

**MENLO PARK  
FIRE PROTECTION DISTRICT**



Approved and  
Adopted:

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**DIRECTORS'  
BOARD POLICY MANUAL**

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## **ARTICLE 1: POLICY ADOPTING GOVERNMENT BY POLICY**

The policy of the District Board recognizes that one of its major functions is to serve as the policy-making body of the Fire District, and to govern the activities and shape the future of the Fire District. At the same time, the Board preserves for the Fire Chief and the professional staff the responsibility of the day-to-day administration and operations of the District in a manner consistent with the policies and rules of the Board of Directors.

It is therefore the intent of the Board of Directors of this Fire District to set forth a series of policies and board rules to govern the conduct and deliberations of the business conducted by the Board and to serve as a guide for the professional staff in carrying out the daily functions of the Fire District.

## **ARTICLE 2: FIRE DISTRICT BOARD POLICIES**

It is the intent of the Fire District Board to be governed by a set of policies. The policies and rules shall be adopted by the Board and made available as public documents.

The policies and rules of the District Board shall be drafted, adopted and amended with full consideration for the Board's desire to provide fire and life safety protection of the best obtainable quality for the residents of the District within the limitations of the District's ability to support it.

The Board of Directors, as the governing body representing the people of the District, determines all questions of policy to be employed in the operation of the Fire District

In the event that a Board Policy is found to be in conflict with state or federal law or the rules of a higher authority, that portion of such policy is automatically null and void without Board action and shall be deleted from the accumulated body of policies and rules.

If disagreement over the application, extent, or interpretation of a policy arises, the resolution of the conflict will be based on the majority opinion of the Board. If such an interpretation is deemed to have future significance, an amendment to the applicable policy, as a Board rule, shall clearly specify the intent of the Board in interpreting the policy.

Board rules may also be based on pertinent statutes. In this context they are designed to explain, detail, or otherwise organize the application of a policy consistent with the statutes. Board rules may also be applied to remind the Board, staff, and public of the existence of applicable statutes.

Proposals regarding the adoption of District policy or changes, deletions, additions, or repeal may originate from any interested person.

**ARTICLE 3: POLICY ADOPTION, CHANGES,  
DELETIONS, ADDITIONS AND REVIEW**

In its deliberations leading to the establishment or amendment of Board Policy or Rules, the Board's central concern will be for increased efficiency and effectiveness in carrying out its legally mandated tasks and general policies in the interest of the public good.

The District recognizes that all Board policies shall remain flexible and be subject to review and change. Such review shall take place at least biannually at a regularly scheduled Fire District Board meeting on a date or dates selected by the Board, and shall appear as an agenda item.

In order to provide consistency, stability and integrity to Board Policies, changes in policies, except in the case of emergency, shall be executed in a precise manner without undue haste.

Adoption, changes, additions to and deletions from or repeal of the established policies shall be accomplished by a majority vote of the Board of Directors. A two-step action, with steps separated by no less than 28 days, is required. Introduction, discussion and deliberation shall constitute the first step. A ratification vote shall be required at a second meeting. In the event that an emergency is deemed to exist, and said emergency is recorded in the official minutes and agreed to by a majority of the Board members, a policy can be changed, suspended, added to, or deleted from in the course of a single meeting.

An emergency shall be defined as an unforeseen circumstance requiring immediate action so as to prevent diminishment of the welfare of the District.

The assembled policies of the Fire District Board of Directors, known collectively as the **BOARD POLICY MANUAL**, shall be the reference instrument for conducting the business of the Fire District Board.

## **ARTICLE 4: FIRE DISTRICT BOARD OF DIRECTORS**

### **4.1 Basis of Authority**

The Board of Directors is the unit of authority within the District. 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.

Directors do not represent any fractional segment of the community, but are rather, a part of the body which represents and acts for the community as a whole.

### **4.2 Job Description**

The members of the Board of Directors have ultimate responsibility to ensure the lawful and efficient operations of the District. They are the supervisory body for the Fire Chief. It is their responsibility to ratify all annual budgets and expenditures, and to participate in and/or ratify annual salaries, wages and benefits.

The majority of the members of the Board of Directors set the official policy of the District. Said policies are to be mindful of the legal and constitutional rights of all employees and are to be set with care and in accordance with the law.

The Board is entitled to enter into all contracts on behalf of the District within the scope of its authority and in the line of duty, and Board members are not personally liable thereon unless it is clear by the terms of the contract that the Board members intended to bind themselves personally. However, any contracts which exceed the authority given to the Board may subject the Board members to personal liability for the amounts due there under.

Board members are expected to be familiar with the rules of the Brown Act regarding open meetings, required notice therefore, and the requirements for entering into closed session. All Board members should be aware of any issue of self-dealing and should abstain from voting on any questions in which the member is interested, or on those involving issues which could somehow affect their tenure or benefits.

Menlo Park Fire Protection District is defined in accordance with the provisions of California Statutes. The Fire District includes territories lying in Atherton, East Palo Alto and Menlo Park and certain unincorporated areas of San Mateo County. The Fire District Board, by policy, shall carry out its responsibilities and the will of the people of the District, in keeping with state and federal constitutions, statutes, rules, interpretations of the courts, and all the powers and responsibilities they provide.

### **4.3 Collective Bargaining Agreement**

It is the policy of the District Board to engage in discussions for the purpose of reaching agreements with recognized employee groups, as required in the Meyers Milas-Brown Act. The District Board reserves to itself, or:

- (1) A designee
- (2) A contract negotiator
- (3) The Fire Chief

the responsibility of negotiating with employee groups.

The Memorandum of Understanding ( MOU) is entered into by and between the MENLO PARK FIRE PROTECTION DISTRICT (District), a California Special District and the MENLO PARK FIREFIGHTERS DISTRICT 10 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 2400 (Union), pursuant to Government Code 3500, et seq.

The MOU, including side letters to such, is of no force or in effect in regard to matters within the authority of the District Board of Directors, until such matters are submitted to, and accepted by, the District Board of Directors.

### **4.4 Code of Ethics**

The Board of Directors of the Menlo Park Fire Protection District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. In order to assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed:

- The dignity, style, values and opinions of each Director shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- The needs of the District's constituents should be the priority of the Board of Directors.

The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District should be delegated to professional staff members of the District.

Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

Directors are responsible for monitoring the Fire Chiefs progress in attaining District goals and objectives, while pursuing its mission.

Directors should practice the following procedures:

- In seeking clarification on informational items, Directors may directly approach the Fire Chief or appropriate staff to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- In handling complaints from residents and property owners of the District, said complaints should be referred directly to the Fire Chief.
- In handling items related to safety, concerns for safety, or hazards should be reported to the following:
  - 1) Fire Chief
  - 2) Deputy Fire Chief
  - 3) Division Chief

Chain of Command is dependent upon Executive Staff availability.

Emergency situations should be dealt with immediately by seeking appropriate assistance.

In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, said concerns should be referred directly to the Fire Chief or the ranking officer available.

When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor if known. The Fire Chief should also be made aware of personnel concerns. The chain of command should be followed.

The work of the District is a **team effort**. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

Directors shall be expected to serve on standing and ad hoc committees as established. These committee assignments are two (2) member fact finding committees established for the purpose of making recommendations to the full Board on modifications to current policies and related Fire District business.

#### **4.5 Attendance at Meetings**

Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

Pursuant to California State Law, a vacancy shall occur if any member ceases to discharge the duty of his /her office for the period of three (3) consecutive months except as authorized by the Board of Directors or any of the following:

1. The death of the incumbent.
2. An adjudication pursuant to a quo warrantor proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident that the incumbent would not be able to perform the duties of his or her office.
3. His or her resignation.
4. His or her removal from office.
5. Place of residence moves from the District.
6. A conviction of a felony or any offense involving a violation of his/her official duties.
7. Refusal or neglect to file his or her required oath or bond within the time prescribed.
8. The decision of a competent tribunal declaring voids his or her election or appointment.
9. His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

## **ARTICLE 5: MEMBERSHIP OF THE FIRE DISTRICT BOARD**

The Board of Directors of Menlo Park Fire Protection District shall consist of five (5) members serving four-year, staggered terms. A resident of the District who is a registered voter over 18 years of age shall be eligible to serve as a Board member. The election of the Board members shall be conducted as provided by California Law.

### **5.1 Board Orientation**

District Board Policy dictates that the Board President and the Fire Chief be responsible for the appropriate orientation and training of new Board members.

The Fire Chief, in cooperation with a Board member, shall schedule a work session for new Board members to acquaint them with the facilities, equipment, and personnel and to provide copies of an overview of:

1. Fire Board Policies
2. Board Member By Laws
3. Standard Operating Procedures and Statements of Policy
4. District territory and boundaries
5. District Rules & Regulations
6. Labor and other major contracts
7. Brown Act
8. Other Matters Concerning Conflict of Interest

### **5.2 Training, Education and Conferences**

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation.

It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. When at all possible, notification should be provided to the Board of Directors for meetings, travel and conferences outside of the District. In the absence of time, approval may be deferred to the Board President.

The Board Clerk is responsible for making arrangements for Directors for conference and registration expenses, and for per diem (at Fire District mandated per diem allowance.) Per diem when appropriate shall include reimbursement of expenses for meals, lodging and travel. All expenses for which reimbursement is requested by Directors or which are billed to the District by Directors, shall be submitted to the Board Secretary, together with validated receipts.

Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the Fire Chief and by the adopted budget amounts.

A. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates, Directors traveling together whenever feasible and economically beneficial, and requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

B. A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board.

Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the sessions that will be of benefit to the District. Materials from the sessions may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

### **5.3 Directors' Compensation and Reimbursement**

The Fire District shall reimburse Board members at the rate of \$100.00 per meeting for all regularly scheduled Board Meetings, Special Meetings, and Committee Meetings when approved by the Board of Directors and when in response to subpoenas or legal actions to a maximum of \$400.00 per month.

The Board shall reimburse District Board members for reasonable expenses actually incurred while on Fire District business. Such reimbursement shall extend only to the bona fide expenses of District Board members, and shall not include recompense for a spouse's or companion's costs. Each Board member shall present a statement, supported by appropriate documentation, before reimbursement is made.

### **5.4 Board Vacancies**

Filling vacancies in the office of Director shall be in accordance with California Law.

## **5.5 Board Elections**

When a District election is to be held for the purpose of electing members to the District Board, the election officer shall cause to be published in accordance with California Law (see Appendix 111) the following information:

1. The date of the election;
2. The Board positions to be voted upon;
3. The latest date candidates may file for office.

The County Clerk, serving as elections officer, has total responsibility for the conduct and administration of District elections.

## **ARTICLE 6: OFFICERS OF THE FIRE DISTRICT BOARD**

It shall be a policy of the Fire District Board to elect officers of the Board during the month of December, depending on ranges of Board terms Officers take office in January.

### **6.1 Board President and Vice President**

The Board shall hold annual elections at its December meeting for President and Vice President. The terms for President and Vice President shall commence on first day of January and end on the thirty-first day of December. The President and Vice President shall be elected for a one year term with no officer serving more than two consecutive terms in any one position. The Vice President shall become president upon the death, incapacitation, resignation, or removal of the President. In the case that the Vice President succeeds to the Presidency, the Board shall elect a new Vice President at its next meeting.

### **6.2 President Duties**

The President shall be the presiding officer of the Board, shall collaborate with the Fire Chief to establish the agenda for the meeting, , shall sign all documents on behalf of the Board and District that may be required, shall select and appoint Directors to committees, boards and liaison positions, and shall have the same rights and responsibilities as other Directors to participate in and vote at Board meetings. The president-elect shall designate, no later than the January regular Board meeting, Directors who will serve on the various committees, boards, liaison positions for the upcoming year.

### **6.3 Vice President Duties**

The Vice President shall serve as acting president in the absence or temporary disability of the President. The Vice President shall become president upon the death, resignation, or removal of the President.

## **ARTICLE 7: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD**

It is the policy of the Fire District Board to exercise those powers granted to it by California Law and to carry out those duties assigned to it as may best meet the fire and life-safety needs of the District.

### **7.1 Board Responsibilities and Duties of Fire Chief**

Important activities of the Fire Board are the formulation of policies and rules regarding Fire District programs and services. In carrying out its legislative and policy-making responsibility, the Board shall delegate the administrative and executive functions to the Fire Chief.

### **7.2 Board Members Meeting Participation**

The basic manner in which members fulfill their office must be at a regular, special, committee, or workshop meeting, and will be a matter of public record. The method of participation is discussion, deliberation, debate and voting. All members, including the President, are expected to participate fully in deliberation and voting.

### **7.3 Board Member Decorum**

It is understood that Board Members will not always agree. Board members have the right to maintain and express differing viewpoints, styles, opinions and values. Nonetheless, Board members should aspire to respect the dignity of their office and to observe common standards of decorum to the extent possible.

### **7.4 Board Member Responsibility to Constituents**

Board Members, individually and collectively, act as representatives of the citizens of the Fire District in maintaining and promoting fire and life-safety needs of the District.

### **7.5 Board Members Action and Service**

Board Members' decisions and actions shall best serve the needs of District citizens in light of available resources and information available to the Board at the time such decisions or actions are made.

### **7.6 Board Members Memberships and Continuing Education**

The Fire District Board encourages members to participate in organizations such as the California Fire District Directors Association, and others with similar benefit to the District. Membership fees shall be paid by the Fire District and reasonable expenses incurred in attending meetings, seminars, and training sessions shall be paid by the Fire District.

## **7.7 Board Member Conduct**

The Fire District Board Members shall observe the following code of conduct, designed to guide their actions in carrying out their responsibilities. A Fire District Board Member should strive to:

1. Understand that his/her basic function is "policy" and not "administration";
2. Refuse to make commitments on any matter which should come before the Board as a whole;
3. Refuse to participate in secret meetings or other irregular meetings which are not official and which all members do not have the opportunity to attend;
4. Recognize that he/she has no legal status to act for the Board outside of official meetings;
5. Respect the rights of Fire District patrons to be heard at official meetings within established parameters and guidelines for public testimony;
6. Make decisions only after available facts bearing on a question have been presented and discussed;
7. Accept the principle of "majority rule" in Board decisions;
8. Recognize that the Fire Chief should have full administrative authority for properly discharging duties within the limits of established Board policies;
9. Recognize that the Fire Chief or designee is the technical advisor to the Board;
10. Present personal criticisms, complaints or problems regarding Fire District operation directly to the Fire Chief and discuss them at a regular meeting only after failure of an administrative solution;
11. Declare conflicts of interest into the public record;
12. Conduct all Fire District business in an ethical manner;
13. Refuse to use his/her position on the Fire Board in any way, whatsoever, for personal gain;
14. Give staff and contemporaries the respect and consideration due skilled professional personnel.

## **7.8 Board Standing Committees and Liaisons**

- A. The Board President or designee shall outline the duties and responsibilities at the time of appointment. Two Board members shall serve on all standing and ad hoc committees. Ad hoc committees shall be considered dissolved upon submission of the final report, unless their standing is continued by a vote of the majority of the Board Members.

Standing Committees:

- Human Resources – Shall oversee and provide concern and direction on all matters related but not limited to risk management, compensation, benefits, negotiations, operations, and general welfare of departmental personnel.
- Finance – Shall oversee and provide direction on all matters related to the financial management including but not limited to the budget, financial policies, audit and expenditure reviews.
- Strategic Planning – Shall oversee and provide direction on all matters related to departmental planning including but not limited to facilities, apparatus, staffing, property, equipment, alliances and joint ventures, major acquisitions and operations.

B. It is the policy of the Fire District Board President to establish the following Board Members liaisons/representatives:

- Town of Atherton, City of East Palo Alto, City of Menlo Park, City of Palo Alto, County of San Mateo Board of Supervisors, Local Area Formation Commission (LAFCO)
- San Mateo Pre-Hospital Emergency Medical Group (JPA)
- From time to time, the Board President will establish other liaisons as appropriate

## **ARTICLE 8: DELEGATION OF BOARD AUTHORITY**

The Fire District Board has primary responsibility for the approval of District plans and procedures and for the appraisal of the ways in which these decisions are implemented and results obtained. The Board recognizes its authority to delegate specific responsibilities to the Fire Chief for the implementation of the programs and services of the District.

### **8.1 Board Approval of Fire Chief Position**

The Board will approve a position description for the Fire Chief as per District Policy. The Board will negotiate and enter into a contract with the Fire Chief which specifies the terms and conditions of employment.

### **8.2 Responsibilities of Fire Chief**

The Fire Chief shall serve as the Executive Officer of the Fire District. Responsibilities of the Fire Chief may include:

1. Preparing the agenda in collaboration with the Board President for each meeting, attending all Board meetings, unless excused, and participating in deliberations of the Board as required.
2. Bringing to the attention of the Board matters requiring its consideration.
3. Reporting periodically to the Board on the progress of the programs in the District.
4. Addressing personnel, financial and capital improvement matters under the direction of the Board.
5. Reporting to the Board, appointments, demotions, transfers and dismissals in accordance with the policies of the Board as applicable.
6. Represent the Fire Board as the Director of Personnel for the District.

### **8.3 Fire Chief Evaluation**

1. The Board establishes a policy for evaluating the Fire Chief and establishes a committee to carry out the evaluation process.
2. The Board, working with the Fire Chief, establishes performance criteria and inserts them into the evaluation form. The criteria should reference organizational goals and the Fire Chief's job description.
3. The Board assigns specific weighted factors for each of the major categories. Factors depend on what the Board believes should be priorities for the Fire Chief, during the evaluation period.
4. Each Board member and the Fire Chief will complete the evaluation form, rating the Fire Chief's performance during the evaluation period. Each criteria should be rated from 1-5, with 1 = unsatisfactory, 2 = partially within expectations, 3 = meets expectations, 4 = exceeds expectations, and 5 = far exceeds expectations. This numerical rating system tends to give perspective more than commentary. Ratings with commentary are ideal.
5. Multiply each rating by the weighted factor of the category. Put the result in the score column.
6. On a separate sheet of paper, provide any commentary that addresses ratings below 3. Consider adding commentary for higher ratings as well.
7. Provide the evaluation form and commentary page(s) to the Board member who is assigned to collate the sheets (usually the Board President).
8. The Board may decide to compile the Fire Chief's final evaluation into an average rating from each of the rated categories. Similarly, the commentary may be summarized or each rater's comments may be provided to the Fire Chief.
9. The evaluation committee (President & Vice President) provides the evaluation report to the Fire Chief and schedules a meeting with him or her shortly thereafter.
10. Ensure plans are made to address ratings below 3, indicating specific actions by specific dates.

#### **8.4 Fire Chief Delegation**

The Fire District Board delegates to the Fire Chief the function of specifying the required actions and designing the detailed arrangements under which the Fire District will be operated. Such administrative policies and procedures will detail the operations of the Fire District.

#### **8.5 Fire Chief Administrative Actions**

When action must be taken within the Fire District where the Board has provided no guidelines for administrative action, the Fire Chief shall have the power to act, but the decisions shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Fire Chief to inform the Board promptly of such action and of the possible need for policy or rule.

#### **8.6 Fire Chief Reporting Process – Fire Fatalities**

Whenever a fire fatality occurs in the Fire District the Fire Chief shall conduct an investigation of the incident and prepare a written report to the Board.

The fire fatality report shall describe in detail the incident, with particular emphasis on the fire prevention and safety measures that were or were not in place at the time of the incident, the reason for the fatality, the precise log of the District's response, and outstanding rescue or heroic efforts made by either District personnel or civilians.

The fire fatality report shall make specific recommendations as to how the fatality might have been prevented and, if applicable, how the District's response could have been improved.

The fire fatality report shall be presented in open session at a public meeting of the Board. After receiving the fire fatality report and hearing public comments, the Board shall determine what specific actions should be taken to remedy any problems or address any recommendations and recognize rescue or heroic actions.

## **ARTICLE 9: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS**

It is the policy of the Fire District Board that all meetings be conducted in accordance with California and federal statutes and rules, the decisions of the courts, and with proper regard to "due process" procedures. In so doing, the Board will seek information from staff and other sources as appropriate, before decisions are made on policy and procedural matters.

### **9.1 Meeting Location**

Regular meetings of the Fire District Board shall be held at the Menlo Park Fire District, 300 Middlefield Road, Menlo Park on the third Tuesday of each month at 7:00 p.m., unless by specific action of the Board a different meeting place or time is selected.

The President and the Fire Chief shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

### **9.2 Regular Meetings**

At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the Menlo Park Fire Protection District Administration Office and are open to the public, except as provided for Closed Sessions. Notice of all meetings and a copy of the proposed agenda shall be sent to all persons making request in writing, and will be made available to the news media prior to the date of the meeting in accordance with the Brown Act. A nominal fee may be charged for copies of public records in accordance with rules established by the Board of Directors.

It shall be the policy of the Fire District Board to recognize itself as a policy-making body that deliberates at regularly scheduled meetings and each Board member shall make a diligent effort to be present and participate fully.

It is the intent of the Fire District Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

### **9.3 Committee Meetings**

Committees may meet monthly or as necessary in accordance to their respective responsibilities. Committee Meetings may include closed session agenda items as necessary. Reports, findings, and recommendations may be forwarded to the full Board for its consideration.

### **9.4 Standing Committees**

Standing Committees may meet monthly or as necessary with regard to their respective responsibilities and / or duties. Agendas shall be noticed and published in the same manner as Regular meetings.

## **9.5 Ad-Hoc Committees**

Ad hoc committees shall meet as necessary in accordance with their specific mission and purpose.

## **9.6 Agenda Requests**

As stated in Policy 6.2, the Fire Chief in collaboration with the Board President shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Board member may request the placement of any item related to District business on the agenda of an upcoming Board Meeting in one of three ways:

1. By voicing a request during the open session of a Board Meeting that an item be placed on the agenda for the following meeting;
2. By submitting a request, outside of a Board Meeting, to the Board President; or
3. By submitting a request, outside of a Board Meeting, to the Fire Chief.

Barring emergencies or other exigent circumstances, all agenda requests shall be made at least two weeks prior to the Board meeting at issue. The Fire Chief and the Board President shall honor all agenda requests that meet the requirements of this policy and state law. If appropriate, requested agenda items may be combined with one another or other items of similar subject matter for purposes of parliamentary convenience.

## **9.7 Closed Sessions**

## **9.8 Quorum**

## **9.9 Agendas**

Agendas for respective meetings shall be determined in the following manner and shall comply with appropriate noticing and publishing.

## **9.10 Consent Agenda**

Items of recurring nature may be included for consideration. These items will be determined during agenda setting meetings between the President and Fire Chief.

## **9.11 Committee Meeting Agendas**

Agendas for standing Committee Meetings shall be established by items forwarded by majority vote of the Board; by recurring items from prior Committee Meetings; by designated nature of the item which would require committee action prior to

Board consideration; or by items submitted by the Fire Chief in consultation with the President.

## **9.12 Public Comments**

## **9.13 Fire Board Employee Compensation Philosophy**

The Fire Board values its represented and unrepresented employees and seeks to provide equitable compensation for each group and classification.

In determining any compensation increases, decreases, or adjustments, the Fire Board of Directors shall consider, weigh, and be guided by all the following criteria:

- A. State And Federal Laws Applicable To The Menlo Park Fire Protection District: The District must consider, relevant laws.
- B. The Interests and Welfare Of The Public And The Financial Ability Of The District: The District must ensure that General Fund revenue can sustain both the compensation levels and core services to the public.
- C. Recruitment And Retention: The District must consider its ability to attract and retain highly qualified employees.
- D. Internal Comparability/Alignment: The District must consider options for avoiding inappropriate compaction between or within classifications, consider appropriate internal comparability among classifications, and consider alignment between and within job classifications.
- E. Comparability: The District shall compare the total or overall compensation it offers to its represented and unrepresented employees with that offered by comparable cities, counties, districts and other agencies providing fire services. Overall compensation includes direct wage compensation, vacations, holidays, paid leave time, insurance, pensions, medical benefits, continuity and stability of employment, uniform allowance, educational incentive pay, and all other benefits provided to represented and unrepresented employees.
- F. Consumer Price Index: The District shall consider the cost of living as measured by the relevant U.S. Department of Labor Consumer Price Index.
- G. Labor And Employment Standards: The District shall consider any other facts, not confined to those specified in paragraphs A-E, normally or traditionally taken into consideration in making compensation determinations.

## **ARTICLE 10: MEETING MINUTES, PUBLIC RECORDS**

### **10.1 Board Meeting Minutes**

The minutes of the meetings of the Fire District Board shall be maintained in the Administration Office of the District and shall provide for information as required by law and Board policies.

### **10.2 Board Clerk**

The Clerk of the Board or staff designee shall record all proceedings of the Fire District Board meetings and file these in chronological order in a book provided for that purpose.

### **10.3 Board Meeting Minutes-Public Record**

The official minutes of Board meetings, including supporting documents, shall be open to inspection by the public at the office of the Fire Chief during regular business hours.

### **10.4 Public Records Process**

The Fire District recognizes the right of any member of the public to inspect nonexempt public records, limited only by rules of reasonableness, and in accordance with guidelines established by California State Law. When access to District records is granted, examination will be made in the presence of the record custodian regularly responsible for maintenance of the files or by a staff member designated by the Fire Chief.

### **10.5 Public Records Exemption**

In accordance with the Public Records Act, certain records, and personnel records, are not included in the category of records to which the right of access may be granted by the Fire District.

The Clerk of the Board of Directors shall keep minutes of all regular and special meetings and standing committees of the Board, but minutes shall not be taken of Closed Sessions.

Copies of said minutes shall be made for distribution to Directors with the agenda for the next regular Board meeting.

The official records of the meetings are the approved typed minutes.

The official typed minutes of the regular and special meetings and standing committees of the Board shall be kept in a secured office with easy access for the public review during normal business hours.

Motions, resolutions or ordinances shall be recorded as having passed or failed and individual votes will be recorded unless the action was unanimous.

All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each calendar year.

The minutes of Board meetings shall be maintained as hereinafter outlined:

1. Date, place and type of each meeting;
2. Directors present and absent by name;
3. Call to order;
4. Arrival of tardy Directors by name;
5. Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon; adjournment of the meeting; record of written notice of special meetings; and, record of items to be considered at special meetings.

Board Actions:

1. Complete information as to each subject of the Board's deliberation;
2. Approval or amended approval of the minutes of preceding meetings;
3. Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
4. All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;
5. A record of all contracts entered into;
6. All employment's and resignations or terminations of employment within the district;
7. A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
8. A record by number of all warrants approved for payment;
9. Adoption of the annual budget;
10. Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month;
11. A record of all important correspondence;
12. A record of the Fire Chiefs report to the Board;
13. Approval of all policies and Board-adopted regulations; and
14. A record of all visitors and delegations appearing before the Board.

Board meetings will be conducted in an informal manner, in the course of normal Board business.

## **10.6 Board Electronic Communications Policy**

### **Section 1 – Purpose**

The purpose of this policy is to ensure the proper use of Menlo Park Fire District (referred to as “District”) technology. The District’s Electronic Communication Policy allows the District to protect data and confidential information. This policy is applicable to all Users of the District’s electronic communications systems.

The District’s e-mail system is the exclusive property of the District and is provided to Users for creating and transmitting District business-related information.

Violations of this policy can result in immediate revocation of the User’s access to the District’s network.

### **Section 2 – Definitions**

1. User – District Board Member.
2. Computer Equipment and Related Tools - includes but not limited to equipment such as desktop personal computers, laptops, servers, printers, scanners, modems, PDAs, storage devices, Internet access, e-mail, and the software that makes each tool functional.
3. Communication Equipment and Related Tools – includes but not limited to equipment such as telephones, cellular phones, voicemail, and fax machines.

### **DISCLAIMER**

The District cannot completely protect individuals against the existence or receipt of material that may be offensive to them. As such, those who make use of electronic resources and communications are warned that they may come across or be recipients of material they find offensive. Creating, discussing, forwarding or printing offensive e-mail or internet materials, however, can constitute a violation of this and other District policies.

### **Section 3 – Policy Specifics**

- A. Personal use** – Personal use of telephones, computer equipment, Internet access and e-mail during working hours is discouraged. If personal use is made of District equipment, Users should not expect the data to be protected from review, preservation or deletion. Accordingly, Users should not use the District’s systems to create or transmit information they wish to keep private.

The District shall be reimbursed for any charges generated as a result of personal use of the District's equipment.

**B. Protocols for Electronic Communications.** E-mail by nature represents and reflects upon the District's public image and integrity. Users should ensure their messages are respectful, professional, and consistent with District policies.

- 1) Forwarding business-related e-mails from District e-mail accounts to a personal e-mail account is not allowed. E-mail forwarded to a personal account may open up that personal account to a Public Records Act request.
- 2) Personal e-mail accounts should not be used to conduct District business.

#### Retention of E-Mails

E-mail is intended as a temporary medium of transmission of communication and should not be used for permanent storage of records.

E-mail is to be read on a regular basis and promptly deleted by both sender and recipient, unless 1) a law or directive expressly requires such communication to be kept; or 2) preservation of such communication is necessary or convenient to the discharge of the User's duties, and the information is being retained for the purpose of preserving its informational content for future District use or reference.

If a User determines the information received by e-mail needs to be retained, the information should be printed as a hard copy and then deleted or transferred to an electronic file located on the District's network specifically designated for this purpose. Routine backup of the District's e-mail system is for disaster recovery only, which does not allow individual e-mails to be restored.

**C. Unauthorized purposes** -- District equipment shall not be used for any commercial promotional purpose, to conduct personal business affairs, or to communicate any material of a political, religious, obscene or derogatory nature that would conflict with the District's personnel policies.

**D. Authorized Hardware and Software Configurations** -- Computer hardware and software will be installed, configured and supported by the District. Hardware and software is allowed to be installed on District computers only if it is purchased and licensed by the District.

- E. Data Backup** -- Files stored on the District's computer networks shall be backed up periodically according to the District's network backup policies. Users shall utilize network resources to store their data files to the fullest extent possible to protect the District's data resources. Users are responsible for ensuring that critical data is always stored on network servers. No data should be stored on desktop computer hard drives, except during network outage problems. District data should be copied back to network servers as soon as possible and deleted from desktop computer hard drives, laptops, or District-provided storage devices.
- F. Security** – The District's Information Security Procedures are listed in Attachment A and are included as part of this Policy to which all Users are expected to adhere.

Computers shall not be left unattended in a state that affords inappropriate access to records of the District or otherwise compromises security. (e.g., lock workstation or logoff). At any time a User's access to computer, communication equipment and network resources may be limited due to necessary security policies to protect the District's network. The District employs monitoring software and will, at District's discretion, prevent unauthorized use. Security of District electronic information systems and data on those systems, including data posted or downloaded by Users, is a District priority. Users must help the District protect its systems and materials stored on those systems by immediately notifying the District about security problems, including: vandalism; unauthorized access or use; the downloading, uploading, or creation of computer viruses; and theft or misuse of District hardware or software or of materials and data created by Users.

- G. Internet** -- All Internet Users are expected to be responsible "cybercitizens," which means knowing the tools, rules and etiquette and behaving accordingly. **Violations of this policy will result in removal of Internet privileges.**

- Material posted to Internet newsgroups or bulletin boards should not reflect negatively on the District, its employees or violate any trust or copyright laws.
- Internet access is to be used only for District business during working hours. Personal use is to be limited in accordance with Section 3-A. The District may restrict access to authorized Users.
- Users are reminded all other District employment policies (e.g., workplace harassment policies) can affect Internet use. The District does use software tools to restrict access to sites and e-mails deemed inappropriate for the workplace. The District also utilizes tools to track Internet usage.

## **H. Shared Resources**

Users may not encroach on others use of computer resources. Such encroachment would include, but is not limited to, tying up computer and network resources for illegally downloading or sharing music, movies, software or other files, or other non-District related applications; sending harassing messages; sending frivolous or excessive messages, including chain letters, junk mail, spam, and other types of broadcast messages, either locally or over the Internet; using excessive amounts of storage; launching attacks or probes, or otherwise attempting to subvert the security of any system or network at the District or on the Internet; intentionally or irresponsibly introducing any computer viruses, worms, Trojan Horses, spy ware, or other rogue programs to hardware, software, systems or networks at the District or on the Internet; or physically damaging systems.

## **I. Public Records Act**

District records, whether paper or electronic, are governed by public disclosure requirements of the Public Records Act. Disclosure may be required regardless of who sends or receives a communication or document. In the event the District receives a public records request that includes e-mail, Users responsible for the requested records must use their best efforts to preserve e-mail covered by the request until it is determined whether the e-mail must be disclosed. District Counsel and the Clerk of the Board must be contacted concerning any request for disclosure of District records applicable to e-mail or other electronic records of any User subject to this policy.

## **J. Confidentiality**

California law requires that certain information be treated as confidential and not be distributed to others inside or outside the District who do not have authorization to view such information. Users may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation or potential litigation, attorney-client communication, information related to labor negotiations, or information related to confidential real estate negotiations. When Users send confidential information, it should be marked 'Confidential Information' so recipients are alerted to the nature of the information.

Confidential information should not be sent or forwarded to Users, individuals or entities not authorized to receive and view that information.

Users shall exercise caution in sending confidential information by e-mail as compared to written memoranda, letters or phone calls because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or retransmission of others.

The District Counsel should be contacted concerning any questions about whether a communication is confidential.

**K. No Expectation of Privacy for Computer and Communication Equipment**

The tools provided by the District in accordance with this policy remain the property of the District and are to be used for business communications. Accordingly, the District retains the right to review Users' usage of such equipment. Users shall have no expectation of privacy for voice, electronic mail (e-mail) communications and all other uses of computer and communication equipment. Examples of when the District might need to review Users' messages, sent or received, include but are not limited to:

- Attempting to retrieve lost messages;
- Recovering from system failures or monitoring system performance;
- Complying with various internal and external investigations such as grievances, workplace harassment claims, or suspected criminal acts;
- Ensuring that District systems are being used for business purposes and policies.

**Section 4 - Compliance with this Policy**

It is the responsibility of all Users to insure that they are in compliance with this Policy.

**A. Privacy**

Users shall have no expectation of privacy when sending, storing, posting, creating, or receiving information on District electronic information systems. Information created or stored on a District system is backed up on other parts of the system. The District cannot and will not guarantee Users that others will not deliberately or inadvertently view information created or stored on District systems. Materials and data stored on District electronic information systems are the property of the District and shall be stored with no expectation that the materials or data are personal or private.

Users should not make information about themselves or others available on the Internet. The District cannot protect Users from invasions of privacy, identity theft and other possible dangers that could result from distribution of personal information.

## **B. Misuse**

The use of the District's computers and electronic information systems is a privilege, not a right, and misuse of those systems or of District workspace may result in a withdrawal of that privilege.

Examples of misuse include, but are not limited to:

- 1) Using District electronic information systems for purposes unrelated to District business;
- 2) Soliciting, sending, posting, publishing, storing or accessing harmful matter or material that is threatening, obscene, pornographic, sexually explicit, or disruptive, or that could be construed as harassment or disparagement of others on the basis of race, national origin, sex, sexual orientation, age, religion, disability, marital status or veteran status;
- 3) Using, promoting or authorizing commercial activities on behalf of for-profit or not-for-profit institutions, without District authorization;
- 4) Advertising products;
- 5) Urging the support or defeat of any ballot measure or candidate;
- 6) Reading, copying, completing, modifying, destroying, forging or deleting another User's material or mail on the electronic information systems, without the User's permission;
- 7) Transmitting any material in violation of any federal or state laws, including but not limited to copyrighted material;
- 8) Using, downloading, or disseminating copyrighted material on District information systems without the copyright holder's permission, or without giving copyright credit if use is for academic purposes;
- 9) Creating, downloading, or uploading computer viruses;
- 10) Encouraging the use of drugs, alcohol, tobacco, or promoting any activity prohibited by District policy or by law;
- 11) Attempting to harm or vandalize any part of the District's electronic information systems or its computers; and
- 12) Engaging in any conduct that would constitute a crime or violate California Penal Code Section 502, including knowingly and without permission accessing or damaging any computer system, network, or program or any User's data, accounts or access.

## **C. Consequences of Misuse**

Violations of this Policy may, at the District's sole discretion, result in:

- Loss of the User's privilege to use District electronic information systems and/or computers;
- Disciplinary action, up to and including termination;
- Referral to police authorities if the conduct may constitute a crime.

**Section 5 - Review Cycle**

This policy will be periodically reviewed and updated as appropriate.

Acknowledgement:

By signing this form, the User acknowledges having read and understood the Electronic Communications Policy and agrees to abide by its terms.

Print Full Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# **ATTACHMENT A**

## **INFORMATION SECURITY PROCEDURES**

### **Section 1 – Purpose**

The District shall establish information security procedures to which Users are expected to adhere. These procedures are applicable to all Users.

The District reserves the right to change the policies and procedures set forth in this policy at any time.

### **Section 2 – Definitions**

1. **User** - District Board Member.

### **Section 3 – Policy Specifics**

#### **A. Passwords**

Passwords are an important aspect of computer security. They are the frontline of protection for User accounts. Passwords are used for various purposes at the District. Some of the more common uses include: network accounts, web accounts, e-mail accounts, screen saver protection, division specific applications and voice-mail access.

A poorly chosen password may result in the compromise of the District's network. As such, all Users are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

The District requires the following:

Network

Length:	6
Complexity:	letters and numbers
Remember last password:	2 previous passwords
Require Password Change:	180 days

No User may share any of their User id or passwords with any other District employees or non-district employees. This includes logging a person in and allowing that person to perform work under a User id and password that does not belong to that individual. Authority and access to all information is based on User id. If a person needs additional authority or access, should contact IT to set it up.

All passwords are to be treated as sensitive and confidential.

- Do not reveal a password over the phone to ANYONE
- Do not reveal a password in an e-mail message
- Do not reveal a password to any co-worker
- Do not talk about a password in front of others

- Do not hint at the format of a password (e.g., "my family name")
- Do not reveal a password on questionnaires or security forms
- Do not share a password with family members

## **B. Use of District Network with Non-District Computer Equipment**

At no time may a User attach to the District's network their personal computer equipment.

Any User who wishes to attach a consultant, vendor or contractor worker's personal computer equipment (including laptops) will agree to follow all the polices set forth in the District's Information Technology Use Policy when attaching computer equipment to the District's network at any District facility.

In addition, all computer equipment shall be inspected by IT staff prior to use on the District's network to determine that an appropriate level of virus protection software and security operating system updates have been installed with the current update levels for each computer system. Previously inspected systems need to be re-inspected if one month or longer has passed since the last inspection.

District staff will inform non-District employees of the inspection requirements and, when possible, provide advance notice to IT through email to schedule the inspection.

The District will attempt to maintain the privacy of the User's equipment, but once attached to the District's network, the District retains the right to inspect the computer equipment in accordance with the Information Technology Equipment Use Policy.

No non-District personal computer equipment shall store any District documents on its hard drive or other storage media attached to the personal computer equipment. No personal computer equipment shall be configured to allow web host, sharing or wi-fi services.

Network access shall not be used to download files from the Internet, including but not limited to video, music, or applications. No attempt will be made to access data by any unauthorized means. The District's security polices may limit network access.

## **ARTICLE 11: RULES OF ORDER DURING MEETINGS**

The Board President is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Board President and all questions and remarks shall be addressed to the President.

### **11.1 Points of Order**

The Board President shall determine all Points or Order subject to the right of any member to appeal to the entire Board. If any appeal is taken, the question shall be, "Shall the decision of the Board President be sustained?" In which event a majority vote shall govern and conclusively determine such question of order.

### **11.2 Decorum and Order - Board Members**

Any Board Member desiring to speak shall address the President and, upon recognition by the President, shall confine himself/herself to the question under debate.

- A. A Board Member desiring to question the staff shall address his/her question to the Fire Chief who shall either answer the inquiry himself or to designate some member of his staff for that purpose.
- B. A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the President, unless a Point of Order is raised by another Board Member, or unless the speaker chooses to yield to questions from another Board Member.
- C. Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.
- D. Directors shall at all times conduct themselves with courtesy to each other to staff and to members of the audience present at Board meetings and public sessions.
- E. Any Board member may invite any members of the Public, to speak at a Board meeting during the period reserved for public comment.

### **11.3 Decorum and Order - Employees**

Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to Board Members.

### **11.4 Conflict of Interest**

All Board Members are subject to all provisions of California law relative to conflicts of interest and to conflict of interest codes adopted by the Board. Any

Board Member prevented from voting because of a conflict of interest shall refrain from debate and voting. Such Board Member may choose to leave the Board chambers during debated and voting on issue.

### **11.5 Limitation of Debate**

No Board Member normally should speak more than once upon anyone subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five (5) minutes each time he has the floor, without the approval of a majority vote of the Board.

### **11.6 Dissents, Protests, and Comments**

Any member shall have the right to express dissent from or protest to or comment upon any action of the Board and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reason. . .".

### **11.7 Rulings of Chair Final Unless Overruled**

In presiding over meetings, the Board President, Vice President or temporary President shall decide all questions or interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Board Members present and voting, and shall be binding and legally effective (even though clearly erroneous) for purposes of the matter under consideration.

### **11.8 Actions Not Invalidated**

Failure to strictly comply with these Rules of Procedure shall not invalidate any action taken by the District Board.

### **11.9 Actions**

The Board may act only by ordinance, resolution or motion. For example: Board actions setting rules for long-term application are taken by ordinance, whereas more routine business and administrative matters (usually more temporary in nature) are accomplished by "resolutions."

The "motion" (assuming it was one which passed) is a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it (unless a minute order is requested).

### **11.10 Processing of Motions**

When a motion is made and seconded, it shall be stated by the Board President before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

### **11.11 Motions Out of Order**

The Board President may at any time, by majority consent of the Board, permit a member to introduce an ordinance, resolution, or motion out of the regular agenda order.

### **11.12 Division of Question**

If the question contains two or more divisional propositions, the Board Chair may, and upon request of a member shall, divide the same.

### **11.13 Precedence of Motions**

When a motion is before the Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- a. Adjourn
- b. Fix hour of adjournment
- c. Table
- d. Limit or terminate discussion
- e. Substitute
- f. Reconsider
- g. Amend
- h. Postpone

**A. Motion to Adjourn - Not debatable**

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion
- b. When made as an interruption of a Member
- c. When discussion has been ended and vote on motion is pending
- d. When a vote is being taken a motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

**B. Motion to Fix Hour of Adjournment - Not debatable**

Such a motion shall be to set a definite time at which to adjourn and shall not be debatable and amendable except by unanimous vote.

**C. Motion to Table - Not Debatable**

A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

**D. Motion to Limit or Terminate Discussion - Not Debatable**

Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall not be debatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

**E. Motion to Amend - Debatable**

A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

**F. Motion to Continue - Debatable**

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

### **G. Reconsideration - Debatable**

Any Board Member who voted with the majority may move a reconsideration of any action at the same or next meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent to the Board.

### **H. Voting Procedure**

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Board Member present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The order of voting shall be alphabetical with the Board President voting last. The Clerk shall call the names of all members seated when a roll call vote is ordered or required. Members shall respond `aye' or `no' or `abstain.' Any Board Member not audibly and clearly responding `no' or `abstain' or otherwise registering an objection shall have his vote recorded as `aye.'

### **I. Tie Votes**

Tie votes shall be considered a no vote or denial.

## **ARTICLE 12: PROCEDURE FOR ADOPTING A RESOLUTION**

Actions of the Board on matters of policy or procedure of a less formal nature than the subject of an ordinance are taken by resolution, which are effective upon adoption.

Ordinarily, resolutions should be prepared in advance. The procedure for adoption is:

- A. Motion
- B. Second
- C. Discussion
- D. Vote, pursuant to the methods set out for motions
- E. Result declared

When a resolution has not been prepared in advance, it may, if the Board approves, be adopted by title, but in that case the general counsel or staff shall prepare the form of the resolution for presentation at the next meeting.

## **ARTICLE 13: PROCEDURE FOR ADOPTING AN ORDINANCE**

Ordinances of the District shall be adopted by the Board pursuant to Government code Sections 25120 et seq.

All ordinances shall be placed on the agenda for regular meetings by title and a brief description of content. (An exception is an urgency ordinance which may be adopted at a special meeting.) The procedure for adoption is:

- A. Discussion
- B. First Reading/Introduce the Ordinance
  - 1. Motion to waive reading of entire ordinance and read by title and number only, must be carried by a majority.
  - 2. Reading by title by the Clerk of the Board
  - 3. Motion to introduce.
    - a) Moved by:
    - b) Seconded:
    - c) Carried by:
- C. Adoption/ Second Reading, in general, must occur at least five (5) days after first reading.

Second Reading/Adopt the Ordinance. Except as specified by law, ordinances become effective 30 days after final passage providing that the ordinance has been published one time in a newspaper of general circulation published in the District.

**ARTICLE 14: FIRE DISTRICT LEGAL COUNSEL**

It shall be the responsibility of the District Board to select legal counsel to represent the legal needs of the District. The Board shall recognize its responsibility to seek the advice of legal counsel whenever it is unclear regarding legal questions or whenever an action being considered by the Board may result in placing the District in legal jeopardy.

Legal counsel for the Fire District shall be in attendance for Regular Fire Board Meetings when legal advice, contract consultation and/or Closed Session interactions deem it necessary by the Board President or the Fire Chief.

In keeping with District Policy and fiscal responsibility, all legal counsel contact shall have prior approval by the Board President and/or Fire Chief for matters requiring a legal interpretation.

**ARTICLE 15: FIRE DISTRICT GOVERNANCE AUTHORITY**

The Fire District was established January 3, 1916 by the San Mateo County Board of Supervisors. The Fire District is a California Special District (Independent) as a local government agency with taxation authority as established on June 27, 1916.