

ITEM NUMBER: 10(d)

To: KPPCSD Board of Directors
From: Anthony Constantouros, General Manager
Ann Danforth, General Counsel
Date: November 14, 2019
Subject: Consideration of New Policy 1000

I. BACKGROUND

On November 16, 2017, the District Board unanimously voted to update and modernize its Policy and Procedures Manual. The draft Policy 1000 is the next step in this process. Under the existing Policy 1000, the Board must consider the new policy at one regular meeting then adopt it at a subsequent regular meeting. If adopted, the new Policy would replace the existing Policy 1000 in its entirety.

This agenda item contains the first part of the new Policy 1000. The second part, to be presented at a later date, will establish a new Records Retention Policy. Records Retention is a complex issue and the Board subcommittee decided to defer this portion to allow additional staff work and consideration.

II. SIGNIFICANT CHANGES

The draft Policy 1000 differs significantly from the existing one. The most notable changes are summarized below:

A. Adoption of New and Amended Policies.

Policies 1000.1 and 1000.2 streamlines the process for changing, replacing or adding policies. The Board could make the changes at a single meeting with only three votes. This will allow the District to be more nimble in improving or eliminating policies where the Board decides changes are appropriate. Of course, if the Board decides that the proposed change warrants more discussed, it retains the option of continuing the item to another meeting.

- B. Policy 1010 clarifies the role of individual directors versus the Board as a whole, emphasizing that the power to set policy and represent the community rests with the Board as a whole. This is not intended to minimize the responsibility of individual directors to raise concerns but to ensure that any such concerns are raised and addressed at the Board level.
- C. Policy 1015.4 addresses the wide range of responsibilities of the General Manager.
- D. Policy 1015.5 lists the anticipated duties of the Clerk of the Board, in manner that grants the General Manager the discretion to modify those duties as best suits the interests of the District.
- E. Policy 1020 establishes protocols for staff assignments and director/staff communications. Such rules are necessary to ensure that District resources are used effectively and efficiently to implement District responsibilities and Board priorities. The policy sets a clear chain of command: The Board as a whole supervises the General Manager, who in turn manages subordinate staff. Directors must be courteous to staff and Directors and staff should be mutually respectful and cooperative, acting as a team. In addition:
 - 1. All assignments to staff must go through the General Manager.
 - 2. Individual Directors cannot assign work to the General Manager or other staff except as part of authorized committee work.
- F. Staff is encouraged to make their professional recommendations. The Board need not accept said recommendations; Directors may ask follow-up questions or request clarification but should not engage in debate with staff nor should they criticize staff in public. Any concerns regarding the performance of staff should be directed to the General Manager; concerns regarding the performance of the General Manager should be discussed with the General Counsel (or as provided in the General Manager's contract).
- G. Policy 1025 contains a claims procedure, which tracks the state Government Claims Act.
- H. Policy 1030 sets forth a proposed Code of Ethics. The substantive portions of are fairly standard. The Board should note that Section 1030.14 includes an enforcement mechanism, including censure.
- I. Policy 1035 establishes a Conflict of Interest Code, which tracks state law and Fair Political Practices Commission regulations. The Appendix lists the officials required to file disclosures and the types of interests that they are required to disclose.

This is not an exhaustive list.

III. CONCLUSION AND RECOMMENDATION

Staff recommends that the Board discuss the proposed new Policy 1000, make any desired changes and direct staff to return with an appropriate resolution repealing the current Policy 1000 and adopting the new one.

Exhibit: Draft Policy 1000