

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS**

Meeting Date: December 12, 2018

Subject/Title: Adoption of New and Renumbered Board Policies to Replace and Augment Previously-Adopted Board Policies

Submitted by: Brian Helmick, Fire Chief
Shayna van Hoften, Legal Counsel

RECOMMENDATION FOR ACTION

The former Board Policy Ad Hoc Advisory Committee recommended, and Staff concurs, that the Board of Directors (Board) approve a resolution to:

1. adopt new Board Policies (Policies);
2. amend policies previously adopted by the Board;
3. renumber and supersede policies and resolutions previously adopted by the Board.

PREVIOUS ACTION

The East Contra Costa Fire Protection District (District) adopted its current Board Policy structure, and a significant portion of its current policies, at the first meeting of the independent District Board in 2010. The Board subsequently amended and expanded its policies on an ad hoc, policy-by-policy basis over the last eight years.

The Board received a draft of the proposed new and renumbered Policies at the November 5, 2018 meeting. At that time, the Board opted to adopt the Table of Contents but postpone action on the draft Policies, themselves. In the intervening weeks, several members of the Board have provided comments and requested edits to the draft Policies.

SUBJECT BACKGROUND

As discussed at the Board's November 5 meeting, the District's current policies are relatively limited in their scope, some do not reflect the current functioning of the District, and the structure is not particularly intuitive. In addition, some policies adopted by resolution were not numbered in a consistent fashion.

Over the past two years, ad hoc advisory committees of the Board have worked with staff and legal counsel on a comprehensive process to review, update and augment the District's policies to include policies adopted by resolution and to include new policies, many of which are based on sample policies compiled for members of the California Special Districts Association.

In advance of proposed the entire set of new Policies, the ad hoc committees presented a proposed Code of Ethics and the Bylaws, each of which were adopted by resolution.

Proposed Policies: Structure & Contents

The general structure, contents and genesis of the proposed Policies are:

- **100 Series: General Policies**

- Existing policies: Adoption/Amendment of Policies (Policy 1-2, previously repealed by Reso. 2018-05), Board/Staff Communication (Policy 1-3.30, previously repealed by Reso. 2018-05), Bylaws (various policies previously repealed and replaced by Reso. 2018-15, then amended by Resolution 2018-37), Code of Ethics (adopted pursuant to Reso. 2018-19), Conflict of Interest Code (adopted pursuant to Reso. 2014-28*)
- New policies: Mission and Vision, Association Membership, Basis of Authority, Board/Staff Communication, Ethics Training, Correspondence to the Board, Legal Counsel and Auditor, Overview of the Fire Chief's Role

- **200 Series: Administration**

- **Subseries: Financial Management**
 - Existing policies: Procurement Policy (Policy 1-11**), Process for Waiver of Fees (Resolution 2018-32), Investment Policy (Reso. 2014-29)
 - New policies: Accounting Policies and Procedures, Revenue Enhancement/Cost Recovery/Fees for Service
 - Pending updates to existing policies: Budget Policy (Policy 1-5), Purchase Card and District Corporate Account Policy (Policy 1-12**)
 - Pending/future new policy: OPEB Trust Investment Policy
- **Subseries: Record Retention**
 - Existing policies: Record Retention Policy (Policy 1-9)
 - Pending/future new policy: Electronic Record Retention Policy
- **Subseries: Inventory & Property Management**
 - Existing, renumbered policies: Disposal of Surplus Property (Policy 1-7), Expense Reimbursement Policy (Policy 1-10), Flag Policy (Policy 1-6), Donated Structures Policy (Policy 1-11**)
 - New policy: Naming of District Facilities
 - Pending/future new policies: District Electronic Resources Policy and Procedures, Vehicle Use Policy, Use/Rental of District Facility, Sponsorship of District Facilities/Equipment
- **Subseries: Health, Safety & Security**
 - New policies: Emergency Preparedness, Emergency Response Guidelines for Hostile or Violent Incidents, Workers' Compensation, Workplace Violence Prevention Policy
 - Pending/future new policy: Illness and Injury Prevention Program
- **Pending/future new Subseries: HIPAA Compliance**
- **Subseries: Communications & Technology**
 - Existing, renumbered policies: Responding to California Public Records Act Requests (Policy 1-8), Press Relations (Policy 1-3.33, previously repealed by Reso. 2018-05)
 - New policies: Customer Relations, Use of District Website
 - Pending/future new policies: Public Complaints, Social Media

- **300 Series: Personnel**

- Existing, renumbered policies: Ticket Distribution (Policy 1-12**)
- New policies: Gift Policy, Nepotism, Unlawful Harassment, Whistleblowing Policy, Administrative Bulletins and Memoranda of Understanding
- Pending/future new policies: Outside Employment, Dress Code & Personal Standards

- **400 Series: Fire Prevention and Education**

- New policies: Fire Code, Weed/Nuisance Abatement, Outreach Activities
- Pending/future new policy: Roles and Responsibilities

* The Conflict of Interest Code was amended on November 5, 2018 pursuant to Resolution 2018-35 to include the Business Services Manager and Fire Marshal positions. The amendments will not take effect until approved by the Contra Costa County Board of Supervisors. The amended Code will be placed into the Board Policies as a revised Policy 162 upon approval by the Board of Supervisors without need for further action by the District's Board.

** Two policies were mistakenly adopted under the policy number 1-11 and under policy number 1-12.

Changes to November 5, 2018 Draft

In the weeks since the November 5, 2018 Board meeting, several Directors proposed revisions to the draft Policies. Some proposed revisions require substantive consideration by, and will be brought back to, the Finance Committee and/or full Board (e.g., amendments to the investments authorized in the Investment Policy). Other revisions could be made now and are reflected in the draft Policies, including:

- Correction of some typos and formatting inconsistencies (including deleting approximately two pages of unintentionally duplicated language in the Investment Strategy);
- Correction of some internal cross-references to reflect new policy numbering;
- Replacement of references to "Board Chairperson" with "Board President";
- Replacement of references to "District Manager" with "Fire Chief" and addition of "or designee" where appropriate;
- Replacement of some references to "Administrative Assistant" with "Business Services Manager";
- Addition of a reference to "resort fees" in the Expense Reimbursement Policy;
- Increase of the value of assets considered "capital" investments from \$5,000 to \$10,000 in the Disposal of Surplus Property of Equipment Policy for consistency across financial practices; and
- Revision and restructuring of the Revenue Enhancement, Cost Recovery/Fees for Service Policy to emphasize the need for resources at the forefront of the policy.

In addition, staff and legal counsel have:

- Clarified some language and updated formatting for consistency and/or clarity;
- Inserted the Mission, Vision and Values included in the Strategic Plan presented for Board approval at this December 12 meeting;
- Inserted the Bylaws and Procurement Policy as approved at the November 5, 2018 Board meeting;
- For each policy that the Board adopted under different policy or resolution numbers: added the

original policy or resolution number, dates of adoption and amendment of the original policy and number, and date of repeal where relevant; and

- Added the anticipated adoption/renumbering date of December 12, along with places for the Board President and Clerk of the Board (Fire Chief) to sign each individual policy.

Next Steps

If the Board adopts the Policies as proposed, staff will:

- Post the policies on the District's webpage;
- Update the District's webpage to indicate which resolutions and policies have been repealed or superseded.

Staff also will continue to work on several additional policies, as noted above, some of which are subject to a meet-and-confer process with applicable bargaining units (e.g., Roles and Responsibilities in the Fire Prevention and Education series and a new Board-level policy on the Use of District Vehicles).

Finally, staff will work towards aligning the District's Administrative Bulletins with the new Policies where applicable.

Attachments:

Resolution

Proposed Draft Board Policies

**EAST CONTRA COSTA FIRE PROTECTION DISTRICT
BOARD OF DIRECTORS
STATE OF CALIFORNIA**

* * *

RESOLUTION NO. 2018-__

**ADOPTING NEW BOARD OF DIRECTORS POLICIES, AMENDING AND
RENUMBERING/SUPERSEDING EXISTING BOARD POLICIES**

WHEREAS, on February 3, 2010, the East Contra Costa Fire Protection District (District) Board of Directors (Board) adopted Resolution No. 2010-04, thereby establishing a set of "Board Policies" to govern administration of the District; and

WHEREAS, over the next eight years, the Board amended and adopted new policies, expanding the scope of the Board Policies on an ad hoc, one-by-one basis, both within the existing Board Policies numbering structure and as free-standing policies adopted by resolution; and

WHEREAS, working with legal counsel and staff, a Board Policies Ad Hoc Advisory Committee (Committee) of the Board of Directors completed a thorough review of the Board Policies' structure and contents; and

WHEREAS, at the recommendation of the Committee, on February 5, 2018, pursuant to Resolution 2018-05, the Board repealed Board Policies 1-1, 1-2, 1-3 and 1-4; and

WHEREAS, the Committee also recommended, and staff concurs, that the Board adopt the attached Board Policies, which (1) includes new policies, (2) amends existing Board Policies, and (3) renumbers/supersedes the following previously-adopted Board Policies and resolutions:

- Policy 1-6: Half-Staff Flag Policy;
- Policy 1-7: Disposal of District Surplus;
- Policy 1-8: Public Records Act;
- Policy 1-9: Records Retention & Destruction Policy;
- Policy 1-10: Expense Reimbursement Policy;
- Policy 1-11: Policy and Procedures for the Purchase or Lease of Equipment, Supplies, and Real Property, and for Service and Construction Contracts;
- Policy 1-11 [sic]: Donated Access to Structures for Training;
- Policy 1-12: Distribution of Tickets and Passes to Officers and Employees;
- Code of Ethics (adopted pursuant to Resolution 2018-19);
- Conflict of Interest Code (adopted pursuant to Resolution 2014-28);
- Process for Waivers and Appeals of Fees and Authorizing Waivers of all District Fees (adopted pursuant to Resolution 2018-32); and
- Statement of Investment Policy (adopted pursuant to Resolution 2014-29); and

WHEREAS, the Board intends to consider new policies to amend, renumber and supersede Policy 1-5: Budget and Fiscal Policy and Policy 1-12 [sic]: Purchase Card and District Corporate Account Policy at a later date.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the East Contra Costa Fire Protection District hereby adopts the attached Board Policies, which (1) includes new policies, (2) amends existing Board Policies, and (3) renumbers/supersedes the following previously-adopted Board Policies and resolutions:

- Policy 1-6: Half-Staff Flag Policy;
- Policy 1-7: Disposal of District Surplus Property Policy;
- Policy 1-8: Public Records Act Policy;
- Policy 1-9: Records Retention and Destruction Policy;
- Policy 1-10: Expense Reimbursement Policy;
- Policy 1-11: Policy and Procedures for the Purchase or Lease of Equipment, Supplies, and Real Property, and for Service and Construction Contracts;
- Policy 1-11 [sic]: Donated Access to Structures for Training Policy;
- Policy 1-12: Distribution of Tickets and Passes to Officers and Employees Policy;
- Code of Ethics (adopted pursuant to Resolution 2018-19);
- Conflict of Interest Code (adopted pursuant to Resolution 2014-28);
- Process for Waivers and Appeals of Fees and Authorizing Waivers of all District Fees (adopted pursuant to Resolution 2018-32); and
- Statement of Investment Policy (adopted pursuant to Resolution 2014-29).

PASSED, APPROVED AND ADOPTED by the Board of Directors of the East Contra Costa Fire Protection District at a regular meeting held on the 12th day of December, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

President, Board of Directors

ATTEST:

Brian Helmick
Clerk of the Board