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**BOARD OF DIRECTORS' POLICY AND  
PROCEDURES MANUAL**

## Table of Contents

ARTICLE 1: THE FIRE DISTRICT BOARD .....	1
1.1 Fire District Governing Authority .....	1
1.2 Policy Adopting Governing By Policy .....	1
1.3 Fire District Board Policies .....	1
ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS.....	3
2.1 Basis of Authority.....	3
2.2 Job Description.....	3
2.3 Attendance at Meetings .....	4
2.4 Attendance at Committee Meetings .....	4
2.5 Attendance at Meetings via Teleconference .....	4
ARTICLE 3: MEMBERSHIP OF THE FIRE DISTRICT BOARD .....	6
3.1 Board Orientation .....	6
Board Candidate Orientation.....	6
New Board Member Orientation .....	6
3.2 Training, Education and Conferences .....	6
External Training .....	7
Internal District Training .....	7
3.3 Directors' Compensation and Reimbursement .....	7
3.4 Directors' Apparel and Equipment .....	8
3.5 Board Vacancies .....	8
3.6 Board Elections .....	9
ARTICLE 4: OFFICERS AND COMMITTEES OF DISTRICT BOARD .....	10
4.1 Board Officers .....	10
4.2 President Duties.....	10
4.3 Vice President Duties .....	10
4.4 Board Standing Committees and Liaisons .....	10
ARTICLE 5: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD.....	11
5.1 Board Responsibilities and Duties of Fire Chief .....	11
5.2 Code of Ethics .....	11
5.3 Board Members Meeting Participation .....	11

5.4 Board Members Decorum .....	11
5.5 Board Members Responsibility to Constituents .....	12
5.6 Board Members Action and Service .....	12
5.7 Board Members Memberships and Continuing Education .....	12
5.8 Board Members Conduct and Responsibilities.....	12
Conduct.....	12
Responsibilities .....	13
5.9 Board Member Discipline .....	14
5.10 Board and District Public Communication.....	14
5.11 Board Philosophy for Fire District Reserves.....	15
5.12 Fire Board Employee Compensation Policy .....	15
5.13 Collective Bargaining Agreement.....	16
ARTICLE 6: DELEGATION OF BOARD AUTHORITY .....	18
6.1 Board Approval of Fire Chief Position.....	18
6.2 Responsibilities of Fire Chief to the Board.....	18
6.3 Fire Chief Evaluation .....	18
6.4 Fire Chief Delegation.....	19
6.5 Fire Chief Administrative Actions.....	19
ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS.....	20
7.1 Meeting Location .....	20
7.2 Regular Meetings .....	20
7.3 Special Meetings .....	21
7.4 Emergency Meetings .....	21
7.5 Standing Committees.....	21
7.6 Ad-Hoc Committees .....	21
7.7 Study Sessions.....	21
7.8 Agendas.....	22
Agenda Item Requests - Board Members.....	22
Agenda Item Requests - Members of the Public .....	23
Consent Agenda .....	23
Committee Meeting Agendas .....	23
7.9 Closed Sessions .....	24

7.10 Quorum.....	24
7.11 Public Comments .....	24
7.12 Presiding Board Meeting .....	25
ARTICLE 8: MEETING MINUTES, PUBLIC RECORDS.....	26
8.1 Board Meeting Minutes .....	26
8.2 Board Clerk.....	26
8.3 Board Meeting Minutes-Public Record.....	26
8.4 Public Records Process.....	26
8.5 Board Electronic Communications Policy .....	27
Information Technology Use.....	28
ARTICLE 9: RULES OF ORDER DURING MEETINGS .....	29
9.1 Points of Order.....	29
9.2 Decorum and Order - Board Members .....	29
9.3 Decorum and Order - Employees.....	29
9.4 Conflict of Interest .....	29
9.5 Limitation of Debate .....	30
9.6 Dissents, Protests, and Comments .....	30
9.7 Rulings of Chair Final Unless Overruled .....	30
9.8 Actions Not Invalidated.....	30
9.9 Actions .....	30
9.10 Processing of Motions.....	30
9.11 Motions Out of Order .....	30
9.12 Division of Question.....	31
9.13 Precedence of Motions.....	31
9.14 Tie Votes .....	32
ARTICLE 10: PROCEDURE FOR ADOPTING A RESOLUTION .....	33
ARTICLE 11: PROCEDURE FOR ADOPTING AN ORDINANCE.....	34
ARTICLE 12: PROCEDURE FOR PUBLIC HEARING .....	35
ARTICLE 13: PROCEDURE FOR FIRE CODE APPEALS.....	36
ARTICLE 14: FIRE DISTRICT LEGAL COUNSEL.....	37
APPENDIX A - INFORMATION TECHNOLOGY USE .....	38
Section 1 – Purpose .....	38

Section 2 – Definitions .....	38
Section 3 – Policy .....	38
Section 4 – Privacy Expectation .....	38
Section 5 – Restricted Use .....	39
Section 6 – Software .....	39
Section 7 – Hardware.....	39
Section 8 – Internet Use.....	39
Section 9 – Protection of Systems and Files .....	40
Section 10 – Inspection or Review .....	40
APPENDIX B - ADDITIONAL ORIENTATION AND ACCESSORIES.....	41
APPENDIX C - LIAISON AND COMMITTEES .....	42
APPENDIX D - FIRE CHIEF PERFORMANCE EVALUATION .....	43
APPENDIX E - BOARD STANDING CALENDAR GUIDELINE .....	44
APPENDIX F .....	<b>Error! Bookmark not defined.</b>
APPENDIX G - DISTRICT DISCRIMINATION AND HARASSMENT POLICY.....	56
PURPOSE AND SCOPE .....	56
POLICY.....	56
DISCRIMINATION PROHIBITED.....	56
1. DISCRIMINATION .....	56
2. SEXUAL HARASSMENT .....	56
3. ADDITIONAL CONSIDERATIONS .....	57
4. RETALIATION .....	57
RESPONSIBILITIES.....	57
1. SUPERVISOR RESPONSIBILITY .....	58
2. SUPERVISOR’S ROLE.....	58
3. QUESTIONS OR CLARIFICATION .....	58
INVESTIGATION OF COMPLAINTS .....	58
1. SUPERVISORY RESOLUTION .....	59
2. FORMAL INVESTIGATION .....	59
3. ALTERNATIVE COMPLAINT PROCESS .....	59
DOCUMENTATION OF COMPLAINTS .....	59
1. NOTIFICATION OF DISPOSITION.....	60

TRAINING .....	60
APPENDIX H - LABOR RELATIONS POLICY AND PLAN .....	61
APPENDIX I - LABOR RELATIONS COMMUNICATIONS POLICY .....	64
INDEX .....	65

# ARTICLE 1: THE FIRE DISTRICT BOARD

## 1.1 Fire District Governing Authority

The Humboldt County Board of Supervisors established the Arcata Fire Protection District March 10, 1958. The Fire District is a California Special District (Independent) as a local government agency with taxation authority as established on March 10, 1958.

## 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 Arcata 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 by the Board and to 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. If such an interpretation is deemed to have future significance, an amendment to the applicable policy shall clearly 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 shall remain flexible and be subject to review and change. Such review shall take place as necessary and at least annually at a regularly scheduled Fire District Board meeting in May and shall appear as an agenda item.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

In order to provide consistency, stability and integrity to Board Policies, changes in policies, except in the case of emergency, shall be executed in a precise manner without undue haste.

Adoption, changes, additions to and deletions from or repeal of the established policies shall be accomplished by a majority vote of the Board of Directors in the course of a single meeting.

The assembled policies of the Fire District Board of Directors, known collectively as the Board Policy and Procedures Manual, shall be the reference instrument for conducting the business of the Fire District Board. Appendices to the Policy and Procedures Manual that are not in themselves policies and may be changed as necessary to provide up to date information.



## 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 his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, expenditure, or give individual direction to the Fire Chief, Staff, or the District's Legal Counsel.

Directors do not represent any fractional segment of the community, but are rather, a part of the body, which represents and acts for the community as a whole.

### 2.2 Job Description

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 ultimate responsibility to ensure the lawful and efficient operations of the District. They are the supervisory body for the Fire Chief. It is their responsibility to ratify all annual budgets and expenditures, and to participate in and/or ratify annual salaries, wages and benefits.

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 therefore, and the requirements for entering into closed session. All Board members should be aware of any issue of self-dealing and should abstain from voting on any issues in which the member is interested, or on those involving issues which could somehow affect their tenure or benefits. 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. The Arcata Fire Protection District is defined in accordance with the provisions of California Statutes. The Fire District includes geographical areas lying in the city of Arcata and certain unincorporated areas of Humboldt County, including McKinleyville, bayside, and Manila. The Fire District Board, by policy, shall carry out its responsibilities and the will of the people of the District in keeping with State and Federal constitutions, statutes, and rules, interpretations of the courts, and all the powers and responsibilities they provide.

## 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, as private citizens, attend those specific committee meetings. However, they are members of the public and may not speak, comment or otherwise participate in those Committee meetings, as this would be in violation of the Brown Act. While in attendance at such Committee meetings as members of the public, the Board member may NOT attend the closed sessions of such Committees.

## 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 Arcata 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 Ward which they will represent, 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 a re-election) are responsible for 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. See Appendix C for the complete list.

### 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 on-line 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. Notification should be provided to the Board of Directors for meetings, travel and conferences outside of the District. The Board President or his/her will make prior approval for the expenses necessary designee in consultation with Fire Chief. 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 which reimbursement Directors bill Directors request or which to the District 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 in order to obtain discounted rates, Directors traveling together whenever feasible and economically beneficial, and requesting reservations sufficiently in advance, when possible, to obtain discounted air 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.

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 currently does not compensate Board members.

The Board shall reimburse District Board members for reasonable expenses actually incurred while

on Fire District business. Such reimbursement shall extend only to the bona fide expenses of District Board members, and shall not include recompense for a spouse or companion's costs. Each Board member shall present a statement, supported by appropriate documentation, before reimbursement is made.

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, Arcata Fire District plastic laminated photo identification with lanyard. All of the above items should be displayed only while conducting official District business).

Board members may request emergency radio frequencies to be programmed into their own one-way radio (scanner) for listening to various incidents. 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

Badge, I.D., are to be returned to Fire District upon completion of service. (Note: Certain may be returned to the retiring Director with the approval of the Chief and the Board President.)

Care of equipment and apparel is the responsibility of the Board member.

Should any of the apparel or equipment issued by the District be lost or stolen it may be the Board members responsibility to pay for any replacements. The Board member should file a written notice with the Fire Chief if a loss occurs and discuss replacement options.

### 3.5 Board Vacancies

Pursuant to California State Law, a vacancy on the Board shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months except as authorized by the Board of Directors or any of the following:

1. The death of the incumbent.
2. An adjudication pursuant to a quo warrantor proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident that the incumbent would not be able to perform the duties of his or her office.
3. His/her resignation.
4. His/her removal from office.
5. Place of residence outside the District.
6. A conviction of a felony or any offense involving a violation of his/her official duties.
7. Refusal or neglect to file his or her required oath or bond within the time prescribed.
8. The decision of a competent tribunal declaring voids his/her election or appointment.
9. His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a

drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

Filling vacancies in the office of Director shall be in accordance with California Law. 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 for the purpose of electing 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 shall hold annual elections at its December meeting for President and Vice President. The terms for President and Vice President shall commence on 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. In extraordinary situations, 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

The President shall be the presiding officer of the Board, shall collaborate with the Fire Chief to establish the agenda for the meeting, shall sign all documents on behalf of the Board and District that may be required, and shall have the same rights and responsibilities as other Directors to participate in and vote at Board meetings. The President-elect, with the approval of the Board, shall designate, no later than the January regular Board meeting, Directors who will serve on the various committees, boards, liaison positions for the upcoming year. The President may, at any time, change committees, boards and liaison positions with the approval of the Board.

### 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

The Board President or designee shall outline the duties and responsibilities of a Board member on a Committee at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Registered voters who reside in the District and are not otherwise employed by the District may be appointed to Board Committees (standing or ad-hoc) as non-voting members. 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

The Board of Directors of the Arcata Fire Protection District is committed to providing excellence in legislative leadership that will result in the highest quality of services to its constituents. Pursuant to AB 1234, Ethics Training for Local Officials, passed by the California Legislature on October 7, 2005, requires that all local agencies that provide compensation, salary or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials every two years. There are numerous training options available including an on-line program that will allow local officials to satisfy the requirement of AB 1234 on a cost-free basis.

### 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 takes action, 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 benefit to the District. Membership fees shall be paid by the Fire District and reasonable expenses incurred in attending meetings, seminars, and training sessions shall be paid by the Fire District.

### 5.8 Board Members Conduct and Responsibilities

#### Conduct

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 his/her basic function is "policy" and not "administration".
2. Refuse to make commitments on any matter, 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 he/she has no legal status to act for the Board outside of official meetings;
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. Refuse to use his/her position on the Fire Board in any way, whatsoever, for personal gain;
  14. If observing Fire District personnel while they are engaged in emergency or disaster operations, a Director shall not distract or engage personnel in any way. Directors shall position themselves so as not to interfere with emergency operations or become a distraction to Command or staff
  15. If assigned to the Emergency Operations Center (EOC) during an emergency or disaster operation, a Board member not assigned to specific duty shall observe the chain of command under the direction of the Fire Chief or his authorized designee Incident Command System (ICS)
  16. The District has policy and procedures governing harassment, discrimination and retaliation in the workplace. It is the policy of the District to establish and maintain a work environment free of all forms of harassment, discrimination and retaliation. Such behaviors are unacceptable and will not be condoned or tolerated on the part of any employee. All Directors must be familiar with and in compliance of 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. All Directors should take Harassment training at least once every two years. The Clerk of the Board shall maintain records of such. See APPENDIX G for the full District Policy.
  17. Give staff and contemporaries the respect and consideration due skilled professional personnel.

## Responsibilities

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

- In 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.
- In handling complaints from residents and property owners of the District, said complaints shall be referred directly to the Fire Chief.
- In handling items related to safety, concerns for safety, or hazards shall be reported to the following:
  - 1) Fire Chief or
  - 2) Duty Chief

Chain of Command is dependent upon Executive Staff availability.

Emergencies shall be dealt with immediately by seeking appropriate assistance.

In 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 or the ranking officer available.

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, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

Directors function as a part of the whole. As such, issues shall be brought to the attention of the Board as a whole, rather than to individual members selectively.

Directors shall be expected to serve on standing and ad hoc committees as established. These committee assignments are two (2) member fact-finding committees established for making recommendations to the full Board on modifications to current policies and related Fire District business.

## 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 his/her conduct and that does not require a process hearing beforehand.

## 5.10 Board and District Public Communication

The Fire Chief, or his designee, is the spokesperson for the District when dealing with the media. In the course of normal events, Board members should refer inquiries to the Fire Chief. The Fire Chief and the Board should strive to be in agreement regarding the public posture of the District. Where possible it is desirable for the Board to have a unified position (e.g. "Board position") that may be communicated to the public through the media. If it is necessary for the Board to make a separate statement to the media, that responsibility should rest with the Board President or his/her designee.

Internal District information should not be distributed to the media without the permission of the Fire Chief.

However, Board members as elected officials have all of the rights and privileges of any private citizen to speak with the media. If a Board member finds it necessary to speak to the media regarding the Fire District, that member should be clear that he/she is speaking as an individual Board member 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 he/she is 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)
- AFD Contingency Designation (Assigned)
- AFD Public Employees Retirement System (PERS) Designation (Assigned)
- AFD Capital Improvements Designation (Assigned)

### 5.12 Employee Compensation Policy

The District Board values its represented and unrepresented employees and seeks to provide equitable compensation for each group and classification. The District's Board of Directors may observe this policy when adopting compensation plans and contracts covering District employees.

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 provide 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 may 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 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 responsibility of negotiating with employee groups to the following:

- 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 while bargaining is underway.

The Memorandum of Understanding (MOU) is entered into by and between the ARCATA FIRE PROTECTION DISTRICT (District), a California Special District and the ARCATA PROFESSIONAL FIREFIGHTERS LOCAL 4981 (Union), and the ARCATA FIRE DISTRICT SENIOR MANAGEMENT GROUP (SMG), pursuant to Government Code 3500, et seq.

The MOUs, including side letters to such, is of no force or in effect in regards to matters within the authority of the District Board of Directors until such matters are submitted to, and accepted by, the District Board of Directors.

## ARTICLE 6: DELEGATION OF BOARD AUTHORITY

The Fire District Board has primary responsibility for the approval of District 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:

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
4. District.
5. Addressing personnel, financial and capital improvement matters under the direction of the Board.
6. Reporting to the Board, appointments, demotions, transfers, and dismissals in accordance with the policies of the Board as applicable.
7. Provide for succession planning for management and personnel within the District, as needed, to ensure that the District's long term goals and objectives are met. The Fire Chief will provide the District Board with updates on succession planning activities as part of fiscal year end reporting. All such reports shall be made no later than the regularly scheduled Board meeting in July of each year.

### 6.3 Fire Chief Evaluation

The Board shall establish a process for evaluating the Fire Chief and establish an ad-hoc committee to carry out the evaluation process. The evaluation process is reviewed at the regular June Board meeting for any modifications prior to beginning the actual review process. See Appendix E for details.



## 6.4 Fire Chief Delegation

The Fire District Board delegates 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 action must be taken within the Fire District where the Board has provided no guidelines for administrative action, the Fire Chief shall have the power to act, but the decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Fire Chief to inform the Board promptly of such action and of the possible need for policy or rule.

## 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 Brown Act, the 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 the Arcata Fire Station, 631 Ninth Street, Arcata on the second Tuesday of each month at 5:30 p.m., unless by specific action of the Board a different meeting place or time is selected.

The President and the Fire Chief shall insure 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

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the Arcata Fire Protection District Administration Office and are open to the public, except as provided for Closed Sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making request in writing, and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act, also a posting of the agenda to the District's Website.

A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

It shall be the policy of the Fire District Board to recognize itself as a policy-making body that deliberates at regularly scheduled meetings and each Board member shall make a diligent effort to be present and participate fully.

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.

Meetings may include a closed session as necessary.

### 7.3 Special Meetings

The Presiding Officer of the Board or a majority of the legislative body may call a Special Meeting. A majority may meet without providing notice to the public in order to call a Special Meeting and prepare the agenda; however, only discussion of the actual agenda items may occur. 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. Minutes are required for Special Meetings.

### 7.4 Emergency Meetings

An Emergency Meeting may be called by the District Board if a work stoppage, crippling activity, or other activity severely impairs public health or safety. Alternatively, the legal body may determine a dire emergency exists, such as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril. All of the special meeting provisions apply to emergency meetings, except for the 24-hour notice requirement.

### 7.5 Standing Committees

Standing Committees may meet monthly or as necessary with regard to 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 session as necessary.

### 7.6 Ad-Hoc Committees

Ad hoc committees 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 or agenda requirements for ad-hoc committees. As with all Committees, the maximum number of directors that may be on an ad hoc committee is two. No minutes are required from an ad-hoc committee.

### 7.7 Study Sessions

Study sessions may be scheduled from time to time to allow the Board to focus closely on a particular subject. The notice and agenda requirements for a Study Session are the same as those for a regular Board meeting. A Study Session may be a closed meeting if it meets the requirements. No minutes are required for a Study Session. No action may be taken at a Study Session except providing direction to staff.

## 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 may include suggested actions or recommendations. The business of each regular meeting of the Board shall be in the order as printed on the agenda or as directed by the President of the Board.

1. Meeting called to order;
2. Pledge of Allegiance
3. Attendance and Determination of Quorum
4. Approval of agenda;
5. Public Comment Period for Non-Agenda Items;
6. Consent Items, including:
  - 6.1. Approval of Minutes;
  - 6.2. Financial Report;
  - 6.3. Other routine business
7. Old Business;
8. New Business;
9. Correspondence;
10. Monthly Activity Reports;
  - 10.1. Chief's Report
  - 10.2. Committee Reports
  - 10.3. Director Matters
  - 10.4. Bargaining Group & Association Reports
11. Adjournment.

Items placed on the agendas for respective meetings shall be determined in the following manner and shall comply with appropriate noticing and publishing.

### Agenda Item Requests - Board Members

As stated in Section 4.2, the Fire Chief in collaboration with the Board President and/or Vice President shall prepare an agenda for each regular, committee and special 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;
3. By submitting a request, outside of a Board Meeting, to the Fire Chief.
4. By the Board member adding agenda items directly by submitting a form.

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. The Board President in this regard will resolve issues. Barring emergencies or other exigent circumstances, all agenda requests shall be made at least two weeks prior to the Board meeting at issue. The Fire Chief and the Board President shall honor all agenda requests that meet the requirements of this policy and state law. Agendas should be finalized and sent to the Clerk of the Board 14 days prior to the scheduled regular meeting, whenever possible. If appropriate, requested agenda items may be combined with one another 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 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, but unless the requirements of the Brown Act can be met, the agenda item may only be added to a future meeting agenda as a "Proposed Agenda Item". If the request is made outside of a Board meeting, the procedure is as follows:

1. The request must be submitted, in writing, to the Fire Chief at least one week prior to the Board meeting, and
2. The Board President, upon consultation with the Fire Chief, will determine whether the public request is a "matter directly related to the District Business" and if so, it may be placed on the Board's next scheduled meeting as a "Proposed Agenda Item" agenda.

The Agenda Item request from the public 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 provide staff to provide necessary reports and/or attachments for the Board Meeting packet.

### 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.

### Committee Meeting Agendas

Agendas for standing Committee Meetings shall be established by items forwarded by majority vote of the Board; by recurring items from prior Committee Meetings; by designated nature of the item, which would require committee action prior to Board consideration; or by items submitted, by the Fire Chief in consultation with the President.

## 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 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.

The agenda will emphasize the right to public comment by including the following phrase as a preamble to the public comment section: "A fundamental element of democracy is the right of citizens to address their elected representatives, therefore..."

There are two opportunities for public comment:

*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. This will generally take place before the consideration of the Consent Calendar.

*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. 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 Board Meeting

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 be maintained in the Administration Office of the District and shall provide for information as required by law and Board policies. For convenience, an additional posting of the Board Minutes may be found on the Arcata Fire District Website.

### 8.2 Board Clerk

The District Business Manager will be assigned as the 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 open to inspection by the public at the Administrative Office of the District during regular business hours.

### 8.4 Public Records Process

The Fire District recognizes the right of any member of the public to inspect nonexempt public records, limited only by rules of reasonableness, and in accordance with guidelines established by California State Law. When access to District records is granted, examination will be made in the presence of the record custodian regularly responsible for maintenance of the files or by a staff member designated by the Fire Chief. In accordance with the Public Records Act, certain records, including personnel records, are not included in the category of records to which the right of access may be granted by the Fire District.

The Clerk of the Board of Directors shall keep minutes of all regular and special meetings and standing committees of the Board, but minutes shall not be taken of Closed Sessions or Study Sessions.

Copies of said minutes shall be made for distribution to Directors with the agenda for the next regular Board Meeting.

The official records of the meetings are the approved typed minutes. The official typed minutes of the regular and special meetings and standing committees of the Board shall be kept in a secured



office with easy access for the public review during normal business hours.

Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous.

All resolutions and ordinances adopted by the Board shall be numbered with the adopted year preceding the sequential number.

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

1. Date, place and type of each meeting;
2. Directors present and absent by name;
3. Call to order;
4. Arrival of tardy Directors by name;
5. Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon; adjournment of the meeting; record of written notice of special meetings; and, record of items to be considered at special meeting
6. Summary of discussion as to each subject of the Board's deliberation;
7. Approval or amended approval of the minutes of preceding meetings;
8. Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
9. All Board resolutions and ordinances in complete context,
10. A record of all contracts entered into;
11. A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
12. Adoption of the annual budget;
13. Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month;
14. A record of all important correspondence;
15. A record of the Fire Chief's report to the Board;
16. Approval of all policies and Board-adopted regulations; and
17. A record of all visitors and delegations appearing before the Board.

## 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 these policies is to ensure the proper use of the District technologies. This policy is included here for information purposes and should be familiar to Board members.

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 includes such items as Passwords and the Use of the District Network with Non-District Equipment.

Complete copies of these policies can be found in Appendix A.

### 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-mails. 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 exception.

## ARTICLE 9: RULES OF ORDER DURING MEETINGS

The Board President is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Board President and all questions and remarks shall be addressed to the President.

### 9.1 Points of Order

The Board President shall determine all Points of Order subject to the right of any member to appeal to the entire Board. If any appeal is taken, the question shall be, "Shall the decision of the Board President 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 President and, upon recognition by the President, shall confine himself/herself to the question under debate.

1. A Board Member desiring to question the staff shall address his/her question to the Fire Chief who shall either answer the inquiry himself or designate some member of his staff for that purpose.
2. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another Board Member, or unless the speaker chooses to yield to questions from another Board Member.
3. Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks to comply with rules of the Board.
4. Directors shall at all times conduct themselves with courtesy to each other to staff and to 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 to 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 him/herself and leave the room for the duration of the debate and vote on the item.

## 9.5 Limitation of Debate

No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five (5) minutes each time he has the floor, without the approval of a majority vote of the Board.

## 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 Chair Final Unless Overruled

In presiding over meetings, the Board President, Vice President or temporary President 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 was one which passed) is a Board action which 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 Board President before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

## 9.11 Motions Out of Order

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

## 9.12 Division of Question

If the question contains two or more divisional propositions, the Board Chair shall, upon request of a member, divide the same.

## 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 F. Reconsider G. 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 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 by-pass 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 propriety of postponement and time set.

*G. Reconsideration - Debatable*

Any Board Member who voted with the majority may move 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 Board President 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 his 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 are taken by resolution, which are 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

Ordinances of the District shall be adopted by the Board 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 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 entire ordinance and read by title and number only, must be carried by a majority.
3. Reading by 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 occur at least five (5) days after first reading.
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 one time in a newspaper of general circulation published in the District.



## ARTICLE 12: PROCEDURE FOR PUBLIC HEARING

Procedures at Public Hearings shall be as follows:

1. Staff presentation/recommendations;
2. Questions of the staff in support;
3. Individuals speaking in support;
4. Individuals speaking in opposition;
5. Individuals speaking in concern;
6. Rebuttal (if any, limited to one pro and one con)
7. Public input (if any);
8. Board discussion and disposition (vote).

## ARTICLE 13: PROCEDURE FOR FIRE CODE APPEALS

Procedures for Fire Code appeals shall be as follows:

1. 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 his/her designated representative(s) prior to 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.
2. Within thirty (30) days of receipt of an appeal as set forth in subdivision (.a), 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.
3. The hearing shall be conducted in an informal manner, 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 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.
4. 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 shall be in attendance for Regular Fire 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 shall have prior approval by the Board President and/or Fire Chief for matters requiring a legal interpretation.**

## APPENDIX A - INFORMATION TECHNOLOGY USE

### Section 1 – Purpose

The purpose of this policy is to provide guidelines for the proper use of district information technology resources, including computers, electronic devices, hardware, software and systems.

### Section 2 – Definitions

- a) **Computer system** - All computers (on-site and portable), hardware, software, and resources owned, leased, rented or licensed by the Arcata Fire Protection District that are provided for official use by members. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the District or district funding.
- b) **Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.
- c) **Information systems technology (IT) staff** - Network Management Solutions will be the IT provider for the District.
- d) **Member** – Any District employee, volunteer, or elected official.
- e) **Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.
- f) **Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system, including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages, photographs or videos.

### Section 3 – Policy

Arcata Fire Protection District members shall use information technology resources, including computers, software and systems, that are issued or maintained by the District in a professional manner and in accordance with this policy.

### Section 4 – Privacy Expectation

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any district technology system.

The District reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the District, including the district email system, computer network or any information placed into storage on any district system or device. This includes records of all keystrokes or Web-browsing history made at any district computer or over any district network. The

fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through district computers, electronic devices or networks.

### Section 5 – Restricted Use

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisor or Fire Chief.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

### Section 6 – Software

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software infection, members shall not install any unlicensed or unauthorized software on any district computer. Members shall not install personal copies of any software on any district computer. Any files or software that a member finds necessary to install on district computers or networks shall be installed only with the approval of district information systems technology (IT) staff and only after being properly scanned for malicious attachments.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the District while on district premises, computer systems or electronic devices. Such unauthorized use of software exposes the District and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of district- or District-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and District approval.

### Section 7 – Hardware

Access to technology resources provided by or through the District shall be strictly limited to district-related activities. Data stored on or available through district computer systems shall only be accessed by authorized members who are engaged in an approved district-related project or program or who otherwise have a legitimate district-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor

### Section 8 – Internet Use

Internet access provided by or through the District shall be strictly limited to district-related activities. Internet sites containing information that is not appropriate or applicable to district use and which shall not be intentionally accessed include, but are not limited to, adult forums,

pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the Internet shall be limited to messages, mail and data files.

### Section 9 – Protection of Systems and Files

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure district computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

### Section 10 – Inspection or Review

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the District involving one of its members or a member's duties, an alleged or suspected violation of any district policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the district computer system when requested by a supervisor or during the course of regular duties that require such information.

## APPENDIX B - 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 C - LIAISON AND COMMITTEES

- Finance Committee:
- Human Resources Committee:
- Safety Committee



## APPENDIX D - FIRE CHIEF PERFORMANCE EVALUATION

## Fire Chief 360 Feedback Tool

This survey is completely anonymous. All general results of the survey will be presented to the Chief as part of his annual performance evaluation from the District Board. At the end of the survey if you feel comfortable you can choose to leave your name so that the committee may follow up with you, however your name will not be shared.

For this survey, there are 12 areas of focus requiring feedback. Please read each statement and pick whether you agree or disagree that the individual matches the statement. After each section, there will be an area to provide any comments on your rating. Please provide any comments or examples of where the individual is excelling or needs improvement.

Thanks for your time filling out this survey.  
District Board President Rene Campbell

\* Required

### 1. Please indicate your work relationship to the individual \*

*Check all that apply.*

- Board Member
- Battalion Chief
- Career Staff
- Volunteer Staff
- Office Staff

*Skip to question 2.*

## LEADERSHIP

2. \*

Mark only one oval per row.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Observed
Maintains a professional and quality-driven environment and culture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Keeps others focused on the vision and strategic goals of the District	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Champions and paves the way for positive change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Challenges conventional practices in search of new/effective solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Actively leads by example and using his authority in a positive way	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inspires others' creativity by being open minded to new ideas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fosters public confidence and trust in the District	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fosters cooperations among other agencies/disciplines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Please provide any comments or examples of where the Chief is excelling in or needs improvement with his "leadership"

Skip to question 4.

## CUSTOMER FOCUS (INTERNAL AND EXTERNAL)

4. \*

Mark only one oval per row.

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Observed
Consistently advocates for quality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anticipates needs and requirements and proactively works to present solutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensures team members feel supported and valued	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Represents the District well in meetings and communications with residents, businesses, and other agencies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Represents the District as spokesperson and acts as an advocate for issues relevant to the District	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. Please provide any comments or examples of where the Chief is excelling in or needs improvement with "customer focus"

.....

.....



















## APPENDIX E - BOARD STANDING CALENDAR GUIDELINE

<b>Annual/Semi Annual Board Agenda Items</b>			
<b>Month</b>	<b>Item</b>	<b>Type</b>	<b>Time Period</b>
February	Mid-Year Budget Revisions	Consent	
January	Recognize the Outgoing President	Presentation	
March	Review Fee Schedule	Regular	
April	Adopt Fee Schedule	Public Hearing	
May	Policy Manual Review	Public Hearing	
May	Approve Draft Preliminary Budget	Regular	
June	Renew expiring Contracts	Consent	
June	Set Special Tax and Benefit Assessment Rates	Regular	
June	Appropriations Limit	Regular	
June	Chief's Review	Closed Session	
June - Sept	Approve Final Budget	Public Hearing	
October	Year End Budget Revisions	Consent	
October	Conflict of Interest Biennial Update	Regular	
November	Set Meeting Dates and Times for Next Year	Regular	
December	Nomination and Election of President and Vice President	Regular	

# APPENDIX G - DISTRICT DISCRIMINATION AND HARASSMENT POLICY

## PURPOSE AND SCOPE

This policy is intended to prevent district members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## POLICY

The Arcata Fire Protection District is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The District will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The District will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the District may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## DISCRIMINATION PROHIBITED

### 1. DISCRIMINATION

The District prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or district equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to district policy and to the district's commitment to a discrimination-free work environment.

### 2. SEXUAL HARASSMENT

The District prohibits all forms of discrimination and discriminatory harassment, including sexual

harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

### 3. ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with District or district rules or regulations, or any other appropriate work-related communication between supervisor and member.

### 4. RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated (see the Anti-Retaliation Policy).

## RESPONSIBILITIES

This policy applies to all district members. All members shall follow the intent of these guidelines in a manner that reflects district policy and the best interest of the Arcata Fire Protection District and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Fire Chief, or the District Board President.

Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall

determine if there is any basis for the allegation and shall proceed with resolution as stated below.

### 1. SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Fire Chief in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

### 2. SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the District.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

### 3. QUESTIONS OR CLARIFICATION

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, a manager, the Fire Chief, or the District Board President for further information, direction or clarification.

## INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member or members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Arcata Fire Protection District that all complaints of discrimination or harassment shall be fully documented and



promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

### 1. SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

### 2. FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The member assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency, dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members, who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Fire Chief, or the District Board President.

### 3. ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the District. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Fire Chief. The outcome of all reports shall be:

- Approved by the Fire Chief, or the District Board President.
- Maintained for the period established in the district's records retention schedule.

## 1. NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and action taken to remedy or address the circumstances giving rise to the complaint.

## **TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment with the District.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

## APPENDIX H - LABOR RELATIONS POLICY AND PLAN

### **LABOR RELATIONS POLICY AND PLAN ARCATA FIRE PROTECTION DISTRICT**

#### **Introduction**

This nine point Action Plan is intended to serve as a policy blueprint for the District's labor relations program covering all employees.

#### **Issues and Action Plan Principles**

##### **Issue No. 1 – Bargaining in Good Faith:**

The District is subject to the Meyers- Miliias-Brown Act (“MMBA”), which requires the District to bargain in good faith with all recognized labor organizations.

*Action Plan Principle No. 1:* The District renews its ongoing commitment to abide by the Meyers-Miliias-Brown Act (“MMBA”). The District will continue to negotiate in good faith, seeking partnerships whenever reasonably possible with labor.

##### **Issue No. 2 – Transparency / Hidden Costs:**

The District embraces transparency in its mission. Contracts containing cost commitments should not contain embedded costs and obligations that are difficult for citizens to identify or understand.

*Action Plan Principle No. 2:* The District shall minimize “additional pay” categories that have no articulated and rational justification. The District shall ensure that all compensation packages are fully, accurately and simply costed out, with total costs displayed to the public so that all citizens can understand and evaluate the pay at issue. Unless there are exigent circumstances as determined by the Board of Directors, labor agreements shall be publicized and made available at least fifteen calendar days prior to adoption.

##### **Issue No. 3 – Transparency / Side Letters:**

The District is aware of certain “side agreements” or other informal memoranda memorializing understandings between the District and labor unions, but which have not been approved by the District's Board of Directors. Such “side agreements” are inappropriate because they may impact costs, and they detract from the overall principle that the public has a right to know the contractual arrangements and

obligations affecting public employees.

*Action Plan Principle No. 3:* No side agreements shall be binding on the District unless the agreement is formally adopted in public by the Board of Directors.

**Issue No. 4 – Rational and Reasonable Compensation:**

The District greatly values the public service of its employees. However, the District is mindful that the District serves the community, and that District funding is premised on taxes.

*Action Plan Principle No. 4:* The District shall establish a compensation policy that is rational and reasonable, and consistent with community values. **Issue**

**No. 5 - Work Rules:** The labor contracts, and informal and formal department policies, contain work rules that decrease management discretion and decrease efficiencies.

*Action Plan Principle No. 5:* The District shall maintain its management rights to supervise manage and direct its workforce. The District shall not enter into labor contracts that contain unreasonable restrictions on the District’s management rights.

**Issue No. 6 – Transparency / Simplicity:**

In the past, the District’s labor agreements have included complicated provisions that are difficult to understand and administer. These provisions have led to grievances and misunderstandings about terms in the labor agreements. The District should strive to ensure that its agreements are simple to understand, by the public as well as District personnel.

*Action Plan Principle No. 6:* All labor agreements shall be organized in a simple, clear and straightforward manner, using plain language.

**Issue No. 7 – Salary Formulae:**

The District should avoid obligating itself to long-term agreements premised on salary formulae.

*Action Plan Principle No. 7:* The District shall seek to avoid labor agreements that contain automatic wage adjustments that are premised on formulae that do not allow the District to predict and account for costs.

**Issue No. 8: – Contribution to Health and Welfare Benefits:** As a matter of policy and fairness, the District desires that its employees contribute to their pension, health and welfare benefits. The District also wants to ensure that its pension plans are fair, and consistent with community values.

*Action Plan Principle No. 8:* The District may require its employees to contribute toward pension, health, and other post-employment benefits. The District shall seek to negotiate to establish a second tier pension benefit for new

employees entering the workforce, costing less than the current plans and reducing overall District costs over the long run.

**Issue No. 9 – Premium Pay:**

“Premium Pay” refers to pay elements added to base pay, for “specialty” services or as “incentives.” The District’s labor agreements and compensation plans contain a variety of “premium” pays that are in addition to base pay. These pay premiums have questionable value to the District and its constituents. Further, the pay premiums detract from the District’s policy regarding transparency because it is difficult to determine the actual pay of District employees.

***Action Plan Principle No. 9:*** The District shall review the need for “premium pays,” and shall eliminate them unless there is a demonstrable need for such separate pay categories.

## APPENDIX I - LABOR RELATIONS COMMUNICATIONS POLICY

### **LABOR RELATIONS COMMUNICATIONS POLICY ARCATA FIRE PROTECTION DISTRICT**

#### **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 full 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, confidentiality of closed session discussions will be maintained.

# INDEX

<b>A</b>		disaster	7, 13, 21
abstain	3, 32	discrimination	13, 51, 52, 53, 54
Additions	2	Division	31
adopt	33	<b>E</b>	
adopted	1, 7, 27, 29, 34, 57	Education	6, 12
Adoption	2, 27, 34	Election	49
Agenda	4, 22, 23, 25, 49	Electronic Communication	27
authority	1, 2, 3, 12, 14, 17, 18, 40, 47, 54	e-mail	28
<b>B</b>		emergencies	23, 48
Badge	8	Emergency	13, 21
Board Clerk	7, 26	Employee	15
Board meetings	10, 18, 20, 24, 26, 27, 29	EOC	13
Board President	6, 7, 8, 10, 14, 18, 22, 23, 24, 25, 29, 30, 32, 37, 52, 53, 54	Equipment	8, 27
Brown Act	2, 3, 4, 6, 16, 20, 23, 24, 56	Ethics	11, 41
<b>C</b>		expenses	7, 11, 12, 15
California law	29	<b>F</b>	
California State Law	26	facilities	4, 6, 20, 41
Censure	14	Finance	42
chain of command	13, 52, 54	FIRE CHIEF	43
Changes	2	<b>H</b>	
Chief	1, 3, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22, 23, 26, 27, 29, 37, 39, 43, 47, 48, 49, 52, 53, 54, 59	HARASSMENT	51
clarification	13, 14, 53	Human Resources	42
Clerk	3, 4, 7, 9, 13, 22, 23, 26, 32, 34, 36	<b>I</b>	
closed session	3, 20, 21, 24, 59	incumbent	8
Committee Meetings	4, 23	Internet	27, 38, 39, 40
committees	4, 10, 14, 21, 26	<b>L</b>	
compensation	8, 11, 15, 16, 51, 52, 56, 57, 58	labor	15, 16, 17, 24, 56, 57, 58, 59
computer	38, 39, 40	law	2, 3, 6, 14, 16, 23, 24, 26, 34, 51
conduct	1, 9, 12, 14, 24, 29, 36, 51, 52	LEGAL COUNSEL	37
conference	7	LIAISON	42
Conflict of Interest	6, 29, 49	location	4, 21
constituents	11, 12, 15, 16, 45, 58	<b>M</b>	
contracts	3, 6, 15, 16, 27, 57	majority	2, 3, 10, 12, 21, 23, 29, 30, 32, 34
courses	7	media	14, 15, 20, 21
<b>D</b>		meeting	1, 2, 4, 5, 7, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 30, 31, 32, 33, 34, 36
death	8, 10	MEMBERSHIP	6
Decorum	11, 29	Memorandum of Understanding	17
delegate	11, 16, 18	Minutes	21, 22, 26
DELEGATION	18		
Deletions	2		

Motion 31, 32, 33, 34  
 MOU 17

**N**

negotiating 16  
 notice 3, 4, 8, 21, 27, 36

**O**

OFFICERS 10  
 ordinance 30, 33, 34  
 ordinances 26, 27, 34

**P**

per diem 7  
 personal gain 13  
 Points of Order 29  
 President 6, 10, 11, 20, 22, 23, 25, 29, 30, 49  
 presiding officer 10, 36  
 public 1, 2, 4, 11, 12, 13, 14, 15, 16, 20, 21, 23, 24, 25, 26, 28, 29, 45, 48, 56, 57  
 Public Comment 22, 25

**Q**

quorum 5, 24

**R**

radio 8

reimburse 7  
 Reimbursement 7  
 Request 7  
 resignation 7, 8, 10, 24  
 resolution 2, 30, 33, 53  
 resolutions 14, 26, 27, 30, 33  
 retaliation 13, 51, 52, 53, 54  
 Roll Call 22  
 RULES OF ORDER 29

**S**

Special Meetings 21  
 spokesperson 14, 15, 45  
 Standing Committees 10, 21  
 Strategic Planning 42, 46  
 Study Sessions 21, 26

**T**

teleconference 4, 5  
 terms 6, 10, 18, 57, 59  
 training 6, 7, 8, 11, 12, 13, 39, 55

**V**

Vacancies 8  
 vacancy 8  
 Vice President 10, 49  
 vote 2, 5, 8, 10, 23, 24, 27, 29, 30, 31, 32, 35