

## **GENERAL**

### **POLICY 1000: Adoption/Amendment of Policies**

**1000.1** Any Director or the General Manager may initiate consideration of a new policy, or amendment to an existing policy (“Policy Change”). The official requesting the Policy Change shall submit a written draft including a written rationale to the Board President and the General Manager, with a request that the item be included on the agenda of the next appropriate regular meeting of the Board of Directors. A Director may also request the General Manager to initiate a Policy Change at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

**1000.2** The Board of Directors shall consider for adoption any Policy Change at a regular meeting in accordance with then-prevailing state law. Any policy can be amended by three votes of the Board of Directors.

### **POLICY 1005: Association Memberships**

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

**1005.1** Appropriate Memberships. To take advantage of training opportunities, networking opportunities, learn from professionals, and keep informed of most current information and best practices, the District may become members of industry related professional associations. Board Members and staff may attend meetings of national, state, and local associations directly related to the purposes and operations of the District. Decisions to continue, discontinue, or add new memberships shall occur through the annual budget or mid-year budgeting process.

**1005.2** Appointment of Representatives. The President shall appoint Board Members as representatives and alternates, as appropriate, to serve as contacts between the District, stakeholder groups, associations and others. The representatives and alternates shall report to the Board in a timely manner on their activities involving these associations. In some cases, members may be allowed certain expenses for travel and membership in such associations, in accordance with section 2080.

**1005.3** District General Manager Memberships. With the exception of the Local Agency Formation Commission (LAFCO), whose representative is a Board Director, the Board President may designate the District General Manager as the appropriate representative or alternate in connection with memberships in any association. The District General Manager may designate those associations or industry specific organizations with which an association is necessary or adds value to the District. The General Manager may send staff to appropriate meetings with direct connection to District projects and procedures.

### **POLICY 1010: Basis of Authority**

**1010.1** The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director. Apart

from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

**1010.2** Directors do not represent any fractional segment of the community but are, rather, a part of the body that represents and acts for the community as a whole. The operational aspects of the District are delegated to District staff.

**POLICY 1015: General Manager**

**1015.1** State law requires that the District appoint a General Manager to its staff. The General Manager is the administrative head of the District and its staff and has discretion to assign responsibilities between subordinate staff. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with the Board's short and long range goals, policy statements, and directives. Because the District employs a limited staff, the General Manager may ask the Board President to appoint an individual director to assist with particular tasks on a volunteer basis.

**1015.4** Duties of the General Manager

General Manager of the District Board of Directors or the General Manager's designee shall have the following duties:

- Implement the policy direction of the Board of Directors, including advising and making recommendations;
- Coordinate all projects and arrange for assistance depending on workload, expertise and priority. In the event that regular staff are not available to perform tasks as stipulated by the District's policies, designate personnel to perform those tasks. This shall not apply to tasks assigned to the General Counsel.
- Oversee and coordinate all District operations through appropriate staff including, without limitation, the Police Chief, Finance and Business Manager, Clerk of the Board, and others to effect operational efficiency;
- Be responsible for the District's finances, including, without limitation, arranging for an annual audit as required by law; prepare, present and promulgate the budget; and multi-year financial planning.
- Attend and participate in District Board meetings, prepare and present reports as necessary, represent the District before external organizations including other agencies, governmental and regulatory entities, business and community groups as directed by the Board;
- Advise on organizational changes to improve efficiency and effectiveness;
- Certify or attest to actions taken by the Board when required;
- Sign the minutes of the Board meeting following their approval;

- Sign the documents as directed by the Board on behalf of the District, and sign all other items which require the signature of the General Manager;
- Except for the District’s General Counsel, the General Manager shall recruit, appoint, train, evaluate performance, supervision, discipline, and dismiss the District’s employees, consistent with the employment policies established by the Board of Directors. These functions may be delegated to direct supervisors.
- Oversee the District’s facilities and services
- Perform any other duties assigned by the Board;
- Shall have discretion to appoint a Board Clerk; and
- Perform any other duties required under law.

**1015.5 Responsibilities of the Board Clerk**

The duties of the Clerk, subject to the direction of the General Manager, are:

- Respond to routine correspondence;
- Prepare for Board meetings, including preparing the agenda and providing public notice of Board meetings in accordance with state law;
- Act as secretary to the Board of Directors and the General Manager; schedule appointments, arrange travel and accommodations for training and conferences, perform tasks as requested that assist Board Members in their functioning to perform their functions and represent the community.
- Organize and manage all District files and records.
- Prepare minutes for the Board of Directors meetings. The minutes shall include sufficient detail to record all actions and direction of the Board of Directors (Policy 4140). The Board of Directors, in consultation with the General Manager, shall include cost effectiveness, availability of staff resources, and operational efficiency in determining the proper scope and format of the minutes.
- Maintain Board records and other documents and reports as required by law; and
- Disseminate correspondence to Directors addressed to them.
- Other duties as assigned by the General Manager.
- The General Manager shall have the discretion to assign some or all of the above to duties to other staff.

**POLICY 1020: Board/Staff Communications**

**Objectives:** Effective governance of the District relies on the cooperative efforts of the elected Board, who set policy and priorities, and the District’s staff members, who analyze problems and

issues, make appropriate recommendations, and implement and administer Board policies. District staff is responsible to ensure Board members have access to timely and professional information and to ensure such information is communicated completely to support the policy and decision-making processes. However, the District's resources are limited and the General Manager has sole discretion regarding the allocation of staff time.

Board members should avoid intrusion into those areas that are the responsibility of the General Manager and other District staff. Individual Board members must avoid intervening in staff decision-making, the development of staff recommendations, scheduling of work, and executing District priorities without the prior knowledge and approval of the General Manager.

The General Manager is entirely responsible to recruit, evaluate, select, discipline and fire staff.

Except as assigned by the Board of Directors or for minor tasks as approved by the General Manager, no Board Member will assign projects to staff or alter work assignments at their personal discretion. This is to ensure all Board members are treated equally. It is also necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities set by management and the Board without fear of reprisal.

**Role of the Board:** As the legislative body for the agency, the Board is responsible for all policy direction of the District, approving the District's budget, setting policy goals and objectives and adopting strategic plans. Individual Board Members cannot assign staff projects or change staff priorities without the approval of the General Manager. Only the General Manager may direct changes in staff assignments. The primary functions of the General Manager and other District staff include: to execute Board policy and other Board actions, and to keep the Board well informed in order to assist in their policy making and priority setting, which are basic responsibilities of the Board of Directors.

Individual Directors should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities, without the prior knowledge and approval of the Board as a whole. If a Director believes that a matter is urgent and cannot wait until the next meeting, that Director may ask the Board President to discuss with the General Manager whether the matter should be given a higher priority.

Directors also have a responsibility to be prepared and informed. Directors should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues. Directors may request additional information from the General Manager, if necessary. The General Manager will balance these requests with the other demands on staff

Directors should treat their fellow directors, the General Manager and other District staff with respect and courtesy in all communications. Examples of behaviors by directors that are not permissible include, without limitation: insults, demeaning comments, harassment, behavior that contributes to a toxic work environment, continuous dunning, threats, intimidation, and accusations. Any disrespectful or intimidating behavior can be subject to disciplinary proceedings as authorized by the District policies and procedures.

Individual Directors, as well as the Board as a whole, are permitted freedom of access to any public information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or General Counsel will pass critical information to all Board members.

There may be restrictions related to information which cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete. In addition, there are legal restrictions on the agency's ability to release certain personnel information even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information should be discussed with the General Counsel for clarification.

**Policies:** There shall be mutual respect from both staff and Directors of their respective roles and responsibilities at all times. Staff and Directors should promote teamwork and cooperation to complete the business of the District. There is a need for access to staff by Directors but at the same time, unlimited access could result in work priority conflicts for staff.

**Purpose:** The purpose of the policies listed below is to establish a structure for Board/staff communications consistent with these principles.

**1020.1** The Board will direct all requests for information or questions to the General Manager and shall include the desired time and date for receiving the information. Staff will estimate the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with the notation indicating which Board member requested the information.

1020.1.1. From time to time, staff may require information from individual Directors. However, Directors may be bound by rules of law or procedure that do not permit Directors to discuss certain matters with staff. In the event that this arises, and staff believes that the information is necessary, staff will consult with the General Manager to resolve the issue

**1020.2** Individual Directors cannot directly assign work or requests for information to the General Manager or other staff members except as part of authorized committee work. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- Directors should clear all short-term requests of staff with the General Manager prior to contacting individual members of the staff and, in most cases, the General Manager should direct and handle the request for the Director.
- At the discretion of the General Manager, specific employees can be designated as "Confidential Employees" and consistent with Section 3120.4.2. These employees will have access to all records, investigations and legal documents and will not divulge any contents to any person except as required by law. Any violation shall be cause for discipline including termination.

- If an individual director believes that information or other work is required before that director can request it from the Board at a properly noticed meeting, that director may request the Board President to work with the General Manager to accommodate the request as appropriate in light of the District's resources and the Board's priorities.

**1020.3** At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. While on duty, District staff shall not unilaterally obtain information, conduct research, or make statements at public meetings without the approval of the General Manager nor shall they use their position with the District in conducting such activities. Staff can attend meetings as private citizens on their own time and express personal opinions after publicly identifying themselves and indicating that they are stating a personal opinion. The Board of Directors, as the decision maker, is free to reject or modify a staff recommendation and that the Board's wishes will be implemented by staff even if it was contrary to a staff recommendation.

**1020.4** Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction with staff. Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

**1020.5** Board members should not make public comments critical of the performance of an individual District staff member including the General Manager. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to General Counsel or during a closed session evaluation of the General Manager's performance.

**1020.6** If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to either request that the Director speak directly with the General Manager about the subject matter presented or report the violation to the General Manager, without any fear of reprisal. If a staff member violates any policy, they can be subject to disciplinary action.

**1020.7** In addition, a Director who violates these policies repeatedly, regarding communications may be subject to Censure, as provided in section 1030.14. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee.

## **POLICY 1025: Claims against the District**

### **Purpose:**

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests, property damage claims and personal injury claims against the District in accordance with the Government Claims Act, Section 801 *et seq.* of the California Government Code. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

### **1025.1 General**

All claims for money or damages against a district are governed by Division 3.6 of Title 1, Part 3 (commencing with [Section 900](#)) and Part 4 (commencing with [Section 940](#)) of the California Government Code (“Claims Act”). In the event that the Claims Act is amended so as to conflict with this Policy 1025, this Policy shall be deemed amended to comply with said changes to the Claims Act.

### **1025.2 Claim Requirements**

The District shall maintain official claims forms at its office. Any officer, official or employee upon receiving notice of potential claim for damage to person or property from a claimant or person acting on their behalf, shall provide said claimant or person with the District’s official claim form, requesting its return at their earliest convenience. A person filing a claim shall use the form, which shall be designed to enable the claim to meet the requirements of Government Code Sections 910 and 910.2. The form shall require the claimant or person acting on their behalf to show all of the following:

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

If General Manager or legal counsel determines that the filed claim does not meet the above requirements, the District shall, within 20 days of receipt, send a letter to the claimant informing them of this fact and stating with particularity the defects or omissions therein. The letter to the claimant shall be personally delivered or mailed. There will be no action on the claim until at least 15 days after notice to claimant.

### **1025.3 Time for Presentation of Claim**

All claims for personal injury, personal property or growing crops must be filed within six months of the accrual of the cause of action. All claims for any other type of injury must be filed within one year of the accrual of the cause of action.

If General Manager or legal counsel determines that a claim for personal injury, personal property or growing crops has been filed more than six months of the accrual of the cause of action, and the claimant did not include an application to file a late claim, the District shall return the claim within 45 days. The returned claim shall be accompanied by written notice that the claim is being returned as untimely and that the claimant's only recourse is to file an application for leave to present a late claim. The notice should read in substance as follows:

The claim you presented to the Kensington Police Protection and Community Services District ("District") on \_\_\_\_\_ (**indicate date**) is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the California Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to the District for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

### **1025.4 Application to Present Late Claim**

An application to file a late claim must be filed within a reasonable time not to exceed one year from the accrual of the cause of action. This one-year limit shall be tolled only as required by the Claims Act. The Board shall consider the application under the Claims Act in closed session. If the Board determines to deny the application, the applicant/claimant should be so advised in writing within 45 days of the application to the Board unless the District and the Claimant have agreed to extend the consideration period. Notwithstanding the foregoing, if the Board has failed to approve or otherwise act on the application, it shall be deemed denied on the 45<sup>th</sup> day after submission to the Board or after the end of any extension agreed to between the District and the applicant/claimant.

The claimant must have good cause for not filing a claim on time. The Board will consider: the

circumstances that kept the claimant from filing on time.

### **1025.5 Action on Claim**

All claims shall be immediately forwarded to the General Manager, General Counsel and the District's risk manager (the Special District Risk Management Agency or successor agency). All officers, officials and staff shall cooperate with the claims investigation process.

The Board shall act on a sufficient and timely claim within 45 days of presentation. The claimant and District, acting through the General Manager, may agree to extend this deadline. In the absence of such an agreement, the District should reject the claim before the 45<sup>th</sup> day to preserve its right under the Government Claims Act statute of limitations. If the Board does not act on a claim within 45 days, it shall be deemed rejected unless there is an extension agreement in which case, the claim will be deemed rejected on the last day of the period specified in the extension agreement.

The Board shall evaluate the claim in closed session with advice of legal counsel and the risk manager. The Board shall consider the relevant facts and law and may decide to accept the claim, reject the claim, compromise the claim or reject the claim in part and accept the claim in part. As part any settlement agreement or agreement to pay damages, the Board may require a release of the full claim and of any future claims arising from the same or related facts.

### **1025.6 Manner of Providing Notice**

The District shall give the notices required under this Policy 1025 by either of the following methods:

(1) Personally delivering the notice to the person presenting the claim or making the application.

(2) Mailing the notice to the address, if any, stated in the claim or application as the address to which the person presenting the claim or making the application desires notices to be sent or, if no such address is stated in the claim or application, by mailing the notice to the address, if any, of the claimant as stated in the claim or application.

(b) No notice need be given where the claim or application fails to state either an address to which the person presenting the claim or making the application desires notices to be sent or an address of the claimant.

### **1025.7**

#### **Challenge to Action on Claim**

No suit challenging the District's action on any claim may be brought against the District unless the claim was first timely presented to the District in compliance with this Policy 1025.

Any suit challenging the District's action on any claim must be brought within the limitations periods set forth Section 945.6 of the Claims Act or any successor statute.

### **POLICY 1030: Code of Ethics**

#### **1030.1 Background information:**

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

**1030.2 Goals of the code of ethics & values:**

- To make KPPCSD a better District built on mutual respect and trust.
- To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District's Board. All elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called “Officials” for the purposes of this policy.
- The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

**1030.3 Preamble:**

- The proper operation of democratic government requires that decision-makers be independent, impartial and accountable to the people they serve. The KPPCSD has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government.
- All Officials, and others, who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

**1030.4 Applicability:** This Code shall apply to all District Officials as defined in 1030.2.

**1030.5 Core Values:** As participatory Officials in the District's government, we subscribe to the following Core Values:

**1030.6** As a representative of the KPPCSD, I will be ethical in both appearance and in fact. In practice, this value looks like:

- I am trustworthy, acting with the utmost integrity and moral courage. I am truthful. I do what I say I will do. I am dependable.
- I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
- I am fair, distributing benefits and burdens according to consistent and equitable criteria.

- I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
- I show respect for persons, confidences, and information designated as "confidential."
- I use my title(s) only when conducting official District business for information purposes or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.
- I will avoid actions that might cause the public or others to question my independent judgment.
- I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.
- I will comply with this Policy and Procedures Manual as the Board may amend it from time to time.

**1030.7** As a representative of KPPCSD, I will be professional. In practice, this value looks like:

- I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent and productive manner.
- I approach my job and work-related relationships with a positive, collaborative attitude.
- I keep my professional education, knowledge, and skills current and growing.
- I recognize that the District does not provide office space for Board Directors.
- I realize that staff time is limited and do not prevent employees from accomplishing tasks by occupying the Public Safety Building for lengthy periods of time and by keeping conversations with employees directed towards work-related, District business.

**1030.8** As a Representative of KPPCSD, I will be service-oriented. In practice, this value looks like:

- I provide friendly, receptive, courteous service to everyone.
- I attune to and care about the needs and issues of citizens, public Officials and District workers.
- In my interactions with constituents, I am interested, engaged and responsive.
- In making decisions, I consider the interests of the entire community.

**1030.9** As a representative of KPPCSD, I will be fiscally responsible. In practice, this value looks like:

- I make decisions after prudent consideration of their financial impact, considering the long-term financial needs of the District, especially its financial sustainability.
- I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- I make good financial decisions that seek to preserve programs and services for District residents.
- I have knowledge of and adhere to the District's Financial Management Policies.

**1030.10** As a representative of KPPCSD, I will be organized. In practice, this value looks like:

- I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
- I follow through in a responsible way, keeping others informed and responding in a timely fashion.
- I am respectful of established District processes and guidelines.

**1030.11** As a representative of KPPCSD, I will be communicative. In practice, this value looks like:

- I positively convey the District's care for and commitment to its citizens.
- I communicate in various ways, that I am approachable, open-minded, and willing to participate in dialog.
- I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response that adds value to conversations.

**1030.12** As a representative of KPPCSD, I will be collaborative. In practice, this value looks like:

- I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- I understand that, whatever my personal beliefs, the District Board sets District policies and priorities. I work to promote those policies and priorities unless and until the Board votes to change them.
- I work towards consensus building and gain value from diverse opinions.
- I maintain civil discourse and a professional tone in my interactions.
- I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

- I consider the broader regional and statewide implications of the District's decisions and issues.

**1030.13** As a representative of KPPCSD, I will be progressive. In practice, this value looks like:

- I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- I display a style that maintains consistent standards; but is also sensitive to the need for compromise, "thinking outside the box" and improving existing paradigms when necessary.
- I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District services.

**1030.14 Enforcement**

If a Director violates this Code during a Board meeting in a manner that disrupts the Board’s proceedings, the Board President shall have the authority to eject said Director after a minimum of two warnings.

1030.14.1 A Director found to be in violation of this Code may be subject to Censure by the District Board. Censure is a formal resolution officially reprimanding a Director or Directors. A censure motion shall specifically identify the Code sections violated and the Director’s actions that constituted the violation. The Board will not censure a Director for exercise of First Amendment rights but only for a violation of adopted Board policy. The Board shall only consider a censure motion at an agendaized public meeting and the Director who is liable to be censured shall be allotted a reasonable time to explain the alleged violation.

1030.14.2 Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

**POLICY 1035: Conflict of Interest Code**

**1035.1** The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. §18730) that contains the terms of a standard conflict of interest code (“Conflict of Interest Code”). This Conflict of Interest Code is incorporated by reference as may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act.

The Board approved and adopted the Conflict of Interest Code on [insert meeting date or year]. Therefore, the Conflict of Interest Code as amended is hereby incorporated by reference as if full set forth herein.

**1035.2** The Conflict of Interest Code requires that the Board designate officials and employees required to file public statements of economic interest and the disclosure category for each

designated position. Appendix A to this Policy 1000 contains these designations. Designated officials and employees shall file statements of economic interests according to their category with the Clerk of the County of Contra Costa

**1035.2.1** In the event the FPPC duly adopts an amendment to its regulations that requires an amendment to this Policy 1035, this Policy shall be deemed amended to comply with the new or amended regulations.

**POLICY 1040: Correspondence to the Board and Staff**

**1040.1** All written correspondence addressed to the Board of Directors shall be sent to the District office. District staff shall distribute said written correspondence to the addressee and written responses, if any, to each member of the Board at regular intervals as the General Manager shall determine. Electronic correspondence should be sent to staff or Board members at District email addresses. If sent to staff, staff shall forward to all Directors as appropriate. Individual Board members may receive correspondence addressed to him or her in his or her official capacity. Board members are not permitted to use agency resources for sending or receiving personal correspondence. Correspondence to the District, whether mailed or electronic, will be handled independent of the Board Agenda, unless the item directly relates to an item on the agenda. Items directly related to the agenda will be included in the agenda packets if received before posting deadlines.

**1040.1.1** Notwithstanding the above, any correspondence that contains confidential or privileged matters, such as documents related to personnel or medical information, shall be referred to the General Manager or confidential employee for handling. If said correspondence is not plainly marked as privileged and/or confidential, staff discovering the contents shall forward the transmission as soon as practicable. This Policy 1040.1 does not apply to correspondence to the Police Department.

**1040.2** All written or electronic correspondence addressed to the Board or District employees in their official capacity shall be maintained on file in the District offices as required by the Records Retention Act and shall be available to the public for review as required by the Public Records Act. If the correspondence may be exempt from the Public Records Act, the General Manager shall determine appropriate handling in consultation with the General Counsel. District employees are not permitted to use agency resources for sending or receiving personal correspondence.

**1040.3.** All written or electronic correspondence sent to or from the Board of Directors or District employees in their official capacity shall be considered public records even if maintained on personal devices. These records shall be maintained at the District offices, or storage location designated by the General Manager, in compliance applicable Records Retention regulations. Unless exempt from disclosure, these records are subject to disclosure until they are subject to destruction.

## **POLICY 1045: General Counsel**

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

**1045.2** The General Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and staff. The General Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; representing the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; supervising outside counsel and keeping the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District.

1045.3 The General Counsel shall review and approve as to form District legal documents, i.e. contracts, agreements, etc. The General Counsel shall present and report to the Board legal issues, such as actual and anticipated litigation and other closed session items as appropriate. The General Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- 1045.4 The General Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The General Counsel shall be available to the General Manager for consultation on applicable issues and activities.