questioning Speakers

The Board will reserve questioning of individual speakers until after the completion of the speakers' testimony. Questions still need to be factual, and without bias, until the hearing is concluded and all testimony is received. Questions of staff should not be interjected when speakers are questioned and questions of staff shall occur after the close of the hearing.

12.4 Board Deliberations

Closure of Hearing

When the Presiding Officer has determined there is no more public testimony, the hearing will be ordered closed and the Board will then deliberate on the matter. Once the hearing has been closed, there will be no further public testimony, unless the Presiding Officer reopens the hearing.

Answering Speakers Questions

After the close of the hearing, and at the Presiding Officer's discretion, staff and /or Board members may answer questions posed by speakers during their testimony.

Questions by Board Members

The Board may also ask staff to address questions raised by the testimony or to clarify matters.

Debate

The Board will then debate and/or make motions on the matter.

Board Member Limitations

During deliberations, the Presiding Officer will allow each Board Member to speak once prior to allowing another Board Member to speak again. Board members should strive to avoid repetition, however, are permitted to ask questions of each other or debate relevant issues as part of their deliberations.

12.5 Board Action

Continuance

The Board may reopen and continue the hearing or continue the matter without reopening the hearing.

1. The matter should be reopened when Board requested information has been obtained, to allow for additional public testimony on the new information.
2. Continuing a public hearing to a specific date does not require additional notice, but would be re-noticed, if no specific date were identified.

Actions

The Board may:

1. Vote on the item.
2. Offer amendments or substitute motions to decide the matter.
3. Reopen the hearing for additional testimony.
4. Continue the matter to a later date for a decision; however, no additional testimony may be received if the hearing is not continued.

Finding

Board members should generally explain their actions in quasi-judicial matters and should make appropriate findings to support their action. Written resolutions may be adopted or prepared for a subsequent meeting.

Tie Votes

A tie vote is, in effect, a denial of the matter. In the event of a tie vote, the matter will be automatically continued to the next meeting without reopening the hearing, in the following circumstances: (i) if a Board member was absent, or (ii) if it was a quasi-judicial matter. No motion to reconsider is required.

12.6 Extra-Meeting Contact on Matters Set for Public Hearing

Minimize Contact

Board members should minimize their contact with persons who will be the subject of a quasi-judicial public hearing to be heard before the Board. Board members should avoid extra-meeting contacts or discussion with persons, advocacy, or special interest groups, regarding the topic of a future public hearing.

Any Extra Meeting Comments Noncommittal

If a Board Member is contacted directly by such person, outside the meeting setting, the board member shall refrain from expressing any viewpoints, or thought process, to the person until after the public hearing. The Board member may explain that they are unable to express any views on the matter until all evidence has been heard in the course of a public hearing and should encourage any such person to present their position in writing or orally at the public hearing.

Disclosure

At the commencement of the public hearing, the Board member must publicly disclose any extra-meeting contact or discussion that may be relevant to the decision.

Inspection

The limitations set forth in this section shall be read as not to prevent a Board member from inspecting a site that will be relevant to a public hearing. However, at the beginning of the public hearing, the Board member shall disclose the site inspection, for the record.

ARTICLE 13: PROCEDURE FOR FIRE CODE APPEALS

Filing of appeals shall be in conformance with the California Fire Code then presently in force. Appeals must be in writing and must be filed within ten (10) days after the actions, which constitutes the basis for the appeal. All appeals shall set forth in detail each matter appealed and the facts upon which the appeal is made. In addition, persons filing for appeal(s) are encouraged to meet with the fire chief and/or their designated representative(s) before the hearing in an attempt to resolve the grievance(s), if possible. This meeting will not only afford an opportunity to resolve the grievance but will also provide the fire chief an opportunity to formulate a recommendation to the Board of Directors that could include possible mitigation, alternatives, or concessions.

Within thirty (30) days of receipt of an appeal, the District Board shall conduct a hearing. Appellant may request that the appeal be scheduled more than thirty (30) days after receipt of the appeal with the approval of the fire chief. Written notice of the date, time, and place of the hearing shall be served upon the appellant not later than ten (10) days preceding the date of the hearing. The hearing on the appeal shall appear on the District Board's agenda as a Public Hearing on New Matters item.

The hearing shall be conducted informally, and the appellant and the District staff shall be afforded the opportunity to present evidence and testimony on all relevant issues. Appellant may be represented at the hearing by counsel at the appellant's expense. The provisions of the California Administrative Procedures Act (Government Code § 11500, et seq.) shall not apply to the hearings, nor shall any formal rules of evidence in civil or criminal judicial proceedings be applicable. The Presiding Officer may impose reasonable limitations on the number of witnesses heard, and on the nature and length of the testimony.

At the conclusion of the hearing, the appeal shall be placed on the agenda for the next regularly scheduled meeting of the District Board for action on the New Business item. The District Board shall decide the appeal based upon the evidence and testimony presented at the hearing. The District Board, on motion, may grant or deny the appeal, or issue such other direction to the fire chief as permitted under the Uniform Fire Code or regulations promulgated thereunder by the Board. The District Board shall direct the Clerk of the Board or staff to notify the appellant in writing of the District Board's action on the appeal within ten (10) days.

ARTICLE 14: FIRE DISTRICT LEGAL COUNSEL

It shall be the responsibility of the District Board to select legal counsel to represent the legal needs of the District. The Board shall recognize its responsibility to seek the advice of legal counsel whenever it is unclear regarding legal questions or whenever an action being considered by the Board may result in placing the District in legal jeopardy.

Legal counsel for the Fire District may attend Regular Fire District Board Meetings when legal advice, contract consultation, and/or Closed Session interactions deem it necessary by the Board President or the Fire Chief.

In keeping with District Policy and fiscal responsibility, all legal counsel contact from Board members or staff shall have prior approval by the Board President and/or Fire Chief for matters requiring a legal interpretation.

APPENDIX A - ADDITIONAL ORIENTATION AND ACCESSORIES

1. Tour of the District facilities
2. Roster and Phone Lists
3. Shift Calendar
4. Shift Rosters
5. District Map
6. Ethics Training Materials
7. District Harassment Policy Acknowledgement
8. District Information Security Acknowledgement
9. Metal Director badge
10. Laminated plastic photo identification/access badge
11. Lanyard for photo identification badge

APPENDIX B - BOARD STANDING CALENDAR GUIDELINE

Annual Board Agenda Items		
Month	Item	Type

APPENDIX D – LABOR RELATIONS COMMUNICATIONS POLICY

PURPOSE

The purpose of this policy is to set guidelines for the Board of Directors and District staff, in the interest of promoting fairness and integrity in the process, to avoid actions that would circumvent the District's designated bargaining terms to ensure that labor negotiations are conducted in good faith.

STATEMENT OF POLICY

It is the policy of the Board of Directors that all of its members and District staff shall abide by the following guiding principles during any period when labor negotiations are occurring between the District and any District bargaining group.

1. All labor negotiations will be conducted by designated representatives at the bargaining table. All District representatives operate upon the direction of the Board of Directors.
2. No individual Board member will individually negotiate with any bargaining group member.
3. District representatives commit to keeping the Board fully informed and advising them of all substantive proposals.
4. Each Board Member shall inform the Fire Chief at their earliest convenience and disclose in the next closed session the general substance of any communications he or she has had with any District bargaining group member(s) that has any reference to any labor negotiations with the District.
5. Consistent with Government Code section 54963, the confidentiality of closed session discussions will be maintained.