

## TITLE 2

### ADMINISTRATION

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#### CHAPTER 2.01

#### BYLAWS

#### Sections:

##### 2.01.010 Bylaws

**2.01.010 Bylaws** - Sections 2.02 through 2.28 below comprise the District's Bylaws.

## CHAPTER 2.02

### BOARD OF DIRECTORS AND OFFICERS

#### Sections:

- 2.02.010 Quorum**
- 2.02.020 Duties of Officers**

**2.02.010 Quorum** Three members of the Board shall constitute a quorum. No business shall regularly be entered upon until a quorum is present, nor shall business regularly be proceeded with when the members are reduced below a quorum.

**2.02.020 Duties of Officers** In addition to the duties specified by applicable law and other provisions of these rules, as well as resolutions and ordinances of the District, the officers of the District shall have the following duties:

**2.02.020.1** The President shall, when present, preside at all meetings of the District. The President should cause an agenda to be prepared and distributed by the Clerk/Ex-officio Secretary in advance of the meeting, which shall list each item of business or correspondence to come before the meeting insofar as is known. The President shall act as official spokesman of the Board at the discretion of the Board, execute contracts and other documents on behalf of the District when authorized by the Board of Directors, and shall perform such other duties as are assigned from time to time.

**2.02.020.2** The Vice President shall perform the duties of the President in the absence or disability of the President.

**2.02.020.3** The District Manager shall function as the Clerk/Ex-officio Secretary of the Board as well as performing all other acts and duties imposed by the Board.

In addition to those other acts and duties imposed by the Board, the Clerk/Ex-officio Secretary of the Board shall be entitled to:

- a) Schedule and call a special meeting of the Board of Directors if he determines that it is necessary to do so and if he is unable to contact the President of the Board regarding the need to call such a meeting.
- b) Cancel any regular or special meeting.
- c) Schedule, reschedule and cancel public hearings (except hearings on the adoption of a rate increase ordinance) if he determines that it is necessary to do so.

**2.02.020.4** The Treasurer of the District shall be appointed by the Board by name and shall have such duties as assigned by the Board pursuant to Resolution 2008-21.

**2.02.020.5** The Assistant Treasurer shall be appointed by the Board by name and shall have such duties as assigned by the Board pursuant to Resolution 2008-21.

**2.02.020.6** The Accountant shall be appointed by the Board by name and shall have such duties as assigned by the Board pursuant to Resolution 2008-23.

**2.02.020.7** The District Counsel shall be the Parliamentarian of the District, shall advise it with respect to the applicable laws, interpret rules, bylaws and policies, coordinate actions with the other consultants, and shall perform such other acts as requested by the Board of Directors.

**2.02.020.8** The officers of the District shall be elected at the first meeting in December of each year for a one year term. It shall be the policy of the Board to attempt to give each Director the opportunity to serve as President and Vice President for one year during their four-year term. Notwithstanding the foregoing, an incumbent President or Vice President may be re-elected to that office. The officers serve at the pleasure of the Board and may be removed from office prior to the expiration of their one-year term.

## **CHAPTER 2.03**

### **ORDINANCES**

#### **Sections:**

#### **2.03.010                      Publication of Ordinances**

**2.03.010 Publication of Ordinances** - After adoption of the ordinance or amendment to an ordinance, the General Manager or designee shall post and publish the ordinance or amendment in accordance with applicable law with the names of those Directors voting for and against the ordinance and the Clerk shall keep for inspection during regular business hours a copy of the ordinance.

If the General Manager determines it is in the best interest of the District, the ordinance may be printed using at least a ½ page ad in a newspaper in general circulation.

## **CHAPTER 2.04**

### **BOARD MEETINGS**

#### **Sections:**

#### **2.04.010                      Place of Meeting** **2.04.020                      Time of Meeting**

<b>2.04.030</b>	<b>Adjourned Meetings</b>
<b>2.04.040</b>	<b>Special Meetings</b>
<b>2.04.050</b>	<b>Written Notice of all Meetings</b>
<b>2.04.055</b>	<b>Availability of Agenda Packet</b>
<b>2.04.060</b>	<b>Agenda, discussion and debate - Regular and Special Meetings</b>
<b>2.04.070</b>	<b>Order of Business</b>
<b>2.04.080</b>	<b>Voting</b>
<b>2.04.090</b>	<b>Statements for Visitors</b>
<b>2.04.100</b>	<b>Recording of Meetings</b>

**2.04.010 Place of Meeting** Until changed by further resolution amending these rules, the place of meeting of the Board of Directors shall be the Board Room of the Truckee Donner Public Utility District, in Truckee, California. When appropriate notice has been given, any meeting may be scheduled at another location within the District. The Board of Directors may, upon showing of special circumstances, hold Board meetings outside the District. All legislative meetings of said Board shall be open to the public and shall be held at said office and place of meeting; provided, however, that meetings duly opened at said office may be adjourned to such other place or places within the confines of said District as may be found convenient or necessary by the Board, and provided further that this rule shall not preclude the Board from holding executive sessions when permitted by law.

**2.04.020 Time of Meeting** The time for regular meetings of the Board is the first and third Wednesday of each month at 6:00 P.M. If and when said Wednesday falls on a legal holiday, then said regular meeting shall be held at 6:00 P.M. on the next business day following the legal holiday or other day agreed to by the Board.

**2.04.030 Adjourned Meetings** If the business coming before the Board at any regular or adjourned meeting is not finished on the day fixed for such meeting, or if for any reason such adjournment is deemed proper, the Board may adjourn to such time and place as may be specified in the Order of Adjournment. When the Order of Adjournment fails to state the hour to which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. In the event that an adjourned meeting is not called, and a special meeting does not take place prior to the next regular meeting, then the unfinished items shall be placed on the agenda for the next regular meeting.

**2.04.040 Special Meetings** A special meeting may be called at any time by the President or by a majority of the members of the Board, by delivering personally, by e-mail or by mail written notice to each member of the Board and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally, by e-mail or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Clerk/Ex-officio Secretary a written waiver of notice. Such waiver may be given in writing in person, by US mail or by e-mail. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

**2.04.050 Written Notice of all Meetings** Advance written notice shall be given for all meetings in the following manner:

**2.04.050.1** A written notice of all meetings (agenda) shall be mailed or e-mailed to each Director as far in advance of the meeting as possible, but, in any event, either mailed, e-mailed or expressly hand-delivered so as to be received 72 hours in advance of the meeting. Notwithstanding the foregoing, and in accordance with Section 2.04.040 herein, notice for all special meetings shall be made at least 24 hours in advance of said meeting. Any Director may, at his discretion, file a signed waiver of such notice with the District.

**2.04.050.2** Written notice of all meetings (agenda) shall be delivered or mailed as far in advance as possible, but, in any event, to be received 72 hours prior to the meeting, to all newspapers, radio stations, individuals and entities which have filed a request of such notice with the District and to all parties with business pending on that particular agenda of the meeting.

**2.04.050.3** Written notice of all meetings (agenda) shall be posted at the District office, on the TDPUD's internet website, the Truckee Branch of the Nevada County Library, and such other locations as may from time to time be determined by the Board of Directors.

**2.04.055 Availability of agenda packet** On all Board or committee meeting agendas a statement will be made advising that the complete packet of related material is available for public review at the District office during regular business hours and on the District's website.

**2.04.060 Agenda, discussion and debate - Regular and Special Meetings** The Clerk/Ex-officio Secretary of the District shall cause a Notice of Meeting (agenda) to be prepared which will state the matter to be heard in a manner that is easy to comprehend.

**2.04.060.1** The Clerk/Ex-officio Secretary of the District and the President of the Board shall be jointly responsible for compiling the agenda for all regular meetings. In the case of special meetings, the Clerk/Ex-officio Secretary and those parties calling such meetings shall be responsible for the preparation of the agenda.

**2.04.060.2** Each Director will have the right to request items to be placed on the agenda for any specific meeting, either: 1) Verbally requesting it if this request is supported by at least one additional Board member during a Board meeting, or 2) verbally or in writing to the President with the President's support. Such requests must be made in a timely manner and shall comply with the deadlines established for the preparation of the Notice of Meeting (agenda).

**2.04.060.3** No item will be placed on the agenda until the following conditions have been met. Items on an agenda not meeting the conditions will be either struck from the agenda or will be tabled to the next meeting without discussion.

**2.04.060.3(A)** Information regarding the topic must be in the hands of the Board members prior to the Monday evening before the regular meeting and not less than three days prior to any special meeting with some exceptions in the case of an emergency meeting.

**2.04.060.3(B)** The item as it appears on the agenda will have adequate staff and consultant preparation prior to the presentation to the Board for discussion and review. Without this, such items will be referred to staff by the Chair.

**2.04.060.3(C)** The consultants and staff and Board will be kept informed by memo and regular correspondence of all major projects and proposals well in advance of it being placed on the agenda for Board review.

**2.04.060.3(D)** Debate and/or discussion on each agenda topic is limited to five minutes for each Director. The Board, by majority vote, may waive this provision for any agenda topic.

**2.04.070 Order of Business** The order of business in conducting the meeting of the Board shall be as follows:

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Changes to the agenda
5. Public input
6. Director's update
7. Special business/public hearings
8. Consent agenda
9. Action items
10. Workshop items
11. Routine business (such as approval of minutes and Treasurer's report)
12. Closed session
13. Return to public session
14. Adjournment

**2.04.080 Voting** Every action of the Board shall be taken by ordinance, resolution, motion, or unanimous consent. In the case of every action except one taken by simple motion or unanimous consent, the roll of Directors shall be called in the formal minutes. All official Board actions will require the affirmative vote of at least three Directors.

**2.04.090 Statements from Visitors** All members of the public attending Board meetings and having an interest in any agenda item shall have the right to address the Board before a vote is taken on such item. They shall be encouraged to ask questions directly related to reports made to the Board by members of the District's staff or consultants immediately after such reports are made and prior to Board action.

**2.04.100 Recording of the Meetings** The Clerk/Ex-officio Secretary shall arrange to have recordings made of the meetings of the Board, except when the Board goes into closed session, for use in preparation of the minutes. The Clerk/Ex-officio Secretary shall make duplicates of the recordings available to anyone for review upon arrangement.

## CHAPTER 2.08

### BOARD MEETING MINUTES

**Sections:**

**2.08.010 Board Meeting Minutes**

**2.08.010 Board Meeting Minutes**

**2.08.010.1** The District's Board meeting minutes shall be action only minutes listing the title of the topic, a brief description of the topic, action taken or direction given, and any appropriate roll call votes.. These minutes shall be a permanent record of the District.

**2.08.010.5** Copies of the action minutes and of the Board meeting recordings shall be made available to any interested party upon their request and payment of the duplication costs pursuant to the Miscellaneous Fee Schedule.

**CHAPTER 2.10**

**PUBLIC HEARINGS**

**Sections:**

**2.10.010 Notices of Public Hearings**

**2.10.010 Notices of Public Hearings** All public hearings will be advertised in a local newspaper of general circulation in small display ad form.

**CHAPTER 2.12**

**COMMITTEES**

**Sections:**

**2.12.010 Committees**

**2.12.010 Committees** Standing and select committees for the performance of such duties as may appear necessary and proper shall from time to time be appointed by the President. In the absence of any members of any committee, the presiding officer may appoint a substitute who shall serve during such absence.

**CHAPTER 2.16**

## BUDGETS

### Sections:

#### 2.16.010 Budgets

**2.16.010 Budgets** The General Manager shall prepare a budget calendar for Board review at the first regular meeting in August prior to the budget cycle (annually or bi-annually). The General Manager shall present a proposed draft budget for the ensuing calendar year(s) to the Board in the last quarter of the budget cycle period for the next budget cycle. The Board shall adopt such budget with any changes ordered by it, not later than the second regular meeting in December. The Manager, or individual Board members may recommend changes in the budget from time to time; and the Board may adopt such changes. A public hearing shall be held prior to adoption of the budget.

## CHAPTER 2.20

### BOARD VACANCIES

### Sections:

#### 2.20.010 Board Vacancies

**2.20.010 Board Vacancies** All vacancies occurring on the Board of Directors, for whatever reason, shall be filled according to the rules contained in the California Government Code.

## CHAPTER 2.24

### PARLIAMENTARY PROCEDURE

### Sections:

#### 2.24.010 Parliamentary Procedure

**2.24.010 Parliamentary Procedure** As to all matters not hereinabove provided for, the conducting of the business of the Board and its parliamentary procedure shall conform to the RULES OF ORDER REVISED by H. M. Robert, which RULES OF ORDER are by reference made a part of these bylaws.



## CHAPTER 2.28

### AMENDMENT OF BYLAWS

#### Sections:

#### **2.28.010 Amendment of Bylaws**

**2.28.010 Amendment of Bylaws** Any proposed amendment to the Bylaws must be submitted in writing to the Clerk/Ex-officio Secretary of the District. The Clerk shall cause a copy to be distributed to each Director and shall cause the same to be placed on the agenda for the next regular meeting of the Board of Directors. In order to become effective, the amendment, or any modification thereof, shall require a vote of the majority of the Board.

## CHAPTER 2.32

### RELATIONSHIPS AMONG OFFICIALS

#### Sections:

#### **2.32.010 Financial Relationships Among Officials** **2.32.020 Director/Manager Relationship**

#### **2.32.010 Financial Relationships Among Officials**

**2.32.010.1** District officials, including but not limited to engineering, financial and/or legal consultants shall not enter into agreements with, or otherwise represent, individual Board members or other third parties where such an arrangement may potentially conflict with the interests of the District.

**2.32.010.2** Members of the Board of Directors shall not enter into contractual arrangements with, or otherwise utilize, engineering, financial and/or legal consultants who perform work or services for the District on any material matters which may affect the District.

**2.32.010.3** The General Manager shall not engage in any private enterprise within the District.

**2.32.020 Director/General Manager Relationship** The District recognizes, establishes and maintains the following guidelines in its relationship with the General Manager.

**2.32.020.1** It is recognized that good management is the most important factor in the success of the District. In exercising such management, the Board of Directors reserves its responsibility to establish policy, approve plans and programs and delegate authority to its General Manager.

**2.32.020.2** The Board of Directors recognizes its responsibility and its need to establish

policies, approve plans and programs, and delegate authority to the General Manager to execute and carry out its plans, programs and policies. The General Manager shall, among other things, have authority to hire capable personnel within the approved wage and salary plan and policy, train, supervise and replace them if necessary.

**2.32.020.3** All policies of the Board of Directors shall be promulgated to regular and special meetings, acting collectively as a Board. The General Manager is delegated the responsibility of carrying out such policies.

**2.32.020.4** It shall be the policy of the Board of Directors to refrain, as individuals, from discussing management problems with the personnel of the District. At the request of the General Manager, the Board of Directors may confer with personnel at regular or special meetings of the Board.

**2.32.020.5** This in no way precludes any Board member from talking with any District employee or requesting information from any District employee. However, if such requests for information are of a time-consuming nature, in consideration of the employees' work schedules, Directors shall coordinate such requests through the General Manager.

**2.32.020.6** It shall be distinctly understood that the "flow" of authority for the management of the District shall be through the General Manager, and the General Manager shall be the connecting link between the Board of Directors and the personnel. The Board of Directors shall require full and complete information from the General Manager concerning all matters in connection with the management of the District as set forth in Board policies.

**2.32.020.7** Primarily, the purpose of this policy is to define the relationship that shall exist between the Board of Directors, who are the elected representatives of the District, and the General Manager, who is employed by the Board of Directors. The Board of Directors recognizes that effective management of the District can exist only through mutual understanding and complete cooperation between the Board of Directors and the General Manager. The General Manager is expected to produce results and give an account to the Board for his stewardship. His performance cannot be of the best unless he is given latitude to exercise independent judgment in executing policies of the Board of Directors. The Board acknowledges that obligation and gives the General Manager that latitude of judgment and discretion, and expects faithful performance in carrying out all of the policies of the Board of Directors.

**2.32.020.8** The Board of Directors recognizes its responsibility for the employment of the General Manager and further, the additional responsibility for a systematic appraisal of the General Manager's performance in order that growth, development and effective improvements are encouraged.

**2.32.020.9** The President of the Board of Directors shall be responsible for inviting the attention of the Board members to non-adherence to this policy.

**2.32.020.10** Combined with section 2.48

## CHAPTER 2.36

## PAYMENT OF EXPENSES – See Chapter 2.58

### CHAPTER 2.40

#### DELEGATIONS

##### Sections:

#### **2.40.010 Delegations from the Board of Directors to the General Manager**

**2.40.010 Delegations from the Board of Directors to the General Manager** - In order to properly carry out the policy making responsibilities of the Board of Directors, the Board wishes to clarify its priorities and delegations of authority to the General Manager. By clarifying the Board's priorities and delegations, the Manager will have the authority to properly direct the operations of the District, and the Board will be better able to review the District's performance.

As set forth in Section 16114 of the Public Utilities Code, the General Manager is delegated full charge and control of the construction of the works of the District and of their maintenance and operation.

Subject to policy formulation and direction by the Board of Directors, the General Manager shall plan, direct, coordinate, and review the activities of the District's operations and work forces.

The General Manager is hereby delegated the following specific authority and responsibility, and may further delegate authority and responsibility to District staff. In carrying out these duties, the General Manager will adhere to policy determinations of the Board of Directors.

##### **2.40.010.1 Plan**

**2.40.010.1(A)** Direct and participate in the development and implementation of goals, objectives, management policies.

**2.40.010.1(B)** Advise the Board on matters of administrative practices, recommend legislation and policies required in the public interest.

**2.40.010.1(C)** Formulate with his staff long and short term plans for recommendation to the Board of Directors.

##### **2.40.010.2 Organize**

**2.40.010.2(A)** Review the District's activities and recommend to the Board the best type of organizational structure.

**2.40.010.2(B)** Review all District operations to establish work standards and improve

methods.

### **2.40.010.3** Staff

**2.40.010.3(A)** Determine, with advice from staff, the need to change positions, provided they are within the limitations of the budget.

**2.40.010.3(B)** Determine qualifications and standards for use in recruiting, hiring, promoting and assigning the District's personnel.

**2.40.010.3(C)** Select, appoint, promote, reassign or release District employees.

**2.40.010.3(D)** Formulate an effective method of instilling and motivating a team effort by all employees.

**2.40.010.3(E)** Develop a procedure whereby employees may advance within the District if they are capable and desire to do so.

**2.40.010.3(F)** Implement, maintain and enforce the District's personnel policies as prescribed by the Board.

**2.40.010.3(G)** Act as the Board's agent in meeting and conferring with employees and employee organizations.

**2.40.010.3(H)** Implement job training and safety programs to the benefit of the District.

**2.40.010.3(I)** Establish performance appraisal programs for all District personnel.

**2.40.010.3(J)** Maintain up-to-date chart of all District positions and their respective class specifications.

**2.40.010.3(K)** Recommend to the Board for approval the employment of outside consultants and negotiate terms of contracts for services.

### **2.40.010.4** Direct

**2.40.010.4(A)** Enforce and administer the provisions of the laws and ordinances of the District.

**2.40.010.4(B)** Direct all District personnel.

**2.40.010.4(C)** Respond to citizens' complaints and requests for information.

**2.40.010.4(D)** Conduct continuous research into administrative practices to produce greater efficiency and economy in District operations.

**2.40.010.4(E)** Direct the day-to-day activities of the District except as specified otherwise by the Bylaws of the Board. Delegate appropriate responsibility and authority to staff.

#### **2.40.010.5** Finance

**2.40.010.5(A)** Prepare a long term capital improvements program for Board consideration.

**2.40.010.5(B)** Direct the preparation and administration of the District budget.

**2.40.010.5(C)** Direct the investment of District funds in accordance with Board policy.

**2.40.010.5(D)** Establish accounting systems, procedures, statistics and types of reports necessary for sound financial management of the District.

**2.40.010.5(E)** Purchase all materials, supplies and equipment within the limits of the budget and in accordance with Board policy.

**2.40.010.5(F)** Review rate structure to determine where adjustments are needed to insure adequate cash flow and to provide revenue to meet expenses and establish reasonable reserves and replacement of assets.

**2.40.010.5(G)** Develop and maintain inventory records. Conduct periodic inventories. Dispose of surplus materials in accordance with Board policy.

**2.40.010.5(H)** Assist the Board in arranging for an annual audit. Review the audit with staff.

2.40.010.5(I) Authority to sign any and all documents related to District business outside of required Board approved authority.

#### **2.40.010.6** Report

**2.40.010.6(A)** Submit periodic reports to the Board on revenues and expenses compared to the budget.

**2.40.010.6(B)** Develop and submit to the Board such operational summaries as will enable the Board to review the overall performance of the District.

**2.40.010.6(C)** Keep the Board informed of customer complaints.

**2.40.010.6(D)** Inform the Board of significant problems that arise so that the Board can provide necessary direction to staff.

**2.40.010.6(E)** Items will be reported to the Board by the Manager during regular Board meetings.

#### **2.40.010.7** Public and customer relations

**2.40.010.7(A)** Represent the Board in the community and at professional meetings as required and as directed by the Board.

**2.40.010.7(B)** Investigate and authorize membership in service clubs and associations which would be beneficial to the District, and authorize the payment of dues for such

memberships by the District management staff.

**2.40.010.7(C)** Develop a program for maintaining favorable relations with District customers.

**2.40.010.8** Manager to delegate - In performing the responsibilities set forth herein, the Manager is expected to develop a highly competent and motivated staff and should delegate authority and responsibility to the staff to insure the proper functioning of the District.

## **CHAPTER 2.44**

### **CONDITIONS OF EMPLOYMENT**

#### **Sections:**

#### **2.44.010      Conditions of Employment for the General Manager**

**2.44.010 Conditions of Employment for the General Manager** Prior to employment by the District, the prospective General Manager shall be required to satisfy the Board of Directors that his general physical condition is such that he will be able to function properly in the position.

## **CHAPTER 2.48**

### **PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS**

#### **Sections:**

#### **2.48.010      Performance    Evaluations    and    Salary Adjustments for the General Manager**

**2.48.010 Performance Evaluations and Salary Adjustments for the General Manager** The General Manager shall be employed by the Board of Directors at a salary established by the Board. The Board shall work with the General Manager to set performance goals and objectives. At least annually, the Board will appraise the General Manager's performance as described in the General Manager's Employment Agreement with the District. Consideration of an increase in compensation within the District's approved wage and salary plan will be given at that time.

## **CHAPTER 2.50**

### **RETENTION AND/OR DESTRUCTION OF RECORDS**

#### **Sections:**

#### **2.50.020      Retention of District records 2.50.030      Destruction of District records; conditions**

- 2.50.040 Duplicate records less than five years old; destruction**
- 2.50.050 Authority of Treasurer or fiscal agents**

**2.50.020 Retention of District records** District records will be maintained in accordance with the District's adopted and approved records retention schedules. (See Appendix A for District Record Retention Schedules.)

**2.50.030 Destruction of District records; conditions** The District Clerk or his/her designee who is the custodian of District records, documents, instruments, books and papers, may cause to be destroyed any or all such records, documents, instruments, books and papers, if the record has reached its useful life and it meets the requirements for destruction of records.

a)

## **CHAPTER 2.52 (Res 2009-09, 2013-02)**

### **CONFLICT OF INTEREST**

#### **Sections:**

- 2.52.010 District's Conflict of Interest Code**
- 2.52.015 Officials Who Manage Public Investments**
- 2.52.020 Disclosure Categories and Designated Positions**

**2.52.010 District's Conflict of Interest Code** 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 (2 Cal. Code of Regs. 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby adopted and incorporated by reference. This regulation and Sections 2.52.010 – 2.52.020 designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code for the **Truckee Donner Public Utility District (District)**.

**2.52.010.1 Place of Filing** Individuals holding designated positions shall file their statements with the **District**, which will make the statements available for public inspection and reproduction (Gov. Code §81008). Statements for all designated positions will be retained by the **District Clerk**.

**2.52.015 Officials Who Manage Public Investments** The following positions are not covered by this conflict-of-interest code because those individuals holding these positions must file a statement of economic interests pursuant to Government Code Section 87200.

These positions are listed for informational purposes only:

- Members of the Board of Directors
- General Manager
- District Treasurer
- Assistant Treasurer
- Consultants (Those that invest public funds.)

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

## **2.52.020 Designated Positions and Disclosure Categories**

### **A. Designated Positions**

Designated Position	Assigned Disclosure Category
Administrative Services Director/ Chief Financial Officer	1
Assistant General Manager	1
Attorney	1
Electric Utility Director/Power Supply Engineer	1
Public Information Strategic Affairs Director	1
Water Utility Director	1
District Clerk	1
Human Resource Manager or Director	1
Finance and Accounting Manager	2
Buyer/Clerk	2
Contract Administrator	3
Customer Services Manager	3
IT Director / Chief Information Officer	3
IT or SCADA Engineer	3
Senior Accountant/ Analyst	3
Conservation Analyst	3
Electric Engineer	3
Electric Operations Manager or Assistant	3
Electric System Engineer	3
Water Engineer	3
Water Operations Manager or Superintendent	3
Water System Engineer	3
Consultants/New Positions	*

\*Consultants and New Positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure requirements in this Conflict-of-Interest, subject to the following limitation:

The General Manager may determine, in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this



section. Such written determination shall include a description of the consultant's duties, and based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. (Gov Code Sec. 81008)

### **B. Disclosure Category 1**

Individuals holding designated positions in Disclosure Category 1 must report their interests in real property located within the jurisdiction or within two miles of the boundaries of the jurisdiction or within two miles of any land owned or used by the District; investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payment, from sources, that:

- a) provide supplies, materials, machinery, equipment, or vehicles of the type utilized by the District, including: motor and specialty vehicles and parts, petroleum products, construction and building materials (e.g. transformers, poles, wire, cable, pipes), and solar and renewable energy products;
- b) are contractors providing services utilized by the District, including: educational and medical services, information technology, insurance, engineering, energy pricing, legal, and billing and collection;
- c) are persons with a permit pending before the District;
- d) are utility companies or sources that supply power to the District, including solar and renewable power;
- e) engage in the business of brokering, acquiring, leasing, marketing, disposing, or owning real property;
- f) provide engineering, energy, or environmental assessment reports including those relating to pricing and demand;
- g) provide consulting services, including: legal, financial, public relations, labor relations, and energy.

### **C. Disclosure Category 2**

Individuals holding designated positions in Disclosure Category 2 must report their investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that:

- a) provide supplies, materials, machinery, equipment, or vehicles of the type utilized by the District, including: motor and specialty vehicles and parts, petroleum products, construction and building materials (e.g. transformers, poles, wire, cable, pipes), and solar and renewable energy products;
- b) are contractors providing services utilized by the District, including: educational and medical services, information technology, insurance, engineering, energy pricing, legal, and billing and collection;
- c) are persons with a permit pending before the District;
- d) are utility companies or sources that supply power to the District, including solar and renewable power;
- e) engage in the business of brokering, acquiring, leasing, marketing, disposing, or owning real property;
- f) provide engineering, energy, or environmental assessment reports including those relating to pricing and demand;
- g) provide consulting services, including: legal, financial, public relations, labor relations, and energy.

### **D. Disclosure Category 3**

Individuals holding designated positions in Disclosure Category 3 must report their investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources, that provide services, supplies, materials, machinery, equipment, or vehicles of the type utilized by the department to which the filer has been assigned.

## **CHAPTER 2.56**

### **BOARD CODE OF CONDUCT**

#### **Sections:**

<b>2.56.010</b>	<b>Introduction</b>
<b>2.56.020</b>	<b>General</b>
<b>2.56.030</b>	<b>Directors Conduct with One Another</b>
<b>2.56.040</b>	<b>Rules Regarding Public Input</b>
<b>2.56.050</b>	<b>Procedural Considerations</b>
<b>2.56.060</b>	<b>Debate Forum</b>
<b>2.56.070</b>	<b>Ethics Training</b>
<b>2.56.080</b>	<b>Board Correspondence</b>

**2.56.010 Introduction** The Truckee Community has established the Truckee Donner Public Utility District (District) to provide essential services needed to support the prosperity and general wellbeing of the community. The District's powers and responsibilities are set forth in the California Public Utility District Act that requires the election of a Board of Directors to govern the District by meeting in accordance with the California law known as the Ralph M Brown Act (Open Meeting law). The Board of Directors is required to consider complex facts and make many important decisions that impact the prosperity and general wellbeing of the Truckee Community. The voters of the District have elected a Board of Directors to govern the District, and that Board states that it recognizes the importance of making sound reasoned decisions in a timely and efficient manner. The Board recognizes the importance of deliberating and making decisions using a process that is orderly, efficient, civil, fact based and proceeds in a timely basis.

**2.56.020 General** The Board of Directors shall perform its duties in accordance with the processes and rules set forth in this Code governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Board by District staff.

**2.56.020.1** The Board shall make its decisions based on the merits and substance of the matter at hand, rather than on unrelated considerations.

**2.56.020.2** The Board shall conduct its business in a manner that supports the maintenance

of a positive and constructive work place environment for District staff, private citizens and businesses dealing with the District.

**2.56.020.3** Directors shall prepare in advance of Board meetings and be familiar with issues on the agenda.

**2.56.020.4** Directors shall fully participate in Board meetings while demonstrating respect, consideration and courtesy to others.

**2.56.020.5** Directors shall become familiar with Rules of Procedure and this Board Code of Conduct.

**2.56.020.6** Directors shall be responsible for the highest standards of respect, civility and honesty.

**2.56.030 Directors Conduct with One Another** The Board of Directors is composed of individuals with a wide variety of opinions and all have freely chosen to serve in public office. It should be recognized that disagreements will develop and need to be accommodated in a courteous manner.

In public meetings the Directors shall:

**2.56.030.1** Practice civility and decorum in discussions and debate;

**2.56.030.2** Honor the role of the Board President in maintaining order and equity. Respect the Board President's efforts to focus discussion on current agenda items. Objections to the President's actions should be voiced politely and with reason;

**2.56.030.3** It shall be the duty and responsibility of the Board President to ensure that the rules of operation and decorum contained in the Board Code of Conduct are observed;

**2.56.030.4** The Board President shall maintain control of communication between Directors and between the Directors and staff and public;

**2.56.030.5** Directors should request and be recognized by the Board President before speaking. When one Director has the floor and is speaking other Directors shall not interrupt or otherwise disturb the speaker;

**2.56.030.6** Be respectful of other people's time. Stay focused and act efficiently during public meetings. The work at hand is important and decisions must be made;

**2.56.030.7** Staff members assist the General Manager in presenting information to the Board of Directors and shall be a resource to the Directors to answer questions arising during discussion. These discussions shall remain focused on the agenda topic in accordance with the Brown Act;

**2.56.030.8** District General Counsel shall act as Parliamentarian to assist the Board President in matters regarding procedure, enforcement of this Board Code of Conduct and compliance with the Brown Act so that the Board actions remain orderly and proper;

**2.56.030.9** The Board President may limit the time any Director or other speaker has to address the Board so that the business of the Board appearing on the agenda can be dealt with efficiently.

**2.56.040 Rules Regarding Public Input** It is recognized that an important element of governing the District within the traditions of democracy require and benefit by citizen input. It is also recognized that the Brown Act requires that the Board's meeting agenda provide for the opportunity for public input. It is also recognized that the Board of Directors of the District shall accept public input and consider it seriously.

In public meetings the Directors shall:

**2.56.040.1** Listen to public input in a respectful and civil manner;

**2.56.040.2** Directors shall not engage presenter of public input in dialogue, but shall, at the conclusion of public input, discuss and decide the appropriate response to the input;

**2.56.040.3** Public input shall be limited to three minutes per presenter, or as deemed appropriate from the Board President, to provide time for the Board of Directors to efficiently conduct other business on its agenda;

**2.56.040.4** Equally, public presenters shall be respectful of the Board of Directors and others participating in the meetings.

**2.56.050 Procedural Considerations** The Board of Directors will review Board Code of Conduct, the Brown Act and other matters related to Board procedures periodically as part of continuing education.

**2.56.060 Debate Forum** The discussion and deliberations at Board meetings are to secure the mature and reasoned decision of the Board on matters appearing on the agenda.

All discussions must be relevant to the motion before the Board. A Director is given the floor only for the purpose of discussing the pending question; discussion which departs from the agenda matter is out of order.

Protocol for agenda items:

1. Board President reads the agenda item
2. General Manager or staff representative introduces the question before the Board
3. Report from staff/presenter
4. Public input
5. Director questions and discussion
6. Motion and second
  - Motion to approve
  - Motion to amend

- Motion to table
- Motion to call the question

7. Action

**2.56.070 Ethics Training** As required by California AB 1234, beginning in January, 2006 each director will attend ethics training. Thereafter, recertification of having attended ethics training is required every two years.

**2.56.080 Board Correspondence**

**2.56.080.1** District staff will forward any correspondence directly addressed to the Board to the General Manager’s Office. The General Manager or his/her designee will forward correspondence to the Board Members. Should a Board Member wish to ask a question or comment on an email; he/she should respond only to the person sending the email, never utilizing the “reply all” button.

**2.56080.2** When entering the Board room to conduct a public meeting, Board Members shall place all electronic devices, including but not limited to iPads and cell phones and smart phones, on “airplane mode”. There should be no instant messaging, text messaging, internet searches or any other types of electronic communications during a public meeting. Ensuring compliance with the Ralph M. Brown Act (Gov. Code § 54950-54963).

**2.56080.3** Each Board Member has an email account set up for him/her through the District’s email server. Board Members should use his/her District email account and the District’s email system to send and receive emails pertaining to District business in order to allow the Deputy District Clerk to file such communications so that that they can be easily accessed and produced. In order to facilitate this process, Board Members will blind copy (“BCC”) all incoming and outgoing emails pertaining to District business to the Deputy District Clerk.

**2.56080.03** Each Board Member utilizing in social media should remain professional, courteous and respectful of other Board Members, staff, and District business. At no time should another Board Member post a comment regarding District business on another Board Member’s social media communications or posts.

Resolution 2015-20(2015-01-21)  
Resolution 2008-30 (Oct. 1, 2008)

**CHAPTER 2.58**

**BOARD TRAVEL AND EXPENSE POLICY**

**Sections:**

- 2.58.010 Objective**
- 2.58.020 Policy Content**

<b>2.58.030</b>	<b>Allowable Expenses</b>
<b>2.58.040</b>	<b>Authorization for Travel or Training</b>
<b>2.58.050</b>	<b>Cost Control</b>
<b>2.58.060</b>	<b>Lodging</b>
<b>2.58.070</b>	<b>Meals</b>
<b>2.58.080</b>	<b>Telephone/Fax/Cellular</b>
<b>2.58.090</b>	<b>Internet</b>
<b>2.58.100</b>	<b>Airport Parking</b>
<b>2.58.110</b>	<b>Cash Advance Policy</b>
<b>2.58-120</b>	<b>Credit Card Use Policy</b>
<b>2.58.130</b>	<b>Submitting Travel Expense Reports</b>
<b>2.58.140</b>	<b>Reports to the Governing Board</b>
<b>2.58.150</b>	<b>Compliance with Laws</b>
<b>2.58.160</b>	<b>Violation of This Policy</b>

**2.58.010 Objective** To establish a policy governing the reimbursement to members of the Board of Directors (“Directors”) for expenses incurred while involved in official District business or while attending authorized meetings or training.

**2.58.020 Policy Content**

1. It is District policy to use public funds for travel and training only when there is a substantial benefit to the District.
2. This policy provides guidance to elected and appointed officials on the use and expenditure of District resources, as well as the standards directing those expenditures.
3. It is District policy to satisfy the requirements of Government Code sections 53232.2 and 53233.3 and AB 1234.
4. It is District policy to reimburse Directors for authorized travel, meals, lodging, and other actual and necessary expenses that are reasonably incurred in the conduct of District business and detailed in an expense report with receipts attached.

**2.58.030 Allowable Expenses** Directors shall only use District funds, equipment, supplies, and staff time for authorized District business.

Directors shall use good judgment when incurring business expenses, and are expected to use a reasonably economic means of lodging, meals and transportation that will meet the traveler’s requirements with due consideration to safety and comfort.

Expenses reasonably incurred in connection with the following types of Director activities generally constitute allowable expenses, as long as the other requirements of this Policy are met:

1. Meetings and communicating with representatives of regional, state and national government on adopted policy positions;
2. Attending approved educational seminars designed to improve Directors’ skill and information level;
3. Participating in regional, state and national organization meetings or trainings, such as NCPA, UAMPS, AWWA or CSDA; and

4. All other reasonable expenditures previously approved by the District's governing body in a public meeting before the expenditures were incurred.

Examples of expenses that the District will **not** reimburse include, without limitation:

1. The personal portion of any District-related trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying a Director on District-related business, as well as children- or pet-related expenses;
4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Mileage to and from District facilities or to attend meetings of the Board of Directors;
6. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
7. Personal losses incurred while on District business.

**2.58.040 Authorization for Travel or Training** Any expenses that do not fall within this Policy or the Internal Revenue Service ("IRS") rates must be approved by the District's governing body in a public meeting **before** the expenditures were incurred; otherwise, the expenses are not reimbursable.

Board members shall request authorization to attend meetings or training during the "Director Update" section of a regular Board of Directors meeting. If there is no Board opposition, the request will be considered authorized by this policy. The Board President or any Director can request the travel and/or training request be placed on the agenda of the next regularly scheduled Board meeting for action.

**2.58.050 Cost Control** To conserve District resources and keep expenses within community standards for public officials, Director expenditures shall strictly adhere to the following guidelines. The District shall only pay or reimburse those expenses that meet these guidelines. Any expenses incurred in excess of these guidelines are the Director's personal responsibility.

Except as otherwise specified in this Policy, the District shall use the current IRS rates established in Publication 463 (and any future amendments) as its reasonable reimbursement rates.

#### A. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs shall be utilized, using the most direct and time-efficient route available. Pursuant to AB 1234, Directors shall use government and group rates for all transportation when available.

##### a. Airfare

Air travel shall be by coach or standard class. The most cost-effective route shall be used.

Alternate routes or additional stops for the Director's personal benefit shall be at the Director's expense, prorated to the most cost-effective, direct route to the District-related destination.

b. Automobile

Rental vehicle expense may be reimbursed when a Director, or other District official, is attending an out-of-town conference, and it is determined that a rental vehicle is the most economical transportation available. In making this determination, the rental costs, parking and gasoline expenses shall be compared to the combined costs of other available transportation.

Automobile mileage for personally owned automobiles shall be reimbursed at the IRS rate currently in effect (see [www.irs.gov](http://www.irs.gov)). The rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. Reasonable parking and toll expenses shall also be reimbursed, but not fines and penalties for the violation of traffic, parking or other laws.

Directors must have a valid driver's license and adequate liability insurance on their vehicle. Proof of both shall be on record at the District office.

c. Taxis/Shuttles

Reasonable taxi or shuttle fares may be reimbursed, including a fifteen percent (15%) gratuity per fare, when the cost of such fares is equal to or less than the cost of vehicle rentals, gasoline and parking combined, or when such transportation is reasonably necessary for time-efficiency. Fare reimbursements require valid receipts.

**2.58.060 Lodging** The District shall reimburse the actual cost of reasonable lodging required for overnight travel. Directors incurring overnight lodging costs while on District business shall seek appropriate, economical accommodations. Directors shall use government and group rates for lodging when available.

Pursuant to AB 1234, if the Director's lodging is in connection with a conference or other seminar (e.g. mandatory ethics training), the lodging costs cannot exceed the group rate published by the event sponsor. If the group rate is not available at the time of booking, the Director is to use comparable lodging that does not exceed the District's Policy or IRS rates, whichever is lower.

The District's reimbursable lodging rate is the reasonable base room rate charged, plus lodging taxes. Lodging reimbursements require valid, itemized receipts.

**2.58.070 Meals** Directors must use good judgment as to the reasonableness of meal expenses. Reasonable meal costs shall be based upon the per diem rate tables listed in IRS Publication 1542. Directors shall use reasonable efforts to avoid particular areas of high-cost meals and travel.

Meal gratuities should not exceed acceptable and customary practices. Directors are encouraged to take advantage of meals included in the price of a seminar, conference, and/or their hotel room. Meal reimbursements require valid, itemized receipts.



**2.58.080 Telephone/Fax/Cellular** Directors shall be reimbursed for reasonable telephone, cellular, and fax expenses when traveling for District business. When on overnight travel, one telephone call per day to the Directors family may be submitted for reimbursement. Telephone bills submitted for reimbursement shall identify all calls made for District business. For cellular calls based on a Director's specified minute plan, the Director shall identify the percentage of calls made for District business for reimbursement. The District shall not reimburse cellular charges for multimedia or text messaging services, unless permissible under Section 2.58.090, below.

**2.58.090 Internet** Directors shall be reimbursed for Internet access and/or usage fees while out of town if Internet access is reasonably necessary for District-related business. Internet-related expenses shall not exceed fifteen dollar (\$15) per day.

**2.58.100 Airport Parking** Long-term parking shall be used for travel exceeding 24 hours. Directors shall use good judgment in selecting the most cost-effective parking accommodations available.

**2.58.110 Cash Advance Policy** From time to time, it may be necessary for a Director to request a reasonable cash advance for anticipated expenses while conducting District business. All cash advance requests shall be submitted to the District's General Manager five (5) business days prior to the need for the cash advance. The written requests shall include the:

1. Purpose of the expenditure(s);
2. Benefits of the expenditure(s) to the District;
3. Estimated amount of the expenditure(s) (e.g., lodging, meal, and transportation expenses); and
4. Dates of the expenditure(s).

Any unused advance shall be returned to the District within five (5) business days after either the expenditure date or the Director returns from out-of-town. The Director shall also provide valid itemized receipts and a detailed expense report explaining how the cash advance was used in compliance with this Policy.

If the District's General Manager is uncertain as to whether a request complies with this Policy, then the requesting Director shall seek approval from the District's Board at the next regularly scheduled Board meeting.

**2.58.120 Credit Card Use Policy** District credit cards have been issued to each Director and shall only be used for authorized District-related expenses. Absolutely **no** personal charges may be placed on the District's credit card at any time.

The Director shall provide valid receipts within thirty (30) business days of the credit card use. All submitted credit card expenses shall include the proprietary itemized receipt and the credit card receipt. The Director shall also include a detailed expense report stating the:

1. Dates of the expenditure(s);
2. Purpose of the expenditure(s);
3. Benefits of the expenditure(s) to the District; and

4. Any additional information.

**2.58.130 Submitting Travel Expense Reports** All cash advance expenditures, credit card expenses and other expense reimbursement requests shall be submitted on the District provided expense report form. This form shall include the following advisory:

*All expenses reported on this form shall comply with the District's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the District's policies include loss of reimbursement privileges, restitution to the District, civil and criminal penalties as well as additional income tax liability.*

It is the Director's responsibility to provide a complete, detailed and factual accounting of expenses on every expense report. Expense reports shall also indicate that the documented expenses comply with this Policy.

Except for cash advances, which must be submitted in accordance with Section 2.58.110 above, Directors shall submit their expense reports within thirty (30) days of incurring an expense

Expense reports shall include valid, itemized receipts for each documented expense. All credit card expense reports shall include the proprietary itemized receipt and the credit card receipt. Inability to provide this required documentation may preclude reimbursement and the Director will be personally responsible for the expenses.

The District's General Manager shall verify that the submitted expense report complies with this Policy and approve the expense report for payment or reimbursement.

**2.58.140 Reports to the Governing Board** Directors shall provide brief reports on meetings, seminars, conferences, and other events that they have attended at the District's expense during the next regular Board meeting. If multiple Directors attended the same event, then a joint report may be provided to the Board.

**2.58.150 Compliance with Laws** Directors shall keep in mind that some expenditures may be subject to additional reporting requirements under the Political Reform Act and other applicable laws. All District expenditures are public records subject to disclosure under the California Public Records Act.

**2.58.160 Violation of This Policy** Use of public resources or falsifying expense reports in violation of this Policy may result in the following penalties, without limitation: 1) loss of reimbursement privileges; 2) a restitution to the District; 3) additional state and federal income tax liability for the Director; 4) civil penalties for misuse of public resources (up to \$1,000 per day plus three times the value of the unlawful use; and 5) prosecution for misuse of public resources (2, 3, or 4 years in state prison and disqualification from holding public office in California).

## Chapter 2.62

## HANDLING FORMAL COMPLAINTS REGARDING BOARD MEMBERS ALLEGED VIOLATIONS OF DISTRICT CODE OR THE LAW

### Sections:

<b>2.62.010</b>	<b>Introduction</b>
<b>2.62.020</b>	<b>Filing a Complaint</b>
<b>2.62.040</b>	<b>Acknowledgement and Notification</b>
<b>2.62.050</b>	<b>Investigation</b>
<b>2.62.070</b>	<b>Right to Refuse or Terminate Investigation</b>
<b>2.62.080</b>	<b>Resolution of Complaint</b>

**2.62.010 Introduction** The District strives to conduct its business and achieve its mission through the highest of ethical and legal standards. It recognizes the value of and encourages input from the public and staff regarding the District's operations and governance.

Any member of the public or District staff can make a formal, written complaint should they have a concern that a Board member has or is violating District Code or local, state, or federal laws. Before a complaint is filed, however, it is recommended that the complainant first talk with the District's General Manager or Board President regarding the facts and circumstances giving rise to the complaint. If the situation remains unresolved and the complainant proceeds to file a complaint, then the following procedure will be followed:

This policy covers allegations of misconduct by any member of the District's Board of Directors. Complaints will be investigated promptly and reported, recorded, and resolved in accordance with the approved policy and procedures. In all cases, the rights of all parties will be respected. Any complainant who submits a complaint will not be subject to any form of retaliation or reprisal from the Board member or the District.

The purpose of the policy is to enable and describe the means for the gathering of facts pursuant to any complaint; to ensure a complaint is investigated and responded to in a manner that is transparent, timely, and fair.

Subjects will be informed of the specific nature of allegations in a formal complaint and will have a fair and reasonable opportunity to respond to the allegations.

**2.62.020 Filing a Complaint** In order to be considered and responded to, a complaint must be submitted to the District's General Manager's office or to any Board member in writing and signed by the individual(s) making the complaint. The complaint must be specific in nature, describing the facts and circumstances giving rise to the complaint in the clearest terms possible, and include a clear and concise description of and submission of any relevant supporting evidence that a Board member has violated District Code or any local, state, or federal law. The complaint must identify whether the facts giving rise to the complaint are the subject of any complaint made to or are the subject of any investigation by an administrative agency or are the subject of any pending litigation.

The District will not act on complaints that are not in writing or which are anonymous, nor will

it consider complaints sent electronically or through facsimile transmission. In addition, the District will not act on complaints submitted on behalf of another individual or complaints forwarded to the District by someone other than the complainant. The District will not act on any complaint which is based upon facts and circumstances or contains allegations that are subject to an on-going investigation by a third party agency or that are in litigation. Care must be given to protect the District's integrity from frivolous, vexatious and or unsubstantiated complaints and from duplicating efforts to address the complaint in other forums.

**2.62.040 Acknowledgement and Notification** Any complaint that the District receives shall be acknowledged by the District in writing to the complainant within 10 days of receipt of the complaint and a copy of this policy will be attached. The Board will be informed that a complaint has been received and provided a copy of it.

**2.62.050 Investigation** Within 30 days of receipt of a complaint, the District's General Manager and legal counsel will conduct a preliminary investigation to determine if the complaint meets the above requirements for filing a complaint that will be reviewed and acted upon and to determine if resolution of the complaint falls under the jurisdiction of the District. The results will be communicated to the Board President to determine how to handle the complaint. If the complaint is against the Board President, the General Manager and legal counsel shall review the complaint with the Board Vice President and decide how to handle it.

The President, or the Vice President if the complaint is against the President, is authorized to direct the General Manager and legal counsel to further investigate the complaint, including hiring an investigator. If further investigation is authorized, the District will notify the complainant that the investigation is on-going.

**2.62.070 Right to Refuse or Terminate Investigation** The Board President, or Vice President if the complaint is against the President, may direct that no investigation of a complaint be commenced or may direct that an investigation be terminated if:

- The complaint is not within the jurisdiction of the District;
- The complaint is frivolous, vexatious, or made in bad faith;
- The complaint does not contain reasonable grounds or adequate evidence to initiate an investigation;
- The complaint subject matter is covered by and subject to the Memorandum of Understanding between the District and the IBEW 1245 or the District's Personnel Policies.
- The complaint is the subject of any investigation by an administrative agency or the subject of any pending litigation.

**2.62.080 Resolution of Complaint** Upon completion of the investigation, the Board shall be informed of the results of the investigation and determine the final resolution of the complaint. Resolution of the complaint shall, at a minimum, include sending a written response to the complainant describing:

- Summary of complaint;

- Summary of the District's preliminary investigation and any additional information relevant to the complaint; and
- Summary of any action that has been or may be taken with respect to the complaint.

### **2.63 Handling Customer Complaints Not Involving Board Members**

A customer may file a complaint with the District for:

- 1.) Interpretation of District Code
- 2.) Interpretation of staff's decision regarding policies
- 3.) Request for a waiver

If at any time during business transactions a customer has an issue that arises, that needs resolution, the customer should submit a written request: This Process does not apply in emergency situations. Emergency situations will be deemed by the General Manager or his/her designee.

- 1.) To the Deputy District Clerk for review by the Project Administrator responsible for the project in question. Such request shall state all of the items of concern. The customer can expect a response within 10 business days from the Deputy District Clerk's receipt of the customer's request.
- 2.) If the customer does not receive a response from staff or is not satisfied with staff's determination, the customer can request in writing to the Deputy District Clerk within 10 business days of the date by which a response should have been received or receiving the determination that the issue be reviewed further, at which time the item will be reviewed by the appropriate Department Head. The customer can expect a response within 10 business days from Deputy District Clerk's receipt of the customer's request.
- 3.) If the customer does not receive a response from Department Head or is not satisfied with the Department Head's determination, the customer can request in writing to the Deputy District Clerk, within 10 business days a meeting with the District's General Manager for a determination. The General Manager's determination will be final unless the customer would like to appeal the decision to the Board of Directors.

The customer shall request at a regularly scheduled meeting of the Board of Directors, to agendaize the item for the next regularly scheduled Board meeting. Scheduling shall be consistent with the Brown Act and must occur with at least 72 hours prior notice. The Board's decision and interpretation of the matter is final and conclusive.