



POLICY COMMITTEE

REGULAR MEETING
 Thursday, October 31, 2019 - 2:00 PM
 1000 Main Street, Cambria, CA 93428

AGENDA

- A. CALL TO ORDER
- B. ESTABLISH QUORUM
- C. CHAIRMAN'S REPORT
- D. AD HOC SUBCOMMITTEE REPORTS
 - i. Subcommittee on Disaster Preparedness
 - ii. Subcommittee on Veterans' Hall Fees

1. PUBLIC COMMENT

Members of the public may now address the Committee on any item of interest within the jurisdiction of the Committee but not on its agenda today. In compliance with the Brown Act, the Committee cannot discuss or act on items not on the agenda. Each speaker has up to three minutes. Speaker slips (available at the entry) should be submitted to the Committee Chairperson.

2. CONSENT AGENDA

- A. Consideration to Approve the October 9, 2019 Special Meeting Minutes

3. REGULAR BUSINESS

- A. Discussion and Consideration Regarding Board Members' Use of Electronic Devices During Board Meetings Policy and Recommendation to Forward to the Board of Directors
- B. Discussion and Consideration of Ad Hoc Committee's Recommendations Regarding Policy 1045 Legal Counsel and Auditor, Policy 1050 Overview of the General Manager's Role and Policy 1055 Legislative Advocacy

- C. Discussion of Questions Brought Forward by the Ad Hoc Subcommittee: The Ad Hoc Subcommittee Requests Clarification from the Board on the Process for Developing a Policy Handbook. Specifically, the Ad Hoc Committee is Asking the Following Questions:

- 1) Referring to the development of policy recommendations, what would be the committee's actions on how to interface with District Staff and Council on existing positions/functions for alignment of CSDA sample Policy with Board and staff expectations?
- 2) When questions and concerns of Board members arise on policy recommendations from the Policy Committee, without formal adoption or rejection by the Board, how can the Committee continue to move forward to obtain adoption?

- D. Review of Cambria Community Services District's Transfer of Positions Municipal Code Section 8.04.100

4. FUTURE AGENDA ITEMS

5. ADJOURN

CAMBRIA COMMUNITY SERVICES DISTRICT
POLICY COMMITTEE SPECIAL MEETING MINUTES
Wednesday, October 9, 2019 2:00 PM

1. OPENING

A. CALL TO ORDER

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

B. ESTABLISH A QUORUM

A quorum was established.

Committee Members present: Donn Howell, Gordon Heinrichs, Ted Key, John Rohrbaugh and John Nixon.

Vacant-1

Staff present: John Weigold, General Manager and Haley Dodson, Deputy District Clerk.

C. CHAIRMAN'S REPORT

Chairman Howell requested and members agreed to change the order of business, moving discussion and appointment of Committee Secretary to follow agenda item 3.A.

2. PUBLIC COMMENT

Public Comment:

Claudia Harmon introduced herself, noting that she had applied for the open seat on the Policy Committee and expressing her interest in serving.

3. CONSENT AGENDA

- A.** Consideration to Approve the August 1, 2019 Special Meeting Minutes and August 29, 2019 Regular Meeting Minutes

Title: Motion to approve the August 1, 2019 Special Meeting Minutes.

Moved by: Rohrbaugh

Seconded by: Key

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

Title: Motion to approve the August 29, 2019 Regular Meeting Minutes.

Moved by: Heinrichs

Seconded by: Key

Ayes: 3 (Heinrichs, Key, Rohrbaugh)

Abstain: 1 (Nixon)

Absent: 0

Vacant: 1

Chairman Howell not voting

4. REGULAR BUSINESS

- A.** Discussion Regarding Ad Hoc Committee Recommendations for CSDA Sample Policy Handbook Sections 1030 Code of Ethics, 1035 Conflict of Interest and 1040 Correspondence to the Board

Title: Motion to amend 1030.5 from first person, singular voice to first person, plural voice and to accept Policy 1030.5 for submission to the Board of Directors.

Moved by: Key

Seconded by: Heinrichs

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

Title: Motion to have the Policy Committee review existing policies, statutes, regulations, and procedures affecting environmental concerns and interests and to develop a new section of the Policy Handbook on environmental concerns, interests and directions.

Moved by: Rohrbaugh

Seconded by: Key

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

Title: Motion to approve and recommend Policy 1035.1 - .2 for submission to the Board of Directors.

Moved by: Nixon

Seconded by: Key

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

Title: Motion to approve and recommend Policy 1040.1 for submission to the Board of Directors.

Moved by: Nixon

Seconded by: Heinrichs

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

B. Discussion and Appointment of Committee Secretary

Title: Motion to appoint John Nixon as Committee Secretary

Moved by: Key

Seconded by: Heinrichs

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

C. Discussion of Chairman's Draft Report of What the Policy Committee Has Been Working on & Future Work Plan and Consideration to Allow Chairman to Forward Report & Future Work Plan to the Board of Directors for Consideration.

No action; however, the Committee recommends that the format follow the chronology of work and action by the Committee and Board of Directors.

D. Discussion and Consideration to Form Subcommittees' to Address:
 A. Policies and Procedures Regarding Homelessness in Cambria
 B. Use of Electronic Devices at Board Meetings
 C. Disaster Preparedness
 D. Veterans' Hall Fees

Title: Motion to recommend to the Board of Directors that no Board Policy is necessary for (A) Policies and Procedures Regarding Homelessness in Cambria and that the Board should implement the General Manager's "Operational Procedures for Removal of Homeless Encampments on CCSD Property."

Moved by: Rohrbaugh

Seconded by: Key

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

Title: Motion to recommend to the Board of Directors adoption of the Mt. View policy on “Use of Electronics at Board Meetings”, changing references to “City Council/Members to “District/ Directors” and with the addition after the first paragraph of the following language: “Pursuant to the Ralph M. Brown Act, a Director shall not, during a District meeting, use electronic devices, directly or through intermediaries, to communicate secretly with one another.”

Moved by: Rohrbaugh

Seconded by: Key

Ayes: 4

Absent: 0

Vacant: 1

Chairman Howell not voting

Regarding items C and D, Vice Chair Heinrichs will work with CCSD staff and Fire Department staff on possible policy affecting disaster preparedness, and Committee Member Keys will work with the Finance Committee and General Manager on policy implications regarding fees for use of the Veterans Hall.

5. FUTURE AGENDA ITEMS

Chairman Howell asked for any future agenda items.

A sub-committee of Rohrbaugh, Key and Nixon will continue work on policy recommendations from Section 1000 of the CSDA Sample Policy Handbook.

Vice Chair Heinrichs will assemble source documents on existing environmental regulations, statutes, and procedures affecting the District’s management of its properties.

6. ADJOURN

Chairman Howell adjourned the meeting at 5:00 p.m.

POLICY COMMITTEE MEETING SIGN-IN SHEET**Meeting Date: October 9, 2019**

Name	Name
Haley Dodson	
John Nixon	
JONV ROHRBAUGH	
John Weigold	
John Weigold	
TED KEY	
Donna Hurrell	

Policy 1030 Code of Ethics**1030.1 Background information:**

Cambria Community Service District designed its Code of Ethics and Values (hereinafter "Code") to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today's complex and diverse society.

1030.2 Goals of the Code of Ethics:

- a) To make the Cambria Community Service District a better District built on mutual respect and trust.
- b) To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers and members of the District's Board. All elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called "Officials" for the purposes of this policy.
- c) The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

1030.3 Preamble:

- a) The proper operation of democratic government requires that decision makers be independent, impartial and accountable to the people they serve. The Cambria Community Service District has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government.
- b) All Officials, and others, who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1030.4 Applicability:

This Code shall apply to all District Officials as defined in 1030.2 b.

1030.5 Core Values:

As representatives of the Cambria Community Service District, we subscribe to the following Core Values:

- a) I will be professional. I will apply my knowledge and skills to my assigned activities in a consistent, competent, and productive manner. I will keep my knowledge and skills current and growing.
- b) I will be service-oriented. In my interactions with constituents, I will be interested, engaged and responsive with respect to their needs and concerns. I will provide friendly, receptive, and courteous service.
- c) I will be fiscally responsible. I will make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District. I will demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- d) I will be organized. I will act in an efficient manner, making recommendations and decisions based upon ~~research and facts~~ available information and familiarity with short-term and long-term goals. I will be diligent in being prepared for and following through on all of my duties and responsibilities in a timely way.
- e) I will be communicative. In the way that I respond to others and keep them well informed, I will convey the District's care for and commitment to its citizens. I will engage in effective two-way communication by listening carefully, asking questions, and responding in a manner that adds value to conversations.

Attachment 02 to October 9, 2019 Special Meeting Minutes

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- f) I will be collaborative. I will act in a cooperative manner with other individuals and groups, working together in a spirit of tolerance and understanding. I will work towards consensus building and strive to gain value from diverse opinions.
 - g) I will be ~~ethical~~ honorable. In all my public roles, I will be viewed by others as dependable and trustworthy, acting with ~~utmost~~ full integrity. I will make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that might impair my independence of judgment or action.
 - h) I will be a conservator. I will work toward the responsible use and appropriate protection of Cambria's natural environment through sustainable practices. I will be viewed by others as a good steward of the valuable resources—air, water, land, flora, and fauna—that might be enhanced or degraded by my choices.

Draft Note: The Committee has found no CCSD policies pertaining to "code of ethics."

Draft Recommendation: The Committee recommends that the Board consider adopting a somewhat reduced form of CSDA Policy 1030 as shown above.

Policy 1035 Conflict of Interest

1035.1 The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation, Section 18730 of Title 2 of the California Code of Regulations, which contains the terms of a standard conflict of interest code which can be incorporated by reference in any agency's code. After public notice and hearing, Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of Section 18730 of Title 2 of the California Code of Regulations and any amendments to it adopted by the Fair Political Practices Commission are hereby incorporated by reference and will be applied in accordance with the provisions existing on the date that any issue arising under this code must be addressed. **Resolution 03-2019 of the Board of Directors of the Cambria Community Services District Amending the District Conflict of Interest Code (approved and adopted February 28, 2019)**, ~~This cover page,~~ the referenced and incorporated regulation, and the attached appendixes designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Cambria Community Services District.

1035.2 Individuals holding designated positions shall file their statements of economic interests with the Cambria Community Services District, which will make the statements available for public inspection and reproduction in accordance with Government Code Section 81008. Statements for all designated employees will be retained by the District Clerk.

Draft Notes: The text for Policy 1035 shown above is exactly and fully contained in CCSD Resolution 03-2019 (February 28, 2019) except for the one insertion (in bold and underlined) and one deletion.

Draft Recommendations: The Committee recommends that the Board maintain its current Conflict of Interest Code. For the purpose of assembling a policy manual consistent with the format of the CSDA Sample Policy Handbook, the Committee recommends including Policy 1035 Conflict of Interest as shown above, followed immediately with the text of Resolution 03-2019 (approved and adopted February 28, 2019), as well as Appendix A Designated Positions and Appendix B Disclosure Categories that this resolution references.

Policy 1040 Correspondence to the Board

1040.1 All written or electronic correspondence addressed to the Board of Directors is to be sent to the District office. Copies of the written or electronic correspondence and written responses in reply thereto, if any, shall be distributed to each member of the Board, together with the next regular agenda or at the next regular meeting of the Board, depending on date of receipt or response. Individual Board members may receive correspondence addressed to him or her in his or her official capacity. However, Board members are not permitted to use agency resources for sending or receiving personal correspondence.

Draft Note: The Committee has found no CCSD policies pertaining to “correspondence to the Board.”

Draft Recommendation: The Committee recommends that the Board consider adopting CSDA Policy 1040.

1030.6 Cambria has the legacy to follow the codes and guide lines of the Environmentally Sensitive Habitat Area including the Coastal Commission and

6A. Title 23 purpose: 23.01.010 - 022

- a. To implement the San Luis Obispo County General Plan and the San Luis Obispo County Local Coastal Program, and to guide and manage the future growth of the county in accordance with those plans; and
- b. To regulate land use in a manner that will encourage and support the orderly development and beneficial use of lands within the county; and
- c. To minimize adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, buildings, land uses, parking areas, or other forms of land development by providing appropriate standards for development; and
- d. To protect and enhance the significant natural, historic, archeological and scenic resources within the county as identified by the county general plan.
- e. To assist the public in identifying and understanding regulations affecting the development and use of land.

6B. Local Coastal Program (LCP) policies, such as NCAP Planning Area Standard 4, Coastal Watersheds Policies 1 and 2, and ESHA Policies 2, 7, and 20. NCAP Planning Area Standard 4A requires that development “assure no adverse impacts to Santa Rosa and San Simeon Creeks.” Coastal Watersheds Policy 1 provides that the “long-term integrity of groundwater basins within the coastal zone shall be protected.” In addition, Coastal Watershed Policy 2 states that “[g]round water levels and surface flows shall be maintained to ensure the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organism, and for the protection of human health.” ESHA Policy 7 adds: “Coastal wetlands are recognized as environmentally sensitive habitat areas. The natural ecological functioning and productivity of wetlands and estuaries shall be protected, preserved and where feasible, restored.” Finally, ESHA Policy 20 provides: “Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.” CZLUO Section 23.04.430, in conjunction with these LCP coastal resource policies, demonstrates the strong emphasis that the LCP places on ensuring that instream flows are adequate to protect groundwater aquifers, wetlands, and sensitive riparian habitats – including, importantly, the Santa Rosa and San Simeon Creeks.

6C. CCSD Buildout Reduction Program Item 3- State Fire Code. Not less than 20 feet of unobstructed width of public rights of way (Fire Code, Section 902.2.2.1). Since this requirement is for unobstructed access, the requirement is even greater in width to the extent a particular road allows for parking of vehicles on that street. Areas within the CCSD are constrained by development by this access requirement.

6D. The awareness of the Special Monterey Pine Tree Forest protection through management by a forest manager working with the State Parks, Fish and Wildlife, CAL Fire, Local Fire Chief and following organizations of the Forest Committee, Green Space, Fire Safe, Friends of Fasilaniti Ranch etc.

6E. Coastal protection working with NOAA, NMS, Coastal Monuments, National Marine Fishery Service, The Marine Mammal Center, Coastal Commission, Grand Jury, BLM, County Commissioners and planners etc.

Attachment

DRAFT CHAIRMAN'S REPORT

Creation of the Policy Committee

The Policy Committee as a standing committee of the CCSD Board was established and a committee chairperson appointed at the Board's special meeting on January 3rd 2019. The Policy Committee members were appointed at the Board's regular meeting on 1/17/19.

Committee Goals, Scope & Authority

Adopted by Board action on 1/3/19

- Advance the District's strategic planning efforts.
- Review the District Code and consider whether direction should be provided to draft amendments.

From the Policy Committee's bylaws as adopted by the Board on 7/18/19 (after several iterations)

- The Policy Committee serves as an advisory resource to the CCSD Board of Directors on matters of operational and governance policy. The purpose of the Committee is to review existing operational and governance policies, focusing on the CCSD Board Policy Handbook, and to recommend new policies and changes to existing policies to the Board of Directors. At its discretion, the Board may assign other policy work to the Committee.
- The Committee maintains collaborative working relationships with the public, other standing committees and the CCSD Board of Directors. The Committee supports other standing committees' policy review needs.

Additional Board Discussion Regarding Committee Goals, Scope & Plan of Work (as paraphrased from Board meeting minutes)

Director Steidel (1/3/19) . . . We need strong policies. We need to look at policies and structure.

Director Rice (1/3/19) . . . It's important that we stay on the right side of our jobs which is to establish policies for the operation of the district. A review of our ordinances is critical. . . .

Director Rice (2/12/19) . . . The General Manager is hired to implement policies and support the development of the policy [sic] by the Board.

DRAFT CHAIRMAN'S REPORT

President Pierson (2/12/19) . . . [the general manager has] . . . the authority to do those things [hiring/firing daily direction, operations] within the policies and decisions made by the board.

Director Rice (3/5/19) in her committee report to the Board asked for clarification on the goal and scope of the committee.

President Pierson (3/5/19) The committee should work on a policy manual and updating the policies. The policies should be addressed by the full Board. This should be the primary goal. . . .

At the Board meeting of 7/11/19 during the Finance Committee report there was the following discussion (quoting from the minutes of that meeting):

“Director Steidel reported the completion of the reserve policy. It would be helpful to have written procedures that define the review and handoff of written policies as they are developed. The Committee would like a boiler plate format created by the Policy Committee.

President Pierson suggested the policies go to the Policy Committee for formatting. It would be immediately forwarded to the Board for consideration. Content would come from the standing committee to the Board. He agreed the Policy Committee would create a boiler plate format.”

Also at the Board meeting of 7/11/19 the Policy Committee report was given by Vice Chair Heinrichs. Quoting from the Board meeting minutes:

“Vice Chair Heinrichs provided a brief summary of the recent Policy Committee meeting. The Committee is using the CSDA Policy Handbook as a guideline. At the next Policy Committee meeting the Committee will review a sample book of the 1000’s series.

The Policy Committee’s Approach and Plan of Work

To organize our approach the Committee decided to create an updated "New Director Handbook" to parallel in format the CSDA Sample Policy Manual. [attach CSDA TOC]

We decided to approach its task sequentially for at least two reasons. First, there would be no doubt from the very outset that there was no hidden agenda in the Policy Committee. Second, if the committee selected first those policies that some (but not others) believed to be in greatest need of consideration, in all likelihood it would be starting its work on the most controversial basis. Rather, the committee wanted to work slowly, steadily, and incrementally forward.

Attachment

DRAFT CHAIRMAN'S REPORT

The committee set aside *Section 2000 Administration* and *Section 3000 Personnel* for much later. The thinking was that these 81 policies were more immediately under the purview of the General Manager, and many dealt with contractual issues between CCSD and the employee unions. Taking on any of these immediately seemed like potentially touching a "third rail."

The committee members agreed that we would start--over the course of the next couple of years--with the 26 policies under *Section 1000 General*, *Section 4100 Board*, and *Section 4200 Board Meetings*. With three policies forwarded to and considered by the Board every three months, this would take the Policy Committee through the end of 2020. To stay on track this year, our committee would need to complete the 12 policies under Section 1000 General by the end of December. Thus, we had an implied timeline for our work.

The committee matched the 26 policies under *Section 1000 General*, *Section 4100 Board*, and *Section 4200 Board Meetings* against existing CCSD policies and bylaws to determine where gaps and omissions exist. Please see the attached chart. You will note that there is an overlap in only 9 policies. In other words, in *Sections 1000, 4100 and 4200* of the CSDA Sample Policy Manual there are 17 policies for which no local parallel appears to exist. It should be noted that six of these 17 missing policies already have been the focus of the Policy Committee and its ad hoc committees since April; four already have been advanced to the Board.

Committee Actions to Date

From minutes of Committee meeting on 5/30/19

Sub ad hoc committee will reconsolidate the Policy Handbook replacement data ASAP. Need in two weeks for board approval meeting in word format to include the appropriate by laws as part of the policy manual. Use existing Handbook first, then make up new CCSD manual to match state wide manual. Hard copy to be printed for CCSD board approval. Motion passed unanimously (Ted absent).

From draft minutes of Committee meeting on 8/1/19

Discussion of "Form" and "Content" as it applies to all standing committees. The Policy Committee approved the process governing the flow of new policies. Any new policy developed by any standing committee would first go to the CCSD board of directors for approval. Then, if necessary, any newly approved policy would be routed through the Policy Committee to be sure it conforms with the structure and numbering system used by the California Special Districts Association handbook. The District Clerk should have the responsibility of keeping the future CCSD Board Policy Handbook up-to-date. Motion passed unanimously.

Attachment

DRAFT CHAIRMAN'S REPORT

The ad hoc committee presented a small binder demonstrating the types of questions and problems encountered in their examination of CCSD policies in relation to those found in the CSDA handbook. Of the six examples, the Committee voted to forward the first 3 examples to the CCSD board of directors to ask for their comment:

- CSDA Policy 1000: *Adoption/Amendment of Policies*
- CSDA Policy 1005: *Association Memberships*
- CSDA Policy 1010: *Basis of Authority*

From draft minutes of Committee meeting on 8/29/19

Discussion Regarding Ad Hoc Committee Recommendations for CSDA Sample Policy Handbook Sections

- 1015: *Overview of the District Clerk's Role,*
- 1020: *Board/Staff Communication* and
- 1025: *Claims Against the District*

Motion passed unanimously. (Nixon absent)

Committee's Proposed Work Plan Going Forward**From minutes of Committee meeting on 9/1/19**

The Policy Committee decided to delay discussion of the remaining examples until a future meeting. Motion passed, 4 in favor, 1 opposed
[Question: what are those remaining examples?]

On Committee's agenda for meeting on 10/9/19:

Discussion Regarding Ad Hoc Committee Recommendations for CSDA Sample Policy Handbook Sections

- 1030 *Code of Ethics,*
- 1035 *Conflict of Interest* and
- 1040 *Correspondence to the Board*

Discussion and Consideration to Form Subcommittees' to Address:

- Policies and Procedures Regarding Homelessness in Cambria
- Use of Electronic Devices at Board Meetings
- Disaster Preparedness
- Veterans' Hall Fees

Relevant Board Actions

At the 7/18/ 19 Board meeting the Board receives the final version of the standing committees' bylaws and approves them.

Attachment

DRAFT CHAIRMAN'S REPORT

At the 8/15/19 Board meeting, by unanimous vote "... the Board moved to adopt the policies listed [1000: *Adoption/Amendment of Policies*, 1005: *Association Memberships & 1010: Basis of Authority*] and continue use of the format of CSDA in development of the policies with amendment to 1000.3 striking per Brown Act."

Also at the 8/15/19 Board meeting Director Rice moved to approve the Reserve Policy with one minor change. Motion Passed Unanimously.

[Question: has the Committee received the Board approved Reserve Policy for formatting and inclusion in the new CCSD Policy Handbook?]

On 10/10/19 Board meeting agenda -- Discussion of and consideration of policies

- 1015: *Overview of the District Clerk's Role*
- 1020: *Board/Staff Communication*
- 1025: *Claims Against the District*

SECTION 1000: GENERAL

- Policy 1000 Adoption/Amendment of Policies
- Policy 1005 Association Memberships
- Policy 1010 Basis of Authority
- Policy 1015 Board Secretary
- Policy 1020 Board/Staff Communications
- Policy 1025 Claims against the District
- Policy 1030 Code of Ethics
- Policy 1035 Conflict of Interest
- Policy 1040 Correspondence to the Board
- Policy 1045 Legal Counsel and Auditor
- Policy 1050 Overview of the General Manager's Role
- Policy 1055 Legislative Advocacy

Section: New Policy Creation (B-02-2018)

Bylaws: 7. Director Guidelines

Section: Conflict of Interest Code (03-2019)

SECTION 4100: BOARD

- Policy 4100 Attendance at Meetings
- Policy 4105 Committees of the Board of Directors
- Policy 4110 Duties of Board President
- Policy 4115 Ethics Training
- Policy 4120 Members of the Board of Directors
- Policy 4125 Training, Education, and Conferences

Bylaws: 9. Committees

Bylaws: 1. Officers of the Board of Directors

Bylaws: 5. Members of the Board of Directors & 6. Authority of Directors

SECTION 4200: BOARD MEETINGS

- Policy 4200 Board Actions and Decisions
- Policy 4205 Board Meeting Agenda
- Policy 4210 Board Meeting Conduct
- Policy 4215 Brown Act Compliance - Open Meetings
- Policy 4220 Minutes of Board Meetings
- Policy 4225 Review of Administrative Decisions
- Policy 4230 Rules of Order for Conduct of Meetings
- Policy 4235 Types of Board Meetings

Bylaws: 3. Agendas

Bylaws: 2. Meetings

Bylaws: 4. Preparation of Minutes

CCSD Policy Committee**Draft Proposal: Use of Electronic Devices During Board Meetings**

10/17/19

E-Communications During CCSD Board Meetings —receiving communications concerning any matter before the Board, during Board meetings —either by text, e -mail or through social media forums — should be avoided.

Pursuant to the Ralph M. Brown Act, a Board Member shall not, during a Board meeting, use electronic devices, directly or through intermediaries, to communicate secretly with one another.

In addition, reading, forwarding or responding to e- communications during Board meetings may result in the perception that Board Members are distracted or dividing their attention between a multitude of matters. Board Members should strive to give their full attention to the proceedings before them at Board meetings to ensure sound decision - making.

The foregoing limitation shall not apply to communications of a personal nature during CCSD Board meetings. A Board Member wishing to respond to such a communication during a meeting shall do so during a recess or shall excuse himself or herself from the meeting in a manner that does not disrupt the meeting.

CSDA Policy 1045: Legal Counsel and Auditor

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

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

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

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

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

CSDA Policy 1050: Overview of the General Manager's Role

1050.1 The General Manager is an employee of the District and has an employment agreement which specifies his or her terms of employment. The General Manager is the administrative head of the District under the direction of the Board of Directors. He or she shall be responsible for the efficient administration of all the District's affairs which are under the General Manager's control. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with short and long range goals, policy statements, and directives from the Board.

1050.2 The General Manager's Duties

The District's General Manager shall be responsible for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The planning, direction, and coordination of the day-to-day operations of the District through the appropriate department heads or managers including administration, financing, maintenance, engineering, human resources, and others to effect operational efficiency;
- c) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employment policies established by the Board of Directors;
- d) Attend and participate in District Board meetings, prepare and present reports as necessary, represent the Board before external organizations including other agencies, governmental and regulatory entities, business and community groups;
- e) The supervision of the District's facilities and services; and
- f) The supervision of the District's finances.

1050.3 The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instruction to the General Manager on matters within the authority of the Board during duly-convened board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other District employees. Members of the Board will refrain from making requests directly to District employees (other than the General Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow the District's Request for Public Records Policy.

CSDA Policy 1055: Legislative Advocacy Policy

1055 Purpose. The purpose of the policy is to guide the Cambria Community Service District (CCSD) officials and staff in considering legislative or regulatory proposals that are likely to have an impact on the District, and to allow for a timely response to important legislative issues. Although the expenditure of public funds for the purpose of supporting or opposing a ballot measure or candidate is prohibited,¹ the expenditure of public funds is allowed to advocate for or against proposed legislation or regulatory actions which will affect the public agency expending the funds.²

The purpose for identifying Legislative Advocacy Procedures is to provide clear direction to the District staff with regard to monitoring and acting upon bills during state and federal legislative sessions. Adherence to Legislative Advocacy Procedures will ensure that legislative inquiries and responses will be administered consistently with “one voice” as to the identified Advocacy Priorities adopted by the Board of Directors. The Legislative Advocacy Procedures and Advocacy Priorities will provide the District General Manager, or other designee, discretion to advocate in the District best interests in a manner consistent with the goals and priorities adopted by the Board of Directors. This policy is intended to be manageable, consistent, and tailored to the specific needs and culture of the District.

1055.1 Policy Goals

- Advocate the District legislative interests at the State, County, and Federal levels.
- Inform and provide information to the Board of Directors and district staff on the legislative process and key issues and legislation that could have a potential impact on the district.
- Serve as an active participant with other local governments, the California Special Districts Association, and local government associations on legislative and regulatory issues that are important to the district and the region.
- Seek grant and funding assistance for the District projects, services, and programs to enhance services for the community.

1055.2 Policy Principles. The Board of Directors recognizes the need to protect the District interests and local control, and to identify various avenues to implement its strategic and long-term goals. It is the policy of the District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors.

This policy provides the District General Manager, or other designee, the flexibility to adopt positions on legislation in a timely manner, while allowing the Board of Directors to set Advocacy Priorities to provide policy guidance. The Board of Directors shall establish various Advocacy Priorities and, so long as the position fits within the Advocacy Priorities, staff is authorized to take a position without board approval.

Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting the District, the matter shall be brought before the Board of Directors at a regularly scheduled board meeting for formal direction from the Board of Directors. [The Board of Directors may choose to establish a standing committee of two Directors, known as the “Legislative Advocacy Committee”, with the authority to adopt a position when consideration by the full Board of Directors is not feasible within the time-constraints of the legislative process.]

Generally, the District will not address matters that are not pertinent to the district’s local government services, such as social issues or international relations issues.

1055.3 Legislative Advocacy Procedures. It is the policy of the District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction with local, state, and federal government entities both in

¹ Cal. Gov. Code § 54964.

² Cal. Gov. Code § 53060.5; *Stanson v. Mott* (1976) 17 Cal. 3d 206.

regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by the District.

Monitoring legislation is a shared function of the Board of Directors and General Manager or designated staff. The Legislative Advocacy Procedures are the process by which staff will track and respond to legislative issues in a timely and consistent manner. The General Manager, or other designee, will act on legislation utilizing the following procedures:

1. The General Manager or other designee shall review requests that the District take a position on legislative issues to determine if the legislation aligns with the district's current approved Advocacy Priorities.
2. The General Manager or other designee will conduct a review of positions and analysis completed by the California Special Districts Association and other local government associations when formulating positions.
3. If the matter aligns with the approved priorities, the District response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the district, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the General Manager or designee. The General Manager or designee shall advise staff to administer the form of advocacy, typically via letters signed by the General Manager, or designee, on behalf of the Board of Directors.
4. All draft legislative position letters initiated by the General Manager or designee shall state whether the district is requesting "support", "support if amended", "oppose", or "oppose unless amended" action on the issue, and shall include adequate justification for the recommended action. If possible, the letter should include examples of how a bill would specifically affect the district, e.g. "the funding the district will lose due to this bill could pay for X capital improvements."
 - a. Support – legislation in this area advances the district's goals and priorities.
 - b. Oppose – legislation in this area could potentially harm, negatively impact or undo positive momentum for the district, or does not advance the district's goals and priorities.
5. The General Manager may also provide a letter of concern or interest regarding a legislative issue without taking a formal position on a piece of legislation. Letters of concern or interest are to be administered through the General Manager or designee.
6. When a letter is sent to a state or federal legislative body, the appropriate federal or state legislators representing the District shall be included as a copy or "cc" on the letter. The appropriate contacts at the California Special Districts Association and other local government associations, if applicable, shall be included as a cc on legislative letters.
7. A position may be adopted by the General Manager or designee if any of the following criteria is met:
 - a. The position is consistent with the adopted Advocacy Priorities;
 - b. The position is consistent with that of organizations to which the district is a member, such as the California Special Districts Association; or
 - c. The position is approved by the Board of Directors [or the Legislative Advocacy Committee].
8. All legislative positions adopted via a process outside of a regularly scheduled Board Meeting shall be communicated to the Board of Directors at the next regularly scheduled Board Meeting. When appropriate, the General Manager or other designee will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Directors.

1055.4 Advocacy Priorities.

Revenue, Finances, and Taxation. Ensure adequate funding for special districts' safe and reliable core local service delivery. Protect special districts' resources from the shift or diversion of revenues without the consent of the affected districts. Promote the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies. Protect and preserve special districts' property tax allocations and local flexibility with revenue and diversify local revenue sources.

Support opportunities that allow the district to compete for its fair share of regional, state, and federal funding, and that maintain funding streams. Opportunities may include competitive grant and funding programs. Opportunities may also include dedicated funding streams at the regional, state, or federal levels that allow the district to maximize local revenues, offset and leverage capital expenditures, and maintain district goals and standards.

Governance and Accountability. Enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits all approaches. Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preferences of each community.

Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources without effectively fostering public engagement and enhancing accountability of government agencies.

Promote local-level solutions, decision-making, and management concerning service delivery and governance structures while upholding voter control and maintaining LAFCO authority over local government jurisdictional reorganizations and/or consolidations.

Human Resources and Personnel. Promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees.

Maintain special districts' ability to exercise local flexibility by minimizing state mandated contract requirements. Oppose any measure that would hinder the ability of special districts to maximize local resources and efficiencies through the use of contracted services.

Infrastructure, Innovation, and Investment. Encourage prudent planning for investment and maintenance of innovative long-term infrastructure. Support the contracting flexibility and fiscal tools and incentives needed to help special districts meet California's changing demands. Promote the efficient, effective, and sustainable delivery of core local services.

Prevent restrictive one-size-fits-all public works requirements that increase costs to taxpayers and reduce local flexibility.

8.04.100 - Transfer of positions.

Except as specifically provided for in this section, a "position" shall be valid only for the parcel or combination of parcels originally applied for and is valid only for the number of EDUs requested and approved in the original application. Transfer of positions is allowed only if the transfer satisfies the requirements of this section.

A. Findings and Policy Objectives. The board of directors finds that:

1. Discouraging water and sewer service on undersized parcels (being parcels less than three thousand five hundred (3,500) square feet of area, unless such parcel has two underlying lots and has at least fifty (50) feet of street frontage) promotes conservation of scarce water resources and promotes the ability of the district to provide adequate sewer service to existing users.
2. Discouraging water and sewer service within the Lodge Hill Special Project Area 1 and Top of the World Special Project Area 2 helps prevent deforestation and erosion, which eliminates fire hazards, promotes conservation of scarce water resources, and promotes the ability of the district to provide adequate water service.
3. Allowing the transfer of existing positions and imposing a restrictive covenant on those sender parcels restricting future water and sewer service is an effective and desirable way of discouraging water and sewer service on undersized parcels and in the Lodge Hill Special Project Area 1 and Top of the World Special Project Area 2, and reducing development density; thereby promoting the district's goals of conserving scarce water resources, providing adequate sewer service to current users, and fire safety.
4. Allowing transfers of positions only from sender parcels which have a single-family residential position to receiver parcels which will receive and be entitled to use only a single-family residential position maintains the integrity of the district waiting lists, and thereby fairly and efficiently promotes the district's goals of conserving scarce water resources and providing adequate sewer service to existing customers.
5. Requiring the demolition of structures on parcels upon which a restrictive covenant has been imposed eliminates a fire hazard and a potential public health hazard to streams or groundwater, thereby promoting the district's purposes of fire safety and providing adequate water and sewer service.
6. Allowing an exception to the demolition requirement for historic buildings on property on which a restrictive covenant has been imposed promotes the general purposes of the district by reducing fire hazards and by making historic buildings available for public recreation. Historic buildings present fire hazards because of outdated electrical systems and flammable construction materials, including aged wooden roofs and frames. Providing for the rehabilitation and maintenance of historic buildings eliminates a fire hazard and promotes public recreation.
7. Allowing conveyance to the district of parcels adjacent to district property or facilities furthers the district's purposes, including providing adequate water and sewer services.

B. Transfer of a Single-Family Residential Position to Another Parcel. Partial transfers or splitting of EDU allocations from services with a combination of uses, such as multi-family or commercial/residential, are not allowed. The general manager is authorized to process transfers of single-family residential positions from the "sender" parcel to a "receiver" parcel subject to the following:

1. The receiver parcel must consist of:
 - a. At least three thousand five hundred (3,500) square feet in area or two underlying previously subdivided lots with at least fifty (50) feet of street frontage;
 - b. Be outside Lodge Hill Special Project Area 1; and

Regular Business Item 3.D. Attachment

- c. Be outside Top of the World Special Project Area 2. This requirement shall not prohibit transfer or exchange of water positions (as defined in subsection 8.04.040A.) within the Top of the World Special Project Area 2, provided the receiver parcel complies with all CCSD ordinances and policies.
2. The sender parcel must have a single-family residential position, and the receiver parcel will receive and be entitled to use only a single-family residential position.
3. The receiver parcel shall be located within the Cambria urban services line established by the county of San Luis Obispo or located within portions of the "1969 Leimert ownership" or "Tract 543 subdivision" which are within the district boundaries, as those terms are more particularly described in the June 4, 1985, Agreement between the Leimert Company and the district.
4. Prior to the effectiveness of the transfer, both a transfer agreement and a covenant restricting use of property (restrictive covenant) shall be executed. The transfer agreement shall require the permanent merger of all lots contained in the receiver parcel. Merger of receiver parcel lots shall be completed within ninety (90) days of final approval of transfer. The restrictive covenant shall be recorded on the sender parcel or alternate-designated parcel.
 - a. All parcels involved in the transfer, except the sender parcel, must meet the minimum criteria in subsection (B)(1) of this section.
 - b. The restrictive covenant shall provide that the sender or alternate parcel shall be permanently restricted from water service as described in subsection (B)(7) of this section.
 - c. The restrictive covenant shall require the demolition of any existing structures on the sender parcel or alternate, if designated, except for historic buildings and existing structures ancillary to historic buildings.
 - d. This restriction shall not apply on any parcel that is deeded to and accepted by the district for any district purpose, or deeded to and accepted by the county of San Luis Obispo or the state of California for purposes of public recreation or other public facilities purposes.
5. Exchange of Positions. The general manager is also authorized to process an exchange of a position on one parcel for a position on a second parcel if, prior to the effective date of the exchange, a restrictive covenant is recorded restricting an alternate parcel, which meets the minimum criteria specified in subsections (B)(1)—(3) of this section.
6. Acceptance by District of Conveyance of Alternate Parcels. In lieu of recording a restrictive covenant on "sender" or alternate parcel as a condition of transfer of a position, the board may consider conveyance to the district of an alternate parcel if it finds the following:
 - a. The conveyance to the district furthers the purposes of the district, including but not limited to: (1) supplying water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation; (2) providing collection, treatment, and disposal of sewage, waste, and storm water of the district and its inhabitants; (3) protecting against fire hazards; (4) planning for and providing for public recreation; and (5) furthering watershed protection; or
 - b. The parcel is either: (1) adjacent to or in close proximity to existing district property or facilities, or (2) is identified in the district's capital improvement program for acquisition; and
7. The following provisions apply to all position transfers (except as provided in this subsection), and must be incorporated into the restrictive covenant:
 - a. No water or sewer service shall be requested of district or made available by district on the sender property, and owner covenants not to drill or utilize any well on sender

Regular Business Item 3.D. Attachment

property from and after the date this covenant and agreement restricting use of water and property is executed by both parties hereto, except as follows:

- b. This restriction shall not apply in the event all the following conditions are met:
 - i. The sender property is merged pursuant to the subdivision map act with adjacent property so that the adjacent property and the sender property would become one legal parcel (hereinafter referred to as the merged parcel);
 - ii. The combined area of both properties together is not less than three thousand five hundred (3,500) square feet, or in case where the combined area of both parcels is less than three thousand five hundred (3,500) square feet, that such parcels combined have two underlying lots with fifty (50) feet or more of street frontage;
 - iii. Water and sewer service by the district to the merged parcel will be limited to that allocated to the formerly-adjacent property on the date of this covenant, pursuant to district ordinance in effect on the date of this covenant, and it shall be a violation of this covenant to provide water or sewer service to any separate or adjoining structure with an additional kitchen; and
 - iv. Before any water or sewer service is allowed on merged parcel, owner shall obtain certification from the county of compliance with conditions in subsections (B)(7)(a) and (b) of this section, which certification shall be recorded prior to any provision of water service on the former sender property.
8. Historic Buildings.
 - a. Where a sender parcel has a historic building that is not demolished, the historic building must be brought into compliance with the district's fire safety requirements.
 - b. The owner of a sender parcel with one or more historic buildings may transfer a single-family residential position to a receiver parcel to be used as a single-family residential position, without entering into the restrictive covenant on the sender parcel or an alternative parcel, provided the owner of the sender parcel enters into a restrictive covenant that:
 - i. Prohibits the demolition of any historic building on the sender parcel; moving of any historic building shall be considered by the board on a case by case basis;
 - ii. Prohibits such alterations to any historic building as would exclude the building from the definition of historic buildings in Section 8.04.010;
 - iii. Restricts water and sewer service to that necessary to serve the historic building and any existing structure ancillary to the historic building only; and
 - iv. Requires demolition and removal of any structures or improvements on the sender parcel excluding utilities, historic buildings, and structures ancillary to historic buildings.
 - c. The owner of a sender parcel with a historic building may apply to the general manager for a commercial position not to exceed three EDUs on the sender parcel. The general manager will grant such a commercial position where an owner enters into a restrictive covenant as provided in subsection (B)(6)(b) and water and sewer use in such a case furthers the district's purposes, including rehabilitating or maintaining the historic building.
9. Transfers shall not result in more than one position being located on a single parcel.
- C. Reserved.
- D. Transfer Fee. A non-refundable transfer fee shall be due and payable upon submission of a request under this section. In addition, the applicant shall provide a check payable to the San

Regular Business Item 3.D. Attachment

Luis Obispo County recorder in the amount necessary to record the documents required under any covenant provided by this chapter.

- E. Notwithstanding any other provision of this section, the general manager with prior approval of the board in closed or open session, may enter into contracts to transfer existing water commitments, including commercial commitments, residential commitments on commercial property, to reduce current and/or future water demand, provide affordable housing opportunities, permanently retire lots from development, and/or provide for permanent open space.
- F. Transfer of commercial EDUs from one parcel to another parcel. The general manager is authorized to process transfers of all or part of an existing commercial EDU to another existing commercial or commercially zoned property provided the transfer meets the requirements of the Cambria Community Services District Code. The sender parcel must retain a sufficient amount of its existing commercial water for reasonable existing uses. If the sender parcel also has residential service it must retain a functional portion of its commercial service. The general manager will determine, in accordance with district's laws, rules and policies, the appropriate amount of EDUs that will remain on the sending site to serve existing and future uses on the site. For each EDU, or portion thereof, transferred the board by resolution will set a fee to be paid to the district or in lieu of all or part of this fee, for each transfer to a receiving parcel of two or less EDUs a lot retirement that meets the criteria of subsection (B)(1) of this section. The in lieu fees received by the district will be used to fund the lot retirement program.

(Ord. 1-2006; Ord. 4-2005 § 1; amended during 2004 codification; Ord. 8-2003 § 2.5-10)

(Ord. No. 02-2007, § 1, 8-23-2006; [Ord. No. 02-2013](#), § 1, 4-25-2013; [Ord. No. 02-2017](#), § 1, 8-24-2017)

Editor's note— Graphic of "Special Projects Area 2" as mentioned in § 8.04.100 is not set out herein but can be found on file with the district. Section 4 of Ordinance Number 02-2007 states "This ordinance will not apply to CCSD water position transfers that are in escrow with a title company by the end of CCSD business on Tuesday, January 2, 2008."