



POLICY COMMITTEE

REGULAR MEETING

Thursday, November 30, 2023 - 3:00 PM
1000 Main Street Cambria, CA 93428

AGENDA

In person at:

**Cambria Veterans' Memorial Hall
1000 Main Street, Cambria, CA 93428**

AND via Zoom at:

Please click the link below to join the webinar:

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1. OPENING

A. CALL TO ORDER

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

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

2. PUBLIC COMMENT

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

3. CONSENT AGENDA

- A. Consideration to Approve the September 28, 2023 Regular Meeting Minutes

4. REGULAR BUSINESS

- A. Review and Discussion of Draft CCSD Policy 2135: Purchasing
- B. Review and Discussion of Draft CSDA Policy 3142 Whistleblowing Policy
- C. Review and Discussion of the CCSD Internet and Email Policy and CSDA Policy 3300 Internet, Email and Electronic Communications Policy
- D. Discussion and Consideration of 2024 Policy Committee Meeting Dates

5. FUTURE AGENDA ITEMS

6. ADJOURN

POLICY COMMITTEE

REGULAR MEETING

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

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

MINUTES

1. OPENING

A. CALL TO ORDER (00:00)

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

B. ESTABLISH QUORUM (00:33)

A quorum was present.

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

Committee member absent: James Townsend [excused absence].

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

C. AD HOC SUBCOMMITTEE REPORT (1:00)

There were none.

D. CHAIRMAN'S REPORT (1:50)

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

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

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

2. PUBLIC COMMENT (08:31)

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

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

3. **CONSENT AGENDA** (15:37)

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

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

Motion by: Key

Second by: Howell

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

Public Comment

There was none.

4. **REGULAR BUSINESS**

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

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

Motion by: Key

Second by: Worthen

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

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

Chair Scott presented this item.

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

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

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

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

Motion by: Key

Second by: Worthen

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

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

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

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

Public Comment: There were no public comments.

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

Motion by: Key

Second by: Heinrichs

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

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

Chair Scott presented this item.

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

Public Comment: There were no public comments.

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

Motion by: Howell

Second by: Key

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

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

Chair Scott presented this item. A brief discussion followed.

Public Comment: There were no public comments.

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

Motion by: Howell

Second by: Key

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

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

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

Public Comment: There were no public comments.

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

Motion by: Howell

Second by: Heinrichs

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

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

Additional Public Comment (1:44:15)

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

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

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

6. ADJOURN (1:58:41)

Chair Scott adjourned the meeting at 4:59 pm.

DRAFT

SEPT. 28, 2023 POLICY COMMITTEE MEETING MINUTES ATTACHMENTS

Attachment 4B

Policy 1045 with accepted edits in red

POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 1045

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

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

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

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

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

Attachment 4F

Policy 1040.2 with accepted edits in red

Policy 1040.2 – Response to Correspondence to the Board

1040.2.1 Introduction

1040.2.1.1 Purpose

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

1040.2.2 General Requirements

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

1040.2.2.2 Limitations imposed by the Brown Act

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

1040.2.2.3 Providing Guidance for the Public

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

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

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

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

1040.2.4 Letters and emails addressed to individual Directors

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

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

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

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

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

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

DRAFT

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Policy Committee Members

AGENDA NO. 4.A.

FROM: Debra Scott, Chair

Meeting Date: November 30, 2023Subject: Review and Discussion of Draft CCSD
Policy 2135: Purchasing

DISCUSSION:

This agenda item has been before the Policy Committee in the past. The Board approved the attached policy on 9/24/2015. The Policy Committee discussed this policy on 2/23/22, 3/23/23, and 4/27/23. Board documentation states that the policy was referred to the Finance Committee after April 2023. In discussion with the chair of the Finance Committee, Tom Gray, it appears that this specific policy was not reviewed by his committee although his committee is working on a Budget Policy at this time. There was work that was done by an ad hoc committee of the Board made up of Director Gray and previous Director Donn Howell, which will be included at a future Policy Committee meeting.

I have reviewed all the documents in addition to the current Policy 2135: Purchasing. I have had discussions with Director Gray, Mr. Howell, and President Dean, considering whether the Board should consider the Needs Assessment to give direction to our committee for further work on the Purchasing Policy. There has been a consensus that the Board will not consider the Needs Assessment and the Policy Committee will go ahead and work on the current Purchasing Policy. Once our committee has edited the current policy, we will consider referring the policy to the Finance Committee who will then forward the policy to the Board for consideration.

My thought was that District staff should weigh in on the contents of the current Purchasing Policy. I have met with Denise Fritz, Administrative Department Manager and Haley Dodson, Confidential Administrative Assistant. Both of these individuals verbalized some suggestions for edits to the policy to improve processes for District Staff. They will discuss their suggestions with General Manager McElhenie and forward a redline version of the current Purchasing Policy which we will consider at a future Policy Committee meeting.

Attachment: CCSD Policy number: 2135 Purchasing



POLICY TITLE: Purchasing

POLICY NUMBER: 2135

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 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.

Employee

Category

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.



CAMBRIA COMMUNITY SERVICES DISTRICT

P.O. Box 65, Cambria, California 93428

PURCHASE ORDER

OPEN

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:

<p style="text-align: center;">CAMBRIA, CALIFORNIA 93428</p>	
<p>VENDOR:</p>	

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

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Policy Committee Members

AGENDA NO. **4.B.**

FROM: Debra Scott, Chair

Meeting Date: November 30, 2023

Subject: Review and Discussion of Draft CSDA
Policy 3142 Whistleblowing Policy

DISCUSSION:

This policy was discussed by the Policy Committee on 1/2/2020. The attached policy is a CSDA policy and does not show a date when the policy was approved by the CCSD Board. The policy is under Section 3000 Personnel in the CCSD Policy Manual. The District has hired a consultant to review and support the District in personnel issues who is currently reviewing CCSD Personnel Policies.

Please review the attached policy for discussion at our meeting.

Attachment: CSDA Policy 3142: Whistleblowing Policy



POLICY TITLE: Whistleblowing Policy

POLICY NUMBER: 3142

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

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

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

3142.2 Definitions:

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



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

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

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

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

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



agency in the event that an allegation of criminal conduct is contained in the complaint filed with the [DISTRICT]. 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.



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.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Policy Committee Members

AGENDA NO. **4.C.**

FROM: Debra Scott, Chair

Meeting Date: November 30, 2023

Subject: Review and Discussion of the CCSD
Internet and Email Policy and CSDA
Policy 3300 Internet, Email and Electronic
Communications Policy

DISCUSSION:

The CCSD Internet and Email Policy was approved by the Board on 6/10/2003 and the policy does not have a number assigned to it on the document. This policy is on our agenda since there have been many changes and improvements related to the internet, email, and electronic communications since 2003.

Please review both policies, contrast and compare them and be ready to discuss at our meeting.

Attachments:

1. CCSD Internet and Email Policy on letterhead
2. CSDA Policy Title: Internet, Email and Electronic Communications, Policy Number 3300



CAMBRIA COMMUNITY SERVICES DISTRICT

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

INTERNET AND E-MAIL POLICY

I. PURPOSE

The Cambria Community Services District's ("District") computer systems, including all hardware and software, are the exclusive property of the District and are provided for creating and transmitting business-related information. The District treats all computer files, including electronic mail (e-mail), whether sent or received, as business information. The purpose of this policy is to:

- Ensure that the computer systems are used for appropriate District business;
- Notify employees that they have no right to privacy in the use of the computer systems, including e-mail or Internet; and
- Notify employee that the District reserves the right, with or without notice, to access, monitor, review, copy and/or delete any computer files, including e-mail sent or received, and all website communications and transactions.

II. E-MAIL USE

- A. All e-mail business communications to non-District employees should use an appropriate professional tone, correct spelling, and proper grammar.
- B. The District reserves the rights to access, monitor, copy and/or delete any e-mail communications made on the District computer systems.
- C. There should be no expectation of privacy in the use of e-mail. Employee should not use District e-mail facilities to create or transmit information they wish to keep private.
- D. When transmitting messages via e-mail, employees should be aware that e-mail messages can be read by persons other than the addressee, and that messages may be later disclosed to outside parties. E-mail messages, including but not limited to, information relative to public projects or policy decisions may be subject to

disclosure under the California Public Records Act (Government Code Section 6250 et seq.). E-mail messages may also be subject to disclosure in litigation or administrative proceedings in the same manner as other District records.

- E. E-mail messages sent to and received from attorneys representing the District are privileged communications. Such e-mail communications shall not be distributed or copied to unauthorized individuals.

III. INTERNET USE

- A. Employees may not access or otherwise use the Internet while on duty without the express permission of the District General Manager or his/her designated representative, except infrequent incidental personal use that does not adversely affect the ability to perform work duties. Internet access shall be limited to work related sites during workday hours.
- B. Employees have no right to privacy in the use of the Internet on District computer systems.
- C. The District reserves the right, with or without notice, to access, monitor, review, copy and/or delete any computer files, including any and all website communications and/or transactions by District employees. The District further reserves the right to monitor any employee's Internet use for the purposes of determining whether such use is appropriate or acceptable.

IV. PROHIBITED USES OF E-MAIL AND THE INTERNET

Prohibited uses of e-mail and/or the Internet on District computer systems include, but are not limited to, the following:

- A. To access any obscene, pornographic, or materials that are in poor taste;
- B. To transmit sexually explicit images, messages, and/or cartoons; ethnic or racial slurs, or anything that may be construed as harassment or disparaging of others based on their race, national origin, ethnic group identification, religion, age, sex, sexual orientation, marital status, color or physical or mental disability;
- C. To conduct on-going personal business or family business;
- D. To play games;

- E. To conduct illegal activities, such as, but not limited to, gambling, or commit a crime or fraud, or violate any federal, state or local law;
- F. To use the user-name or password of another person to gain access to his/her e-mail or any other computer file or account without that person's permission;
- G. To transmit sensitive or privileged information to unauthorized persons or organizations;
- H. To download or otherwise acquire software without prior consent of the District General Manager, or his/her designee; and
- I. To use the Internet in any manner that causes confidential or sensitive information to be subject to eavesdropping or interception by unauthorized individuals.

V. COMPUTER SYSTEMS – HARDWARE AND SOFTWARE

Prohibited activities with regard to employee use of District computer systems—hardware and software—include, but are not limited to, the following:

- A. Installing programs on District computer systems without prior consent of the District General Manager, or his/her designee;
- B. Copying any District computer program for the purpose of using it on any other computer without the prior consent of the District General Manager, or his/her designee;
- C. Connecting computers, including laptops and personal computers not owned by the District, to the District's information systems network without prior written consent of the District General Manager, or his/her designee;
- D. Disclosing an employee's account or e-mail password, or otherwise making such account available to others;
- E. Infringing on other employee's access and use of District computer systems, including, but not limited to:
 - 1. Sending excessive messages, either locally or offsite;
 - 2. Unauthorized modification of system facilities, operating systems, or disk partitions;
 - 3. Attempting to crash or tie up a computer or network;
 - 4. Damaging or vandalizing District computing facilities, equipment, software, or computer files;
 - 5. Intentionally using or developing programs that disrupt other computer users or which access private or restricted portions of

- the system and/or damage the software or hardware components of the system; or
6. Introducing or allowing the spread of any virus or destructive information, file, or other item.

VI. VIOLATION OF POLICY

Any violation of this policy, or other inappropriate use of the District's computer systems, including e-mail and Internet activities, is considered a serious violation of District policies and may result in disciplinary action, up to and including termination of employment.



POLICY TITLE: Internet, Email and Electronic Communications

POLICY NUMBER: 3300

3300.1 The District believes that employee access to and use of the internet, email, and other electronic communications resources, benefits the District and makes it a more successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success. Employees should have no expectation of privacy in work-related emails or internet usage while using District computers.

The District has established this policy to ensure that the District employees use the District-provided computer resources, such as the internet and email, in an appropriate manner.

3300.2 Rules Regarding Prohibited Use

Employees shall not use the District internet and email in an inappropriate manner. Prohibited use of the internet and email systems includes, but is not limited to:

- a) Accessing internet sites that are generally regarded in the community as offensive (e.g., sites containing pornography or that exploit children), or accessing sites for which there is no official business purpose (e.g., social media websites or online shopping websites).
- b) Engaging in any profane, defamatory, harassing, illegal, discriminatory, or offensive conduct or any conduct that is otherwise inconsistent in any way with the District policies.
- c) Distributing copyrighted materials.
- d) As computer viruses can become attached to executable files and program files, receiving or downloading executable files and programs via email or the internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include email or documents received via email and the internet.
- e) Use of another person's name or account, without express permission of the System Administrator, is strictly prohibited.
- f) Using the District's computer resources for personal social media, online shopping, and other similar online commercial activity.
- g) Employees must respect all copyright and licensed agreements regarding software or publication they access or download from the internet. The District does not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the employee's license or copyright infringement.

3300.3 Additional Guidelines

Employees are expected to understand and comply with the following additional guidelines regarding use of the internet and District computer systems.

- a) Internet access is to be used for the District business purposes only. Employees who have completed all job tasks should seek additional work assignments. Use of the internet should not interfere with the



timely and efficient performance of job duties. Personal access to the internet and email is not a benefit of employment with the District. Limited personal use of the District's systems to access internet, email, and other electronic communications may be permitted only during the employees' authorized break time.

- b) Employees do not have any right or expectation to privacy in any of the District computer resources, including email messages produced, sent, or received on the District computers or transmitted via the District's servers and network. The District may monitor the contents of all computer files and email messages to promote the administration of the District operations and policies.
- c) Employees' access to and use of the internet, email, and other electronic communications on the District systems is monitored, and such files and electronic communications may be reviewed by the District at any time. Employees have no expectation of privacy.
- d) Deleting an email message does not necessarily mean the message cannot be retrieved from the District's computer system. Backup copies of all documents, including email messages, that are produced, sent, and received on the District's computer system, can be made.
- e) Email and any attachments are subject to the same ethical standards, and standards of good conduct, as are memos, letters, and other paper-based documents.
- f) Currently all District email sent is not encrypted. Unencrypted email is not a secure way of exchanging information or files. Accordingly, employees are cautioned against transmitting information in an email message that should not be written in a letter, memorandum, or document available to the public.
- g) Email, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.
- h) Virus scanning software shall be used where provided.
- i) It is advisable for all employees of the District to remind customers, clients, and contractors of security issues when sending confidential email or documents to the District via email. If applicable, our customer, clients, or contractors should be reminded to implement a security policy and make sure their employees understand the ramifications of sending confidential information via email.
- j) Employees must scan all downloadable materials before using or opening them on their computers to prevent the introduction of any computer virus.

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Policy Committee Members

AGENDA NO. **4.D.**

FROM: Debra Scott, Chair

Meeting Date: November 30, 2023Subject: Discussion and Consideration of 2024
Policy Committee Meeting Dates

DISCUSSION:

This agenda item is for our committee to consider dates and times for our 2024 Regular Meetings. Currently, we meet on the 4th Thursday of each month, unless holidays interfere with this date. We also meet from 3-5pm. Please consider if these dates and times are easily added to your 2024 schedule. Fourth Thursdays in 2024 are as follows:

- January 25
- February 22
- March 28 (Easter is on March 31)
- April 25
- May 23
- June 27
- July 25
- August 22
- September 26
- October 24 (Halloween is October 31)
- November 21 (Thanksgiving is November 28)
- December 26 (Christmas is December 25)