

PIONEER FIRE PROTECTION DISTRICT

BOARD of DIRECTORS POLICY MANUAL



2019

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ARTICLE 1.1 POLICY ADOPTING GOVERNMENT BY POLICY

The policy of the District Board recognizes that one of its major functions 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. At the same time, the Board preserves for the Fire Chief and his/her professional staff the responsibility of the day-to-day administration, operations, and functions of the District in a manner consistent with the policies and rules of the Board of Directors.

It is therefore, the intent of the Board of Directors of the Pioneer Fire Protection District, to set forth a series of policies and Board 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. HR policies adopted September 2018.

ARTICLE 1.2 FIRE DISTRICT BOARD POLICIES

It is the intent of the Fire District Board to be governed by a set of policies. The policies and rules shall be adopted by the Board and made available as public documents. HR policies adopted September 2018.

The policies and rules of the District Board shall be drafted, adopted and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the residents of the District within the limitations of the District's ability to support it.

The Board of Directors, as the governing body representing the people of the District, determines all questions of policy to be employed in the operation of the Fire District.

In the event that 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 body of 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, as a Board rule, shall clearly specify the intent of the Board in interpreting the policy.

Board rules may also be based on pertinent statutes. In this context they are designed to explain, detail, or otherwise organize the application of a policy consistent with the statutes. Board rules may also be applied to remind the Board, staff, and public of the existence of applicable statutes.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

ARTICLE 1.3 POLICY ADOPTION, CHANGES, DELETIONS, ADDITIONS, REPEAL AND REVIEW

In its deliberations leading to the establishment or amendment of Board Policy or Rules, the Board's central concern will be for increased efficiency and effectiveness in carrying out its 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 at least every two years at a regularly scheduled Fire District Board meeting on a date selected by the Board, 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.

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. A two-step action, with steps separated by no less than 28 days, is required. Introduction, discussion and deliberation shall constitute the first step. A ratification vote shall be required at a second meeting. In the event that an emergency is deemed to exist, and said emergency is recorded in the official minutes and agreed to by a majority of the Board members, a policy can be changed, suspended, added to, or deleted from in the course of a single meeting.

An emergency shall be defined as an unforeseen circumstance requiring immediate action so as to prevent diminishment of the welfare of the District.

The assembled policies of the Fire District Board of Directors, known collectively as the **BOARD POLICY MANUAL**, shall be the reference instrument for conducting the business of the Fire District Board.

ARTICLE 1.4 FINANCIAL PRACTICES

The Board of Directors has the fiduciary responsibility for the broad oversight of Fire District administration, governance and fiscal accountability serving in the best interests of its taxpayers.

As elected officials, it is our fiduciary responsibility to demonstrate accountability and maximize the return on investment of the taxpayer's funding of Public Fire Protection.

The Board of Directors will demonstrate good governance through a reliable system of internal controls ensuring a process for checks and balances is in place to measure and report the collection and disbursement of public funds. This process is accomplished using generally accepted accounting principles and subjecting the District to an annual financial audit by an outside Certified Public Accountant. Additionally, The Board of Directors shall maintain a financial strategy that optimizes the use of public funds through long range planning. The Board of Directors endeavors to assure a legacy of financial solvency for future Administrations.

ARTICLE 1.5 FINANCIAL POLICY STATEMENT

A. Oversight by the Board of Directors

The Board of Directors recognizes their responsibility for fiscal accountability to the community, the employees of the District and the organization. The Board of Directors is committed to staying informed on all financial aspects of District Operations. The Board further commits to using utmost diligence in guaranteeing sound fiscal management principles throughout their decision making process.

B. Treasurer

The District Board acknowledges the Treasurer of the County of El Dorado County as Treasurer of the District by Statute (Health and Safety Code Section 13854). All cash and reserve funds are held in the investment pool of El Dorado County under the management of the County Treasurer. Reserve fund balances will be held available for funding the "dry tax season", capital outlay and mobile equipment objectives rather than borrowing additional funds for that purpose. The District shall maintain a line of credit with the County of El Dorado for cash flow needs.

C. Open and Complete Reporting

The Board of Directors and Staff commit to disclose and report all current impacts to the District's finances at every regular monthly Board Meeting. Care will be given to report in a format easily understood by district clientele.

Budget deviations will be processed per policy and Staff shall provide quarterly or county financial statements to the Board of Directors formatted to include description of funds, expenditure and revenue balances and projected trends throughout the fiscal year.

D. Timely Payment

The District shall process all routine bills received by the District for payment within 30 days and submit all claims to the Board for review at the next regular meeting.

E. Reserves and Designations

The District shall forecast future liabilities and plan for adequate funding based upon economic conditions. Categories shall include:

- Accumulated unpaid compensated absences (PTO, vacation & sick leave).
- Equipment replacement
- Facilities – improvement, maintenance, purchase, construction.
- Mobile equipment.
- Other post employment benefits - Actuarially Determined Contribution (ADC)

The funds needed by each category in a fiscal year will be included in that current year budget. Funds not used in the current fiscal year should be transferred to the following years reserve accounts until those accounts become fully funded or utilized as carry over to fund the following year. The board should do its best to maintain a reserve account for unexpected exigent events.

Once funded, these accounts reserve accounts should not be depleted for any reason other than their stated purpose or district emergency funding. If revenues fall, current expenses will be cut to match revenues rather than spending of reserves.

F. Indebtedness

Great diligence will be used to accomplish the mission of the Pioneer Fire Protection District by applying contemporary business practices and recognized cash management principles based on current economic conditions minimizing the use of debt issuance except where appropriate to meet District goals.

G. Budgets

The goal of the Pioneer Fire Protection District Budget is to reflect a balance of recurring revenues allocated to wages and benefits while maintaining services and supplies reflecting current economic conditions, to demonstrate fiscal responsibility and provide adequate reserves.

H. Fund Balance Policy

1. PURPOSE

The Board recognizes the maintenance of a fund balance is essential to the preservation of the financial integrity of the District and is fiscally advantageous for both the District and the taxpayer. This policy establishes goals and provides guidance concerning the desired level of fund balances maintained by the District to mitigate financial risk as well as ensure adequate financial resources to protect the District against unforeseen revenue

fluctuations, unanticipated expenditures, and similar circumstances. The District's Fund Balance Policy shall address the following:

- To document the District's approach to establishing and maintaining adequate fund balances of the District's Operations
- Maintain a procedure for reviewing fund balances and making necessary changes to fund balances.
- Predict anticipated expenses, target reserve levels, and methodology for calculating reserve levels. Anticipated expenses and target reserve funding shall be established by the Fire Chief or an appointed Finance Committee each year before approval of the Preliminary Budget.
- To properly classify the District's fund balances as per Government Accounting Standards Board (GASB) Statement No. 54; Fund Balance Reporting and Governmental Fund Type Definitions

2. DEFINITIONS

The fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund.

Governmental Accounting Standard Board (GASB) Statement 54 distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent. Beginning with the most restrictive constraints, fund balance amounts will be reported in the following categories:

- **Non-spendable fund balance** – amounts that are not in a spendable form or are legally or contractually required to be maintained intact (e.g., prepaid items and deposits on file with other agencies)
- **Restricted fund balance** – amounts that can be spent only for the specific purposes stipulated by external parties either constitutionally or through enabling legislation (e.g., grants or donations).
- **Committed fund balance** – amounts that can be used only for the specific purposes determined by a formal action of the Board of Directors, through ordinance or resolution. These committed amounts cannot be use for any other purpose unless the Board removes or changes the specific use through the same type of formal action taken to establish the commitment. Board action to commit fund balance must occur within the fiscal reporting period; however, the amount or amounts can be determined subsequently.
- **Assigned fund balance** – amounts *intended* to be used by the government for specific purposes. Intent is expressed by the Board Directors or by a designee to whom the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
- **Unassigned fund balance** – includes all amounts not contained in other classifications and is the residual classification of the general fund.

3. POLICY

The Board of Directors shall be responsible for the oversight of all District fund accounts and balances. Changes to the existing fund balances, establishing new fund accounts, and authorizing expenditures for fund balances shall require action by the Board. The Finance Committee (if appointed) shall review fund balances and recommend changes to

fund balances for the upcoming fiscal year to be presented to the full Board of Directors prior to the adoption of the Preliminary Budget.

Reserve Fund Designations and Funding Levels

- **Compensated Absences Reserve:** An “Assigned” fund for the purpose of providing funds for the payment to employees for unused sick leave, vacation, and other leave as defined in collective bargaining agreements. The funding level shall be at a minimum of 25% or as determined by the Fire Chief based on year end balances.
- **Equipment Replacement Reserve:** An “Assigned” fund for the purpose of providing funds for the replacement or improvement of capital equipment utilized in the delivery of emergency services. Fund balance requirements shall be based on the Equipment.
- **Capital Improvement Reserve:** An “Assigned” fund for the purpose of funding capital improvement projects and acquisitions. Fund balance requirements shall be based on the Capital Budget Process or the District’s Facility Assessment Report.
- **Mobile Equipment Reserve:** An “Assigned” fund for the purpose of providing funds for the replacement of apparatus and support vehicles. Fund balance requirements shall be based on the Fleet Replacement Schedule and reviewed biennially by the Fire Chief or an appointed Finance Committee to determine proper level of funding.
- **Minimum Fund Balance:** It is the goal of the District to achieve and maintain an unassigned fund balance in the general fund at a maximum of Five (5) Months of the General Fund Operating Expenditures at the end of each fiscal year to provide adequate cash flow and avoid short term borrowing in the subsequent fiscal year.

Reserve Fund Expenditures and Replenishment

- Fund balances shall be reviewed by the Fire Chief or an appointed Finance Committee before adoption of the Preliminary Budget each year.
- All expenditures or transfers between reserve funds shall be approved by the Board of Directors.
- If the unassigned minimum fund balance at fiscal year-end falls below the goal, the District shall develop a restoration plan to achieve and maintain the minimum fund balance. Should the unassigned minimum fund balance ever exceed the maximum range, the District will consider such fund balance surpluses for one-time expenditures that are non-recurring in nature which will not require additional expense outlays for maintenance, additional staffing or other recurring expenditures.

ARTICLE 2.1 FIRE DISTRICT BOARD OF DIRECTORS

A. Basis of Authority

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

B. Job Description

The members of the Board of Directors have ultimate responsibility to ensure the lawful and efficient operations of the District. They are the disciplinary body for the Fire Chief, and may act as the administrative board in all disciplinary hearings involving all employees. It is their responsibility to ratify all annual budgets and expenditures, and to participate in and/or ratify annual salaries, wages and benefits.

The members of the Board of Directors set policy of the District. Said policies are to be mindful of the legal and constitutional rights of all employees and are to be set with care and in accordance with law.

The Board is entitled to enter into all contracts on behalf of the District as are within the scope of its authority and in the line of duty, and Board members are not personally liable thereon unless it is clear by the terms of the contract that the Board members intended to bind themselves personally. However, any contracts which exceed the authority given to the Board may subject the Board members to personal liability for the amounts due there under.

Board members are expected to be familiar with the rules of the Brown Act regarding open meetings, required notice therefore, and the requirements for entering into closed session. Participation in retroactive feigned compliance with Brown Act (see Appendix I) meeting requirements could subject a Board member to criminal liability. All Board members should be aware of any issue of self-dealing and should abstain from voting on any questions in which the member has an interest, or on those involving issues which could somehow affect their tenure or benefits.

Pioneer Fire Protection District is defined in accordance with the provisions of California Statutes. The Fire District includes territories lying in Somerset, Grizzly Flat, Fairplay, Outingdale, Mount Aukum and Omo Ranch. The Fire District Board, by policy, shall carry out its responsibilities and the will of the people of the District, in keeping with state and federal constitutions, statutes, rules, interpretations of the courts, and all the powers and responsibilities they provide.

C. 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 or individuals, as required in the Brown Act. The Pioneer Fire District Board reserves to itself or:

- The Fire Chief
- A designee
- A contract negotiator
- The Fire Board Personnel Committee
- A combination of resources
- The responsibility of negotiating with employee groups or individuals.

D. Code of Ethics

The Board of Directors of the Pioneer Fire Protection District is committed to providing excellence in legislative leadership that result in the provision of the highest quality of services to its constituents. In order to assist in the government 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.

The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District should be delegated to staff of the District.

Directors are accountable for monitoring the Fire Chief's progress in attaining District goals and objectives, while pursuing its mission.

Directors should practice the following procedures:

- In seeking clarification on informational items, Directors may directly approach the Fire Chief or staff to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- In handling complaints from residents, property owners, businesses of the District, said complaints should be referred directly to the Fire Chief.
- In handling items related to safety, concerns for safety or hazards should be reported to the following:
 - Fire Chief
 - Duty Battalion Chief
- Emergency situations should be dealt with immediately by contacting the Duty Battalion Chief or the Fire Chief.
- In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, said concerns should be referred directly to the Fire Chief or the Duty Battalion Chief.
- When approached by District personnel concerning specific District policy, Directors should direct inquiries to the Fire Chief or Duty Battalion Chief.
- When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner.
- Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- Directors are expected to serve on standing and ad hoc committees as established. These committee assignments 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.
- Director's acceptance of any gratuity in any form from a vendor or contractor or prospective vendor or contractor is prohibited and subject to disciplinary action.

E. Attendance at Meetings

Members of the Board of Directors are expected to attend all regular and special meetings of the Board. Absences for good cause will be forwarded to the Board Chair or Fire Chief prior to commencement of the meeting.

Pursuant to California State Law, a vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months of regular monthly Board Meetings except as authorized by the Board of Directors or any of the following:

- The death of the incumbent.
- An adjudication pursuant to a quo-warrant to proceeding declaring that the incumbent is physically or mentally incapacitated and that the incumbent would not be able to perform the duties of his/her office.
- His/Her resignation.
- His/Her removal from office.
- Place of residence moves outside the District.

- A conviction of a felony or any offense involving a violation of his or her official duties.
- Refusal to file his/her required oath or bond within the time prescribed.
- The decision of a tribunal declaring void his/her election or appointment.
- His/Her commitment to a hospital or sanitarium by a court of competent jurisdiction the office shall not be deemed vacant until the order of commitment has become final.

ARTICLE 2.2 MEMBERSHIP OF THE FIRE DISTRICT BOARD

The Board of Directors of Pioneer Fire Protection District shall consist of five (5) members serving four-year, staggered terms. 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. Further, such Board member or officers of the Fire District Board of Directors shall not simultaneously hold office and be a contractor or employee of the District. No member of the Board shall be eligible to be a full time paid employee of the district for a period of one year following termination of his/her term of elective office.

A. Board Orientation

District Board Policy dictates that the Board Chair and the Fire Chief be responsible for the appropriate orientation and training of new Board members in the Brown Act (see Appendix I.)

The Fire Chief, in cooperation with the Board Chair, shall schedule opportunities for new Board members to acquaint them with the District's facilities, equipment, and personnel and to provide copies of an overview of:

1. Fire Board Policies
2. Board Member By-Laws
3. District territory and boundaries
4. District Rules & Regulations
5. Labor and other major contracts
6. Emergency Operating Procedures, Administrative Operating Procedures and Statements of Policy
7. Fair Political Practices Commission (see Appendix II)

B. Training, Education and Conferences

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation.

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.

The Fire Chief or his/her designee is responsible for making arrangements for Directors for conference and registration expenses, and for per diem (at Fire District policy per diem allowance). All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Board Secretary, together with validated receipts.

Expenses to the District for Board of Directors' training, education and conferences will utilize recommendations for transportation and housing accommodations put forth by the Fire Chief and by the adopted budget amounts.

- Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates, Directors traveling together whenever feasible and economically beneficial, and

requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

- 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 session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

C. Directors' Compensation and Reimbursement

The Fire District shall not reimburse Board members for all regularly scheduled Board Meetings, Special Meetings, Ad Hoc and Committee Meetings and when in response to subpoenas or legal actions. The Board of Directors may meet as many times as necessary during a calendar month. If the board by unanimous vote approves a stipend they will follow California Health and Safety Code 13857(a), the number of meetings for which a member of the Board of Directors may receive compensation shall not exceed four (4) meetings in any calendar month.

The District shall reimburse District Board members for reasonable expenses actually incurred while on approved Fire District business. Such reimbursement shall extend only to the bona fide expenses of District Board members, and will not include recompense for a spouse or companion's costs. Each Board member shall present a statement, supported by appropriate documentation, before reimbursement is made.

D. Board Vacancies

Filling vacancies in the office of Director shall be in accordance with California law (see Appendix III).

E. Board Elections

When a District election is to be held for the purpose of electing members to the District Board, the County Clerk shall cause to be published in accordance with California law (see Appendix III) the following information:

- The date of the election;
- The Board positions to be voted upon;
- The latest date candidates may file for office.

The County Clerk, serving as elections officer, has total responsibility for the conduct and administration of District elections.

ARTICLE 2.3 OFFICERS OF THE FIRE DISTRICT BOARD

The officers of the Board shall be the Chair and Vice-Chair, and a Board Secretary. All officers shall be elected one (1) year, with no officer serving more than two consecutive terms in any one office of the Board of Directors. Officers elected to fill an unexpired term shall serve until the end of their predecessor's term.

The Board Chair of the Fire Board shall preside at all meetings of the Board and shall have the right to offer motions and amendments and to vote on motions put before the Board for

action. The Chair shall sign on behalf of the Board such documents as may require an official signature, such as:

- Contracts
- Agreements
- Memorandums of Understanding (MOU)
- Board minutes
- Accounts Payable Claim Batch
- Consent Agendas

The Vice-Chair shall perform all the duties of the Board Chair when acting in that capacity.

A. Annual Organizational Meeting

The Board shall elect a Chair, Vice Chair, and Secretary at the first regularly scheduled meeting in December of each year to serve throughout the subsequent calendar year. Upon the occurrence of a vacancy, the Board shall fill such vacancy. An interim election for board Officers may be held upon approval by a majority of Directors. The procedure is as follows:

Nominations may be made from the Board. When a nomination is made, no second is required.

No one can nominate more than one person for a given office until every member who desires has an opportunity to nominate a person. The Chair will call for the nominations by saying, "Nominations are now in order for the office of Board Chair," etc. Member should say, "I nominate Director ?" Chair should say, "Director ? is nominated. Are there any further nominations for the office of Chair" etc. (Pause) "If not..., nominations are closed." For an office for which no candidate has a majority, the Chair announces "No Election". A Board Member may decline a nomination. Voting procedure is a voice vote. Election to office goes into effect the first regular board meeting in January.

The Board Chair of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board. The Secretary (who may delegate to district Fire Chief or Administrative Assistant) is responsible for calling the roll of Board Members, recording motions, seconds, and voting actions, signing Board Action Minutes, and shall act as Chair in the absence of the Chair and Vice Chair.

ARTICLE 2.4 POWERS AND DUTIES OF THE FIRE DISTRICT BOARD

It is the policy of the Pioneer Fire Protection 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.

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 and executive functions to the Fire Chief.

The basic manner in which members fulfill their office must be at a regular, special, committee, ad hoc, or workshop meeting, and may be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members including the Chair, are expected to participate fully in deliberation and voting.

It is understood that Board Members will not always agree. It is the policy of the Board that members respect the authority of the majority. If a member cannot vote in support of a

decision made by the majority that member's actions should remain neutral and not work against the decision of the majority.

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.

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

The Fire District Board encourages members to participate in organizations such as the Fire Districts Association of California, and others with similar benefit to the District. Membership fees shall be borne by the Fire District and reasonable expenses incurred in attending meetings, seminars, and training sessions shall be borne by the Fire District.

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;
- Refuse to participate in secret meetings or other irregular meetings which are not official and which all members do not have the opportunity to attend;
- Recognize that he/she has no legal status to act for the Board outside of official meetings;
- Respect the right of the public 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 practice 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;
- Give staff and contemporaries the respect and consideration due skilled professional personnel.

The Board of Directors reserves the right to censure or disapprove actions taken by individual Board members if their actions exceed the role, responsibility or 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 before the Board). Boards may also pass resolutions

disapproving a Board member for his/her conduct and that does not require a process hearing beforehand.

STRATEGIC PLANNING

The Pioneer Fire Protection District's sole purpose of Strategic Planning is to create measureable change that improves/enhances the organization's delivery of services. There are six key elements having everything to do with strategic thought and a philosophy of operations within the fire district. They include; 1.) Defining quality; 2.) Focusing on the citizen; 3.) Identifying and redesigning core processes; 4.) Measuring performance as well as outcomes; 5.) Practicing participative management; and 6.) Seeking continuous improvement.

The Board of Directors should on an annually basis, review and evaluate the current Fire District Strategic Plan. In addition, an evaluation of any new changes that have occurred since the last iteration of the strategic plan in relation to strategic issues, the external environment, and the internal environment will be analyzed and updated. During the evaluation process and finalizing an updated strategic plan, the following two objectives will be utilized in the process:

A) The strategic planning process may contain:

- Citizen involvement from the community
- Member input from all levels of the organization
- Fire service input from nearby or adjoining organizations
- A strategic planning team representing a cross section of the organization
- Buy-in by the organization's key leadership
- Availability of the plan to the public and organization members

B) The strategic plan may contain:

- A vision that stretches the organization and encourages excellence
- A mission that identifies the organization's core business functions
- Values that identify organizational and individual behaviors
- Goals and objectives that encourage and embrace involvement, participation, and teamwork
- Prioritization of the organization's needs
- Identification of performance measures for achieving desired and predictable outcomes.

FINANCIAL OVERSIGHT

The Board of Directors recognizes their responsibility for fiscal accountability to all that they serve. The Board of Directors is committed to staying informed on all aspects of the District operations, including budgeting, contract formation and claim review. The Board further commits to using the upmost diligence in guaranteeing sound fiscal management principles throughout their decision making process.

The Board of Directors are charged with the duty to review monthly and approve posted claims. Each Director will thoroughly review each claim and question any abnormalities. The Board members will also review, and approve, any and all contracts that the District is entering into. Finally, the Board may direct the Fire Chief and appoint a Finance Committee, such committee is appointed they will work with the appointed Finance Committee to establish and approve an annual preliminary and final budget. The Board also commits to complete the budgetary process within the time limits as set by law.

ARTICLE 2.5 ADVISORY COMMITTEES

It is the policy of the Pioneer Fire Protection District Board to establish advisory committees when it is found to be in the best interest of the District to do so.

The Fire District Board may elect to maintain the following standing committees:

Finance Committee – The Board’s standing Finance Committee shall be an advisory committee concerned for the financial management of the District, including the preparation of an annual budget and major expenditures.

It is the policy of the Fire District Board to establish an ad hoc committee as needed, formed for a specific purpose. Members of an ad hoc committee shall be appointed by the Board Chair. Ad hoc committees shall be considered dissolved upon submission of a final report unless their standing is continued by a vote of the majority of Board members.

The Board Chair or designee shall outline the duties and responsibilities at the time of appointment. A Board member(s) shall serve on all standing or ad hoc committees.

Constructive use may be made of citizen advisory committees as a way of involving the public in the decision making process.

Committees may provide information and serve in an advisory role concerning Fire District matters assigned to them. The Fire District Board is responsible for adopting or rejecting committee’s priorities and/or recommendations.

It shall be the responsibility of the Fire Chief to advise the various committees as to the requirements of the Brown Act. Legal matters, code modifications, additions, deletions, and Fire District Law changes shall be monitored and relayed to the Fire Board.

The Fire Chief shall be responsible for posting notices of all committee meetings and notifying the press and public as required by the Brown Act (required when three Board members are present or when a committee with Board representation is making a specific recommendation for action to the Board of Directors.)

The various committee chairpersons shall confer with all committee members to establish meeting date, time and agenda items.

All committee meetings will be scheduled to best meet the mutually agreed upon date and time.

The committee chairperson shall, when possible, allow for five (5) working days before the meeting date. He/she needs to coordinate with the Fire Chief & staff to avoid conflicting meetings and to accommodate work schedules. The meeting dates shall be mutually pre-agreed upon by the committee members and the Fire Chief before the agenda is released.

ARTICLE 2.6 DELEGATION OF BOARD AUTHORITY

The Pioneer 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 Board will approve a job description for the Fire Chief as per District Policy. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of employment.

The Fire Chief or his/her designee shall serve as General Manager, executive officer, and the Board Secretary of the District and shall have the responsibility for:

- Preparing the agenda 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 monthly to the Board on the progress of programs, divisions, and functions in the District,
- Personnel matters under the direction of the Board,
- Reporting to the Board any promotions, demotions, transfers, and dismissals in accordance with the policies of the Board as applicable,
- Represent the Fire Board as the Director of Personnel & Human Resources for the District.

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.

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.

The Board of Directors delegates the authority for the Fire Chief to develop the District's operating procedures (written, maintain and distribute) to district personnel: To include but not limited to; Administrative Operation Procedures, Emergency Operation Procedures, Information Sheets and Standard Operating Procedures as needed for the district to maintain proper operating procedures.

In addition, the Fire Chief is delegated the authority to hire and terminate all personnel within the District. Hiring personnel will be at the discretion of the Chief for the purpose of maintaining the most efficient staffing and valued service to the district.

ARTICLE 3.1 METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS

It is the policy of the Pioneer Fire Protection District Board that all meetings 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.

A. Meeting Location

Regular meetings of the Fire District Board shall be held at the Administration Office of the Pioneer Fire Protection District, 7061 Mt. Aukum Rd. Somerset, CA on the second Tuesday of each month at 6 p.m., unless by specific action of the Board a different meeting place or time is selected.

The Chair and the Fire Chief shall insure 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.

B. Regular Meetings

All meetings of the Fire District Board are to be posted 72 hours in advance 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. A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

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 within the Pioneer Fire Protection District Administration Office and at all three post offices within district boundaries.

It shall be the policy of the Fire District Board to recognize itself as a policy-making 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.

C. Special Meetings

All special meetings are required by law to have at least a 24 hour advance notice except in the case of an emergency. Board meeting notices are to be posted at the Pioneer Fire Protection District Administration Office, and all three post offices within district boundaries.

Special or emergency meetings of the Board may be called by the Board Chair or by petition from a majority of the Board members to the Board Chair or the Vice Chair, or by request of the Fire Chief.

D. Closed Sessions

Notwithstanding Section 54957 of the Brown Act, no closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the (24) hour notice. The minutes of the emergency special meeting, a list of persons the Fire Chief or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of (10) days in the District office as soon after the meeting as possible.

E. Quorum

A majority of the members of the Board shall constitute a quorum. The affirmative vote of at least three (3) members present at any meeting having a quorum shall be considered sufficient for action, except for actions required otherwise by law or these policies. If only three (3) members are present, constituting a quorum, a unanimous vote is required to approve a motion.

F. Agendas

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, subject to the following conditions:

- The request must be in writing and be submitted to the Fire Chief (or other responsible managing employee) together with supporting documents and information, if any, by 1 p.m. on the Wednesday prior to the board meeting.
- The Fire Chief upon consultation with the Board Chair will determine whether the public request is or is not a "matter directly related to District business."
- If the required staff work is available or able to be completed prior to Item A.

The Fire Chief or designee, in cooperation with the Board Chair, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the Fire Chief and request any item to be placed on the agenda **no later** than 11 a.m. on the Thursday prior to the following the next regularly scheduled Board Meeting.

The Fire Chief, in cooperation with the Board Chair, shall prepare an agenda for each meeting and have it available with supporting information, to each Board member at least 48 hours (except weekends) prior to each regular meeting.

An agenda meeting should be held with the Board Chair and the Fire Chief one week prior to the agenda packet delivery date. (Normally, the Wednesday prior to the Tuesday meeting, when possible). Any Board Member may attend this agenda meeting. Any resident of the District may submit matters to be placed on the meeting agenda. In order to ensure consideration at the next regular meeting, requests should reach the Fire Chief, in writing at least fourteen days before the next regular meeting.

G. Consent Agenda

Items of a routine and non-controversial nature shall be placed on the consent agenda. All items may be approved by one blanket motion upon unanimous consent. Any Board Member may request that any item be withdrawn from the consent agenda for separate consideration. However, any Board Member may abstain from voting on any consent agenda item without requesting its removal from the consent agenda, and the Board Secretary shall be instructed to record such abstentions in the minutes.

No matter, which is legally a proper subject for consideration by the Board in closed session, will be accepted under this policy.

H. Public Comments

The Board may also permit audience comments relative to a specific motion prior to the final vote of the Board. The degree of audience participation will depend upon time available and the significance of the matter under discussion. The chairperson may set a time limit for individual comments on a given issue.

The Fire District Board shall provide in the agenda of its regular meeting a specific time to hear the comments, concerns, and suggestions from the public.

In order to accomplish the tasks of the Board in an orderly and expeditious manner, the Board will attempt to limit repetitious testimony and discussion whenever possible and to limit discussion to a reasonable amount of time.

Any person may address the Board on any subject pertaining to District business not listed on the agenda during the Public Comments portion of the meeting. Each person desiring to speak is limited to three (3) minutes unless extended by the Chair. Any public comments on items listed on the agenda should be addressed at the time the agenda item is up.

This policy does not prevent the Board from taking testimony at regular and meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting in the same location and when possible on the Fire District's website.

I Board Meeting Conduct

Meetings of the Board of Directors shall be conducted by the Chair in a manner consistent with the policies of the District. All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

The conduct of meetings shall, to the fullest possible extent, enable Directors to:

- Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and, receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:
 - No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.
 - Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the Chair finds that there is in fact willful disruption of any meeting of the Board, the Chair may order the room cleared to subsequently conduct the Board's business. In such an event, only matters appearing on the agenda may be considered in such a session. After clearing the room, the Chair may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room. Duly accredited representatives of the news media, whom the Chair finds not to have participated in the disruption, shall be admitted to stay for the remainder of the meeting.
 - Law Enforcement may be summoned for security reasons should tensions arise that could potentially bring harm to the public, Board members or staff.

J. Adjourned Meetings

A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the Fire Chief may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified above.

ARTICLE 3.2 MEETING MINUTES, PUBLIC RECORDS

The minutes of the meetings of the Fire District Board shall be maintained in the Administration Office of the District and shall provide for information as required by law and Board policies.

The Board Secretary or staff designee shall record all proceedings of the Fire District Board meetings and file these in chronological order in a book provided for that purpose.

The official minutes of Board meetings, including supporting documents, shall be open to inspection by the public at the office of the Fire Chief during regular business hours. Minutes of closed sessions are not subject to this provision in accordance with Brown Act.

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 Law, certain records, such as closed session minutes and personnel records are not included in the category of records to which the right of access is to be granted by the Fire District.

The Secretary of the Board of Directors shall keep minutes of all regular and special meetings and standing committees of the Board.

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

The official typed 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.

The official records of the meetings are the approved typed minutes.

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

All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each calendar year.

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.

Board Actions:

- Approval or amended approval of the minutes of preceding meetings.
- Complete information as to each subject of the Board's deliberation.
- 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.
- All employments and resignations or terminations of employment within the District.
- 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 Chiefs report to the Board.

- Approval of all policies and Board-adopted regulations.

ARTICLE 3.3 RULES OF ORDER DURING MEETINGS

The Board Chair is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Board Chair and all questions and remarks shall be addressed to the Chair.

A. Points of Order

The Board Chair 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 Chair be sustained?" A majority vote shall govern and conclusively determine such question of order.

B. Decorum and Order - Board Members

Any Board Member desiring to speak shall address the Chair and, upon recognition by the Chair, 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/herself or to designate some member of his/her staff for that purpose.
- A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless a Point of Order is raised by another Board Member, or unless the speaker chooses to yield to questions from another Board Member.
- Any Board Member called to order while he/she is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If ruled to be not in order, he/she shall remain silent or shall alter his/her 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.

C. 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.

D. 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 refrain from debate and voting.

Such Board Member may choose to leave the Board chambers during debated and voting on issue.

E. Limitation of Debate

No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken.

F. Dissents, Protests, and Comments

Any member shall have the right to express dissent from or 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..."

G. Rulings of Chair Final Unless Overruled

In presiding over meetings, the Board Chair, Vice Chair or temporary Chair 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 for purposes of the matter under consideration.

H. Actions Not Invalidated

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

I. Actions

The Board may act only by ordinance, resolution or motion. For example: Board actions setting rules for long-term application are taken by ordinance, whereas more routine business and administrative matters (usually more temporary in nature) are accomplished by “resolutions.”

The “motion” (assuming it was one which passed) 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 (unless a minute order is requested).

J. Processing of Motions

When a motion is made and seconded, it shall be stated by the Board Chair before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

K. Motions Out of Order

The Board Chair 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.

L. Division of Question

If the question contains two or more divisional propositions, the Board Chair may, or upon request of a member shall, divide the same.

M. 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:

- Adjourn
- Fix hour of adjournment
- Table
- Limit or terminate discussion
- Substitute
- Reconsider
- Amend
- Postpone

N. 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.

O. 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 or amendable except by unanimous vote.

P. 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.

Q. 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.

R. 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.

S. Motion to Continue – Debatable

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

T. 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 a reconsideration thereof shall be made without unanimous consent to the Board.

U. 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 Chair voting last. The Secretary 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.’

V. Tie Votes

Tie votes shall be considered a no vote or denial.

ARTICLE 3.4 PROCEDURE FOR ADOPTING A RESOLUTION

Resolutions are to be prepared in advance. The procedure shall be:

- Motion
- Second
- Discussion

- Vote, pursuant to the methods set out for motions, as per section 2.21
- Result declared

When a resolution has not been prepared in advance, the general counsel or staff shall prepare a resolution for presentation at the next meeting.

ARTICLE 3.5 PROCEDURE FOR ADOPTING AN ORDINANCE

All ordinances shall be placed on the agenda for regular meetings by title and brief description of content. (An exception is an urgency ordinance, which may be adopted at a special meeting.)

- Discussion
- First Reading/Introduce the Ordinance
 - A. Motion to waive reading of entire ordinance and read by title and number only. Must be carried unanimously.
 - B. Reading by title by the Board Secretary
 - C. Motion to introduce:
 - 1) Moved by:
 - 2) Seconded:
 - 3) Carried by:
- Adoption Second Reading in general, must occur at least five (5) days after first reading. Second Reading/Adopt the Ordinance.
 - A. Motion to waive reading of entire ordinance. (see above)
 - B. Motion to adopt Ordinance No ____ to be read by title and number only.
 - 1) Moved by:
 - 2) Seconded:
 - 3) Carried by:
 - C. Secretary to read by title and number only.
 - D. State: Following the thirty (30) day waiting period, Ordinance No. ____ will be effective.
- Publication
 - A. The ordinance must be published within fifteen (15) calendar days of adoption. The ordinance is published once in full in the local newspaper. The ordinance must show the names of the Board Members and their votes.
 - B. For summary publication: Publish both before and after adoption. The summary of the proposed ordinance must be published five (5) days before the meeting where it will be considered. The summary is published again within fifteen (15) days after adoption.

ARTICLE 3.6 FIRE DISTRICT LEGAL COUNSEL

It shall be the responsibility of the Pioneer Fire Protection 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 Board meetings or Committee Meetings when the Board Chair or the Fire Chief deem it necessary.

In keeping with District Policy and fiscal responsibility, all legal counsel contact shall have approval of the Board Chair and Committee Chair for matters requiring a legal interpretation. In the event of certain critical time constraints, the Board Chair or Committee Chair may contact legal counsel at their discretion. In such an event, the Board Chair must subsequently schedule a special meeting within three calendar days to inform the entire board and the public as to the nature of the emergency and explain any subsequent actions and decisions. The meeting may be in public or closed session, pursuant to Calif. Gov't Code 54950 et seq.

APPENDIX

I

The Ralph M. Brown Act

The Brown Act

Open MEETINGS FOR LOCAL LEGISLATIVE BODIES

Office of the Attorney General
Bill Lockyer
Attorney General

Prepared by the Division of Civil Law

Chief Assistant Attorney General Andrea Lynn Hoch
Deputy Attorney General Ted Prim, Editor

Office of the Attorney General

Bill Lockyer
Attorney General

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies - such as boards, councils and commissions - are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act.

While local legislative bodies generally are required to hold meetings in open forum, the Brown Act recognizes the need, under limited circumstances, for these bodies to meet in private in order to carry out their responsibilities in the best interests of the public. For example, the law contains a personnel exception based on notions of personal privacy, and a pending litigation exception based upon the precept that government agencies should not be disadvantaged in planning litigation strategy. Although the principle of open meetings initially seems simple, application of the law to real life situations can prove to be quite complex. The purpose of this pamphlet is to provide a brief description of the Brown Act, along with a discussion of court decisions and opinions of this office that add to our understanding by applying it in specific factual contexts. We hope this pamphlet will assist both public officials and those who monitor the performance of local legislative bodies to minimize and resolve disputes over interpretations of the Brown Act. In recent years, both the California Supreme Court and the courts of appeal have recognized the benefit of pamphlets issued by our office. This recognition by the courts, along with many favorable comments from members of the public, strengthens our resolve to continue producing reliable informational materials on the Brown Act and other California laws. Publication of these materials constitutes a tradition of service that we value greatly.

Ideas and suggestions for future editions of this pamphlet are welcomed and should be addressed to the editor.

Sincerely,

BILL LOCKYER
Attorney General

INTRODUCTION

This pamphlet concerns the provisions of the Ralph M. Brown Act, which govern open meetings for local government bodies. The Brown Act is contained in Section 54950 et seq. of the Government Code. Accordingly, all statutory references in this pamphlet are to the Government Code unless otherwise noted. The pamphlet contains a Table of Contents, which may also serve as a topical outline for the reader. The pamphlet also includes a brief summary of the main provisions of the Brown Act, along with references to the appropriate Government Code sections and chapters of the text. The text includes a discussion of the law along with tips on how the law should be applied in particular situations. Numerous references are made to legal authorities throughout the text. A copy of the Brown Act in its entirety is set forth in the appendix to the pamphlet. Lastly, the pamphlet contains a table of authorities so that the reader can determine all of the places in the text where references are made to a particular authority.

In preparing this pamphlet, we relied on a variety of legal resources. Appellate court cases were consulted and are cited throughout the pamphlet. While most of the more significant cases are discussed, this pamphlet is not intended to be a compendium of all court cases in this area. In addition, we drew upon published opinions and unpublished letter opinions issued by this office. Attorney General opinions, unlike appellate court decisions, are advisory only and do not constitute the law of the state. However, with respect to the Brown Act, the courts have frequently adopted the analysis of Attorney General opinions, and have commented favorably on the service afforded by those opinions and this pamphlet. (*Bell v. Vista Unified School Dist.* (2000) 82 Cal.App.4th 672; *Freedom Newspapers v. Orange County Employees Retirement System* (1993) 6 Cal. 4th 821, 829.)

Published opinions are cited by volume and page number (e.g., 32 Ops.Cal.Atty.Gen. 240 (1958)). Unpublished letter opinions are cited as indexed letters by year and page number (e.g., Cal.Atty.Gen., Indexed Letter, No. IL 76-201 (October 20, 1976).) Published opinions are available through law libraries and some attorneys' offices. As a general rule, indexed letters are available only in the Office of the Attorney General. Copies may be obtained by a request to the Public Inquiry Unit of the Office of the Attorney General.

If you have specific questions or problems, the statutes, cases and opinions should be consulted. You also may wish to refer the matter to the attorney for the agency in question, a private attorney or the district attorney.

The pamphlet is current through January 2003 with respect to statutes, case law, and Attorney General opinions.

SUMMARY OF KEY BROWN ACT PROVISIONS

COVERAGE

PREAMBLE:

Public commissions, boards, councils and other legislative 54950 Ch. I
 bodies of local government agencies exist to aid in the
 conduct of the people’s business. The people do not
 yield their sovereignty to the bodies that serve them.
 The people insist on remaining informed to retain
 control over the legislative bodies they have created.

GOVERNING BODIES:

Includes city councils, boards of supervisors, and district 54952(a) Ch. I &
 boards. Also covered are other legislative bodies of local II
 government agencies created by state or federal law.

SUBSIDIARY BODIES:

Includes boards or commissions of a local government agency 54952(b) as well as standing committees of a legislative body. A Ch. II
 standing committee has continuing subject matter jurisdiction or a
 meeting schedule set by its parent body. Less-than-a quorum
 advisory committees, other than standing committees, are
 exempt.

PRIVATE OR NONPROFIT CORPORATIONS OR ENTITIES:

Covered only if:

- a. A legislative body delegates some of its 54952(c)(1)(A) Ch. II
 functions to a private corporation or entity; or
- b. If a legislative body provides some funding to a
 54952(c)(1)(B) private corporation or entity and appoints
 one of its members to serve as a voting member of entity’s
 board of directors.

MEETING DEFINED

INCLUDES:

Any gathering of a quorum of a legislative body to discuss or 54952.2 Ch. III
 transact business under the body’s jurisdiction; serial meetings are prohibited.

EXEMPTS:

- (1) Individual contacts between board members and 54952.2(c)(1) Ch. III others which do not constitute serial meetings;
- (2) Attendance at conferences and other gatherings 54952.2(c)(2), which are open to public so long as members of (3) and (4) legislative bodies do not discuss among themselves business of a specific nature under the body's jurisdiction;
- (3) Attendance at social or ceremonial events 54952.2(c)(5) where no business of the body is discussed.

LOCATIONS OF MEETINGS:

A body must conduct its meetings within the boundaries of its 54954 Ch. IV jurisdiction unless it qualifies for a specific exemption.

TELECONFERENCE MEETINGS:

Teleconference meetings may be held under carefully defined 54953 Ch. III conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully accessible to members of the public.

PUBLIC RIGHTS

PUBLIC TESTIMONY:

Public may comment on agenda items before or during 54954.3 Ch. IV & V consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction.

NON-DISCRIMINATORY FACILITIES:

Meetings may not be conducted in a facility that 54953.2; 54961 Ch. V excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

COPY OF RECORDING:

Public may obtain a copy, at cost, of an existing tape 54953.5 Ch. V recording made by the legislative body of its public sessions, and to listen to or view the body's original tape on a tape recorder or viewing device provided by the agency.

PUBLIC VOTE:

All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted. 54953(c) Ch. VI

CLOSED MEETING ACTIONS/DOCUMENTS:

At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request. 54957.1 Ch. IV, V & VI

TAPING OR BROADCASTING:

Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding. 54953.5; Ch. V
54953.6

CONDITIONS TO ATTENDANCE:

Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings. 54953.3; Ch. V
54961

PUBLIC RECORDS:

Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay. 54957.5 Ch. V

REQUIRED NOTICES AND AGENDAS

REGULAR MEETINGS:

Agenda containing brief general description (approximately twenty words in length) of each matter to be considered or discussed must be posted at least 72 hours prior to meeting. 54954.2 Ch. IV

SPECIAL MEETINGS:

Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed. 54956 Ch. IV

EMERGENCY MEETINGS:

One hour notice in case of work stoppage or crippling activity, except in the case of a dire emergency. 54956.5 Ch. IV

CLOSED SESSION AGENDAS:

All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5. Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.

54954.2; Ch. IV
 54954.5;
 54957.1 and
 54957.7

AGENDA EXCEPTION:

Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.

54954.2(b) Ch. IV

CLOSED-SESSION MEETINGS

PERSONNEL EXEMPTION:

The body may conduct a closed session to consider appointment, employment, evaluation of performance, discipline or dismissal of an employee. With respect to complaints or charges against an employee brought by another person or another employee, the employee must be notified, at least 24 hours in advance, of his or her right to have the hearing conducted in public.

54957 Ch. VI

PUBLIC SECURITY:

A body may meet with law enforcement or security personnel concerning the security of public buildings and services.

54957 Ch. VI

PENDING LITIGATION:

| | | |
|--|----------------|-------------------|
| <p>A body may meet in closed session to receive advice from its legal counsel concerning existing litigation, initiating litigation, or situations involving a significant exposure to litigation. The circumstances which constitute significant exposure to litigation are expressly defined in section 54956.9(b)(3).</p> | <p>54956.9</p> | <p>Ch. VI</p> |
|--|----------------|-------------------|

LABOR NEGOTIATIONS:

| | | |
|--|----------------|-------------------|
| <p>A body may meet in closed session with its negotiator to consider labor negotiations with represented and unrepresented employees. Issues related to budgets and available funds may be considered in closed session, although final decisions concerning salaries of unrepresented employees must be made in public.</p> | <p>54957.6</p> | <p>Ch. VI</p> |
|--|----------------|-------------------|

REAL PROPERTY NEGOTIATIONS:

| | | |
|--|----------------|-------------------|
| <p>A body may meet in closed session with its negotiator to consider price and terms of payment in connection with the purchase, sale, exchange or lease of real property.</p> | <p>54956.8</p> | <p>Ch. VI</p> |
|--|----------------|-------------------|

REMEDIES AND SANCTIONS

CIVIL REMEDIES:

| | | |
|---|----------------|--------------------|
| <p>Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act.</p> | <p>54960;</p> | <p>Ch. VII</p> |
| <p>Attorneys' fees are available to prevailing plaintiffs.</p> | <p>54960.1</p> | |
| | <p>54960.5</p> | |

CRIMINAL SANCTIONS:

| | | |
|--|--------------|--------------------|
| <p>The district attorney may seek misdemeanor penalties against a member of a body who attends a meeting where action is taken in violation of the Act, and where the member intended to deprive the public of information which the member knew or has reason to know the public was entitled to receive.</p> | <p>54959</p> | <p>Ch. VII</p> |
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APPENDIX II

Statement of Economic Interest Form 700

Statement of Economic Interest Form 700

Every elected official and public employee who makes or influences governmental decisions is required to submit a Statement of Economic Interest, also known as the Form 700. The Form 700 provides transparency and ensures accountability in two ways:

1. It provides necessary information to the public about an official's personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances.
2. It serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

Filing a Form 700

The FPPC is available to answer any questions you may have on Form 700 reporting or filing. However, in order to better assist you, you should obtain your "disclosure category." A disclosure category is a description of the types of financial interests you must disclose on your Form 700 based on your job classification or position. Each agency defines its own disclosure categories for each position based on the type and scope of work performed.

Due to forms being updated every year, forms can be located in the Fire District Office or by going to <http://www.fppc.ca.gov/Form700.html>

APPENDIX

III

Consolidated Elections

ELECTIONS CODE - ELEC

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS [10000 - 10735]

(Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2.)

PART 4. UNIFORM DISTRICT ELECTION LAW [10500 - 10556]

(Part 4 enacted by Stats. 1994, Ch. 920, Sec. 2.)

10500.

(a) This part may be cited as the Uniform District Election Law.

(b) As used in this part, the following definitions apply:

(1) "Affected county" means a county in which any land of the district or agency is situated.

(2) "Director" means a member of the governing body.

(3) "District" or "agency" means any district or agency of the type designated by and formed pursuant to the provisions of any principal act that incorporates this part.

(4) "Elective office" means any office that may, under the principal act of the district or agency, be filled by way of an election.

(5) "Elective officer" means "elective officer" as defined by the principal act of each district or agency or if not defined, any officer of a district or agency holding an office that can be filled by election.

(6) "General district election" means an election held pursuant to the provisions of this part.

(7) "Governing body" means the board of directors of a district or agency or the board or body which governs the activities of the district or agency.

(8) "Landowner voting district" means a district whose principal act requires an elector to be an owner of land located within the district.

(9) "Principal act" means the law providing for the creation of a particular district or agency or type of district or agency.

(10) "Principal county" means the county in which all the land in the district or agency is situated, or if the district or agency is situated in more than one county, the county in which the greatest portion of the land in the district or agency is situated.

(11) "Resident voting district" means any district other than a landowner voting district.

(12) "Secretary" means the secretary of the governing body or a person designated by him or her to perform a duty of the secretary.

(13) "Supervising authority" means the board of supervisors of the county in which is situated all or most of the land of a district.

(14) "Voter" means a voter or elector as respectively defined in the principal act of each district or agency.

(Amended by Stats. 2002, Ch. 221, Sec. 19. Effective January 1, 2003.)

10501.

It is the purpose of this part to provide a procedure for the election of elective officers of districts. These elections shall be called and conducted and the results canvassed, returned, and declared pursuant to this part.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10502.

(a) This part shall apply to all districts and agencies whose principal acts so provide. However, the provisions of this part requiring the county elections official to conduct elections shall apply to all resident voting districts and agencies, and, at the discretion of the county elections official, may apply to landowner voting districts, notwithstanding any other provision of law.

(b) Notwithstanding subdivision (a), the county elections official shall conduct an election on behalf of a landowner voting district if the governing body of the district, by resolution, requests that assistance and agrees to reimburse the county pursuant to Section 10520 and any county ordinances or resolutions consistent therewith. A district making that request shall supply information regarding qualified voters pursuant to Section 10525, and any other pertinent information requested by the county elections official. The election may be conducted by all-mailed ballots at the discretion of the county elections official. The election may not be held on the same date as a regularly scheduled election. The county elections official may rely upon the list of qualified voters and other information supplied by the district and shall not be required to determine the qualified voters. If the district does not supply the required information regarding qualified voters and other pertinent information requested by the county elections official within the time specified in Section 10525, the county elections official shall have no further obligation with respect to the election, and the district shall be responsible for conducting all remaining election activities.

(c) Where this part conflicts with the principal act, this part shall apply and control.

(d) This part shall not apply to the election of elective officers of the district upon formation of the district, except as to the term of office of the officers.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10503.

Where this part provides that the principal act shall govern, and the principal act contains no provisions on the matter, the general election laws of this state shall govern. Where neither this part nor the principal act apply, the general election laws of this state shall govern.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10504.

Whenever this part requires the secretary of a district to deliver a notice or other information to the county elections official on or before a designated date, the secretary may personally deliver the notice or other information on or before that date, or may deliver the notice or other information by certified mail if the notice or other information will be received by the county elections official in the ordinary course of the mails on or before that designated date.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10505.

The terms of office of elective officers in all new districts shall be determined as follows:

(a) If the district is formed in an odd-numbered year, the officers elected at the formation election shall hold office until noon on the first Friday in December of the next following odd-numbered year, provided officers elected at an election held on the first Tuesday after the first Monday in November shall hold office as provided in subdivision (c).

(b) If the district is formed in an even-numbered year, the officers elected at the formation election shall hold office until noon on the first Friday in December of the second next following odd-numbered year.

(c) The directors elected at the first general district election held in a district and at a formation election held at the same time as the general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years. All other elective officers elected at the election shall hold office for a term of four years or until their successor is elected and qualifies.

(d) Pursuant to Section 10404, a special district electing members of the governing body in odd-numbered years may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(Amended by Stats. 2015, Ch. 731, Sec. 6. (AB 1535) Effective January 1, 2016.)

10506.

Whenever a district shall increase the number of divisions, if there are any, the terms of office of the offices of director thus created shall be determined by the governing body, but in no event shall the term designated by the governing body be for more than four years. The terms of office thus created shall be determined in such a manner as to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election. Upon the expiration of the term so designated by the governing body, the directorship shall be filled at the next general district election and general district elections held thereafter. The term of office of each subsequent director thus elected is four years or until his or her successor qualifies and takes office.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10507.

Except as otherwise provided in this part, the term of office of each elective officer, elected or appointed pursuant to this part, is four years or until his or her successor qualifies and takes office.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10508.

The principal act shall govern whether directors of a district are elected by divisions or by the district at large. A governing body may require that the directors of the governing body be elected using district-based elections pursuant to Section 10650.

(Amended by Stats. 2016, Ch. 754, Sec. 1. (AB 2389) Effective January 1, 2017.)

10509.

On the 125th day prior to the day fixed for the general district election, the secretary shall deliver a notice to the county elections official. The notice shall bear the secretary's signature and the district seal and shall also contain both of the following:

(a) The elective offices of the district to be filled at the next general district election, specifying which offices, if any, are for the balance of an unexpired term.

(b) Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Section 13307.

(Amended by Stats. 2002, Ch. 454, Sec. 2. Effective January 1, 2003.)

10510.

(a) Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official may, for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the 113th day prior to the general district election and shall be filed not later than 5 p.m. on the 88th day prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office. The county elections official shall record the date of filing upon the first page of each declaration of candidacy filed pursuant to this section. No candidate shall withdraw his or her declaration of candidacy after 5 p.m. on the 88th day prior to the general district election.

(b) Notwithstanding any other provision of law, a person shall not file nomination papers for more than one district office or term of office for the same district at the same election.

(c) On request of the district secretary, the county elections official shall provide the secretary with a copy of each declaration of candidacy filed pursuant to this section.

(Amended by Stats. 2005, Ch. 86, Sec. 4. Effective July 19, 2005.)

10511.

The declaration of candidacy shall be in substantially the following form:

I, _____, do hereby declare myself as a candidate for election to the office of _____ . (___ Initial here if the office for which you are running is for the balance of an unexpired term.) I am a registered voter. If elected, I will qualify and accept the office of _____ and serve to the best of my ability. I request my name be placed on the official ballot of the district for the election to be held on the ___ day of _____, 20___, and that my name appear on the ballot as follows:
 _____ (Print name above) _____

My current residence address is _____
 and my telephone number is _____ .

I desire the following occupational designation to appear on the ballot under my name:
 _____ (Print desired designation, if any, above) _____

This occupational designation is true and in conformance with Section 13107 of the Elections Code.

I am aware that any person who files or submits for filing a declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine or imprisonment, or both, as set forth in Section 18203 of the Elections Code. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on , 20___,
 at (Place)

_____ (Signature of Candidate) _____

(Amended by Stats. 2003, Ch. 296, Sec. 2. Effective January 1, 2004.)

10512.

Each candidate shall set forth in full the oath or affirmation set forth in Section 3 of Article XX of the California Constitution, which shall be filed with the declaration of candidacy. The county elections official or district secretary, or a person designated by the county elections official or district secretary, shall administer the oath.

(Amended by Stats. 1998, Ch. 199, Sec. 39. Effective January 1, 1999.)

10513.

Upon filing each declaration of candidacy, the county elections official shall examine the declaration to determine if it conforms with the provisions of this part and shall certify whether it is sufficient. For this purpose, the elections official shall be entitled to obtain from any officer of an affected county all information necessary to make this determination.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10514.

The qualifications of a candidate for elective office, and of an elective officer, of a district shall be determined by the principal act of that district.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10515.

(a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

(b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office.

(c) Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make the appointment.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10516.

(a) Notwithstanding any other provision of law, in any district or agency election, if a declaration of candidacy for an incumbent elective officer of a district is not filed by 5 p.m. on the 88th day before the general district election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file a declaration of candidacy for the elective office.

(b) This section is not applicable where there is no incumbent to be elected. If this section is applicable, notwithstanding Section 10510, a candidate may withdraw his or her declaration of candidacy until 5 p.m. on the 83rd day before the general election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10517.

Except as otherwise provided by this part, the county elections official of each affected county shall conduct the general district election for the portion of the district located within the county. Where a district is located in two or more counties, the county elections officials of these counties may contract among themselves to have one of their number conduct the election for the district.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10518.

If, within any portion of a county, only one district has scheduled a general district election, the county elections official may authorize the appropriate officer of the district to perform any of the functions required of the county elections official under this part.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10519.

At the request of a district governing body, the county elections official may perform any of the duties of the district secretary and the supervising authority may perform any of the duties of the district governing body.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10520.

Each district involved in a general district election in an affected county shall reimburse the county for the actual costs incurred by the county elections official thereof in conducting the general district election for that district. The county elections official of the affected county shall determine the amount due from each district and shall bill each district accordingly.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10521.

Qualifications of voters of a district, the number of votes each voter may cast, and the method of determining that number of votes shall be governed by the principal act of that district.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10522.

At least 125 days prior to the day fixed for the general district election, the secretary of a resident voting district shall deliver to the county elections official of each affected county a map showing the boundaries of the district and the boundaries of the divisions of the district, if any, within that county and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next general district election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10523.

Notwithstanding any provision in the principal act, elections shall be at large in any resident voter district in which there are fewer than 100 voters.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10524.

At least 125 days prior to the date fixed by the general district election, the secretary of a landowner voting district shall deliver to the county elections official of each affected county a map or description of the boundaries of the district or divisions for which elections are to be held.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10525.

(a) At least 35 days prior to the date fixed for the landowner district election, the secretary of a landowner district for which an election has not been canceled pursuant to Section 10515, shall deliver to the county elections official of each affected county a list of voters qualified under the principal act of that district to vote in that county at the next landowner district election. For this purpose, the secretary of a landowner voting district shall be entitled to obtain from any office of an affected county all information necessary to prepare the list.

(b) The list delivered pursuant to subdivision (a) shall contain the name of each voter qualified under the principal act of the landowner voting district to vote at the next landowner district election, the residence of each voter, the division, if any, of the district in which each voter is entitled to vote, and the manner in which the votes are to be distributed.

(c) The secretary of the landowner district shall sign his or her name and affix the seal of the district at the bottom of the last page of the list. One copy of this list shall be conspicuously posted in the office of the district in a place to which

the public generally has access. If the office is located in a private home, the list shall be posted in some public building.

(d) The governing board may, by resolution, determine that the duties of the secretary set forth in this section would best be performed by the county elections official, in which case the county elections official shall thereafter assume these duties.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10526.

At least 30 days prior to the day fixed for the next general district election, the county elections official shall have prepared a sufficient number of ballots for the voters of each resident voter district participating in the election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10527.

At least 20 days prior to the date fixed for the next general district election, the county elections official shall have prepared a sufficient number of ballots for the voters of each landowner voting district participating in the election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10528.

Except as otherwise provided by this part, the form of the ballot to be used by the voters of a landowner voting district participating in the general district election shall be governed by the principal act of that district. The county elections official shall determine and specify the form of the ballot to be used by the voters of resident voting districts and may, if practicable, provide a consolidated ballot covering two or more district elections in the same precinct.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10529.

Whenever a candidate has filed a declaration of candidacy, and the candidate's declaration of candidacy has been certified as sufficient pursuant to Section 10513, the name of the candidate shall be printed upon the ballot unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 68 days before the day of the election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10530.

Vote by mail voting shall be allowed and conducted as nearly as practicable in accordance with Division 3 (commencing with Section 3000) pertaining to general elections, except in those districts in which voting by proxy is allowed

unless a particular district shall, by resolution pursuant to Section 4108, provide for an all-mail ballot election.

(Amended by Stats. 2007, Ch. 508, Sec. 68. Effective January 1, 2008.)

10531.

Notwithstanding any law, vote by mail voting shall be allowed in lieu of voting by proxy in an landowner district election in which voting by proxy is allowed if, at least 110 days before the election, the governing board of the district adopts this section. If a district adopts this section, the voting shall be conducted as follows:

- (a) The vote by mail ballot shall be available to any eligible voter of the district.
- (b) The form of application for the ballot shall be distributed to each voter with the voter information guide and shall contain spaces for each of the following:
 - (1) The printed name and address of the voter.
 - (2) The address to which the ballot is to be mailed.
 - (3) The voter's signature.
 - (4) The authorization of a legal representative, as defined in Section 34030 of the Water Code, to receive the vote by mail voter's ballot if the voter so chooses.
 - (5) The name and date of the election for which the request is made.
 - (6) The date the application shall be received by the county elections official, which date shall be at least seven days before the election.
 - (7) The insertion of the voter information guide name and address label on the application.
- (c) Upon receipt of vote by mail ballot application and verification that it has been properly completed, the county elections official shall mail vote by mail voter's ballot to the voter or legal representative with an identification envelope, which shall contain each of the following:
 - (1) A declaration under penalty of perjury stating that the voter is entitled to vote in the election.
 - (2) Space for the signature of the voter or legal representative and the date of signing.
 - (3) A notice that the envelope contains an official ballot and is to be opened only by the appropriate elections officials.
- (d) The voting shall be pursuant to those additional procedures, if any, that the county elections official shall deem necessary to the proper conduct of the election, provided that the overall additional procedures shall substantially comply with Division 3 (commencing with Section 3000) and Chapter 1 (commencing with Section 15000) of Division 15, and shall be consistent with landowner voting requirements.
- (e) Notwithstanding Section 10525, the list of voters for landowner voting district elections in which vote by mail voting is allowed shall be delivered to the county elections official at least 40 days before the election.

(f) The voter information guide for landowner voting district elections in which vote by mail voting is allowed shall be mailed at least 20 days before the election.

(Amended by Stats. 2016, Ch. 422, Sec. 56. (AB 2911) Effective January 1, 2017.)

10532.

Nothing in this part shall prohibit a voter of a district, or his legal representative, from voting by proxy if this right is provided for by the principal act of that district, and the requirements and qualifications necessary for voting by proxy shall be governed, as nearly as practicable, by the principal act of that district.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10533.

(a) The county elections official shall prepare for each precinct one voter list and one roster for each ballot form to be used at the polling place of the precinct at the general district election. Where, as provided by Section 10528, the county elections official provides for a consolidated ballot covering two or more district elections in the same precinct, the county elections official may also provide a consolidated voter list and consolidated roster for the voters receiving the consolidated ballot. The county elections official shall furnish each precinct board with its respective lists and rosters prior to the opening of the polls.

(b) For a landowner voting district election, the voter list shall specify the number of votes each voter is entitled to cast.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10534.

If the county elections official fails to appoint a precinct board or the members appointed are not present when the polls open on the day of the general district election, a majority of the voters of the precinct present at that hour, including members of the precinct board, may appoint the precinct board or appoint a person in place of an absent member.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10535.

The inspector is chairman of the precinct board.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10536.

If during the election any judge or elections official ceases to act, the inspector may appoint a substitute.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10537.

If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10538.

Any member of a precinct board may administer and certify oaths required to be administered during an election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10539.

Before opening the polls, each member of the precinct board shall sign a declaration to perform faithfully his or her duties, before the inspector or before any other member of the board.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10540.

Candidates' Statement of Qualifications submitted in accordance with Section 13307 shall be filed with the county elections official, who shall cause the voters' pamphlet, if any is required, to be mailed.

(Amended by Stats. 2002, Ch. 221, Sec. 20. Effective January 1, 2003.)

10541.

The polls shall open at 7 a.m. and remain open until 8 p.m. In any precinct in which all of the eligible voters have voted prior to the time for closing the polls, the precinct board may thereupon close the polls, canvass the votes and make the returns as required by law. However, regardless of the time of closing the polls, no totals of votes cast or other returns shall be announced or disclosed prior to 8 p.m.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10542.

The principal act of each landowner voting district participating in the general district election shall govern the manner in which the ballot is delivered by the clerk or judge to a voter of that district, the method by which the voter casts his vote or votes, and the manner in which the ballot is returned by the voter to the clerk or judge and placed in the ballot box.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10543.

Voting shall be conducted, the canvass at the polls made, and the returns delivered to the county elections official, except as otherwise provided by this

part, as nearly as practicable in accordance with the provisions of this code pertaining to general elections.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10544.

A governing body of a district may, by resolution, limit campaign contributions in elections to district offices.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10545.

The envelope, certificate with the roster, tally lists, and voter list, shall be all of the following:

(a) Sealed in an envelope by the inspector in the presence of the judge and clerk.

(b) Endorsed "Election returns of (naming the precinct) precinct."

(c) Directed to the county elections official.

(d) Immediately delivered by the inspector or by a responsible person designated by him, to the county elections official.

(Amended by Stats. 2017, Ch. 806, Sec. 27. (SB 286) Effective January 1, 2018.)

10546.

Recount of votes in any general district election shall be governed by the provisions of Chapter 12 (commencing with Section 15600) of Division 15.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10547.

The county elections official shall commence the canvass of the returns not later than the first Thursday after each general district election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10548.

The canvass shall be made in public and by opening the returns and determining the vote for each person voted for and declaring the results thereof.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10549.

No roster, tally list, or certificate returned from any general district election shall be set aside or rejected for want of form if it can be satisfactorily understood.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10550.

As soon as the result of the canvass by the county elections official is declared, the county elections official shall prepare and mail a statement of the result to the secretary of each district participating in the general district election. The statement shall be signed by the county elections official, authenticated by the seal of the county and shall show:

(a) The number of ballots cast for elective offices of that district and, when directors of that district are elected by divisions, the number of ballots cast in each division.

(b) The name of each candidate for an elective office of that district voted for and the office.

(c) The number of votes cast in each precinct for each candidate.

(d) When directors are elected by divisions, the number of votes cast in each division for each candidate for the office of director from that division.

(e) The number of votes cast in the district for all other elective offices of that district.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10551.

(a) No later than the Monday before the first Friday in December the county elections official shall declare the elected candidate or candidates. If there is but one person to be elected to an elective office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to an elective office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

(b) If a tie vote makes it impossible to determine which of two or more candidates has been elected, the county elections official shall notify the governing body of the district thereof, and the governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall, at that time and place, determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10553.

The county elections official shall immediately make and deliver to each person elected a certificate of election signed by the county elections official.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10554.

Elective officers, elected or appointed pursuant to this part, take office at noon on the first Friday in December next following the general district election. Prior to taking office, each elective officer shall take the official oath and execute any bond required by the principal act.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10555.

Notwithstanding Chapter 1 (commencing with Section 1000) of Division 1, no landowner voting district election shall be consolidated with any resident voter election regardless of whether it is held pursuant to this part. Except as specified in the preceding sentence, an election conducted by a district subject to this part may be consolidated with any other election pursuant to Part 3 (commencing with Section 10400).

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

10556.

No informalities in the conduct of the general district election or any matters related to it shall invalidate the election if fairly conducted.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

ELECElections Code - ELEC

APPENDIX IV

Ethics – AB 1234

Ethics Training

Many public officials are required to take an ethics training course to educate them on the ethical standards required of any individual who works in state or local government. Public officials may utilize free online courses available to satisfy this requirement. Please note that the state officials ethics course will not satisfy the local officials ethics course requirements and vice versa.

For State Officials

California law requires state officials to complete an ethics training course within six months of being hired. If your service is ongoing, you must complete the course once during each two-year period. The two-year period begins with an odd-numbered year, for example, 2017-18, 2019-20, etc. To help state officials meet this requirement, the Attorney General's Office and the Fair Political Practices Commission have developed an online training course. State officials who wish to use this course to satisfy their mandatory ethics training requirement should check with their agency to ensure additional training is not required.

For Local Officials

Cities, counties and special districts in California are required by law (AB 1234, Chapter 700, Stats. of 2005) to provide ethics training to their local officials.

The law also provides that if an entity develops criteria for the ethics training required by AB 1234, the Fair Political Practices Commission and the Attorney General must be consulted regarding any proposed course content.

Several training options are available to your agency, including training conducted by commercial organizations, nonprofits, or an agency's own legal counsel. In addition, an online training program has been established that allows local officials to satisfy the requirements of AB 1234 on a cost-free basis. The course can be accessed via the link below. When the training is finished, *you must print* the Certification of Completion provided at the end.

The FPPC cannot advise on the legal requirements of AB 1234 because the FPPC does not have jurisdiction to do so. For questions pertaining to legal interpretation and application of AB 1234, please consult your local agency counsel.

If you have questions, concerns, or technical issues related to the online training program **offered on our website only**, please feel free to contact us at: ab1234@fppc.ca.gov.

Links for training:<http://localethics.fppc.ca.gov/login.aspx>

APPENDIX

V

Board Policy for Conflict of Interest

Pioneer Fire Protection District Board Policy for Conflict of Interest

The fire district requires all members of the district to follow all state laws pertaining to conflict of interest as listed below.

The Political Reform Act (Government Code §§ 81000, et seq., hereinafter referred to as the Act) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 California Code of Regulations § 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearings it may be amended by the FPPC to conform to amendments in the Act. Therefore, the terms of § 18730 and any amendments to it adopted by the FPPC are hereby incorporated by reference. This regulation and the text here designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the District.

The full text of Section 18730, together with any amendment thereto, may be found

at:<http://www.fppc.ca.gov/legal/regs/current/18730.pdf>.

Designated positions shall file a Statement of Economic Interest with the District. Upon receipt of the statements, the District shall make and retain a copy and forward the original of this statement to the County Clerk of the Board of Supervisors. Statement of economic interest is a public record available for public inspection.

DESIGNATED POSITIONS:

The designated positions listed below are required to file Form 700 Statements of Economic Interests disclosing certain personal financial interests. These positions are required to file the applicable individual schedules to report investments, business positions, sources of income and interests in real property located in the district’s jurisdiction. The applicable schedules to be filed for each position are based on the disclosure category assigned to the designated position.

Designated positions:

Board Member - Category 1

General Manager/Fire Chief - Category 1

Consultant - Category 2

DISCLOSURE CATEGORIES:

Disclosure Category 1: Persons in this category shall disclose:

Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.

Investments or business positions in or income (including gifts, loans and travel payments) from sources that provide, plan to provide, or have provided in the last two years facilities, goods, software, hardware, or services, including consulting services, to the District, or are engaged in the acquisition of real property within the District.

Disclosure Category 2: Persons in this category shall disclose:

Consultants shall disclose, pursuant to the broadest disclosure category in the conflict of interest code subject to the following limitation:

The District may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and, thus, is not required to comply with the full disclosure requirements described above, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements.

Forms 700 must be completed if any district member meets the listed requirements to comply.