

Amended 12/31/2019



CAMBRIA COMMUNITY SERVICES DISTRICT

I, Donn Howell, Chairman of the Cambria Community Services District Policy Committee, hereby call a Special Meeting of the Policy Committee pursuant to California Government Code Section 54956. The Special Meeting will be held: **Thursday, January 2, 2020, 2:00 PM, 1000 Main Street Cambria, CA 93428**. The purpose of the Special Meeting is to discuss or transact the following business:

AGENDA

SPECIAL MEETING OF THE CAMBRIA COMMUNITY SERVICES DISTRICT POLICY COMMITTEE

**Thursday, January 2, 2020, 2:00 PM
1000 Main Street Cambria, CA 93428**

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the Committee Chairperson, available for public inspection during District business hours. The agenda and agenda packets are also available on the CCSD website at www.cambriacsd.org. The District Office hours are Monday - Thursday, and every other Friday from 9:00 a.m. through 4:00 p.m. Please call 805-927-6223 if you need any assistance. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The Committee Chairperson will answer any questions regarding the agenda.

1. OPENING

A. CALL TO ORDER

B. ESTABLISH A QUORUM

C. CHAIRMAN'S REPORT

D. AD HOC SUB-COMMITTEE REPORTS

- i. Subcommittee on Disaster Preparedness
- ii. Subcommittee on Veterans' Hall Fees
- iii. Subcommittee on CCSD Policies
- iv. Subcommittee on Purchasing Policy

2. PUBLIC COMMENT

3. CONSENT AGENDA

- A. Consideration to Approve the November 22, 2019 Regular Meeting Minutes

Change

4. REGULAR BUSINESS

- A. Discussion and Consideration of 2020 Policy Standing Committee Regular Meeting Dates
- B. Discussion and Consideration Regarding Feedback from the Board of Directors on Policies Presented as Board Agenda Item 4.C., 4.D. and 4.E. at its Regular Meeting on December 12, 2019
- C. Discussion and Consideration of the "CCSD Committee Meeting Flowchart"
- D. Discuss and Review, in Coordination with the Finance Committee, the Purchasing Policy, and Consideration of Recommending Establishment of a Policy for the Purchase of Used or Non-New Equipment Change
- E. Discussion and Consideration to Prioritize the Following Items for Future Policy Committee Agendas:
 - 1. Discussion of Policies Relating to the District's Issuance of Intent to Serve (ITS) Letters
 - 2. Discussion and Consideration of a Proposal for Policies Related to Environmental Issues
 - 3. Discussion and Consideration of a Proposal for Policies Concerning the Maintenance and Upkeep of Cambria
 - 4. Discussion of a Policy and Procedure for Filling Vacancies on the CCSD Board of Directors
 - 5. Discussion Regarding the Addition of an Option for Using 20 Gallon Trash Cans for Residential Waste Collection
 - 6. Discussion of Policy 3142 Whistleblowing
 - 7. Discussion of Policy 3140 Unlawful Harassment
 - 8. Discussion of Homelessness Policy

5. FUTURE AGENDA ITEMS

6. ADJOURN



POLICY COMMITTEE

REGULAR MEETING
Friday, November 22, 2019 - 12:00 PM
1000 Main Street, Cambria, CA 93428

MINUTES

A. CALL TO ORDER

Chairman Howell called the meeting to order at 2:00 p.m.

B. ESTABLISH QUORUM

A quorum was established.

Committee members present: Donn Howell, Gordon Heinrichs, John Nixon, John Rohrbaugh and Ted Key. Member Claudia Harmon arrived at 12:50.

Staff present: Monique Madrid, Administration Department Manager

Public present: Leslie Richards

C. CHAIRMAN'S REPORT

Chairman Howell reported that he has received several letters pertaining to the Committee's work, including letters from community members regarding fees and use of the Vets Hall and on fire safety and disaster preparedness. Chairman Howell also reported that CCSD Board Chair Pierson stated at a recent meeting that the Policy Committee identify existing CCSD policies in need of revision, identify need for new policies, and for now, ignore the CSDA Example Policy Handbook. Chairman Howell commented that he perceives the CCSD Board members as not in agreement on the charge for the Policy Committee and that the Committee should determine its own direction for its immediate work.

D. AD HOC SUBCOMMITTEE REPORTS

i. Subcommittee on Disaster Preparedness

Subcommittee Chair Heinrichs is consulting with the CCSD Board Ad Hoc Committee on disaster preparedness, which has ceded responsibility to Cambria

Fire Chief Hollingsworth, who is writing a draft document for CCSD. Chair Heinrichs also will consult with relevant outside community groups, including CERT.

ii. Subcommittee on Veterans' Hall Fees

Subcommittee Chair Key reported that fees currently charged for use of the Hall do not cover maintenance costs. CCSD is exploring raising fees and pursuing outside funding for ongoing costs of maintaining the facility.

iii. Subcommittee on CCSD Policies

The Committee deferred reporting to discussion of agenda items 3 B, C, and D.

1. PUBLIC COMMENT

Public Comment:

Leslie Richard's asked the Committee to take action on policies on use of electronic devices by CCSD Board members during Board meetings and on filling CCSD Board vacancies. She also asked why CCSD does not have a policy on affordable housing.

2. CONSENT AGENDA

- A. Consideration to Approve the October 31, 2019 Regular Meeting Minutes

Title: Motion to approve the minutes of the October 31, 2019 Regular Committee meeting.

Moved by: John Rohrbach

Seconded by: Ted Key

Ayes: 5

Nays:0

Absent: 0

Chairman Howell not voting

3. REGULAR BUSINESS

- A. Discussion and Consideration of the Process by Which Items are Placed on the Committee's Meeting Agendas

Action: Ruling of the Chair:

After discussion Chairman Howell ruled that items may be placed on the Committee's agenda

1. by any CCSD Board member (including the Committee Chair); or
2. by the Vice Chair of the Committee in consultation with the Committee Chair; or

3. by motion of a Committee member (seconded and passed) during a Committee meeting when discussion of future agenda items is in order.

B. Discussion and Consideration of the Boards

Response to the Committee's Concerns Regarding:

- the expectations the Board holds for the committee,
- protocols for interacting with staff & use of staff time,
- the process through which the committee will accomplish its work, and
- the process by which the committee will receive feedback from the Board about the recommendations it receives from the committee

Chairman Howell reported on CCSD Board President Pierson's comments from the CCSD October Board meeting.

Action: By consensus:

It was agreed the Chairman Howell, at the next Committee meeting, would present feedback on this matter from the Board's regular meeting on December 12, 2019.

C. Discussion and Consideration to Comment on the CCSD Committee Meeting Flow Chart

Title: Motion that we shall communicate back to the Board regarding our item 3.C. in terms of discussing and considering the *CCSD Committee Meeting Flowchart* , we will review it and produce our own revision to submit to the Board by the by the end of December 2019.

Moved by: Ted Key

Seconded by:

Ayes: 5

Nays:0

Absent: 0

Chairman Howell not voting

D. Discussion and Consideration to Propose Amendments to the Policy Committee's Bylaws

Action - by ruling of the Chair,

agenda item postponed to the regular meeting in January 2020.

- E. Discussion and Consideration of Proposal for Policies Related to Environmental Issues

**Action - by consensus,
agenda item postponed to future meeting.**

- F. Discussion of a Proposal for Policies Concerning the Maintenance and Upkeep of Cambria

**Action – by consensus,
agenda item postponed to future meeting.**

- G. Discuss and Review, in Coordination with the Finance Committee, of the Purchasing Policy and Consider Establishing a Policy for the Purchase of Used or Non-New Equipment by the District

Action – by ruling of the Chair:

Chairman Howell appointed Ted Key, and himself as a subcommittee to commence work on this item. A third member will be appointed at a subsequent Policy Committee meeting. Mr. Key was asked to chair the subcommittee.

4. FUTURE AGENDA ITEMS

Chairman Howell asked for any future agenda items. Committee noted that agenda items postponed from this meeting will be revisited following direction from the CCSD Board of Directors.

Title: Motion to discuss a policy for filling vacancies on the CCSD Board of Directors.

Moved by: Gordon Heinrich

Seconded by: Ted Key

Ayes: 4

Nays:0

Absent: 1

Chairman Howell not voting

Title: Motion to discuss a policy for providing an option to use 20 gallon trash containers.

Moved by: Claudia Harmon

Seconded by: Gordon Heinrich

Ayes: 4

Nays:0

Absent: 1

Chairman Howell not voting

Title: Motion to discuss a policy regarding the issuing of Intent to Serve (ITS) Letters.

Moved by: Gordon Heinrich

Seconded by: Ted Key

Ayes: 4

Nays:0

Absent: 1

Chairman Howell not voting

5. ADJOURN

Chairman Howell adjourned the meeting at 3:00 p.m.

Regular Business Item 4.A.



CAMBRIA COMMUNITY SERVICES DISTRICT
POLICY STANDING COMMITTEE
2020 REGULAR MEETING SCHEDULE

January ____, 2020 at ____

February ____, 2020 at ____

March ____, 2020 at ____

April ____, 2020 at ____

May ____, 2020 at ____

June ____, 2020 at ____

July ____, 2020 at ____

August ____, 2020 at ____

September ____, 2020 at ____

October ____, 2020 at ____

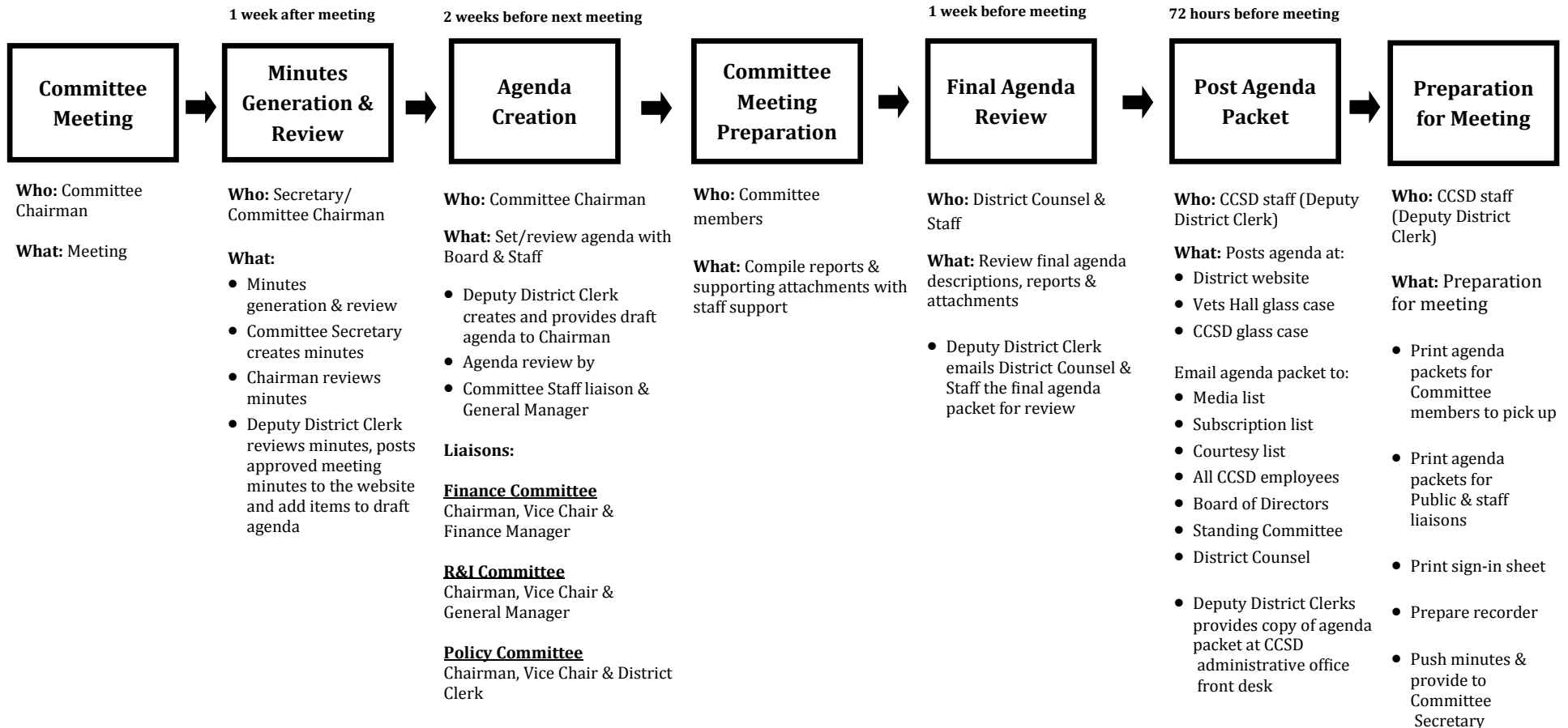
November ____, 2020 at ____

December ____, 2020 at ____

Regular meetings are held at the Veterans' Hall Dining Room
1000 Main Street, Cambria CA 93428

CCSD Committee Meeting Flow Chart

Timeline





CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65 • Cambria, CA 93428 • Telephone: (805) 927-6223 • Fax: (805) 927-5584

PURCHASING POLICY

I. PURPOSE

A. The Board of Directors for the Cambria Community Services District (“CCSD”) adopts the overall CCSD purchasing policy and implements it through the adoption of the annual budget, which is then administered by the General Manager. This policy will be used by CCSD staff to secure supplies and equipment at the lowest possible cost commensurate with quality needed and to exercise positive financial control over purchases. In the event that the CCSD does not have an approved budget, only essential goods and services may be obtained until such time as the annual budget is adopted. The responsibility for buying materials and services is assigned to staff members skilled in negotiating cost reductions and purchasing within the budgeted funds.

B. Goals of this policy—are:

- to purchase needed items at the best possible price and at the best possible value within the required deadlines and maintain the necessary support for CCSD operations; and
- to establish procurement standards that comply with requirements contained in Federal regulations to receive grant funding.

When the best possible value conflicts with the best possible price, a detailed justification for the best possible value shall be prepared.

C. At the beginning of each fiscal year the Finance Manager will issue a complete CCSD Budget approved by the Board of Directors. This budget contains the purchasing account titles, description of line items, and numbers corresponding with budgeted funds for each item. Each CCSD

department will receive its own budget for conducting purchasing transactions. It is the responsibility of each department manager to control spending and monitor the funds in the account line items that they are authorized to use. A monthly or quarterly status report will be issued showing a comparison between budgeted amounts and the department purchasing activity. All CCSD department purchases will be identified with the appropriate line item account number by the requestor. All unbudgeted expenditures that are approved and paid through the system are to be tracked. The following will occur if a department must purchase an item that that is not authorized on its chart of accounts:

1. Obtain the approval from a department that is authorized to purchase the items. This will require the authorized department manager to initial the purchase order.
2. The General Manager or Administrative Services Officer approves the purchase transaction.

II. PROCUREMENT STANDARDS

A. All materials, goods and services shall be procured using one of the following five methods of procurement.

1. **Procurement by micro-purchases.** Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold, currently \$3,000 established in Federal Code of Regulations (§200.67). To the extent practicable, micro-purchases will be distributed equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the price is reasonable.
2. **Procurement by small purchase procedures.** Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or property that do not cost more than the Simplified Acquisition Threshold, currently \$150,000, established in the Federal Code of Regulations. Price or rate quotations must be obtained from an adequate number of qualified sources.
3. **Procurement by sealed bids (formal advertising).** Bids for materials, goods and services will be publicly solicited and a firm fixed price contract (lump sum or unit price) will be awarded to the responsible bidder whose bid, conforming with all the material terms

and conditions of the invitation for bids is the lowest price. In order for sealed bidding to be feasible, the following conditions should be present:

- a complete, adequate and realistic specification or purchase description should be present;
- two or more responsible bidders are willing and able to compete effectively for the business; and
- the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids will be solicited from an adequate number of known suppliers;
- The invitation for bids will be publicly advertised;
- Sufficient time will be provided to allow bidders sufficient response time prior to the date set for opening the bids;
- The invitation for bids will adequately define the items or services in order for the bidders to properly respond;
- All bids will be opened publicly at the time and place prescribed in the invitation for bids;
- Any or all bids may be rejected if there is a sound documented reason; and
- A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.

4. **Procurement by competitive proposals.** This method is used when conditions are not appropriate for the use of sealed bids and is normally conducted with more than one source submitting an offer and either a fixed price or cost-reimbursement type contract is awarded. The following requirements apply:

Requests for proposals which identify all evaluation factors and their relative importance will be publicized;

Proposals will be solicited from an adequate number of qualified sources;

Responders will be rated by a committee assigned by the General Manager with scores assigned for each evaluation factor;

Contracts will be awarded to the responsible firm whose proposal is most advantageous to the program with price and other factors included in the evaluation factors considered; and

CCSD will use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualification are evaluated and the most qualified competitor is selected consistent with the requirements of Government Code Section 4526, subject to negotiation of fair and reasonable compensation. This method cannot be used to purchase other types of services even if A/E firms are a potential source to perform the proposed effort. (Also see Section IX, herein, relating to Professional Services Agreements)

5. Procurement by non-competitive proposals. Procurement through solicitation of a proposal from only one source will be used only when one or more of the following circumstances apply.

- The item is only available from a single source;
- The public exigency or emergency for the requirement will not permit a delay from competitive solicitation; or
- After solicitation of a number of sources, competition is determined inadequate.

See Section IX(E) relating to sole source contracts for professional services.

B. Purchasing materials, goods and services from small and minority businesses, women's business enterprises, and labor surplus area firms. It is the express intent of CCSD to award as much business as practical to small and minority businesses, women's business enterprises and labor surplus area firms. To that end, the following policies shall apply:

- Qualified small and minority businesses and women's business enterprises will be included on all solicitation lists;
- Qualified small and minority businesses and women's' business enterprises will be directly solicited whenever they are a potential source of required materials or services;

- When economically feasible, requirements will be divided into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
- When feasible, delivery schedules will be established that encourage participation by small and minority businesses and women's business enterprises;
- When appropriate, the Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce will be consulted concerning maximizing the participation of small and minority businesses and women's business enterprises; and
- Prime contractors will be required to take the affirmative steps listed above.

C. Procurement of recovered materials. The District will comply and will require compliance by all contractors with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, in all of its procurement solicitations and contract awards. When a purchase price exceeds \$10,000, only items designated in guidelines of the EPA (40 FR part 247) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition will be purchased. Solid waste management services will be procured in a manner that maximizes energy and resource recovery.

III. SIGNING AUTHORITY

- A. The General Manager, or in his/her absence the Administrative Services Officer, is hereby authorized to sign on behalf of the CCSD the following documents:
1. Any documents necessary to conduct the general business of the CCSD that does not require prior approval of the Board of Directors.
 2. Any documents necessary to conduct the general business of the CCSD requiring approval of the Board, after said documents have received approval of the Board of Directors.
 3. Any agreements or other documents necessary to secure and receive state, federal, or other agency grants or loans.
 4. Any agreements or documents necessary for the receipt and/or disbursement of any grant monies contracted for by the CCSD.

IV. COMMITMENT AUTHORITY

- A. The General Manager and department heads identified below are responsible for conducting purchasing transactions within the guidelines and procedures set forth in this policy. Transactions involving contractual agreements must be reviewed and approved by District Counsel and are subject to Section VII.

<u>Employee</u>	<u>Category</u>
General Manager	Legal Services (at the direction of the Board). All categories listed below.
Administrative Services Officer	Parks and recreation planning and development materials and supplies. Human resources and training services. Departmental operational materials and supplies for Administration. Office supplies, dues and subscriptions, and travel arrangements. All categories listed below.
District Engineer	Engineering and professional consulting services. Departmental operational supplies for Water and Wastewater, and Property Management, repair, training, and maintenance materials, equipment rentals, employee clothing, fuel & oil, vehicle repair services and janitorial supplies.
Fire Chief	Departmental operational supplies, repair, training, and maintenance materials, equipment rentals, employee clothing, fuel & oil, vehicle repair services and janitorial supplies.

Finance Manager

Financial services and arrangements; audit engagements; office supplies; computer equipment.

V. APPROVAL REQUIREMENTS

- A. A system of approval limits is the next element of purchasing control. Within the authorized categories, employees may commit CCSD funds up to their maximum approval amounts. Department managers are authorized to purchase items that fall within the approved budget's amount for their department and account category. Department managers may delegate purchasing authority to any employee within his/her department as necessary.
- B. Board approval is required for all purchases of \$25,000 or more, unless the purchase is for equipment, materials or services that has been previously approved by the General Manager and is contained within the CCSD's budget. If the total price exceeds the budgeted amount by more than 5%, the General Manager's approval shall be required.
- C.
- D. A CCSD Purchase Order is required for all purchases greater than \$250.00. Exceptions to the policy are listed below. Any CCSD employee authorized by his/her department manager can sign a purchase order up to \$500.00. The department manager will provide a written list of his/her authorized employees, who can sign purchase orders, to the Finance Manager or his/her designee. The department manager will be responsible for updating the employee signatory list as needed.

Purchase Orders are not required for:

- Regular, recurring utility services.
- Payroll, including payroll vendor payments.
- Petty cash.
- Travel advances when a Travel Advance Claim form is used.
- Travel expenses when a Travel Expense Claim form is used.

- Credit card payment if related to approved travel or meeting expenses.

E. The following intermediate supervisory or management staff, as approved by the General Manager, can initiate and authorize a purchase order up to \$5,000.00:

- FACILITIES AND RESOURCES SUPERVISOR
- FIRE CAPTAIN
- WASTEWATER SUPERVISOR
- WATER SUPERVISOR

Purchases over \$5,000.00 will require the signature of a department manager.

VI. PURCHASE ORDER PREPARATION

- A. All formal purchase orders shall be prepared from a properly completed purchase order form. The form is designed to contain all the necessary information and signatures relevant to the purchase within the CCSD. The current purchase order form may be redesigned from time to time at the discretion of the General Manager, or his/her designee, whenever conditions warrant.
- B. Each purchase order shall include a purchase order number only after the appropriate approval procedures are completed. The purchase order form is used as a written order to a vendor and may be either an original order or may confirm a verbal order. This form may also serve as a written change order.
- C. Each purchase order form (Attachment P-1) shall be filled out by the CCSD employee prior to CCSD funds being obligated for a purchase and shall contain the following information:
1. Purchase order number, date, department, and who wrote it.
 2. To whom the purchase order is issued, together with a complete address.
 3. Quantity/unit and description of item(s) to be purchased.
 4. Account number to be charged.
 5. Unit price and extended amount (depending upon quantity).

6. If applicable, the words "OPEN PO" and "EXPIRATION DATE," not to exceed past the end of the current fiscal year, at the top of the purchase order form.
 7. The words "NOT TO EXCEED" if it is for a repetitive purchase or a contract amount.
 8. The total amount of the purchase order shall include charges for freight and tax, if applicable.
 9. The initial purchase order MUST have attached to it the following: the written quote or estimate or a copy of the contract, or other backup supporting documentation.
- D. The purchase order must be submitted immediately to the Finance Manager or his/her designee. The purchase order date must precede the order date.
- E. Any incomplete purchase orders will be returned to the department manager for completion.
- F. Insofar that it does not conflict with any other Purchasing Policy limitations, a purchase order may be exceeded by up to 10% of the original purchase order amount. No increase may be given for quoted prices.
- G. When a purchase order is intended to be used to issue a check, write "Check Request" on the purchase order.

VII. OPEN PURCHASE ORDERS

- A. A blanket or open purchase order can be used to reduce the time consuming process of filling out a purchase order form for each purchase when it is with the same vendor and for repeat materials.
- B. Open purchase orders are to be used when the CCSD will:
1. Purchase repetitive, specified services or items, or categories of items from the same vendor over a period of less than one year, or on a monthly basis.
 2. Order standard materials or maintenance supplies, which require numerous shipments.
 3. Obtain more favorable pricing through volume commitments.

- C. Open purchase orders generally should NOT be used when:
1. No benefit will be derived over and above a regular purchase.
 2. Prices are unknown at ordering time, or subject to change later without notice.
 3. Quality of vendor or service is questionable.
 4. Control over CCSD expenditures would be weakened significantly.
- D. An open purchase order differs from the normal purchase order only in the date entry block that now has a date range not to exceed past the end of the current fiscal year.
- E. Each year during the month of June, each department manager will review all department blanket purchase orders and reissue all necessary blanket purchase orders effective July 1.

VIII. QUOTATION

- A. The policy of obtaining competitive quotes applies to purchase of materials and/or services with an estimated price of greater than \$100 but less than \$25,000 and not covered by a contractual agreement.
- B. Types of quotations:
1. Verbal – Verbal quotations will be obtained for purchases of standard or non-complex materials with an estimated price of under \$1,000 and not covered by a contractual agreement. Prices are to be recorded on a quotation sheet that will serve as backup documentation after the order is placed and will be attached to the purchase order. The quotation sheet will be attached to the original purchase order and shall contain the name of the vendor, the person giving the quote, the date and time of the verbal quote, and the price quoted. A minimum of two (2) suppliers is acceptable for verbal requests providing the buyer is familiar with the market and prices of the materials in question.
 2. Written – Written requests for quotations (RFQ) will be sent to vendors under the following conditions:
 - a. Purchases estimated to exceed \$1,000, but less than a total of \$25,000.

- b. All capital equipment purchases exceeding \$1,000, but less than a total of \$25,000.
 - c. Non-standard conditions, requirements, instructions, etc.
 - d. Any occasion where more permanent documentation is advisable.
 - e. Any purchase based on best value rather than lowest price.
- D. Written requests for quotations will incorporate a clear and accurate description of the technical requirement of the material, product or service to be procured.
- 1. The description will not contain features which unduly restrict competition.
 - 2. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.
 - 3. Detailed product specifications should be avoided if at all possible.
 - 4. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly state.
 - 5. The description will identify all requirements which the offerors must fulfill and all other factors to be used in evaluating the bids or proposals.
- E. The CCSD employee, when purchasing materials and/or services requiring written request for quotations, will solicit prices from three (3) or more vendors. After the quotations have been received and examined for completeness, a determination of the low bidder and award of the order will be made by the department manager and reviewed with the General Manager or Administrative Services Officer. The department manager or his/her designee will notify unsuccessful vendors that the quotations have been closed and the contract awarded.

IX. **BIDS**

A. For bids estimated to exceed the Simplified Acquisition Threshold established in the Federal Code of Regulations, (\$150,000 on June 1, 2015), the following actions must be taken:

- CCSD staff must make or have made an independent estimate of the expected cost before receiving bids or proposals;
- CCSD staff must negotiate a fair and reasonable profit as a separate element of the price of the contract considering things such the complexity of the work, the risk borne by the contractor, the contractor's investment, the quality of the contractor's past performance and industry profit rates in the surrounding geographical area for similar work;
- The cost plus a percentage of cost and percentage of cost methods of contracting will not be used.
- CCSD staff will ensure contracts include administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and will specify sanctions and penalties to be applied in each circumstance;
- All contracts in excess of \$10,000 will include provisions for termination for cause and for convenience of the District including the manner by which it will be effected and the basis of settlement.

B. The CCSD may require a performance bond before entering a contract in such amount as it finds reasonably necessary to protect the interests of the CCSD. For purchasing contracts that exceed the Simplified Acquisition Threshold and for which grant funds have been received, the following minimum bonding requirements will be established:

- A bid guarantee from each bidder equivalent to five percent of the bid price consisting of a firm commitment such as a bid bond, certified check, or other negotiable instrument as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified;
- A performance bond on the part of the contractor for 100 percent of the contract price;
- A payment bond on the part of the contractor for 100 percent of the contract price to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

- C. At its discretion, the Board of Directors may reject any bids presented and re-advertise.
- D. The CCSD may dispense with bidding when an emergency is declared.

X. PROFESSIONAL SERVICES AGREEMENTS

- A. The CCSD may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, legal or administrative matters. Contracts for professional services are not subject to competitive bidding requirements. (Government Code Section 4526. Also, however, see Sections II(A)(4) and (5), herein)
- B. If the CCSD is seeking the professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, special provisions apply. The selection must then be based upon the demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Government Code Section 4526 does not apply when the CCSD determines that the services are more of a technical nature and involve little professional judgment and that requiring bids would not be in the public interest. (Government Code Section 4529.)
- C. It is the policy of the CCSD to conform to the preceding paragraphs in using professional and other contract services whenever it is in the CCSD's best interest. This may be when outside professionals will be less expensive than in-house staff; a project or study is of a limited duration and not warranting permanent staff; or existing staff is unavailable to undertake the project or they lack the expertise and/or ability necessary.
- D. For contracts estimated to be less than \$25,000, the General Manager or department manager, or his/her designee, will solicit proposals from the qualified consultants and negotiate the fee.
- E. Sole source contracts are permitted only when the product or service has limited availability and/or is proprietary (copyrighted or patented), or under emergency conditions such as those implemented with an Emergency Operations Center situation or a State or Federal Disaster Declaration. Under such emergency conditions, the General Manager, or his/her

designee, with consultation of one or more Directors, has full authority to complete sole source purchasing transactions. In such situations, every attempt shall be made to obtain the best value to the CCSD. Only the minimal amount of goods and services required to address the emergency conditions shall be obtained and normal documentation and approvals shall be obtained in a timely fashion once the emergency situation has stabilized. (Also see Section II(A)(5))

XI. PURCHASES VIA DISTRICT CREDIT CARD

- A. The primary use of a CCSD credit card is for CCSD travel. All purchases using a CCSD credit card are subject to the same procedures as outlined previously in this policy, plus the following additional requirements:
1. All CCSD credit cards shall be issued on a department basis in the name of each department manager, the on-staff District Counsel, and each Board Member. The Administrative Services Officer shall manage the administration of CCSD credit cards.
 2. Only the General Manager, Administrative Services Officer, District Engineer, department managers, or Board Members are authorized to sign credit card purchases. Department managers can allow their department employees to use the department credit card; however, they are fully responsible for its care and control.
 3. Travel on CCSD business is to be paid for via CCSD credit card. Telephone calls to the CCSD when out of town, expenses related to travel by car on CCSD business, lodging and meals when out of town on CCSD business, and CCSD approved seminars and business meetings, are expenses authorized to be paid with the CCSD credit cards.

Credit card receipts **MUST BE** obtained for these expenses and turned in immediately upon return to the Finance Manager or his/her designee. If a credit card receipt is lost or misplaced, the receipt replacement form needs to be promptly filled out by the responsible party and turned in to the Finance Manager or his/her designee.

Other purchases requiring instant payment ability must be accompanied by a purchase order.

4. The credit limit on the CCSD credit cards shall be no more than \$5,000 for each department and on-staff, \$5,000 for each Director, and \$10,000 for the General Manager.
5. Credit card purchases for orders that are made via telephone or Internet are permitted in limited circumstances (e.g., offsite internet connections while traveling, on-line registrations, manual/resource guide/book orders, etc.). A receipt or quote sheet must be obtained and turned in immediately to the Finance Manager or his/her designee.
6. Personal purchases or spending on a CCSD credit card are prohibited. Any violation of this policy will result in loss of CCSD credit card privileges and may include disciplinary action.
7. Cash advances on any CCSD credit card are prohibited. Any violation of this policy will result in disciplinary action.

XII. CHECK SIGNING PROCEDURES

- A. All checks must have two (2) authorized signatures per the current bank resolution adopted by the CCSD Board of Directors.
 1. Checks in the amount of \$100,000 and greater require two (2) handwritten signatures, one of which shall be the General Manager's or his/her designee.
 2. Checks in the amount of \$25,000-\$99,999 require one (1) handwritten signature, which shall be the General Manager's or his/her designee, and one (1) computer generated signature.
 3. Checks in the amount of \$24,999 and less require two (2) computer-generated signatures.
- B. The General Manager has the authority to authorize employee signatories.
- C. The General Manager shall review and initial all issued checks in the amount of \$5,000 - \$24,999.

XIII. INVOICE APPROVAL PROCEDURES

- A. Invoices shall be approved based on the same monetary limits as applicable to Purchase Order signatory.

- B. Invoices should only be approved for payment if all related goods and/or services have been satisfactorily received. Registrations for seminars/workshops/classes are exempt from this process as are subscriptions, membership dues, and payments to government agencies. Any other prepayments require the approval of the Finance Manager.

XIV. PETTY CASH PROCEDURES

- A. The CCSD Finance Manager or his/her designee shall maintain a petty cash fund of \$300.00.
- B. This fund will be used to purchase items costing no more than \$25.00 and must be authorized by department managers or his/her designated employee.
- C. Purchase orders should be used whenever practical and receipts are required for reimbursement. There are no exceptions to the receipt rule.
- D. The CCSD Finance Manager or his/her designee shall perform a reconciliation of the petty cash fund on a monthly basis.

XV. CONFLICT OF INTEREST

- A. Employees must recuse themselves from all purchasing activities when a real or apparent economic conflict of interest exists. CCSD employees may not perform services for the CCSD on a contractual basis. Employees may not economically benefit from their employment within the CCSD except as related to their approved salary and benefits.
- B. Employees shall not use their employment status with the CCSD to obtain discounts or any other advantage for personal purchases. Unsolicited discounts offered by vendors for all CCSD employees are exempt.
- C. Failure of any employee to adhere to the provisions of this Section may be subject to disciplinary action in accordance with the CCSD's Personnel Policy, Procedures and Rules.

XVI. ADDITIONAL PURCHASING POLICIES AND PROCEDURES

- A. It is important for the CCSD to evaluate materials, equipment, and services of all current suppliers. Suppliers with a low rating can be viewed as costing the CCSD time and money, and, therefore, should be terminated upon documentation.
- B. In an effort to obtain the best prices possible, vendors contacted for quotes and/or bids shall be regularly reviewed to ensure competitive pricing and maintenance of vendor lists.
- C. Documentation associated with procurements exceeding the micro-purchase threshold, currently \$3,000 established in Federal Code of Regulations (§200.67) shall be maintained for auditing purposes for at least ten years. As a minimum, the following will be maintained:
- Technical specifications on procurements to ensure that the item or service specified is the one being proposed for acquisition;
 - Requests for proposals, invitation for bids, and/or independent cost estimates;
 - Any proposed or actual contract modifications that change the scope of the contract;
- D. All contracts exceeding micro-purchase threshold must include the equal opportunity clause provided under 41 CFR 60-1.4(b),
- E. All contracts in excess of \$2,000 will include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144 and 3146-3148) as supplemented. Contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. A contract will not be issued unless the contractor accepts the wage determination. CCSD will report all suspected or reported violations to the Federal Awarding Agency.
- F. All contracts in excess of \$2,000 will include a provision for compliance with the Copeland Anti-Kickback Act (40 U.S.C. 3145)
- G. All contracts in excess of \$100,000 that involve the employment of mechanics or laborers will comply with 40 U.S.C. 3702 and 3704 requiring that work in excess of the standard work week will be compensated at a rate of not less than one and a half times the basic rate of pay and further requiring that no laborer or mechanic may be required to work in

surroundings or under working conditions which are unsanitary, hazardous or dangerous.

- H. All contracts in excess of \$150,000 will comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations will be reported to the Federal awarding agency (if grant funds are involved) and to the Regional Office of the Environmental Protection Agency (EPA).
- I. Contracts will not be awarded to parties listed on the government wide exclusions in the System for Award Management (SAM).
- J. Contractors that apply or bid for an award exceeding \$100,000 will file the required certifications under the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) certifying that it has not and will not use Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352.

XVII. REVIEW

This policy should be reviewed on an annual basis and changed where deemed appropriate to reflect changes in the CCSD's operations. The General Manager, acting with the Board of Directors, may at any time make changes to this policy to facilitate a more efficient purchasing process for the CCSD.

Attachment: Purchase Order Form



CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65, Cambria, California 93428

PURCHASE ORDER

OPEN	
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MAIL: MONTHLY STATEMENT
 MAIL: 2 COPIES OF YOUR INVOICE
 TO
CAMBRIA COMMUNITY SERVICES DISTRICT
 PHONE: 927-6223
 P.O. BOX 65
 Cambria, CA 93428

NOT VALID WITHOUT NUMBER AND SIGNATURE OF PURCHASING AGENT. ALL PURCHASES ARE SUBJECT TO THE CONDITIONS PRINTED BELOW.

PURCHASE ORDER NO.

THIS ORDER NO. MUST APPEAR ON ALL INVOICES, BILLS OF LADING, AND CORRESPONDENCE.

DELIVER ALL MERCHANDISE TO:

CAMBRIA, CALIFORNIA 93428	VENDOR:
---------------------------	---------

DATE _____

WRITTEN BY _____

DEPT _____

COST CENTER _____

EXPIRES ON _____

QUANTITY	UNIT	DESCRIPTION	ACCOUNT TO BE CHARGED	UNIT PRICE	AMOUNT

- TERMS AND CONDITIONS**
1. Statements must be mailed to the Accounts Payable Department at the address of the District Office printed above.
 2. The Cambria Community Services District will not be responsible for articles or services furnished officials or employees without a Purchase Order signed by the authorized purchasing agent.
 3. The right is reserved to purchase in the open market and to charge the difference to the Vendor in the event that deliveries are not made at the time specified in the bid or contract.
 4. Whenever a delivery is rejected, the Vendor shall be notified and given reason for rejection. All rejected deliveries shall be held at Vendor's risk and he shall bear the expense of removal.
 5. We reserve the right to take cash discounts if paid within 30 days of receipt of statement.

SUBTOTAL →	
FREIGHT	
TAX	
TOTAL AMOUNT →	

I HEREBY AUTHORIZE PURCHASE OF THE ABOVE DESCRIBED GOODS OR SERVICES

 AUTHORIZED SIGNATURE

NOTE: WHITE - ACCTS PAYABLE CANARY - WRITTEN BY PINK - LOG BOOK



Regular Business Item 4 E Attachment

POLICY TITLE: Unlawful Harassment

POLICY NUMBER: 3140

3140.1 Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), age (40 and over), physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment is a violation of these Guidelines. Section 3140 shall also include and apply to members of the District Board of Directors, independent contractors, unpaid interns, volunteers, persons providing services to the District pursuant to a contract, and other persons with whom District employees may come into contact while working.

3140.2 Unlawful harassment in employment may take many forms. Some examples include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, unwanted touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by District policy.

Please note that prohibited harassment is not just sexual harassment but harassment based on any protected category.

3140.3 Sexual harassment under state and federal laws is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment; or adversely
- affected the employee's performance, appraisal, assigned duties, or any other condition of



Regular Business Item 4 E Attachment

- employment or career development; or
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

3140.4 Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions from subtle pressure for sexual activity to physical assault. Sexual harassment conduct need not be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Examples of the kinds of conduct included in the definition of sexual harassment are:

3140.4.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

3140.4.2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature.

3140.4.3 The following is a list of some, but not all, actions employees are to avoid that could be interpreted as sexual harassment:

- Unwelcome sexual advances and propositions;
- Offensive flirtations with sexual overtones;
- Sexual innuendo;
- Obscene and suggestive comments;
- Humor or jokes about sex or gender specific traits;
- Sexual or graphic comments about an individual's body, dress, or overall appearance; or
- Sexually suggestive or explicit graffiti, illustrations, visual or printed material in the workplace, including inappropriate emails, internet sites, and social media postings.

3140.5 Abusive conduct or workplace bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

- Repeated infliction of verbal abuse;
 - Derogatory remarks, insults, epithets;
 - Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
 - Gratuitous sabotage or undermining of a person's work performance.
-



Regular Business Item 4 E Attachment

3140.6 Policy Publicizing. All employees shall be informed of the District's unlawful harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

3140.6.1 All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.

3140.6.2 An annual bulletin may also be prepared and distributed to all employees informing them of the District's sexual harassment policy.

3140.7 Complaint Process. Any employee who believes he or she is the victim of unlawful harassment, abusive conduct, or discrimination on any prohibited basis, or who has observed such conduct, or believes he or she is subject to retaliation ("Unlawful Harassment") may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

3140.7.1 An informal complaint is made verbally by the employee to the immediate supervisor and/or HR Manager/Personnel Manager. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

3140.7.2 A formal complaint is made in writing using the "Employee Grievance Form," see "Appendix A" in Policy #3120. Said form should be submitted by the employee to their immediate supervisor and/or HR/Personnel Manager. Although submitting the formal complaint with the immediate supervisor and/or HR/Personnel Manager is preferred, the employee is free to submit a formal complaint with any supervisory employee, including the General Manager, or with the President of the Board of Directors, if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

3140.8 Complaint Response Process. Any supervisory employee who receives a formal or informal Unlawful Harassment complaint shall maintain the confidentiality of the complainant to the extent possible and shall personally deliver said complaint immediately and directly to the division manager, or to the General Manager if the division manager is unavailable or personally involved in said complaint. If the General Manager is unavailable or personally involved in said complaint then said complaint shall be delivered to the President of the Board of Directors.

3140.8.1 After a formal or informal complaint is received, an impartial investigation shall be conducted by the manager of the division, the General Manager, the HR/Personnel Manager, or another impartial investigator within a timely manner.



Regular Business Item 4 E Attachment

- 3140.8.2 A written record of any investigation of an alleged Unlawful Harassment complaint shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board if one exists or the entire Board of Directors. If the General Manager is personally involved in the complaint, such findings will instead be provided directly to the Personnel Committee of the Board if one exists or to the entire Board of Directors to determine options and/or remedial action, if appropriate.
- 3140.8.3 All discussions resulting from said investigation shall be kept confidential to the extent possible by all informed of said investigation.
- 3140.8.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions. Said advocate may support and/or represent the complainant but should not interfere with the integrity of the investigation or the investigatory process.

3140.9 Disciplinary Procedures and Sanctions. If upon the conclusion of the investigation of the alleged Unlawful Harassment claim, the investigator determines that harassment, discrimination, retaliation, or other prohibited conduct has occurred, appropriate corrective and remedial action shall be taken by the General Manager/Board of Directors against the harasser in accordance with the circumstances involved. The District will also take appropriate action to deter future misconduct. Any employee determined by the District to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including, termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

3140.10 Retaliation. Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the California Department of Fair Employment and Housing (“DFEH”) or Federal Equal Employment Opportunity Commission (“EEOC”), or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

3140.11 Employee should also be aware that the EEOC and the DFEH investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Information is available at www.eeoc.gov and www.dfeh.ca.gov.



Regular Business Item 4.E. Attachment

POLICY TITLE: Whistleblowing Policy
POLICY NUMBER: 3142

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

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

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

3142.2 Definitions:

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



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

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

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

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

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



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

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

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

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

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



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

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

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