

# SOUTHERN MARIN FIRE PROTECTION DISTRICT



## BOARD OF DIRECTORS POLICY AND PROCEDURES MANUAL

# Board Policy Manual 2022

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## **About the District**

The purpose of the Southern Marin Fire Protection District of Marin County shall be, to the extent permitted by law, to combat fire and conflagration on public and private property, to take measures and pass ordinances designed to prevent fire and conflagration, to provide ambulance service, emergency medical service, paramedical service, technical rescue service, marine-based services and any other service which may be required by persons in time of emergency. To enable the District to fulfill this purpose, it shall be empowered, to the extent permitted by law, to establish and maintain a staff or force of paid men and women, to own and operate equipment, to own real estate, to raise money by tax levy or otherwise and all other powers necessary.

The Fire District includes geographical areas lying in unincorporated areas of Tamalpais Valley, Almonte, Homestead Valley, Alto, Strawberry and West Tiburon and a portion of the Town of Tiburon west of Trestle Glen Boulevard. The District's jurisdiction and service area extends to overlay the incorporated territory of the City of Sausalito just as the jurisdiction and service areas of Marin Municipal Water District or Sausalito-Marín City Sanitary District already overlay the City. Additionally, the Fire District has a service contract for the Golden Gate National Recreation Area.

Southern Marin Fire is itself the product of previous consolidations of the Tamalpais and Alto-Richardson Bay Fire Protection Districts in proceedings conducted by LAFCO in 1999. Sometime prior to 1963, the Tamalpais FPD had previously annexed the Homestead Valley area and took over the service responsibilities of the Homestead Valley Fire Brigade.

The Fire District provides fire suppression and emergency medical services to the City of Sausalito, first under a joint exercise of powers agreement and then under a contract for services. In June 26, 2012, the City of Sausalito Fire was annexed into the Fire District. The annexation added 3,401 parcels and approximately 2.17 square miles or 1,389 acres.

The District employs 58 full-time employees including a Fire Chief, 1 Deputy Chief, 1 Communications Coordinator, 3 Battalion Chiefs, a Fire Marshal, two and a half Fire Inspectors, 1 Vegetation Management Specialist, 1 Plan Reviewer, 9 captains, 36 firefighters/engineers (15 of whom are also paramedics), a Finance Manager, an HR Manager and a Part-time Payroll Specialist. The District is in a shared services agreement with the City of Mill Valley. This results in a total of 4 Battalion Chiefs between both agencies, and an additional Deputy Chief, and an administrative assistant who are employed by the City of Mill Valley.

The Southern Marin Fire Protection District is defined in accordance with the provisions of California Statutes. In October of 2010, the District signed a contract with the National Park Service to provide fire, rescue and emergency medical services to the Marin Headlands and Fort Baker areas of the Golden Gate National Recreation Area (NPS) managed lands, immediately north of the Golden Gate Bridge in Southwestern Marin County.

## **ARTICLE 1: THE FIRE DISTRICT**

### **1.1 Fire District Governing Authority**

The Southern Marin Fire Protection District (SMFD) was established July 1, 1999, by the Marin County Board of Supervisors.

Southern Marin Fire Protection District is a California Special District as a local government agency with taxation authority as established on July 1, 1999. The legal authority for the Southern Marin Fire District is derived from the Fire Protection District Law of 1987 and the Bergeson Fire District Law in the California Health & Safety Code. The District has only those powers, which are expressed in, or necessarily implied from, the California Health and Safety Code, Section 13860-13879.

The implementation of policies and programs adopted by the Board of Directors will be clearly delegated to the Fire Chief. The delegation of this responsibility to the Fire Chief requires that the Board develop very clear, specific and measurable expectations of this position. These steps are necessary to ensure completion of tasks that may be then reassigned to other staff once the Board and Fire Chief roles and responsibilities are clarified. The Fire Chief is the pivotal point at which Board directives become implemented programs. It is essential that the Board be rigorous in developing and evaluating the goals assigned to the Chief. The Board also shall provide formal performance expectations to the Fire Chief as a means of ensuring the successful implementation of Board policies.

### **1.2 Adopting Governing by Policy**

One of the major functions of the Board of Directors 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. The Board of Directors agrees that the Fire Chief and the management staff are responsible for the day-to-day administration and operations of the District.

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 are not in themselves policies and may be changed as necessary to provide up to date information.

The intent of the SMFD Board Policy and Procedures Manual is 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, the Board Policies and Procedures Manual is intended to reflect the Board's commitment to order, consistency, responsiveness and transparency in its actions and additionally, make clear and readily available all relevant information about District operations to the residents of the District.

A copy of the current Board of Director's Policy and Procedures Manual is posted on the District's website at [www.smfd.org](http://www.smfd.org).

### **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 policies of the District Board shall be drafted, adopted and amended with full consideration to provide fire and life safety protection at the highest level of quality for the citizens of the District.

If 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 said 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 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 at a regularly scheduled Fire District Board meeting and shall appear as an agenda item.

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.

Policy 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.

### **1.4 Employee Compensation Policy**

To ensure transparency and consistency long term, formally adopting employee compensation policy is beneficial to ensure fiscal responsibility and resiliency. Policies can be amended over time, based on Board decisions. The following items reflect the Board of Directors' guiding policies for determining employee compensation and benefits.

1. Remain Fiscally Sound
  1. Rely on Updated 10 Year Fiscal Forecast
  2. Fund Board Adopted Reserve Goals
  3. Fund Pension & OPEB Liabilities
2. Provide a competitive wage and benefit package to all District Employees.
3. To target the “top third” of the Comparable Marin County Fire Agency comparables as the range for compensation and benefits recognizing the unique service area of the District.
4. Make employee behavioral health and wellness a priority
5. To target a 20/10/10 split between the Battalion Chiefs & Captains, the Captains and Firefighter Engineers, and the Firefighter Engineers and Firefighters.

## **ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS**

### **2.1 Basis of Authority**

The Board of Directors is the unit of authority within the District. Directors, apart from their normal function as a part of a unit, 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, District staff or the legal counsel for the District.

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 and are elected at large.

The Board of Directors may act only at a legal meeting, which is defined as any gathering of a quorum of the Board where District business is transacted or discussed, formally or informally. The Board can take action by motion, resolution, or ordinance. The Board can also make a commitment to take future action.

The primary functions of the Board of Directors are as follows:

1. The Board shall develop, evaluate and update policy for the District.
2. It is the responsibility of the Board to hire, fire and evaluate the Fire Chief as the Manager of the District. The Board shall provide the Fire Chief with a written performance review of performance annually and provide direction to the Fire Chief in the form of written goals and objectives for the District for the coming year.
3. Overseeing the District finances is the responsibility of the Board. The preliminary budget is prepared by staff, then revised, as necessary, and approved to create the final budget. The Board monitors the budget, monitors the balance sheets for all accounts and develops long-range budget planning guidelines, and approves purchases and contracts based on District policy.
4. The Board of Directors has authority to establish or modify ordinances, resolutions and policies guiding the governance and operation of SMFD within its geographical boundaries and sphere of influence, including Joint Powers and Shared Services Agreements.
5. The Board of Directors are responsible to carry out negotiations with all represented employee groups. The Board may elect to hire a contractual negotiator to conduct negotiations, but the Board's fiduciary responsibility requires their direct participation. It is not Industry Best Practices to delegate this responsibility to employees such as the Fire Chief. The Fire Chief and other staff members may assist the negotiating team as technical experts to address issues raised in the bargaining process relative to working conditions and other issues of technical expertise.
6. The Board is responsible for determining the wages and benefits of the unrepresented employees of the Southern Marin Fire Protection District. Staff will provide the necessary information to assist the Board in establishing competitive wages and benefits within the District's financial resources, policies and practices.

## 2.2 Forms of Action

The Southern Marin Fire District Board takes action by the use of *motions, resolutions and ordinances*. The District also has the authority to adopt rules and regulations, but would normally do so by adopting either an ordinance or a resolution.

Motions, Resolutions and Ordinances are defined as follows:

**Motions:** Simple devices to place a matter before the Board for consideration. It is a procedural device rather than a written document.

**Resolutions:** Express policy or opinion of the Board or to approve an action such as a contract or major expenditure of funds. A resolution should not be used for the adoption of law or policy that applies to the residents of the District. A resolution may be used for the adoption of internal regulations such as personnel rules.

**Ordinances:** Adopt laws and are subject to the statutory adoption processes. The statutory adoption process must be strictly followed or the ordinance may be found invalid. Ordinances are long-term, directly affect the public and subject to initiative and referendum laws and are used to adopt laws.



## 2.3 Quorums

The Board of Directors must have a quorum in order to take action. For SMFD, a quorum is established when four (4) Board members are in attendance. A meeting of less than a quorum is not an official meeting, nor is it governed by public meeting laws.

## 2.4 Board Member Job Description

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. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. The Board of Directors set the official policy of the District. District policies are to be mindful of the legal and constitutional rights of citizens and are set with care, in full accordance with the law.

The Board of Directors has the ultimate responsibility to ensure the lawful and efficient operations of the District. The daily business and routine matters concerning the operational aspects of the District are delegated to the Fire Chief and District management staff. The Board is also the supervisory body for the Fire Chief.

The Board of Directors has a number of responsibilities including but not limited to:

- ▶ The Board of Directors 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.
- ▶ It is the responsibility of the Board to ratify the annual budget and expenditures and to participate in and/or ratify annual salaries, wages and benefits.
- ▶ The Board is entitled to enter into contracts on behalf of the District within the scope of its authority and in the line of duty.
- ▶ Board members shall be familiar with the Ralph M. Brown Act regarding open meetings, required notice and the requirements for entering into closed session. They shall also be familiar with the Robert's Rules of Order, Parliamentary Procedure. Review Appendix A: The Brown Act and Appendix B: Robert's Rules of Order, Parliamentary Procedure for more details.
- ▶ Board members shall abstain from voting on any issue in which the member has a personal or business interest, or on those issues that could 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 to the Board.
- ▶ Board members are required to take ethics training every two years to comply with AB 1234, Ethics Training for Local Officials.
- ▶ Board members are required to take anti-harassment training every two years to comply with SB1343-AB1825, anti-harassment training for Local Officials.
- ▶ Directors shall develop a good working relationship with the Fire Chief so that current issues, concerns and District projects can be discussed comfortably and openly.
- ▶ All significant requests of staff will be made at Board meetings so that all Directors may have an opportunity to comment and revise the request.
- ▶ Individual Directors may request clarification or ask questions of staff but should inform the Fire Chief on these requests.
- ▶ If a Directors request requires any of the following from District Staff, the Fire Chief will place the item on the next Board Agenda.
  - More than four hours of staff time,

- The item exceeds budget allotment, or
- If an item is unbudgeted.
- ▶ The Board is responsible for monitoring the District's progress in attaining its goals and objectives.
- ▶ Board members are encouraged to participate in organizations such as the Fire District Association of California 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.
- ▶ Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors.
- ▶ The Board will approve the job description for the Fire Chief. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of employment. 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 Board meeting for any necessary modifications prior to beginning the review process. Appendix C: Evaluation Criteria provides information on District approved evaluation criteria.

## **2.5 Director Attendance at Meetings**

Regular meetings of the Southern Marin Fire District Board of Directors shall take place on the fourth Wednesday of each month at the District Administrative headquarters located at 28 Liberty Ship Way, Sausalito, California except for the November and December meetings which shall be scheduled one week earlier to accommodate Federal and State holidays. Board meetings begin at 7:00 PM with the optional closed session taking place either preceding or following the open session. If a Board meeting date shall fall on a legal holiday, the regular meeting shall be moved to a date specified by the Board.

Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

## **2.6 Director Attendance at Board Committee Meetings**

Members of the Board of Directors are assigned to Board committees and shall attend all Committee meetings unless there is good cause for absence. A Board member may attend committee meetings via Videoconference / Teleconference when Videoconference / Teleconference arrangements have been made with the Clerk of the Board or Fire Chief prior to the committee meeting.

Board members NOT assigned to a specific committee may, as private citizens, attend those specific committee meetings. While in attendance at such Committee meetings as members of the public, the Board member may NOT vote on topics or attend the closed sessions of such Committees.

## **2.7 Attendance at Regular Board and/or Special Board Meetings via Videoconference / Teleconference**

A Board member may attend meetings via Videoconference / 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 Videoconference / Teleconference guidelines for Board Members:

- ▶ Under special circumstances, such as a pandemic, or other declared emergency event, that prohibits the use of the Headquarters location.
- ▶ 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 of the Board; the notice must include the address at which the videoconference / teleconference meeting will occur, who is to initiate the phone call to

establish the videoconference / teleconference connection and the phone number or videoconference meeting ID of the videoconference / teleconference location.

- ▶ The meeting agenda identifies the videoconference / 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.
- ▶ The videoconference / teleconference location is open and fully accessible to the public, unless prohibited by a declared emergency event such as a pandemic, 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 videoconference / 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 videoconference / 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 videoconference / teleconference locations, unless prohibited by a declared emergency event such as a pandemic, 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 videoconference / teleconference location must not require an admission fee or any payment for attendance.
- ▶ The Board Member must state at the beginning of the meeting that the posting requirement was met.
- ▶ All votes taken during those meetings shall be by roll call vote.
- ▶ During the videoconference / teleconference meeting, at least a quorum of the Board must participate from locations within the District's boundaries.

### **ARTICLE 3: MEMBERSHIP ON THE FIRE DISTRICT BOARD**

The Board of Directors of Southern Marin Fire Protection District shall consist of seven (7) members serving four-year, staggered terms, who are elected at large. By State law, a resident of the District who is a registered voter over 18 years of age shall be eligible to serve as a Board member. The election of the Board members shall be conducted as provided by California Law.

#### Eligibility

Members of the Board of Directors must be U.S. citizens of voting age and live within the District boundaries for the duration of their term.

In addition, Board members are ineligible if they have been convicted of a felony, judged mentally incapacitated, convicted of taking bribes, threats or unlawful rewards, or advocating to overthrow the government.

Board members must maintain their eligibility throughout their term of office. For example, if residency is an eligibility requirement, a Board member who moves out of the District during the term of office will lose his or her position.

#### Oath of Office

Newly elected or appointed Board Directors may not assume their role until they take their Oath of Office administered by the Fire Chief or Board President. Oaths may be taken as schedules allow or at a Board meeting.

If the oath is taken outside of a meeting, the Fire Chief shall report as such at the next regular Board meeting. A copy of the Oath of Office document is kept on file at the District office and a copy is sent to the Marin County Elections Department. The newly elected or appointed Director may retain the original Oath of Office document.

#### Term of Office

SMFD Board Directors are elected to four (4) year terms. The positions are staggered, so every two years at least two positions are up for election. Individuals who are elected to the Board of Directors shall take office at the first meeting of the Board of Directors following the publication of certified election results from the Marin County Registrar of Voters. Individuals who are appointed take office when they take the Oath of Office.

#### Removal

Individuals serving on the Board of Directors may be required to relinquish their position if they violate Fire District laws or policy, or any applicable California Government Codes or federal laws.

#### Resignation

Individuals serving on the Board of Directors may resign their position for any reason by submitting their decision in writing (email or hard copy) to the Clerk of the Board or Fire Chief, who will inform the remaining Directors of the resignation by the next business day.

### **3.1 Board Orientation**

#### Board Candidate Orientation

The Clerk of the Board is responsible for being the District liaison to candidates who have filed for the Board in an election year.

#### New Board Member Orientation

The Fire Chief and District administrative staff shall be responsible for the appropriate orientation and training of new Board members.

The orientation session for new Board members shall be for information about the District, acquaint them with District facilities, equipment and personnel and provide an overview of:

- Board Policy and Procedures Manual
- District territory and boundaries
- District Vision
- District Values
- Labor and other major contracts
- Strategic Plan
- District Finances
- Current Board Resolutions and Ordinances
- Any other important issues

After taking office, the new Board Member will be provided with additional orientation and issued certain items such as an official District photo ID, and District clothing as outlined in section 3.4 Board Director Apparel and Equipment.

### **3.2 Training, Education and Conferences**

Members of the Board of Directors are encouraged, but not obligated, to attend educational conferences and professional meetings that further their understanding of District business and/or their role as Board Director. Board members may also attend or observe certain District training classes as approved by the Fire Chief. Board members can access the internal training calendar on the SMFD Intranet Portal. Attendance at trainings, seminars,

workshops, courses, professional organization meetings and conferences will be paid for by the District. Board Directors will also be registered in the District's internal training system (Target Solutions) which will track required training and provide directors of notifications when mandated training is required, and links that allow access to the training materials.

Board members shall take advantage of special discounts offered by a business to all legislative bodies or offered to the District because of the District's membership in a particular organization, utilize the hotel(s) recommended by the event sponsor in order to obtain discounted rates, and secure reservations in advance to obtain discounted air fares and hotel rates. Directors shall travel together whenever feasible and economically beneficial and Directors are encouraged to minimize expense by using on-line courses when possible.

There is no limit to the number of SMFD Directors attending the same conference or seminar. If four (4) or more Board members attend a particular conference or seminar, they are prohibited from discussing SMFD business amongst each other so as not to violate the Brown Act.

#### 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 as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Notification shall be provided to the Board of Directors for meetings, travel and conferences outside of the District.

Prior approval for expenses for external training is necessary. The Clerk of the Board shall make arrangements for Directors for conference, pay registration and lodging expenses and process reimbursement requests at Fire District mandated per diem allowance amounts. Per Diem, when appropriate, shall include reimbursement of expenses for meals, lodging and travel. Directors shall submit reimbursement requests in writing to the Clerk of the Board and include validated receipts with the request.

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 Board Director Compensation and Reimbursement**

District Board members shall receive a meeting per diem at the rate of \$100.00 per meeting for all regularly scheduled Board Meetings, Board Committee Meetings, Advisory Committee Meetings, and Special Meetings and when in response to subpoenas or legal actions to a maximum of \$100.00 per meeting. Board Members will receive a **maximum** of \$400 per month for meeting attendance. Board members can receive a meeting per diem at the rate of \$100.00 when attending Board Committee meetings if prior approval is obtained from the Board of Directors or Fire Chief.

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's 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 Board Director Apparel and Equipment**

The District shall provide an official SMFD badge and leather wallet, plastic laminated photo identification card, full-color name badge that shall have the Directors name, title of “Director” and SMFD logo and District business cards with District contact info.

The Clerk of the Board shall provide Directors with the District ID application form signed by the Fire Chief and Directors shall contact the Marin County Sheriff’s Office at the Marin County Civic Center to schedule an appointment to obtain their District photo ID. Directors shall only display the above identification items while conducting official District business.

Directors shall be issued a District jackets with SMFD logo and title of “Director.” Board members may purchase uniform shirts and jackets for non-sworn, non-safety personnel. All items must be labeled with the title “Director” or the nametag must be worn. Board members shall not be issued, or wear safety equipment unless required or requested to do so by the Chief.

If requested, the District shall provide a District-owned tablet, or similar device, for conducting fire District business, with cellular/internet connectivity.

Upon their completion of service on the SMFD Board of Directors, the official District Badge and walled, photo I.D, name tag, tablet or similar device, and District issued jacket shall be returned to SMFD.

Note: Certain items, not including the tablets or similar device may be returned to the retiring Director with the approval of the Fire Chief.

The care of District issued equipment and apparel is the responsibility of the Board member. If District issued apparel or equipment is lost, stolen or damaged, the Board shall be responsible for repair or replacement expenses. If any District issued apparel or equipment is lost, stolen or damaged, the Board member shall file a written notice detailing the events of loss or damage with the Clerk to the Board, and discuss replacement options with the Fire Chief.

### **3.5 Board Vacancies**

Pursuant to California State Law, (Government Code 1770), 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. Resignation.
4. Removal from office.

5. Place of residence is 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.

Once a vacancy on the Board of Directors is determined, the District must notify the Marin County Elections Office of the vacancy within 15 days of either being notified of the vacancy or the effective date of the vacancy, whichever date comes later.

Filling vacancies in the office of Director shall be in accordance with California Law. Board vacancies may be filled by appointment by the current Board, appointment by the Marin County Board of Supervisors or by calling for a special election.

### Appointments

The Board of Directors may make an appointment to the SMFD Board two ways:

1. Interview, deliberate and make an appoint during Open Session at a Board meeting or
2. Form an Ad-hoc Committee of less than four (4) Directors to review application materials, interview and make a recommendation for appointment to the Board at a Board meeting.

When a vacancy occurs on the Board of Directors, the best practice to fill the vacancy is for the Board of Directors to appoint a qualified candidate using the following procedure:

- ▶ Place an announcement in the local newspaper and electronically on the Internet. Include a call for candidates, application process, and deadline for applying. The announcement must be published at least 15 days prior to the appointment.
- ▶ Properly notice the Board candidate interview on the Board meeting agenda as an action item and include all of the application material submitted by the Board candidates in the Board meeting packet.
- ▶ Board applicants are not required to be attendance at the Board meeting where the Board will consider the applicants for the vacancy. Applicants are encouraged to attend so that they may answer questions or make a statement about their qualifications.
- ▶ The Board will review the application materials, deliberate and vote on the appointment in Open Session. It is acceptable for the Board to ask applicants to leave the room while they deliberate and vote on the Board appointment. Applicants are not required to leave the meeting.
- ▶ The Clerk of the Board shall notify the Marin County Elections Official within fifteen (15) days of appointment.

If the vacancy occurs in the first half of a term of office and at least 130 days from the next general election, then the appointee will hold office until the person elected at the next general district election is qualified. The elected individual will then hold office for the remainder of the term. If the vacancy occurs in the first half of a term, but less than 130 days prior to the next general district election or in the second half of a term, the appointee shall serve for the remainder of the term of office.

If the Board chooses to hold an election rather than appoint, they must call the election within 60 days of either being notified of the vacancy or the effective date of the vacancy, whichever date comes later. The election shall be held on the next established election date as long as it is at least 130 days after the call of the election.

If the Board chooses not to call an election nor make an appointment within 60 days to fill the vacancy, the Marin County Board of Supervisors may fill the vacancy with an appointment or call for an election within 90 days of the vacancy. If the Marin County Board of Supervisors calls for an election, it is to be held on the next established election date that is at least 130 days from when the election is called.

If the vacancy creates a situation where the District Board no longer has a quorum do to a lack of directors, then the Clerk of the Board has to request that either the appropriate Marin County Board of Supervisors appoints a new Director, or calls an election to fill enough seats to reach a quorum.

### **3.6 Board Elections**

When a District election is to be held for the purpose of electing members to the District Board, the Marin County Elections Filing Officer shall cause the following information to be published in accordance with California Law:

- The date of the election.
- The Board positions to be voted upon.
- The latest date candidates may file for office.
- The Marin County Registrar of Voters is the elections officer and has total responsibility for the administration of District elections.

## **ARTICLE 4: OFFICERS AND COMMITTEES OF THE DISTRICTBOARD**

### **4.1 Board Officers**

The Southern Marin Fire Board of Directors has three Board officers, President, Vice President and Secretary and it is the policy of the Board to elect Board officers by majority vote annually at the regular Board meeting in December.

The term for the President, Vice President and Secretary begins on January 1st and ends on December 31st of the same year. Board Officers are elected to one-year terms and no officer shall serve more than two consecutive terms in any one position.

The Vice President shall become President upon the death, incapacitation, resignation, or removal from the Fire Board of the President. In the case that the Vice President succeeds to the Presidency, the Secretary shall become the Vice President and a new Secretary will be elected at the next regular Board meeting.

In extraordinary situations, the Board may extend the limit on consecutive terms for an officer from two years to three years by a “supermajority” vote of the Board. Greater than 85 percent (five or more members) of the current Board members must approve such an extension.

The Board President shall appoint members to the various Board committees at the regular Board meeting in January.

### **4.2 Board Officer Duties**

The President as the presiding officer of the Board, shall chair the Board meetings, sign documents on behalf of the Board and District, 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, and liaison positions for the upcoming year. The President may, at any time, change committees, Boards and liaison positions with the approval of the Board.



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.

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

### **4.3 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. One member shall serve on an Advisory Committee. Ad hoc committees shall be considered dissolved upon submission of the final report, or when their service is no longer necessary, unless their standing is continued by a vote of the majority of the Board Members. All committees (Board, Advisory, Ad-Hoc) shall also have a single alternate appointed. Appointments shall be made by Resolution.

#### Standing Committees:

1. Finance Committee
2. Personnel Committee
3. Emergency & Disaster Preparedness Committee (includes the former Communications & Public Outreach Committee)

#### Advisory Committees

1. Southern Marin Emergency Medical Paramedic System (SMEMPS)
2. Marin Emergency Radio Agency (MERA)
3. Marin Wildfire Joint Powers Authority (MWPA)

#### Ad Hoc Committees:

1. Building Committee
2. Shared Services

### **4.4 Measure U Citizen Oversight Committee**

**4.4.1 Membership:** The committee shall consist of a minimum and maximum of five persons, each selected by the Southern Marin Fire District Board of Directors.

- Committee members shall be citizens of the Southern Marin Fire District.
- The committee shall be known as the *Measure U Citizen Oversight Committee, (COC)*.
- The Citizens Oversight Committee shall select one of their five members of the *Measure U Citizen Oversight Committee* to serve as the chair of the committee.

**4.4.2 Term:** Each Citizen Oversight Committee member shall serve a four-year term and may be appointed for subsequent terms. (The initial terms are detailed in the COC By Laws as two positions will require staggering). Terms shall begin on July 1 and end on June 30.

**4.4.3 Selection:** Each citizen oversight committee vacancy shall result in Board direction given to staff to initiate the application and interview process.

- Staff and Board Directors shall solicit interest from the community, resulting in potential applicants submitting an application packet.

- The Board of Directors will review all applications and determine which candidates will proceed to a Board interview.
- The Board will conduct an interview of those semi-finalists.
- The Board shall select a candidate(s) that will then proceed to a “live-scan” investigation.
- The Board will be notified of background results.
- The District shall publish committee member information on the District website.

**4.4.4 Scope of Committee’s responsibility and authority:** The committee serves the Board of Directors. The mission of the Measure U Citizen Oversight Committee is to review and report on revenues collected and expenditures of those funds related to Measure U taxes, ensuring that funds are spent as legally described.

- The Measure U Citizen Oversight Committee shall meet as needed on the third (3<sup>rd</sup>) Wednesday of each month to review financial statements. The committee will annually review the auditor’s report on revenue collected and expended that is related to the enacted Measure U / Ordinance 2018/2019-1.
- Reporting / audit requirements are detailed in the enacted ordinance.
- The Measure U Citizen Oversight Committee shall submit a report of their assessment to the Board of Directors. This shall be reported at a Finance Committee Meeting then to the subsequent Board Meeting.
- The Measure U Citizen Oversight Committee’s report, in addition to the audit, shall be posted to the District’s website.
- The Measure U Citizen Oversight Committee does not have review or reporting authority of the District’s revenues and expenditures not related to Measure U.

**4.4.5 Dismissal of Committee Members:** Oversight Committee members may be dismissed by a 2/3<sup>rd</sup>s vote of the Southern Marin Fire District Board of Directors, for cause. Cause includes the following reasons:

- Conviction of a felony
- Dereliction of duty
- Malfeasance in Office
  - Provided however, that such a removal shall not be effective unless and until the evidence has been reviewed and a determination made by the Board of Directors. Furthermore, the Board shall meet within sixty (60) days of the date of filing of any charges made upon any oversight committee member to deliberate the issue, declare their findings, and take necessary action.

**4.4.6 Vacancies and Resignations:** In the event of a vacancy occurring in the oversight committee, the Board of Directors shall immediately implement a replacement process as outlined in this section.

## **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 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 Southern Marin 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. Directors are also required to take anti-harassment training every two years, as required by SB1343-AB1825, anti-harassment training for Local Officials.

## **5.3 Board Members Meeting Participation**

The basic manner in which Board 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 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:

- ▶ Understand that his/her basic function is "policy" and not "administration".
- ▶ Refuse to make commitments on any matter which should come before the Board as a whole.
- ▶ Recognize that he/she has no legal status to act for the Board outside of official meetings.
- ▶ Respect the rights of Fire District constituents to be heard at official meetings within established parameters and guidelines for public testimony.
- ▶ Make decisions only after available facts bearing on a question have been presented and discussed.
- ▶ Accept the principle of "majority rule" in Board decisions.

- Recognize that the Fire Chief should have full administrative authority for properly discharging duties within the limits of established Board policies.
- Recognize that the Fire Chief or designee is the technical advisor to the Board.
- 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.
- Declare conflicts of interest into the public record.
- Conduct all Fire District business in an ethical manner.
- Refuse to use his/her position on the Fire Board in any way, whatsoever, for personal gain.
- 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.
- 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).
- Give staff and contemporaries the respect and consideration due to skilled professional personnel.
- Public officials, who are non-partisan, may not, promote or oppose election petitions, candidates or ballot measures. Additionally, no elected official may require employees to do so.
- Directors shall conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 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 with the District's Policy prohibiting such behaviors. Review District **Policy 1012 - Discriminatory Harassment** and **Policy 1013 - Conduct and Behavior** for more harassment, discrimination and retaliation information.

### Responsibilities

- Directors are responsible for monitoring the 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 after notifying the Fire Chief, 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 Directors shall follow the Chain of Command and report such items to the following:
    1. Fire Chief or
    2. Deputy Fire Chief(s) or
    3. Division Chief if directly related to fire prevention division responsibility and activity or
    4. Battalion Fire Chief or
    5. Duty Captain

Utilizing the Chain of Command is dependent upon Operational staff availability. If unavailable, emergency situations 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 serve on standing and ad hoc committees as established. Board committees are two (2) member committees established for the purpose of making recommendations to the full Board on modifications to current policies and related Fire District business.
- ▶ Directors may serve on an Advisory Committee as established. One Director will be appointed to the Advisory role, and an alternate will also be selected.
- ▶ Fire Chief's Annual Evaluation Process Policy

The sitting Board of Directors President should deliver the Fire Chief's annual evaluation prior to stepping down and at the end of their term, the month of December.

The following is the subsequent evaluation process timeline:

1) *September Board of Directors meeting.*

The President announces the solicitation of input to be used in the annual performance evaluation from the Board members. The President also sets the comment "due by" date, for example, 3 weeks from the date of the meeting.

2) *October Board of Directors meeting, closed session.*

The President presents the first draft of the Fire Chief's evaluation, and receives comments. The President directs the Finance Manager to conduct a salary survey, which is due back by the November Board meeting.

3) *November Board meeting, closed session.*

The President presents final draft of the Fire Chief's evaluation. Board members decide whether or not to make any adjustments to the Fire Chief's wages and benefits.

4) *Prior to the December Board meeting.*

The President meets with the Fire Chief and delivers the evaluation, and any adjustments to wages and benefits.

5) *December Board of Directors meeting.*

Any changes will be presented during the open forum, and voted on in public session.

## **5.6 Board Member Discipline**

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).

The Board may also pass resolutions criticizing, disapproving or condemning a Board member for his/her conduct and that does not require a process hearing beforehand.

## **5.7 Board Communication with District Staff and with the Public**

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.

### Communications Between Individual Directors and Staff

- ▶ When approached by District personnel concerning specific District policy, Directors shall instruct said personnel to follow the established chain of command and direct inquiries to their immediate supervisor.
- ▶ All significant requests of staff will be made at Board meetings, so that all Directors may have an opportunity to comment and revise the request.
- ▶ Direction from the Board to staff will occur only through the Fire Chief.
- ▶ Directors may use email to request clarification or ask questions of staff, but should NOT copy the entire Board on these requests.

### General Communications

The following defines roles and responsibilities for focused communications:

#### 1. Non-Critical Information

- ▶ The Fire Chief or his/her designee will utilize the District email system and the monthly Board meetings to disseminate regular or scheduled information consistently to the Board of Directors.
- ▶ If a Director's request requires a significant investment of time, the Fire Chief will place the item on the next agenda.
- ▶ Any Director may request that a majority of the board support adding an item to a future agenda. The Fire Chief will not be required to write a staff report for items that have not been reviewed/assigned to staff in advance of the meeting. The Fire Chief may review all agenda items with the Board President in advance of the Board meeting.
- ▶ Board Directors shall not engage in serial meetings, which are defined as any form of communication among Board Directors outside of a public meeting that leads to a majority developing a concurrence on an action to be taken.

#### 2. Critical Information

The Fire Chief or his/her designee will contact the Board President to disseminate critical information in a timely manner. If the Board President is unavailable, the Board Vice President and then Secretary will be contacted and asked to contact other Board members.

#### 3. Information to the Media

- ▶ The Fire Chief will serve as the spokesperson for Operational Level issues within the organization. The Board President will serve as the spokesperson for Political and Policy issues within the District.
- ▶ Internal District information shall not be distributed to the media without the permission of the Fire Chief.
- ▶ Board members 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 make it 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.

#### 4. Miscellaneous

- ▶ Staff members will attempt to keep the Board well informed on significant issues within the organization, but if in doubt, ask.
- ▶ Directors will not use their SMFD email for personal use or serial meetings or business discussions.

### 5.8 Board Philosophy for Fire District Reserves

The Fire District's Unallocated Reserve Policy has been developed for the General Fund to maintain an unreserved, undesignated fund balance that is at least 15 percent, or higher, of anticipated Operating expenditures.

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. 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 Reserve funds for:

- ▶ Cash Flow Requirements.
- ▶ Contingencies for unforeseen or operating or capital needs.
- ▶ Economic uncertainties, local disasters or catastrophic events and other financial hardships or downturns in local, state or national economy.

### 5.9 Fire District Board Employee Compensation Policy

The Southern Marin Fire 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.

### 5.10 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, Unrepresented Miscellaneous, Unrepresented Safety, Unrepresented Confidential and Chief Officers), as required by the Meyers-Milias-Brown Act (MMBA).

The Personnel Committee is responsible for negotiations with employee groups but may also delegate negotiations to a contract negotiator.

During contract negotiations, Board members shall 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.

To establish salaries, working conditions and benefits, the District enters into Memorandum of Understanding (MOU) with represented safety employees and chief officers and resolutions for unrepresented miscellaneous, unrepresented safety, unrepresented confidential employees.

MOUs, including side letters and resolutions are of no force or in effect until such matters are submitted to, and approved by, the District Board of Directors.

### **5.11 Sunshine Policy**

It is Board Policy to be open and transparent in accordance with the law. The District’s employees are part of the Marin County Employees Retirement Association. Accordingly, any collectively bargained labor agreement between the District and a recognized employee association shall be in full compliance with the following:

1. **Section 7507**

Cal. Gov’t Code § 7507 (2001) requires city and county entities to “...secure the services of an enrolled actuary to provide a statement of the actuarial impact upon future annual costs before authorizing increases in public retirement plan benefits. The future annual costs as determined by the actuary shall be made public at a public meeting at least two weeks prior to the adoption of any increases in public retirement plan benefits.” Section 7507 was amended in 2009 to require that an actuary be present at the public meeting and that the adoption of any benefit be on a regular calendar, as opposed to a consent calendar.

2. **Section 23026**

Cal. Gov’t Code § 23026 (2001) contains four separate requirements that a board of supervisors of any local pension system must fulfill before enhancing pension benefits. It states that the board of supervisors:

- ▶ “shall make public, at a regularly scheduled meeting of the board, all salary and benefit increases that affect either or both represented employees and non-represented employees;”
- ▶ “shall” include “[n]otice of any salary or benefit increase . . . on the agenda for the meeting as an item of business;”
- ▶ “shall” provide that notice “prior to the adoption of the salary or benefit increase;” and
- ▶ “shall include an explanation of the financial impact that the proposed benefit change or salary increase will have on the funding status of the county employees’ retirement system.”

3. **Section 31515.5**

Consistent with Section 23026, Cal. Gov’t Code § 31515.5 (2001) requires the board of supervisors to notice, at a regularly scheduled meeting, all salary and benefit increases. It authorizes the preparation of an actuarial estimate on the impact of the salary and benefit requirements. Specifically, the mandatory language provides that the board of supervisors:

- ▶ “shall make public, at a regularly scheduled meeting of the board, all salary and benefit increases that affect either or both represented employees and non-represented employees;”
- ▶ “shall” include “[n]otice of any salary or benefit increase . . . on the agenda for the meeting as an item of business;”

4. **Section 31516**

Like Section 7507, Cal. Gov’t Code § 31516 (2001) requires that the board of supervisors:

- ▶ “shall” hire an “actuary to provide a statement of the actuarial impact upon future annual costs before authorizing benefits.” It also provides that the actuary’s report
- ▶ “shall be made public at a public meeting at least two weeks prior to the adoption of any increases in benefits.”

## **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.

The implementation of policies and programs adopted by the Board of Directors will be clearly delegated to the Chief. The delegation of this responsibility to the Chief requires that the Board develop very clear, specific and measurable expectations of this position. These steps are necessary to ensure completion of tasks that may be then reassigned to other staff once the Board and Fire Chief roles and responsibilities are clarified.

### **6.1 Responsibilities of Fire Chief to the Board**

The Fire Chief shall serve as the General Manager or Chief Executive Officer of the Fire District.

Responsibilities of the Fire Chief may include:

- ▶ Preparing the agenda in collaboration with the Clerk of the Board for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required.
- ▶ Bringing to the attention of the Board matters requiring its consideration.
- ▶ Reporting periodically to the Board on the progress of the programs in the District.
- ▶ Addressing personnel, financial and capital improvement matters under the direction of the Board.
- ▶ Reporting to the Board, appointments, demotions, transfers and dismissals in accordance with the policies of the Board as applicable.
- ▶ Notifying the Board of any temporary assignment of Acting Fire Chief. Notification should include who is being assigned as Acting Fire Chief, and for the period of the temporary assignment.
- ▶ Provide for succession planning for management and personnel within the District.

### **6.2 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.

### **6.3 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.

### **6.4 Fire Chief Reporting Process – Fire Fatalities**

Whenever a fire fatality occurs in the Fire District, the Fire Chief and Board President, if available shall notify the Board Members. The Fire Chief conducts an investigation of the incident and prepares a written report to the Board.

## **ARTICLE 7: METHODS OF OPERATION OF FIRE DISTRICT BOARD**

It is the policy of the Fire District Board that all meetings shall be conducted in accordance with California and Federal statutes and rules, 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. The Board of Directors conducts regularly scheduled, public meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 et seq.)

### **7.1 Meeting Location**

Regular meetings of the Fire District Board shall be held at the Southern Marin Fire District Administrative Headquarters located at 28 Liberty Ship Way, STE 2800, Sausalito, on the fourth Wednesday of each month at 7:00 p.m., unless by specific action of the Board a different meeting place or time is selected. Under special circumstances, such as a pandemic or other emergency event, that prohibits the use of the Headquarters location, The Fire Chief will make provisions for, legally required notifications of, meetings conducted by videoconferencing or teleconferencing.

The Clerk of the Board shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

### **7.2 Regular Meetings**

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 Southern Marin 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, with an additional posting of the agenda to the Southern Marin Fire 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 policymaking 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 Fire Chief, Board President or a majority of the District Board of Directors 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 at the non-noticed Special Meeting.

Meeting minutes shall be taken for all Special Meetings and Notice for the Special Meeting to the public, Board members, media outlets and all who have requested notification must be provided 24 hours in advance of the meeting. The Notice shall be posted in a location that is freely accessible to the public. Notice is required even if the meeting is conducted in closed session.

### **7.4 Emergency Meetings**

The Fire Chief, Board President or a majority of the District Board of Directors may call an Emergency Meeting if a work stoppage, crippling activity, or other activity such as a dire emergency exists, crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant danger that severely impairs the health or safety of the public.

All of the provision for a Special Meeting 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. Disbanded Ad-Hoc committees may be reinstated if the Board deems it necessary.

## **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**

Agendas for regular and special Board meetings shall be determined in the following manner and shall comply with appropriate noticing and publishing.

### Agenda Item Requests - Board Members

As stated in Policy 6.1, the Fire Chief in collaboration with the Clerk of the Board shall prepare an agenda for each regular and special meeting of the Board of Directors or Board Committee when the Fire Chief is a member of the committee.

Regular Board meeting agendas will include at a minimum the following:

- Electronic Participation (As Needed per Executive Order)
- Call to Order
- Roll Call
- Pledge of Allegiance
- Agenda Adjustments & Approval
- Open Time for Public Expression (limited to 3 minutes/person)
- Minutes of Previous Meeting
- Consent Calendar
- Staff Reports
- Board Committees Reports
- Action Items
- Poll of the Board
- Closed Session
- Adjournment

All agendas will include an open time for public expression.

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 following ways:

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

All requests for agenda items are subject to the requirements and limitations of the open meeting laws of the State of California must be within the subject matter jurisdiction of the Board and shall be consistent with these rules governing Board roles and responsibilities. Barring emergencies or other exigent circumstances, all agenda requests shall be made at least 14 days prior to the Board meeting at issue. The Fire Chief shall honor all agenda requests that meet the requirements of this policy and state law.

Agendas shall be finalized by the Clerk of the Board 10 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 from 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.

If the request is made outside of a Board meeting, the request must be submitted in writing to the Fire Chief at least two weeks prior to the Board meeting. The Fire Chief, will determine whether the public request is a "matter directly related to the District Business" and if so, it shall be placed on the next scheduled Board meeting agenda. The requestor shall provide any necessary reports and/or attachments for inclusion in the Board Meeting packet.

#### Committee Meeting Agendas

Agendas for Board committee meetings shall be generated by the Clerk of the Board from input from the committee members, District staff and items submitted by the Fire Chief.

### **7.9 Closed Sessions**

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

- Personnel Matters: Appoint, employ, evaluate performance, discipline, dismiss or release an employee
- Pending or Anticipated Litigation
- Labor Negotiations
- Real Property Negotiations
- Public Security
- License Application by persons with 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:

- Approve an agreement concluding real estate negotiations.
- Grant legal counsel permission to defend litigation.
- Grant legal counsel permission regarding settlement of litigation.
- Act to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee.
- Act to approve an agreement concluding labor negotiations.
- 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. Four members of the seven- member Board must be physically present, except under declared emergencies that allow videoconferencing / teleconferencing, within the District to conduct Fire District business. For SMFD, a quorum is established when four (4) Board members are in attendance. A meeting of less than a quorum is not an official meeting, nor is it governed by public meeting laws.

### **7.11 Public Comments**

Public comment is encouraged at all Board meetings. Any person requesting to speak is advised to fill out a speaker request card, but is not required to do so. 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 three opportunities for public comment:

#### Public Comment #1

On the agenda, under “Open Time for Public Comment”, 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 #2

District policy ensures 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.

#### Public Comment #3

Under Public Comment #2, the public may address the Board if they were unable to do so during Public Comment #1. The same caveats apply.

### Telephonic Communications

As a result of Governor Newsom’s Executive Order # N-29-90, on March 17, 2020, California Government agencies introduced a new method for public communications – telephonic, which includes phone and video streaming options. Elements of this method are likely to remain after the expiration of the shelter in place order

as they provide the public with another method to communicate with their elected officials. The Southern Marin Fire Protection District Board of Directors embrace Public Transparency and welcome new methods that increase options for public participation. All Public Meetings shall ensure that Agendas include all information regarding the technology and methods available for the public and that they the instructions are clear and easy to follow.

### **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 the Board Vice President, the Board Secretary shall preside. In the absence of the President, the Vice-president and the Secretary, 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 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. The official records of the meetings are the approved typed minutes.

The official 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 and shall provide information as required by law and Board policies. For convenience, an additional posting of the Board agendas, minutes and meeting packet shall be posted on the Southern Marin Fire website at [www.smfed.org](http://www.smfed.org).

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

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

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

- Date, place and type of each meeting.
- Directors present and absent by name.
- Call to order.
- Arrival of tardy Directors by name.
- 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 meetings.
- Complete information as to each subject of the Board's deliberation; Approval or amended approval of the minutes of preceding meetings.
- Complete information as to each subject including the roll call record of the vote on a motion if not unanimous.
- All Board resolutions and ordinances in complete context, numbered serially for each fiscal year.
- A record of all contracts entered into.
- A record of all bid procedures, including calls for bids authorized, bids received and other action taken.
- A record by number of all warrants approved for payment.

- Adoption of the annual budget.
- Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month.
- A record of all-important correspondence.
- A record of the Fire Chief and staff report to the Board.
- Approval of all policies and Board-adopted regulations.
- A record of all visitors and delegations appearing before the Board.

## **8.2 Clerk to the Board**

The Clerk of the Board performs a number of 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 Clerk of the Board also records official actions 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 Clerk of the Board manages the proper maintenance and disposition of District records and information according to the District 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 headquarters fire station located at 28 Liberty Ship Way, STE 2800, Sausalito, California during regular business hours. The public shall contact the Clerk of the Board to request a time to inspect District documents.

## **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.

## **8.5 Board Electronic Communications Policy**

The Board shall adhere to the District Technology Use Policy. The purpose of these policies is to ensure the proper use of the District technologies. 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. Review Appendix F: Policy 704 - District Technology Use for specific information.

Each member of the District's Board of Directors will be provided with an email account on the District's system. The District's website provides the public with a link to these email accounts and the business cards provided to each Board member also includes the District email address. Members of the Board of Directors should use only their District email accounts for all District business and should not use their personal or business email accounts for this purpose.

Board members can log into the SMFD Intranet using their District email at [Intranet.smfd.org](http://Intranet.smfd.org) or by logging into the District website at [www.smfd.org](http://www.smfd.org). District documents, calendars and email can also be accessed after logged in.

The District will retain all incoming and outgoing email messages from the Board of Directors email accounts on the District's system for two years. These email messages are public records and are subject to disclosure under 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 whom the Board President has not first recognized, and all questions and remarks shall be addressed to the President. Board meetings are held in accordance with Robert's Rules of Order, Parliamentary Procedure.

### **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.

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 to designate some member of his staff for that purpose.

A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the President, unless another Board Member raises a Point of Order, or unless the speaker chooses to yield to questions from another Board Member.

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 so as to comply with rules of the Board.

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.

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 Board 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 Board President 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 motion, resolution or ordinance. For example: Board actions setting rules for long-term application are taken by *ordinance*. Routine business and administrative matters which are usually more temporary in nature are accomplished by *resolutions*. The *motion* 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. Actions by the Board of Directors include but are not limited to the following:

- ▶ Adoption or rejection of regulations or policies.
- ▶ Adoption or rejection of a resolution.
- ▶ Adoption or rejection of an ordinance.
- ▶ Approval or rejection of any contract or expenditure.
- ▶ Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel.
- ▶ Approval or disapproval of matters, which require or may require the District or its employees to take action and/or provide services.

Action can only be taken by the vote of the majority of the Board of Directors. Four (4) Directors represent a quorum for the conduct of business. Actions are taken at a meeting where only a quorum is present and require all four (4) votes to be effective. This policy applies to abstentions from voting. A member abstaining in a vote is considered as absent for that vote.

The Board may give directions, which are not formal action. Directions do not require formal procedural process, but should be included in the minutes. Such directions include the Board's directives and instructions to the Fire Chief.

The Board President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the Board President, a voice vote shall be taken.

A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action such as defer the matter to the Fire Chief or legal counsel for review and recommendation.

Informal action by the Board is still Board action and shall only occur regarding matters, which appear on the agenda for the Board meeting during which, said informal action, is taken. All such informal action shall be recorded in the minutes.

### **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 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. Amend
6. Postpone
7. Reconsider

#### Motion to Adjourn - Not debatable

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

- ▶ When repeated without intervening business or discussion
- ▶ When made as an interruption of a Member
- ▶ When discussion has been ended and vote on motion is pending
- ▶ 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.

#### 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.

#### 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.

#### 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.

#### 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.

#### Motion to Postpone - Debatable

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

### 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.

### **9.13 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 is effective upon adoption. Ordinarily, resolutions should be prepared in advance. The procedure for adoption is:

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

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

## **ARTICLE 11: PROCEDURE FOR ADOPTING AN ORDINANCE**

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.

### **11.1 First Reading/Introduce the Ordinance**

The Board will make a Motion to waive the reading of the entire ordinance and read the Ordinance title and number only. This Motion must be carried by a majority vote of the Board.

The Ordinance title is read aloud by the Board President and after the title is read, the Board will make a Motion to introduce the Ordinance.

### **11.2 Second Reading/Adopt the Ordinance**

An Ordinance can be adopted after the second reading which occurs at least five (5) days after first reading. The Board will follow the same steps as the First Reading/Introduce the Ordinance

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: 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 District Board Meetings when legal advice, contract consultation, and/or Closed Session interactions deem it necessary by the Board President or the Fire Chief.

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