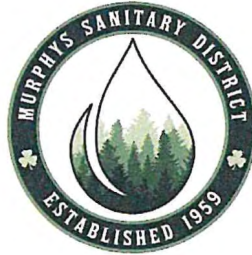


MURPHYS SANITARY DISTRICT

"To provide the highest level of collection, treatment, and disposal of wastewater at the lowest cost possible to the user of the Murphys Sanitary District."

Special Board Meeting
Thursday January 25, 2024
10:00 a.m.



MSD District Office
15 Ernest Street, Suite A
Murphys, CA 95247

AGENDA

Board meetings are open to the public and the following alternative is available for those who wish to participate in the meeting virtually:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 210 026 383 899

Passcode: Rb772o

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 872-242-9031](tel:+18722429031),576544320# United States, Chicago

Phone Conference ID: 576 544 320#

CALL MEETING TO ORDER \ PLEDGE OF ALLEGIANCE

1. Roll Call
2. Agenda Changes
3. **Public Comment** (*Limit 5 minutes per person*) on items not appearing on agenda. At this time, members of the public may address the Board on any non-agendized item. The public is encouraged to work through staff to place items on the agenda for Board consideration. No action can be taken on matters not listed on the agenda.
4. **Consent Agenda** - *The following items are expected to be routine non-controversial. Items will be acted upon by the Board at one time without discussion. Any Board member, staff member, or interested party may request that any item be removed for later discussion.*
5. **New Business**

The Board may consider the items below and take action at this meeting. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action.

BOARD OF DIRECTORS

Paige McMath-Jue, President Steve Gonzalez, Vice President
Marty Meller, Secretary Bruce Miller, Treasurer Joseph Fontana, Director at Large/Parliamentarian

<https://www.murphyssd.org>

- a) General Policy Review-Adoption/Amendment of Policies-Discussion only
- b) General Policy Review-Memberships-Discussion only
- c) General Policy Review-Basis of Authority-Discussion only
- d) General Policy Review -Board/Staff Communications-Discussion only
- e) General Policy Review-Claims Against the District-Discussion only
- f) General Policy Review-Code of Ethics-Discussion only
- g) General Policy Review-Conflict of Interest-Discussion only
- h) General Policy Review-Correspondence to the Board-Discussion only
- i) General Policy Review-Legal Counsel and Auditor-Discussion only
- j) General Policy Review-Overview of the Administration and Operation Managers-Discussion only
- k) General Policy Review-Legislative Advocacy Policy-Discussion only

6. Unfinished Business

Items tabled or carried forward from a previous meeting to be considered on this agenda. Public comment is allowed on each individual agenda item listed below, and such comment will be considered in advance of each Board action.

7. Committee Reports

Informational reports on committee meetings. Committees may recommend a future item be placed on the next meeting agenda for Board action.

8. Staff Reports

Brief reports of information on matters of general interest. No action will be taken by the Board during Staff Reports.

- a) Administration
- b) Operation

9. Future Agenda Items/Director Comments

Board members and/or staff can comment on district business or request a future item be placed on the next meeting agenda. No action will be taken by the Board.

10. Next Regular Meeting: February 8, 2024, 10:00 a.m.

11. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the **Murphys Sanitary District at 209-728-3094**. Notification in advance of the meeting will enable MSD to make reasonable arrangements to ensure accessibility to this meeting. Any documents that are made available to the Board before or at the meeting, not privileged or otherwise protected from disclosure, and related to agenda items, will be made available at MSD for review by the public.

BOARD OF DIRECTORS

Paige McMath-Jue, President Steve Gonzalez, Vice President
 Marty Mellera, Secretary Bruce Miller, Treasurer Joseph Fontana, Director at Large/Parliamentarian

<https://www.murphvssd.org>



GENERAL

POLICY TITLE: Adoption/Amendment of Policies
POLICY NUMBER: 1000

1000.1 Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or District Manager. The proposed adoption or amendment shall be initiated by a Director or any District Manager (Administration/Operations) by submitting a written draft of the proposed new or amended policy to the Board Chairperson, which may be submitted in person and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors. Any member of the Board may place an item on a future agenda by making a formal request to the Board Chairperson at a meeting of the Board. The Administration Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

1000.2 Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors in accordance with the District's state statutes regarding the constitution of a majority vote.

1000.3 Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review at least 72 hours, per the Brown Act, prior to any meeting at which the policy(ies) are to be considered.



GENERAL

POLICY TITLE: Memberships
POLICY NUMBER: 1005

Purpose: This policy sets forth the rules for membership in associations and establishes who may represent the District.

1005.1 Appropriate Memberships. To take advantage of in-service training opportunities, the District may hold membership in industry related associations. Board Members and staff may attend meetings of national, state, and local associations directly related to the purposes and operations of the District. Decisions to continue, discontinue, or add new memberships shall occur through the annual budget process.

1005.2 Appointment of Representatives. The President shall appoint Board Members as representatives and alternates, as appropriate, to serve as contacts between the District, stakeholder groups, associations and others. The representatives and alternates shall report to the Board in a timely manner on their activities involving these associations. In some cases members may be allowed certain expenses for travel and membership in such associations. This shall be determined and approved by the full Board.

1005.3 Management Memberships. The President may designate a Manager as the appropriate representative or alternate in connection with memberships in any association.



GENERAL

POLICY TITLE: Basis of Authority
POLICY NUMBER: 1010

1010.1 The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

1010.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body that represents and acts for the community as a whole. Routine matters concerning the operational aspects of the District are delegated to District staff members.



POLICY TITLE: Board/Staff Communications

POLICY NUMBER: 1020

Objectives: Effective governance of the District relies on the cooperative efforts of the agency's elected Board, who set policy and priorities, and the District's staff members, who analyze problems and issues, to make appropriate recommendations, and implement and administer Board policies. It is the responsibility of District staff to ensure Board members have access to information and to insure such information is communicated completely and with candor to those making the request. However, Board members should avoid intrusion into those areas that are the responsibility of District staff. Individual Board members must avoid intervening in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Administration and/or Operation Manager (District Management) and Board as a whole. This is necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities given by management and the Board without fear of reprisal.

Role of the Board: As the legislative body for the agency, the Board is responsible for approving the District's budget, setting policy goals and objectives and adopting strategic plans. The primary functions of the District staff members are to execute Board policy and other Board actions and to keep the Board well informed.

Individual members of the Board should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities, without the prior knowledge and approval of the Board as a whole. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy.

Board members also have a responsibility of information flow. It is critical that they make extensive use of staff and agency reports and Board meeting minutes. Board members should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues. Additional information may be requested from staff, if necessary.

Individual Board members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. District Management or Legal Counsel will pass critical information to all Board members.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete and after review by District staff. In addition, there are legal restrictions on the agency's ability to release certain personnel information



even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information, should be discussed with Legal Counsel for clarification.

Policies: There shall be mutual respect from both staff and Board members of their respective roles and responsibilities at all times. There is a need for access to staff by Directors and at the same time, unlimited access could result in work priority conflicts for staff.

Purpose: The purpose of the policies listed below is to facilitate Board/staff communications consistent with these principles.

1020.1 All requests for information or questions by the Board to staff outside of a Board or Committee meeting, shall be directed to District Management and shall include the desired time and date for receiving the information. Staff will confirm the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with the notation indicating which Board member requested the information. If a Board member requests information from any other member of the staff, staff may either direct the matter to any of the District Managers or may ask the Board member to contact the District Managers directly.

1020.2 Individual Directors cannot directly assign work to staff members. Board-initiated projects will follow organizational channels, through District Management, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- a) Directors should clear all short-term requests of staff with District Management prior to contacting individual members of the staff and, in most cases, District Management should direct and handle the request for the Director.
- b) For long-term, involved studies or where the matter includes confidential material, District Management should be contacted, and the subject matter discussed with the full Board at a Board meeting prior to staff working on the assignments.
- c) In the event that the staff is a participant or representative of a Committee or Work Group of the Board, the Board may contact the staff member directly to request or provide information or confer regarding matters of the Committee or Work Group.

1020.3 At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions amongst each other regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. Staff must recognize that the Board, as the decision maker, is free to reject or modify a staff recommendation and that the Board's wishes will be implemented by staff even if it was contrary to a staff recommendation.

1020.4 Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of



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any district department through interaction with staff. Individual Directors may discuss these items with District Management to get clarification or raise concerns.

1020.5 Board members should not make public comments critical of the performance of a District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to District Management privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to District Management or, if a complaint concerns one or both District Managers, to Legal Counsel.

1020.6 Staff will respect the right of Directors to refuse to provide information or answers to staff and recognize that Directors may be bound by other rules of law or procedure that do not permit the Director to speak about the subject matter presented. If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to request that the Director speak directly with the District Manager about the subject matter presented without any fear of reprisal.



POLICY TITLE: Claims against the District
POLICY NUMBER: 1025

Purpose: The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1025.1 Property (Land and Improvements) Damage Claims

In the course of the District's operations – [list several examples of routine district operations or services] – damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the Administration Manager or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board, the information will be given to the General Manager. Directors should not independently investigate claims or make any representations to the property owner but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the Administration Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- a) General Manager approves the work order;
- b) Property owner agrees that the proposed repairs are appropriate and adequate;
- c) Property owner agrees to allow District personnel access to their property to perform the repair work;
- d) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- e) Repair work can be accomplished within a reasonable amount of time; and
- f) Cost of material for the repairs will not exceed five hundred dollars (\$500).



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If the cost of material for repairs is stated by the claimant or estimated by staff to exceed five hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.

District Management shall review the damage claim and the proposed repair work within a reasonable amount of time. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee [standing board committee assigned to review claims of this nature] describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by the claimant or estimated to exceed one thousand five hundred dollars (\$1,500), the claim will be submitted to the Claims Committee. The Claims Committee shall review the claim and receive input from staff in closed session [qualifies as "anticipated litigation" under the Brown Act]. After reviewing the damage claim, the Committee may authorize the work if the cost of material for the repairs will not exceed three thousand dollars (\$3,000) or may make a recommendation to the Board of Directors. A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by the claimant or estimated to exceed three thousand dollars (\$3,000), the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session ["anticipated litigation"] of a regular or special meeting. Action to accept or reject the claim may be taken in an open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the [insurance deductible] 00), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1025.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles, or other unsecured property, shall be submitted to District Management. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed the applicable thresholds.



1025.3 Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than five hundred dollars (\$500), all damage claims must be submitted in writing on a District claim form (Appendix D). This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, of the California Government Code. Section 910 specifies that a claim needs to show all of the following:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices to be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code Section 910 and Section 910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

Claim Against Public Entity			
NAME OF DISTRICT:			
1.	<i>Name of claimant:</i>		
	<i>Home address:</i>	<i>Street</i>	<i>Telephone</i>
		<i>City, state, postal code</i>	() -
	<i>Business address:</i>	<i>Street</i>	<i>Telephone</i>
		<i>City, state, postal code</i>	() -
2.	<i>Mailing address:</i>		
	<i>Name of Recipient (if other than claimant)</i>		
	<i>(Note: List address where all correspondence regarding this claim should be sent.)</i>		
		<i>Street</i>	<i>Telephone</i>
		<i>City, state, postal code</i>	() -
3.	<i>List name, address, and phone number of any witness(es). Use separate sheet for additional witnesses.</i>		
	<i>Name:</i>		
	<i>Address:</i>	<i>Street</i>	<i>Telephone</i>
		<i>City, state, postal code</i>	() -
4.	<i>List the date, time, place, and other circumstances of the occurrence that gave rise to the claim asserted.</i>		
	<i>Date:</i>	<i>Time:</i> : (military)	<i>Place:</i>
	<i>Tell what happened (give complete information):</i>		
	<i>Note: Attach any photographs you may have regarding this claim.</i>		
5.	<i>Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of claim:</i>		
6.	<i>Give the name(s) of the public employee(s) involved, if known:</i>		
	1.	2.	
	3.	4.	
7.	<i>If the actual amount of your claim is less than \$10,000, indicate the exact amount of your claim, and, if possible, show specific itemization and/or include copies of any documents in support thereof. If the amount of the claim exceeds \$10,000, a dollar amount should not be included in this claim form.</i>		
	\$		
<i>Date:</i>		<i>Time:</i> :	<i>Signature:</i>



POLICY TITLE: Code of Ethics
POLICY NUMBER: 1030

1030.1 Background information:

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

1030.2 Goals of the code of ethics & values:

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

1030.3 Preamble:

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

1030.4 Applicability:

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

1030.5 Core Value:

As participatory Officials in the District's government, we subscribe to the following Core Values:

1030.6 As a Representative of Murphys Sanitary District, I will be ethical.
 In practice, this value looks like:



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- a) I am trustworthy, acting with the utmost integrity and moral courage. I am truthful. I do what I say I will do. I am dependable.
 - b) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
 - c) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
 - d) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
 - e) I show respect for persons, confidences, and information designated as "confidential."
 - f) I use my title(s) only when conducting official District business for information purposes or as an indication of background and expertise carefully considering whether I am exceeding or appearing to exceed my authority.
 - g) I will avoid actions that might cause the public or others to question my independent judgment.
 - h) I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

1030.7 As a Representative of Murphys Sanitary District, I will be professional.

In practice, this value looks like:

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent and productive manner.
- b) I approach my job and work-related relationships with a positive, collaborative attitude.
- c) I keep my professional education, knowledge, and skills current and growing.

1030.8 As a Representative of Murphys Sanitary District, I will be service-oriented.

In practice, this value looks like:

- a) I provide friendly, receptive, courteous service to everyone.
- b) I attune to and care about the needs and issues of citizens, public Officials and District workers.
- c) In my interactions with constituents, I am interested, engaged and responsive.

1030.9 As a Representative of Murphys Sanitary District, I will be fiscally responsible.

In practice, this value looks like:

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.
- b) I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c) I make good financial decisions that seek to preserve programs and services for District residents.
- d) I have knowledge of and adhere to the District's Purchasing and Contracting and Allocation of Funds Policies.

1030.10 As a Representative of Murphys Sanitary District, I will be organized.

In practice, this value looks like:



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- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
 - b) I follow through in a responsible way, keeping others informed and responding in a timely fashion.
 - c) I am respectful of established District processes and guidelines.

1030.11 As a Representative of Murphys Sanitary District, I will be communicative.

In practice, this value looks like:

- a) I positively convey the District's care for and commitment to its citizens.
- b) I communicate in various ways, that I am approachable, open-minded, and willing to participate in dialog.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

1030.12 As a Representative of Murphys Sanitary District, I will be collaborative.

In practice, this value looks like:

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work towards consensus building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the District's decisions and issues.

1030.13 As a Representative of Murphys Sanitary District, I will be progressive.

In practice, this value looks like:

- a) I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- b) I display a style that maintains consistent standards; but is also sensitive to the need for compromise, "thinking outside the box" and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District services.

1030.14 Enforcement:

Any Official found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the District Managers or by an authorized designee.



POLICY TITLE: Conflict of Interest
POLICY NUMBER: 1035

1035.1 The Political Reform Act (Government Code §§ 81000, et seq., hereinafter referred to as the Act) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted a regulation (2 California Code of Regulations § 18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearings, it may be amended by the FPPC to conform to amendments in the Act. Therefore, the terms of § 18730 and any amendments to it adopted by the FPPC are hereby incorporated by reference. This regulation and the text here designating officials and employees and establishing disclosure categories shall constitute the conflict-of-interest code of the District.

The full text of Section 18730, together with any amendment thereto, may be found at:
<http://www.fppc.ca.gov/legal/regs/current/18730.pdf>.

Designated positions shall file statements of economic interests with the District. Upon receipt of the statements, the District shall make and retain a copy and forward the original of this statement to the County Clerk of the Board of Supervisors. Statements of Economic Interests are public records available for public inspection.

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

Designated positions:

Board Member - Category 1, District Managers - Category 1, Consultants - Category 2

DISCLOSURE CATEGORIES:

Disclosure Category 1: Persons in this category shall disclose:

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

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

Disclosure Category 2: Persons in this category shall disclose:

Consultants shall disclose pursuant to the broadest disclosure category in the conflict of interest code subject to the following limitation: the District may determine in writing that a particular consultant is hired to



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

1035.2 Designated employees shall file statements of economic interests with the Clerk of the County of Calaveras.



POLICY TITLE: Correspondence to the Board
POLICY NUMBER: 1040

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



POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 1045

1045.1 The Board of Directors shall appoint Legal Counsel and Auditor 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 and the District Managers. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- a) The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District Managers 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 Administration Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.



POLICY TITLE: Overview of the Administration and Operation Managers (District Managers, District Management) Authority
POLICY NUMBER: 1050

1050.1 The District Managers are employees of the District. The Board appointed an Administration Manager and Operations Manager. The Administration Manager is the administrative head of the District under the direction of the Board of Directors and shall be responsible for the efficient administration of all the District's affairs and business. The Operations Manager plans, organizes and evaluates all District operations in accordance to Board policy.

1050.2 The District Managers Duties

The District Managers shall be responsible for:

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

1050.3 The District Managers serve at the direction of the Board. The Board will provide policy direction and instruction on matters within the authority of the Board during duly convened board meetings. Members of the Board will refrain from making requests directly to District employees (other than the District Managers) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow the District's Request for Public Records Policy.



POLICY TITLE: Legislative Advocacy Policy

POLICY NUMBER: 1055

1055 **Purpose**

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

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

1055.1 **Policy Goals**

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

1055.2 **Policy Principles**

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

¹ Cal. Gov. Code § 54964.

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



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

Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting the Murphys Sanitary District, the matter shall be brought before the Board of Directors at a regularly scheduled board meeting for formal direction from the Board of Directors.

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

1055.3 Legislative Advocacy Procedures

It is the policy of Murphys Sanitary District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction with local, state, and federal government entities both regarding specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by the Murphys Sanitary District.

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

1. The District Managers or other designee shall review requests that the Murphys Sanitary District take a position on legislative issues to determine if the legislation aligns with the district's current approved Advocacy Priorities.
2. The District Managers or other designee will conduct a review of positions and analysis completed by the California Special Districts Association and other local government associations when formulating positions.
3. If the matter aligns with the approved priorities, Murphys Sanitary District response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the district, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the District Managers or other designee. The District Managers or other designee shall advise staff to administer the form of advocacy, typically via letters signed by the District Managers or other designee on behalf of the Board of Directors.
4. All draft legislative position letters initiated by the District Managers or other designee shall state whether the district is requesting "support", "support if amended", "oppose", or "oppose unless amended" action on the issue, and shall include adequate justification for the recommended action. If



- possible, the letter should include examples of how a bill would specifically affect the district, e.g. "the funding the district will lose due to this bill could pay for X capital improvements."
- a. Support – legislation in this area advances the district's goals and priorities.
 - b. Oppose – legislation in this area could potentially harm, negatively impact or undo positive momentum for the district, or does not advance the district's goals and priorities.
5. The District Managers or other designee may also provide a letter of concern or interest regarding a legislative issue without taking a formal position on a piece of legislation. Letters of concern or interest are to be administered through the General Manager or designee.
 6. When a letter is sent to a state or federal legislative body, the appropriate federal or state legislators representing the Murphys Sanitary District shall be included as a copy or "cc" on the letter. The appropriate contacts at the California Special Districts Association and other local government associations, if applicable, shall be included as a cc on legislative letters.
 7. A position may be adopted by the District Managers or other designee if any of the following criteria is met:
 - a. The position is consistent with the adopted Advocacy Priorities;
 - b. The position is consistent with that of organizations to which the district is a member, such as the California Special Districts Association; or
 - c. The position is approved by the Board of Directors.
 8. All legislative positions adopted via a process outside of a regularly scheduled Board Meeting shall be communicated to the Board of Directors at the next regularly scheduled Board Meeting. When appropriate, the District Managers or other designee will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Directors.

1055.4 Advocacy Priorities

Revenue, Finances, and Taxation

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

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



Governance and Accountability

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

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

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

Human Resources and Personnel

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

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

Infrastructure, Innovation, and Investment

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

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