

Pursuant to Government Code Section 54953(e), members of the Policy Standing Committee and staff will participate in this meeting via a teleconference. Members of the public can submit written comments to the Board Secretary at [boardcomment@cambriacsd.org](mailto:boardcomment@cambriacsd.org).



## POLICY COMMITTEE

### REGULAR MEETING

Thursday, December 29, 2022 - 3:00 PM

## AGENDA

**Please click the link below to join the webinar:**

<https://us06web.zoom.us/j/82024808009?pwd=cVJreUpMaExTL1Z3cnZTRkZCNy8wQT09>

**Passcode: 057378**

**Or One tap mobile:**

US: +16699006833,,82024808009# or +13462487799,,82024808009#

**Or Telephone:**

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592

**Webinar ID: 820 2480 8009**

International numbers available: <https://us06web.zoom.us/j/82024808009>

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the Board Secretary, available for public inspection during District business hours. The agenda and agenda packets are also available on the CCSD website at [www.cambriacsd.org](http://www.cambriacsd.org). Please call 805-927-6223 if you need any assistance. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The Committee Chairperson will answer any questions regarding the agenda.

- A. CALL TO ORDER
- B. ESTABLISH QUORUM
- C. AD HOC SUBCOMMITTEE REPORT
- D. CHAIRMAN'S REPORT
- E. COMMITTEE MEMBER COMMUNICATIONS

Any Committee Member may make an announcement, report briefly on his or her activities, or ask a question for clarification.

**1. PUBLIC COMMENT**

Members of the public may now address the Committee on any item of interest within the jurisdiction of the Committee but not on its agenda today. Future agenda items can be suggested at this time. In compliance with the Brown Act, the Committee cannot discuss or act on items not on the agenda. Each speaker has up to three minutes.

**2. CONSENT AGENDA**

A. Consideration to Approve the December 1, 2022 Regular Meeting Minutes

**3. REGULAR BUSINESS**

A. Discussion Regarding the Policy Handbook Checklist

B. Discussion Regarding a Whistleblower Policy

**4. FUTURE AGENDA ITEMS****5. ADJOURN**

## POLICY COMMITTEE

### REGULAR MEETING

Thursday, December 1, 2022 - 3:00 PM

### MINUTES

A. CALL TO ORDER

Chairperson Farmer called the meeting to order at 3:07 p.m.

B. ESTABLISH QUORUM

A quorum was established.

Committee members present – Harry Farmer, Gordon Heinrichs, Claudia Harmon, Ted Key, Jim Townsend and Debra Scott.

District staff present – Haley Dodson and Ray Dienzo.

C. AD HOC SUBCOMMITTEE REPORT

There was no Ad Hoc Subcommittee Report.

D. CHAIRMAN'S REPORT

Chairman Farmer reported that this will be Member Scott's last Policy Committee meeting since she has been elected to the CCSD Board.

E. COMMITTEE MEMBER COMMUNICATIONS

Committee Member Harmon reported that she had attended the East Ranch group meeting, describing some of the ideas that the group discussed. She also reported that she had attended the NCAC meeting and found the new Fire Chief, Justin Vincent, to be very engaging and excited about the possibilities for Cambria. Committee Member Scott reported that she had met with the Interim General Manager, Ray Dienzo and plans to meet with other staff members tomorrow. Their discussion was very helpful in understanding the current CCSD programs and projects.

**1. PUBLIC COMMENT**

Public Comment: There was no oral public comment, but Chairperson Farmer read a written public comment from Linda Prentiss requesting that the CCSD begin issuing a limited number of water meters or decrease the amount of property taxes by 50% on the empty lots in Cambria.

**2. CONSENT AGENDA**

A. Consideration to Approve the October 27, 2022 Regular Meeting Minutes

Committee member Townsend moved to accept the Consent Agenda which included the October 27, 2022 minutes with one correction.

Committee member Key seconded the motion.

Motion passed – Ayes – 5 Nays – 0 Abstain – 0

### **3. REGULAR BUSINESS**

#### **A. Discussion and Consideration of 2023 Policy Committee Meeting Dates**

Chairperson Farmer discussed this agenda item, requesting feedback from the members about future dates and times for the committee meetings. Some discussion ensued and the committee agreed to continue to have the meetings on the fourth Thursday of the month, with the exception of the November 2023 meeting, which will be held on the fifth Thursday because the fourth Thursday falls on Thanksgiving Day. The time for the meetings will continue to be scheduled for 3:00 p.m. No motion was made.

#### **B. Continue Review, Discussion, and Consideration of CCSD Board Discussion and Consideration of July 14, 2022 Regarding Policy 1030 Code of Ethics (OLD BUSINESS)**

Chairperson Farmer requested that Committee Member Scott present this agenda item since she was part of the Ad Hoc committee (along with Committee Members Harmon and Townsend) that had been working on the needs assessment for a CCSD Ethics Policy. She reported that she had contacted Interim GM Dienzo to follow up on the letter that Chairperson Farmer had sent requesting documentation and the application for the District Transparency Certificate of Excellence award presented to the CCSD in January of 2022 by the CSDA. Ms. Dodson responded by sending a copy of the application and the supporting documentation to Chairperson Farmer and Committee Member Scott prior to the meeting. Committee Member Scott requested that Ms. Dodson explain the application process to the committee, including where to find the supporting documentation. Extensive discussion ensued among all of the Committee Members, all of whom agreed that there is a need for the CCSD to have an Ethics Policy in place. Committee Member Townsend offered to draft a Needs Assessment for an Ethics Policy to forward to Chairperson Farmer to present to the Board.

Public Comment was made by C. Heinrichs in support of the need for an Ethics Policy.

### **4. FUTURE AGENDA ITEMS**

Chairperson Farmer asked for any future agenda items. Those items included:

1. Policy Handbook Checklist with D. Howell explaining the terms and meanings highlighted on the Checklist at the Policy Committee's next regularly scheduled meeting in December.
2. Whistle Blower Policy

### **5. ADJOURN**

Chairman Farmer adjourned the meeting at 4:18 p.m.

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**APPENDIX**  
**Policy Handbook Checklist -- redline**

<b>Part 1: General Policies (1000 et Seq.)</b>				
Number and Title	No action	Staff Review	Board Review	Reason for Classification
1000: Adoption/Amendment of Policies		√		Policy adopted on Aug. 15, 2019 <u>and on website.</u> <del>Earlier policy B-02-2018 also</del> <u>now on website needs to be archived removed and archived.</u>
1005: Association Memberships	√			Policy adopted on Aug. 15, 2019.
1010: Basis of Authority	√			Policy adopted on Aug. 15, 2019.
1015: Board Secretary	<del>√</del>		√	Included in Board bylaws (Section 4). <u>Reword bylaws to specify the Board secretary is a staff member (not a director). Suggest cross-ref. from numbered policy on website to relevant bylaws section.</u>
1020: Board/Staff Communication			√	Policy adopted on Dec. 12, 2019; needs to be reconciled to Board bylaws.
1025: Claims Against the District	√			Policy adopted on Dec. 12, 2019.
1030: Code of Ethics			√	<u>Board considered and tabled this topic on Jan. 16, 2020. Review now underway per Standing Committee Bylaws Section 1.7.3 (b).</u>
1035: Conflict of Interest		√		Policy adopted on Dec. 12, 2019; needs Staff review to ensure that earlier policies are not still in effect.
1040: Correspondence to the Board and Staff	√			Policy adopted on Feb. 20, 2020.
<del>1042</del> : Use of Electronic Devices by Directors in Meetings	√			Policy Adopted on Jan. 20, 2020.
1045: Legal Counsel and Auditor			√	Responsibilities not described in Board bylaws.
1050: Overview of General Manager's Role			√	Responsibilities not described in Board bylaws.
1055: Legislative Advocacy			√	No policy on record.
<del>1060</del> : Privacy Policy		√		Document is gone from Policy quicklink at CCSD website; needs retrieval for review.
<b>Part 2: Administration – Financial Management (2100 et Seq.)</b>				
2100: Accounts Receivable Policy		√		No policy on record.

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Commented [TG1]: Review now underway per Standing Committee Bylaws Section 1.7.3 (b)

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2105: Asset Protection and Fraud in the Workplace		√		No policy on record.
2110: Budget Preparation		√		Policy adopted on Dec. 10, 2020 & updated May 13, 2021; <a href="#">on website but needs CSDA number</a> ; needs Staff review to harmonize with Purchasing Policy (#2135)
2115: Credit Card Use		√		Policy adopted Sept. 24, 2015 <a href="#">as part of #2135 Purchasing</a> ; due for review.
2120: Employment of Outside Contractors		√		Policy adopted Sept. 24, 2015 <a href="#">as part of #2135 Purchasing</a> ; due for review.
2125: Expense Authorization		√		Policy adopted Sept. 24, 2015 <a href="#">as part of #2135 Purchasing</a> ; due for review.
2130: Investment of District Funds		√		Policy adopted Sept. 2002; due for review.
2135: Purchasing Policy		√		Policy adopted Sept. 24, 2015; due for review.
2140: Receiving/Depositing Remittances		√		Policy adopted Jan. 27, 2018; due for review. <a href="#">Un-numbered "Cash Handling Policy is a memorandum from P. Duffield dated 5/19/22 as an update to CCSD's Cash Handling Policy dated 1/27/2016.</a>
2145: Records Retention		√		No policy on record.
2150: Reserve Policy			√	Policy last updated on May 13, 2021; needs Board review pending long-term financial plan. <a href="#">Does this policy supersede old "Fund Balance Cash Reserve Policy" on website with no number, adoption date unknown?</a>
2155: Debt Management	√	—√		<a href="#">Policy adopted on Nov. 15, 2018; due for review. New policy adopted 8/31/22.</a>
2160: Internal Controls		√		<a href="#">No policy on record. Partly covered in 2155 Debt Management and 2135 Purchasing.</a>
2170: Applying for Grants	√			Policy adopted on Feb. 11, 2021.
2175: Policy on Applying for Grants for SST Projects	√	√		Policy adopted <a href="#">Aug. 13, 2020, but Aug. 13, 2020 but needs review for consistency with Policy #2170.</a>
<u>2180</u> : Fund Balance Cash Reserves		√		Current policy <a href="#">on website</a> has no <a href="#">CSDA # and no adoption date</a> ; due for review.
<u>2185</u> : Interfund Loans		√		Policy adopted Jan. 17, 2019, due for review. <a href="#">On website, no CSDA #.</a>
<u>2190</u> : Capitalization		√		Policy adopted Jan. 22, 2004; due for review. <a href="#">On website, no CSDA #.</a>

Commented [TG2]: Does this policy supersede old "Fund Balance Cash Reserve Policy" on website with no number, adoption date unknown?

Commented [d3]: This is an older policy, retained only for SST projects. Doesn't need to be consistent with #2170.

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<u>2195</u> : Travel		√		Policy adopted April 26, 2007; due for review. May be incorporated into #2125. <a href="#">Also covered in #2135 Purchasing. Needs to be checked for consistency.</a>
<b>Part 3: Administration – Inventory &amp; Property Management (2200 et Seq.)</b>				
2200: Disposal of Surplus Property or Equipment		√		No policy on record.
2205: District Electronic Resources Policies and Procedures	<u>√</u>	<u>—√</u>		To be covered by <a href="#">new or</a> updated policies #2415, #2420, #2430 and #2435.
2210: Use/Rental of District Facility		√		No policy on record.
2215: Naming of District Parks and Facilities		√		No policy on record.
2220: Flag Display Policy		√		No policy on record.
<u>2225</u> : Camping on District Property	√			Policy adopted on July 8, 2021
<u>2230</u> : District-owned Vehicle Policy		√		Policy on <a href="#">record-website</a> with no <a href="#">CSDA #</a> and no adoption date; needs review.
<b>Part 4: Administration – Risk Management (2300 et Seq.)</b>				
2300: Emergency Preparedness		√		No policy on record.
2305: Emergency Response Guidelines for Hostile or Violent Incidents		√		No policy on record.
2310: Workers Compensation		√		Included in personnel policies to be reviewed by Staff.
<b>Part 5: Administration – Communications and Technology (2400 et Seq.)</b>				
2400: Customer Relations		√		No policy on record.
2405: Press Relations		√		No policy on record.
2410: Public complaints		√		No policy on record.
2415: Social Media Use	<u>√</u>	<u>—√</u>		<a href="#">Draft policy is under Staff review</a> <a href="#">Adopted 9/16/21; see also #2205.</a>
2420: Web Page		√		No policy on record; <a href="#">see also #2205</a>
2425: California Public Records Act Response Procedures		√		<a href="#">No policy on record.</a> <a href="#">BOD approved 8/12/21.</a>
2430: Electronic Document Retention Policy		√		No policy on record; see also <a href="#">#2205</a> and <a href="#">#4220</a> (regarding retention of Board minutes).
2435: Internet and Email policy		√		Policy adopted in 2003, needs updating; see also <a href="#">#2205-#2415</a> ,

Part 6: Administration – Miscellaneous (2500 et Seq.)				
2510: Discontinuance of Residential Water Service		√		Policy adopted on Dec. 12, 2019, needs to be assigned number on website.
Part 7: Board of Directors (4000 et Seq.)				
4100: Attendance at Meetings	√		√	<del>In Not in</del> current (2022) bylaws.
4105: Committees of the Board of Directors	√			In current (2022) bylaws (Sections 9 & 10).
4110: Duties of Board President	√			In current (2022) bylaws (1.2).
4115: Ethics Training	√		√	Not in current (2022) bylaws; <u>Covered by current ethics training requirement of Board, Senior Staff and Committee members; (included in Section 14 of 2013 bylaws).</u>
4120: Members of the Board of Directors	√			In current (2022) bylaws (Section 5).
4125: Training, Education and Conferences			√	Only reimbursement covered in current (2022) bylaws (8.5); (topic fully covered in Section 14 of 2013 bylaws).
4150: Filling Mid-Term Vacancies on Board of Directors	√			Policy adopted on Jan. 21, 2021.
4200: Board Actions and Decisions	√		√	Section 6 of current (2022) bylaws. <u>covers topic in part only.</u>
4205: Board Meeting Agenda	√			In current (2022) bylaws (Section 3).
4210: Board Meeting Conduct	√			In current (2022) bylaws (5.2-3).
4215: Brown Act Compliance; Open Meeting Requirements			√	Brown Act not specifically referenced in current bylaws. Review needed to decide what aspects of Act, if any, to include in bylaws.
4220: Minutes of Board Meetings			√	In current (2022) bylaws (Section 4) but needs review for consistency with <u>a new</u> electronic document retention policy ( <u>see #4220 to be #2430</u> ).
4225: Review of Administrative Decisions			√	Not in current bylaws; see Code of Civil Procedure Sec. 1094.6.
4230: Rules of Order of Conduct of Board and Committee Meetings	√		√	Rosenberg's/Roberts rules referenced in current (2022) bylaws (5.4). <u>(Clarification of - but review needed to clarify policies as to abstentions, roll-call votes &amp; public's right to record meetings was added in 2022.)</u> —See Jan. 17, 2013 bylaws for relevant material.

Commented [TG4]: Added in 2022 revision of Bylaws (Section 2.4)

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Commented [TG5]: Covered by current ethics training requirement of Board, Senior Staff and Committee members;

Commented [TG6]: Covered by 2022 update of Bylaws.

Commented [TG7]: Relevant provisions added in 2022 revision of Bylaws (Sections 2.5-2.7)



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4235: Types of Board Meetings			√	Not in current bylaws. CSDA rule summarizes Brown Act on meeting types; see also #4215.
<del>4300</del> : Board Standing Committees	<del>√</del>	<del>√</del>		<del>Needs to be included</del> in Website text of <del>2022 Standing Committee current</del> bylaws.
<del>4350</del> : Reimbursement of Standing Committee Travel Expenses	√			Policy adopted on Aug. 13, 2020.

### Policy Handbook Checklist

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2415: Social Media Use	√			Adopted 9/16/21;
2420: Web Page		√		No policy on record;
2425: California Public Records Act Response Procedures		√		BOD approved 8/12/21.
2430: Electronic Document Retention Policy		√		No policy on record; see also #4220 (regarding retention of Board minutes).
2435: Internet and Email policy		√		Policy adopted in 2003, needs updating; see also #2415,
<b>Part 6: Administration – Miscellaneous (2500 et Seq.)</b>				
<u>2510</u> : Discontinuance of Residential Water Service		√		Policy adopted on Dec. 12, 2019, needs to be assigned number on website.
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4230: Rules of Order of Conduct of Board and Committee Meetings	√			Rosenberg's/Roberts rules referenced in current (2022) bylaws (5.4). (Clarification of y policies as to abstentions, roll-call votes & public's right to record meetings was added in 2022.)See Jan. 17, 2013 bylaws for relevant material.
4235: Types of Board Meetings			√	Not in current bylaws. CSDA rule summarizes Brown Act on meeting types; see also #4215.
4300: Board Standing Committees	√			Included in Website text of 2022 Standing Committee bylaws.
4350: Reimbursement of Standing Committee Travel Expenses	√			Policy adopted on Aug. 13, 2020.



**POLICY TITLE: Whistleblowing Policy**  
**POLICY NUMBER: 3142**

3142.1 It is the policy of [DISTRICT] that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence or inefficiency without fear of retaliation or retribution. This policy is based on a finding that the [DISTRICT] best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the [DISTRICT].

The [DISTRICT] prohibits retaliation by employees, Board members or volunteers against any staff member, Board member or volunteer for making good faith complaints, reports or inquiries regarding illegal or improper activities under this policy to the [DISTRICT] or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith, but prove to be mistaken. The [DISTRICT] reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members and volunteers to report to the [DISTRICT] any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the [DISTRICT]'s policies, promptly to those members of the [DISTRICT] specified in this policy; and (2) prohibit the [DISTRICT]'s Board of Directors, Chief Executive Officer (General Manager) and supervising employees from retaliating against any employee who reports illegal or improper activities to the [DISTRICT] or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities of or retaliation by members of the Board of Directors or employees can be reported to the [DISTRICT] and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the [DISTRICT] alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the [DISTRICT] or law enforcement protected by this policy.

3142.2 Definitions:

- a) "Illegal Order" means a directive to violate or assist in violating a federal, state or local law, rule or regulation, or an order to an employee to work or cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of employees or the public.
- b) "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the [DISTRICT] that is undertaken in the performance of that person's duties that is either: (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful omission to perform a duty; or (2) violates [DISTRICT] policies, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members



- c) "Protected Disclosure" means a good faith communication from an employee or Board member of the [DISTRICT] to the [DISTRICT] or law enforcement agencies that discloses information that may be evidence of Illegal or Improper Activity.
- d) "Retaliation" means an employee or director using or attempting to use his or her official authority or influence over an employee to intimidate, threaten, or coerce any employee in order to interfere with the rights of employees to freely report Illegal or Improper Activity to the [DISTRICT] or a law enforcement agency. Retaliation includes, but is not limited to, promising to confer, or conferring any benefit; affecting or threatening to affect any reprisal; or taking or directing others to take, recommend, or approve any personnel action against an employee making a Protected Disclosure including, but not limited to, demotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action including termination.

3142.3 Encouragement of reporting of illegal or improper activity: [DISTRICT] encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with the General Manager. All such complaints shall include specific facts supporting any allegation of Illegal or Improper Activity, or Retaliation, as defined by this policy. Complaints of Illegal or Improper Activity or Retaliation may be made anonymously, but such anonymity may impede the ability of the DISTRICT to conduct a thorough investigation. If the General Manager is alleged to be involved in the complaint or report, then such complaint shall be filed with the President of the Board of Directors. If the President of the Board is also alleged to be involved in the complaint, then the complaint or report shall be filed with the [DISTRICT]'s General Counsel.

Other allegations with respect to which the [DISTRICT] has existing complaint, grievance or appeal procedures as specified in the DISTRICT's policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the [DISTRICT]'s human resources department. This policy is not intended to provide a procedure for the filing of employee or Board member complaints regarding any employment issues other than whistleblowing activities and protection of employees from Retaliation for making Protected Disclosures.

3142.4 Investigations of Allegations of Illegal or Improper Activity: The General Manager may request that a person submitting a complaint alleging Illegal or Improper Activity provide his or her name and contact information and provide the names and contact information for any persons who could help substantiate the claim. However, this information is not required in order to submit a complaint.

Upon receiving a complaint from any employee or member of the Board that an employee or Board member has engaged in an Illegal or Improper Activity, the General Manager will conduct an investigation of the allegations in the complaint. The identity of the person filing the complaint, or of any person providing information in confidence regarding the facts in the complaint shall not be disclosed without the express permission of the person providing the information. However, the General Manager may disclose the facts in the complaint to a law enforcement agency in the event that an allegation of criminal conduct is contained in the complaint filed with the [DISTRICT].



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The General Manager may request the assistance of [DISTRICT] General Counsel and/or any outside consultant for assistance in evaluating an allegation of Illegal or Improper Activity or conducting an investigation of Illegal or Improper Activity as authorized by this policy. The General Manager shall investigate the allegations in the complaint and prepare a report of the results of the investigation within sixty (60) days of the date of the complaint.

If, upon completion of the investigation, the General Manager finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the General Manager shall make such findings in the investigative report and include recommended actions to prevent the continuation or recurrence of the Illegal or Improper Activity. Such recommendations may include taking disciplinary action against those employees found to have violated this policy, which action may be taken by the General Manager. The investigative report may also recommend imposing sanctions, including loss of office, on those Board members found to have violated this policy. In that event the report shall be filed with the Executive Committee of the Board of Directors which shall comply with the policies of the [DISTRICT] in initiating discipline against a member of the Board of Directors. The [DISTRICT] shall keep confidential all investigation work product including the investigative report.

3142.5 Complaints of Retaliation and Investigation. An employee or volunteer who believes he or she has been subjected to Retaliation as defined and prohibited by this policy shall file a written complaint with the General Manager which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the General Manager shall commence an investigation of the allegations contained in the complaint of Retaliation, which shall include interviews of the complainant and any potential witnesses. The General Manager may utilize the services of [DISTRICT] General Counsel and/or other consultants in conducting such investigation and preparing an investigation report. A written investigation report regarding the alleged Retaliation shall be completed within thirty (30) days of receipt of a complaint of Retaliation.

Based on the investigation, the General Manager shall make a determination as to whether Retaliation occurred in violation of this policy and, if so, what steps should be taken to remedy the situation. The General Manager's decision shall be communicated to the complaining employee. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the General Manager shall consider whether the taking or failing to take any personnel action with respect to an employee who has complained of Retaliation is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure, such as inadequate job performance. If the evidence in the investigation reveals that a Protected Disclosure was a contributing factor in the alleged Retaliation against a former or current employee, the burden of proof shall be on the supervisor or other employee imposing the discipline to demonstrate by clear and convincing evidence that the alleged personnel action would have occurred for legitimate, independent reasons even if the complaining employee had not engaged in Protected Disclosures of Illegal or Improper Activity.





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The investigation report of the alleged Retaliation prepared by the General Manager shall include a written decision as to whether this policy has been violated. If the investigation report concludes that this policy has not been violated and the complaining employee disagrees with the determination of the General Manager, the complaining employee may appeal in writing the decision to the Executive Committee of the Board of Directors. That appeal must be filed within ten (10) business days of receipt of the investigation report and decision of the General Manager.

If an appeal is filed, the Executive Committee of the Board of Directors shall conduct a hearing of the complaining employee's appeal and hear and receive all evidence submitted by the complaining employee. In hearing the appeal, the Executive Committee may take evidence, and hear testimony from the complaining employee and other witnesses. The Executive Committee shall consider whether an activity protected by this policy was a contributing factor in the alleged Retaliation against the complaining employee and if the alleged retaliatory action could have occurred for legitimate, independent business reasons even if the complaining employee had not made Protected Disclosures. The Executive Committee shall render a final decision in writing to the complaining employee within thirty (30) days after completing the hearing which concludes whether Retaliation prohibited by this policy has occurred or not. If the Executive Committee finds that the provisions of this policy have been violated, it shall order that any personnel action taken against the complaining employee be reversed and that a memorandum be placed in the employee's personnel file indicating the results of the decision of the Executive Committee of the Board of Directors on appeal.

A complaining employee shall be required to exhaust his or her administrative remedies by filing an appeal with the Executive Committee of the Board of Directors regarding any alleged violation of this policy before being entitled to commence a civil action in the Superior Court.