

POLICY COMMITTEE

REGULAR MEETING

Thursday, September 28, 2023 - 3:00 PM
1000 Main Street Cambria, CA 93428

[Note: the parenthesized numbers before or after each agenda item indicate the time on the recording at which the item begins.]

MINUTES

1. OPENING

A. CALL TO ORDER (00:00)

Chair Scott called the meeting to order at 3:00 p.m.

B. ESTABLISH QUORUM (00:33)

A quorum was present.

Committee members present: Chair Debra Scott, Vice Chair Gordon Heinrichs, Claudia Harmon-Worthen, Ted Key, and Secretary Donn Howell.

Committee member absent: James Townsend [excused absence].

Staff members present: General Manager Matthew McElhenie and Confidential Administrative Assistant Haley Dodson.

C. AD HOC SUBCOMMITTEE REPORT (1:00)

There were none.

D. CHAIRMAN'S REPORT (1:50)

Chairperson Scott reminded the Committee members to read the General Manager's bimonthly letters to stay informed about current issues coming before the CCSD Board.

In response to the Committee's questions raised at its last meeting Chair Scott read responses from Vice-president Gray, Chair of the Finance Committee and from President Deen, Chair of the Resources & Infrastructure Committee regarding:

- the Reserve Policy -- is currently under review by an ad hoc subcommittee of the Finance Committee and expected to be reported out at the end of October;
- the Purchasing Policy 2135 – has not been assigned to the Finance Committee;
- evacuation planning -- the Zone Haven system is ready for implementation planning and President Deen and Vice-president Gray are working on an evacuation route;
- climate change – the R&I Committee's ad hoc subcommittee on climate change gave its final report to the R&I Committee at its last meeting.

2. PUBLIC COMMENT (08:31)

GM McElhenie described the progress of relocating the EV charging stations at the Vets' Hall. He also spoke about the possibilities for moving to an EV fleet of vehicles and some of the issues involved in the installation of solar panels. (08:32)

For written public comment please refer to **Additional Public Comment** prior to Item 5 below.

3. CONSENT AGENDA (15:37)

A. Consideration to Approve the August 24, 2023 Regular Meeting Minutes

Motion and Vote: to accept the minutes as printed. (16:02)

Motion by: Key

Second by: Howell

Motion Passed Ayes 3 Nays 0 Abstain 1 (Worthen) Absent 1 Chair not voting

Public Comment

There was none.

4. REGULAR BUSINESS

A. Review and Discussion of CCSD Policy Title: Adoption/Amendment of Policies, Policy Number: 1000 (16:49)

Motion: to approve Policy 1000 as written. (19:26)

Motion by: Key

Second by: Worthen

Motion passed Ayes 4 Nays 0 Absent 1 Chair not voting (25:42)

B. Review and Discussion of CCSD Policy 1045: Legal Counsel and Auditor (26:47)

Chair Scott presented this item.

Member Howell suggested edits to the policy as presented. (30:42)

The Committee members discussed closed sessions of the Board and Legal Counsel's role as it relates to closed sessions.

Public Comment: GM McElhenny made some clarifying remarks about the CCSD Board's closed sessions. (41:25)

Motion: to recommend Policy 1045 as presented along with member Howell's edits for consideration by the CCSD Board. (44:05)

Motion by: Key

Second by: Worthen

Motion passed Ayes 4 Nays 0 Absent 1 Chair not voting (44:53)

[For the final copy of Policy 1045 including the edits mentioned above please see attachment 4B to these minutes.]

- C. Review and Discussion of CCSD Policy 1050: Overview of the General Manager's Role (46:09)

Chair Scott presented the item. The Committee discussed this item at some length and raised a number of questions. Chair Scott then asked the Committee if they wished to continue this discussion to a future meeting when all the relevant documents would be available for review.

Public Comment: There were no public comments.

Motion: that we table this item to our meeting on November 2. (1:05:34)

Motion by: Key

Second by: Heinrichs

Motion passed Ayes 4 Nays 0 Absent 1 Chair not voting (1:07:25)

- D. Review and Discussion of CSDA Policy 1055: Legislative Advocacy Policy (1:07:49)

Chair Scott presented this item.

After discussion it was agreed that Policy 1055 as written in the CSDA Policy Handbook was not appropriate for the CCSD. On the other hand, the Committee felt it should discuss and consider the rationale for a short policy statement about legislative advocacy by or on behalf of the District.

Public Comment: There were no public comments.

Motion: to not recommend Policy 1055 as written in the CSDA Handbook and to table further discussion and consideration [of a legislative advocacy policy] to a future date. (1:19:58)

Motion by: Howell

Second by: Key

Motion passed Ayes 4 Nays 0 Absent 1 Chair not voting (1:20:14)

E. Review and Discussion of CCSD Policy 1056: New Policy Creation Policy (1:20:53)

Chair Scott presented this item. A brief discussion followed.

Public Comment: There were no public comments.

Motion: to recommend to the Board that *Policy B-02-2018 (AKA Policy 1056)* be deleted because its wording exactly duplicates that of *Policy 1000 - Adoption/Amendment of Policies*. (1:25:23)

Motion by: Howell

Second by: Key

Motion passed Ayes 4 Nays 0 Absent 1 Chair not voting (1:25:42)

F. Review and Discussion of Draft CCSD Policy 1040.2: Response to Correspondence to the Board (1:26:09)

Chair Scott presented this item. After some discussion, member Howell proposed some edits to which the Committee agreed.

Public Comment: There were no public comments.

Motion: that the Policy Committee recommend Policy 1040.2 with the proposed final edits to the CCSD Board of Directors for their consideration. (1:42:14)

Motion by: Howell

Second by: Heinrichs

Motion passed Ayes 4 Nays 0 Absent 1 Chair not voting (1:25:42)

[For the final copy of Policy 1040.2 including the above-mentioned edits please see Attachment 4F to these minutes.]

Additional Public Comment (1:44:15)

Chair Scott read a written public comment from Aleta Pierce which occasioned some discussion among the Committee members.

5. FUTURE AGENDA ITEMS (1:53:58)

Chair Scott mentioned the items carried forward from this meeting, namely the Legislative Advocacy policy 1055 and the Overview of the General Manager's Role policy 1050 along with the current position description and contract. She also asked the members to start looking at policies in Section 2000 of the CSDA Policy Handbook, especially those that have been referred to the Policy Committee and, in particular, the Purchasing Policy 2135,

6. ADJOURN (1:58:41)

Chair Scott adjourned the meeting at 4:59 pm.

SEPT. 28, 2023 POLICY COMMITTEE MEETING MINUTES ATTACHMENTS

Attachment 4B

Policy 1045 with accepted edits in red

POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 1045

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

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and department heads. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interests of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e., contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

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

1045.3 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

- a) The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter for Audit Compliance. The Chief Financial Officer/Administrative Department Manager and General Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.

Attachment 4F

Policy 1040.2 with accepted edits in red

Policy 1040.2 – Response to Correspondence to the Board

1040.2.1 Introduction

1040.2.1.1 Purpose

The intent of this policy is to promote and enhance the quality of communication between the CCSD and the community it serves. As such, it provides guidance as to how Directors should respond to correspondence they receive as individuals or [by](#) the CCSD Board as a whole.

1040.2.2 General Requirements

1040.2.2.1 Timely acknowledgement: All correspondence will be acknowledged within two business days of receipt by the individual who initially receives the correspondence.

1040.2.2.2 Limitations imposed by the Brown Act

To avoid the creation of a meeting as defined by the Brown Act, Directors must never do a “reply all” to an email addressed or copied to multiple Directors.

1040.2.2.3 Providing Guidance for the Public

The District Website provides direction to the public on how to contact the District, including the timeframe for response and information. The website states that any correspondence to the Board relating to the conduct of the District’s business is a public record and is subject to inspection and copying through a public records request.

1040.2.3 Letters and emails addressed to the Board as a whole or to all Directors individually

1040.2.3.1 Individual Directors may respond to a letter or email to acknowledge receipt of the correspondence and express their thoughts, bearing in mind that it is imperative for all Board members to support final decisions made by the Board, as a whole, and to refrain from undermining the authority of the Board after decisions are made. This [policy](#) allows Board members to give general information to the public as long as they indicate in the correspondence that they are speaking only as an individual and not for the Board as a whole.

1040.2.3.2 If the correspondence addressed to the Board refers to an issue that is still pending with the Board and the Board President decides that an answer is appropriate, the correspondence shall be answered by the President or the President’s designee. The designee can be the General Manager or another Director. All Directors shall be copied on any response sent by the Board President or the President’s designee.

1040.2.4 Letters and emails addressed to individual Directors

This section refers to correspondence received by a single Director and that Director believes that he or she is the sole recipient. All other cases shall be handled as correspondence addressed to the Board as a whole (see 1040.2.3 above).

1040.2.4.1 If the subject matter relates to questions or complaints about operational matters, the Director will acknowledge receipt of the correspondence and inform the sender that the correspondence will be forwarded to the General Manager for resolution. ~~If appropriate,~~ The Board President will be blind copied.

1040.2.4.2 Except as previously outlined in 1040.2, how to respond to correspondence from the public is up to the individual Director, provided that the following guidelines are observed:

A) Individual Directors shall clearly indicate that they are representing only themselves and are not speaking for the Board as a whole.

B) Directors must observe the rules of individual professional conduct, as detailed in the current Board Bylaws, any applicable CCSD social media policies, and any guidelines included in the CCSD Operating Principles.

C) If the Director believes that either the General Manager or the Board President would benefit by being aware of the correspondence, either one or both of these individuals will be blind-copied.