

BOARD POLICY MANUAL



COASTSIDE FIRE PROTECTION DISTRICT

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ARTICLE 1: PURPOSE STATEMENT

The Coastside Fire Protection District Board (hereinafter "Board") recognizes that its major functions are:

- A. Developing and implementing all District policies.
- B. Completing financial functioning responsibilities.
- C. Providing strategy and plans to ensure the future of the District.
- D. Oversight of District operations and contracts.

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.

It is the intent of the Board to set forth policies and 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. The Board may, from time to time, revise the Policies and rules as provided for in the Bylaws of the Coastside Fire Protection District (hereafter District).

ARTICLE 2: FIRE DISTRICT BOARD OF DIRECTORS

2.1 Job Description

The members of the Board have ultimate responsibility to ensure the lawful and efficient operations of the District. The Board is the supervisory body for the Fire Chief and District Legal Counsel. The Board shall ratify all annual budgets, audits and expenditures.

The Board is entitled to enter into all contracts on behalf of the District that are within the scope of its authority and in the line of duty. Board members are not individually liable for any act, omission, or decision of the Board.

Board members are expected to be familiar with the District's Bylaws, 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 the Political Reform Act and common law conflicts of interest principles which require recusal from participation on any matter in which the member is interested, or on those involving issues which could somehow affect their tenure or benefits.

District is defined in accordance with the provisions of California Statutes. The District includes territories in the City of Half Moon Bay, Montara, El Granada, Moss Beach, Miramar, Princeton and certain other unincorporated areas of San Mateo County. The Board, by policy, shall carry out its responsibilities and the will of the people of the District, in keeping with state and federal constitutions, local, state and federal laws, rules, decisions and orders of the courts, and all the powers and responsibilities they provide.

2.2 Vacancies

Vacancies in office shall occur upon the happening of any of the events enumerated in Government Code §1770 including an unexcused failure by Directors to discharge the duty of their office for the period of three (3) consecutive months.

ARTICLE 3: POWERS AND DUTIES OF THE FIRE DISTRICT BOARD

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

3.1 Formulation of Policy

Critical activities of the Board are the formulation of policies and rules regarding District programs and services.

3.2 Meeting Attendance

The basic manner in which members fulfill their office must be at a regular, special, emergency, committee, or workshop meetings, and will be a matter of public record. Therefore, members of the Board are expected to attend all regular, special and emergency meetings of the District.

3.3 Attendance at Meeting Via Teleconference

Teleconferencing for meetings is allowed, but the following must be complied with unless otherwise provided by relevant section of the California Government Code:

- A. The agenda must specify each teleconferencing location and must be posted at each meeting site.
- B. All votes taken during a teleconferenced meeting must be by roll call.
- C. At least a quorum of the Board must participate from within the District's jurisdiction.
- D. Each teleconference location must be accessible to the public and the public must be able to address the Board as if physically present.

3.4 Representatives of District

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

3.5 Code of Ethics

The Board is committed to providing excellence in legislative leadership that results in the highest quality of services to its constituents. It is understood that Board members will not always agree. It is the policy of the Board that members respect the authority of the

majority. In order to assist in the governance of the behavior between and among members of the Board, 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 expected. The needs and benefits of the District's constituents should be the basis for discussion, voting and policy adoption.

The primary responsibility of the Board is the formulation and evaluation of policy. Matters concerning the operational aspects of the District should be delegated to the Fire Chief.

In seeking clarification on informational items, Directors may directly approach the Fire Chief to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making. Complaints or questions from residents and property owners of the District should be referred directly to the Fire Chief.

When approached by constituents, Directors should refer operational inquiries to the Fire Chief.

The chain of command should be followed by all Board members.

Directors shall be expected to serve on standing and ad hoc committees as established by the Board.

It is understood that Board members will not always agree. It is the policy of the Board that members respect the authority of the majority. If a member cannot support a decision made by the majority that member's actions should remain neutral and not work against the decision of the majority.

Board members shall observe the following code of conduct, designed to guide their actions in carrying out their responsibilities. Board members should strive to:

- (a) Understand that their basic function is "policy" and not "administration";
- (b) Refuse to make commitments on any matter which should come before the Board as a whole;
- (c) Refuse to participate in any meetings not held in compliance with the "Brown Act";
- (d) Recognize that they have no legal status to act for the Board outside of official meetings except when specifically authorized by the Board;
- (e) Respect the rights of the public to be heard at official meetings within established parameters and guidelines for public testimony;
- (f) Make decisions only after available facts bearing on a question have been presented and discussed;
- (g) Accept the principle of "majority rule" in Board decisions;
- (h) Recognize that the Fire Chief has full administrative authority for properly discharging duties within the limits of established Board policies;

- (i) Recognize that the Fire Chief or designee is the technical advisor to the Board;
- (j) Present personal criticisms, complaints or problems regarding District operations to the Fire Chief and discuss them at a regular meeting only after failure of an administrative solution;
- (k) Declare conflicts of interest into the public record;
- (l) Conduct all District business in an ethical manner;
- (m) Ask for advice and council on legal and process issues from District Legal Counsel;
- (n) Refuse to use their positions on the Fire Board in any way, whatsoever, for personal gain;
- (o) Give staff and contemporaries the respect and consideration due to skilled professional personnel.

3.6 Decorum and Order - Board Members

Board members desiring to speak shall address the Board President and, upon recognition by the Board President, shall confine themselves to the question under debate.

Board members with questions for staff shall address questions to the Fire Chief or District Legal Counsel who shall either answer the inquiry or designate staff to respond.

Board members, once recognized, shall not be interrupted while speaking unless called to order by the Board President, unless a Point of Order is raised by another Board Member, or unless they choose to yield to questions from another Board Member.

Board members called to order while speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, they shall be permitted to proceed. If ruled to be not in order, they shall remain silent or shall alter their remarks so as to comply with rules of the Board.

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.

Board members may invite any members of the public to speak at a Board meeting during the period reserved for public comment.

3.7 Committees and Outside Appointments

The Board is authorized to establish ad hoc and standing committees. In making appointments to committees, consideration will be given to relevant training and/or professional experience of each Director. Ad hoc and standing committees shall contain no more than two (2) Board Members.

A. Ad Hoc Committees. The Board can establish ad hoc committees to address specific issues or projects. Ad hoc committees shall be considered dissolved upon submission of a final report, unless their standing is continued by a vote of the majority of the Board.

B. Standing Committees. It is the policy of the Board to appoint the following standing committees:

Finance Committee - concerned with the financial management of the District, including the preparation of an annual budget, purchasing policies, annual audit and review of major expenditures.

Land and Structures Committee - concerned with the planning of facilities, apparatus, and equipment to protect the Fire District.

Volunteer Committee - concerned with and attend volunteer firefighter events/activities

Vegetation Management Committee - concerned with vegetation management-related wildfire activities

C. Board Members' Participation on Subcommittees. The Board shall outline the duties and responsibilities of committee members at the time of appointment. A maximum of two Board members may serve on any committee.

D. Board Liaisons. It is the policy of the Board to appoint Board members as liaisons/representatives to the following organizations:

- X San Mateo Pre-Hospital Emergency Medical Group (JPA) Liaison
- X San Mateo County Special District Association Liaison
- X Emergency Preparedness Liaison
- X Community Emergency Response Team (CERT) Liaison

From time to time, the Board may appoint other liaisons as appropriate.

E. Outside Appointments. The Board may, by majority vote, appoint a Director or Directors to represent the District on boards or committees of third-party agencies including joint powers authority agencies. Appointments shall last for one (1) year, unless the third party agency directs otherwise. Directors appointed to represent the District shall consult with and obtain direction from the Board prior to voting on items being considered by the third party agencies.

ARTICLE 4: MEMBERSHIP OF THE FIRE DISTRICT BOARD

4.1 Board of Directors

The District Board consists of five (5) Directors, elected for staggered terms of four (4) years, with three vacancies being filled in one regular election year and the remaining two vacancies being filled in the next regular election year. No changes shall be made in the number of Directors except in accordance with the requirements of Section 13845 of the

California Health and Safety Code and any amendments thereto or replacements thereof.

4.2 Board Orientation

The Board President and the Fire Chief shall be responsible for the appropriate orientation and training of new Board members. Orientation and training shall include review of adopted Bylaws, Policies and Procedures.

4.3 Training, Education and Conferences

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

Board members must attend/complete the following during the first year within election to the Board:

- A. Board Orientation
- B. Ethics Training
- C. Brown Act Training
- D. Harassment/Retaliation/Discrimination Training

The Board strongly 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 District and reasonable expenses incurred in attending meetings and seminars shall be reimbursed by the District.

4.4 Directors' Compensation and Reimbursement

Directors' compensation and reimbursement shall be set by Board Ordinance.

4.5 Board Vacancies

Filling Director vacancies shall be in accordance with California Law.

ARTICLE 5: DELEGATION OF BOARD AUTHORITY

The 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.

5.1 Fire Chief

The Fire Chief's responsibilities shall be contained in the CalFire contract and be approved by the Board.

5.2 Delegation of Authority

The Board delegates to the Fire Chief the function of specifying the required actions and

designing the detailed arrangements under which the District will be operated. Such administrative policies and procedures will detail the operations of the District.

When action must be taken within the 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.

ARTICLE 6: FIRE DISTRICT BOARD POLICIES

It is the intent of the Board to conduct its business in accordance with this adopted set of policies which shall be made available as public documents.

The Board, as the governing body representing the people of the District, determines all questions of policy 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, that portion of these Board Policies is automatically null and void, but the remainder of these Policies and Procedures shall remain in full force and effect.

If disagreement over the application, extent, or interpretation of a Board Policy arises, the resolution of the conflict will be based on the majority opinion of the Board.

Proposals regarding the adoption of District Policies or amendments thereto may originate from any interested person.

ARTICLE 7: POLICY ADOPTION, CHANGES, DELETIONS, ADDITIONS, REPEAL AND REVIEW

The Board's objective in establishing Board Policies will be increased efficiency and effectiveness in carrying out its legally mandated tasks 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 Board meeting on a date or dates selected by the Board, and shall appear as an agenda item.

Amendments to Board Policies shall be accomplished by a majority vote of the Board.

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

ARTICLE 8: METHODS OF OPERATION OF FIRE DISTRICT BOARD MEETINGS

It is the policy of the Board that all meetings be conducted in accordance with local, state and federal laws 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.

8.1 Agendas

Agenda items for meetings shall be approved by the Board President, in consultation with the Fire Chief, who will thereafter prepare an agenda for each regular, special and emergency meetings of the Board. Directors may contact the Fire Chief to place an item on the Board's agenda one week prior to the Board Meeting.

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board. The request may be made during the public comment portion of any Board meeting, but unless the requirements of the Brown Act can be met, the agenda item may only be added to a future meeting agenda. If the request is made outside of a Board meeting, the procedure is as follows:

- (a) The request must be submitted to the Fire Chief one week prior to the Board meeting.
- (b) The Fire Chief upon consultation with the Board President will determine whether the public request is a "matter directly related to District business". If not, the requesting party shall be advised in writing that the matter will not be placed on the Board's agenda because it does not address District business. If so, it may be placed on the Board's next scheduled meeting agenda.

8.2 Meeting Location

Regular meetings of the Board shall be held at the District Administrative Offices, 1191 Main Street, Half Moon Bay on the fourth Wednesday at a time established by the Board, unless such day is a holiday, in which case the meeting may be held on such alternative business day as designated by the Board or the meeting is cancelled.

Regular and special meetings of the Board may be adjourned to another day by passage of a motion to adjourn which specifies the date, time, and place for the adjourned meeting. Notice of the adjourned meeting shall be given as required by the Brown Act.

The Fire Chief shall insure that appropriate information is available for the audience at meetings of the Board as required by the Brown Act, and that physical facilities for said meetings are functional, appropriate and handicap accessible.

8.3 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 on the District's website,

Administration Office, District fire station #41 and District fire station #44. All meetings are open to the public, except as provided for Closed Sessions authorized by the Brown Act. Notice of all meetings and a copy of the proposed agenda shall be available for public review seventy-two (72) hours prior to the Board's regular meetings, sent to all persons making a written request for same, and 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 is the intent of the Board to encourage attendance and participation at Board meetings by all interested persons and residents of the District.

8.4 Special Meetings

Special meetings require a 24-hour advance notice. Board meeting notices are to be posted at the District's website, Administration Offices, District fire station #41 and District fire station #44. Additionally, news media shall be notified.

Special meetings of the Board may be called by the Board President, the Fire Chief, or by any two Directors.

8.5 Emergency Meetings

Emergency meetings of the Board may be called by the Board President, the Fire Chief, or by any two Directors. The Brown Act defines an emergency as a crippling activity, work stoppage or other activity which severely impairs public health, safety or both. Absent a dire emergency, telephonic notice must be provided to all media outlets requesting notice at least one (1) hour prior to the meeting. In the case of a dire emergency, notice need only be provided at or near the time that notice is provided to the Board. A dire emergency is a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring one-hour notice could endanger the public health and/or safety, as determined by a majority of the Board.

If telephone services are not working, the notice requirements are waived, but a report must be given to media outlets as soon as possible after the meeting. At the conclusion of the meeting, the minutes of the meeting, a list of persons who the legislative body notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted in a public place for a minimum of ten (10) days.

As a general rule, emergency meetings may not be held in closed session, but the Board may meet in closed session for purposes of consulting with law enforcement or security officials if approved by a two-thirds (2/3) vote of the Board.

8.6 Study Session

The Board may be convened as a committee of the whole in the same manner prescribed for the calling of a regular or special meeting for the purpose of holding a study session on

any subject, provided that no official action may be taken at the study session. Such meetings shall be open to the public.

8.7 Quorum

A majority of the seated Board shall constitute a quorum. The affirmative vote of a majority of the seated Board members shall be considered sufficient for action, unless otherwise provided for by law or these Policies. If only enough members are present to constitute a quorum at a given meeting, a unanimous vote is required to approve a motion. When a Director is recused from voting on any matter because of a conflict of interest, such Director shall not be counted to achieve a quorum.

8.8 Public Comments

The Board will permit audience comments relative to a specific motion prior to the final vote of the Board. The Board President may set a time limit for individual comments on a given issue prior to opening public comment for the item.

In order to accomplish the tasks of the Board in an orderly and expeditious manner, the Board President will attempt to limit repetitious testimony and discussion whenever possible so as not to inconvenience those persons bringing business before the Board.

The Board shall provide at all meetings, a public comment time to hear the comments, concerns, and suggestions from its citizens or from visitors with interests in the District.

During Public Comment, any person may address the Board on any subject pertaining to District business not listed on the agenda. Public comments on agenda items should be addressed at the time the agenda item is considered by the Board.

8.9 Board Meeting Conduct

Per the District's adopted Bylaws, the Board President in a manner consistent with the Policies of the District shall act as chair at meetings of the Board. All Board meetings shall commence at the time stated on the agenda and shall be guided by it. The conduct of meetings shall, to the fullest possible extent, enable Directors to:

- A. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and receive, consider and take any needed action to accomplish the District's operations.
- B. Any individual or group may address the Board concerning any item on the agenda but willful disruption of the meetings shall not be permitted. If the Board President finds that there is in fact willful disruption of any meeting, the Board President may order the room cleared to subsequently conduct the Board's business. In such an event, only matters appearing on the agenda may be

considered in such a session. After clearing the room, the Board President may permit those persons who were not responsible for the willful disruption to re-enter the meeting room. Duly accredited representatives of the news media shall be admitted to stay for the remainder of the meeting. Law enforcement may be summoned for security reasons should conditions arise that could potentially bring harm to the public, Board or staff.

8.10 Adjourned Meetings

By a majority vote, the Board may adjourn a Board meeting at any place in the agenda to a time and place specified in the order of adjournment. If a quorum is not present at any special, regular or adjourned regular meeting, the Fire Chief may declare the meeting adjourned to a stated time and place, and he/she, shall cause a written notice of adjournment to be given to the Board and media.

If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. Notice of Adjournment must be posted on or near the door of the place the meeting was held within twenty-four (24) hours after the time of adjournment.

ARTICLE 9: 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 whom the Board President has not first recognized and all questions and remarks shall be addressed to the Board President.

9.1 Authorization of the Board President

The Board President or other officer presiding over the meeting shall have authority to do any of the following:

- (1) Move or second motions, participate in the debate of agenda items and vote on motions before the Board for action.
- (2) Decide all questions of order, subject however to an appeal by any Director to the Board. In the instance of a Director's appeal, a majority vote of the Board shall govern and conclusively determine such question of order.
- (3) Unless determined otherwise by a majority vote, set time limits on communications from members of the public to the Board during the public comment period or during any public hearing, provided such limits are announced at the beginning of the agenda item.
- (4) Set time limits on Board discussion of any agenda item, unless a majority of the Board determines otherwise.

9.2 Decorum and Order - Employees

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

9.3 Conflict of Interest

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. Board members with a conflict of interest shall refrain from participating in the Board's consideration of the item. Such Board members shall recuse themselves and leave the Board chambers during debate and voting on the item.

9.4 Limitation of Debate

Normally a Director should not speak more than once upon an agenda item until every other Director choosing to speak thereon has had an opportunity to speak.

9.5 Dissents, Protests and Comments

Board members shall have the right to express dissent from, or protest on any action of the Board and have the reason entered in the minutes. If such dissenter protest 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...".

9.6 Actions Not Invalidated

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

9.7 Actions

The Board shall 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 are accomplished by "resolutions."

Approved motions shall be recorded simply by an item entry in the minutes of the meeting at which it was approved, and no separate document is required to be made to memorialize it unless a minute order is requested.

9.8 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.

9.9 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.

9.10 Division of Question

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

9.11 Precedence of Motions

When a motion is before the Board, no other 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 on a motion to adjourn "to another time," the motion shall be debatable only as to the time for proposed adjournment.

B. Motion to Table - Not debatable. A motion to table shall be used to temporarily bypass 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 passes, the matter may be taken up again at any time prior to the end of the next regular meeting.

C. Motion to Limit or Terminate Discussion - Not debatable. Motions calling for the question shall be used to limit or close debate on the item, or further amendments to, the main motion. These motions are not debatable. If the motion fails, debate shall be reopened; if the motion to limit or terminate discussion passes, a vote shall be taken on the main motion and/or discussion shall be closed on the item.

D. 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.

E. Motion to Continue - Debatable. Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and the time set.

F. 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 a reconsideration thereof shall be made without unanimous consent to the Board.

G. 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. Any Director may call for a roll call vote on a specific item. 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.' Unless a vote is taken by roll call, the results of the vote including the vote of each Director shall be announced by the Board President or the President's designee prior to taking further action or adjourning the meeting. Abstentions shall be counted as a no vote.

H. Tie Votes. Tie votes shall be considered a no vote or denial.

ARTICLE 10: MEETING MINUTES, PUBLIC RECORDS

10.1 Meeting Minutes

Action minutes of all regular, special and emergency Board meetings shall be maintained in the Administration Office of the District and shall provide for information as required by law and Board policies.

Copies of meeting minutes shall be distributed to Directors with the agenda for the next regular Board meeting; at which they shall be reviewed and approved.

Audio and videotapes of regular, special and emergency meetings shall be kept permanently and reviewed in order to resolve ambiguity, disputes or questions regarding business conducted at prior Board meetings. The approved minutes of the regular, special and emergency meetings 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 contain:

- (a) Date, place and type of each meeting;
- (b) Directors present and absent by name;
- (c) Call to order;
- (d) Arrival of tardy Directors by name;
- (e) 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;
- (f) Board Actions;
- (g) Dissent or protest by Directors;
- (h) A statement that audio and videotapes of the meetings are available for inspection during regular business hours.

10.2 Public Inspection of District's Records

The Clerk of the Board or staff designee shall maintain the District records. These records shall include the following:

- (a) Information as to the Board's deliberations;
- (b) Approved meeting minutes which reflect Board actions including roll call votes on a motion if not unanimous;
- (c) All Board resolutions and ordinances, numbered serially for each fiscal year;
- (d) A record of all contracts entered into;
- (e) A record of all bid procedures, including calls for bids authorized, bids received and other action taken;
- (f) A record by number of all warrants approved for payment;
- (g) Adoption of the annual budget;
- (h) Financial reports, including collections received and deposited and sales of District property shall be presented to the Board every month;
- (i) A record of all correspondence received by the Board;
- (j) A record of the Fire Chief's reports to the Board;
- (k) Approval of all policies and Board-adopted regulations; and

The District recognizes the right of any member of the public to inspect nonexempt public records, in accordance with guidelines established by the California Government Code. The public may request that copies be made or that they be given access to records. If access to District records is requested, examination will be made in the presence of staff responsible for maintenance of the files or staff designated by the Fire Chief. The official minutes of Board meetings, including supporting documents, shall be open to inspection by the public and posted to the District website at the District Administrative Offices during regular business hours.

ARTICLE 11: 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 District Legal Counsel or staff shall prepare the form of the resolution for presentation and approval at the next meeting.

ARTICLE 12: PROCEDURE FOR ADOPTING AN ORDINANCE

Ordinances of the District shall be adopted by the Board pursuant to the applicable provisions of the Government Code.

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/Introduction of 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 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 13: FIRE DISTRICT LEGAL COUNSEL

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



Coastside Fire Protection District

STAFF REPORT

TO: Honorable Board of Directors

FROM: Jonathan Cox, Deputy Fire Chief

DATE: January 24, 2024

SUBJECT: CONSIDERATION AND APPROVAL OF A RESOLUTION AMENDING THE COASTSIDE FIRE BOARD'S POLICY MANUAL REGARDING TELECONFERENCING FOR BOARD AND COMMITTEE MEETINGS

Summary

The Board is asked to consider an amendment to the District Board's Policy Manual to reflect pending legislation regarding requirements for teleconferencing at Board and Committee meetings.

Background and Discussion

Biannually, the Board is asked to review and consider amendments to the District Board's Policy Manual. The Manual contains 13 separate Articles. These Articles are entitled: Purpose Statement; Fire Board of Directors; Powers and Duties of the Fire District Board; Membership of the Fire District Board; Delegation of Board Authority; Fire District Board Policies; Policy Adoption; Changes, Deletions, Additions, Repeal and Review; Methods of Operation of Fire District Board Meetings; Rules of Order During Meetings; Meeting Minutes; Public Records; Procedure For Adopting a Resolution; Procedure for Adopting an Ordinance; and Fire District Legal Counsel. The Manual is meant to act as a comprehensive procedural guide for the Board as it conducts the District's business.

Analysis

Pursuant to the Board's Policy Manual Article 7: Policy Adoption, Changes, Deletions, Additions, Repeal and Review:

The Board's objective in establishing Board Policies will be increased efficiency and effectiveness in carrying out its legally mandated tasks 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 Board meeting on a date or dates selected by the Board and shall appear as an agenda item.

Amendments to the Board Policies shall be accomplished by a majority vote of the Board. The assembled Board Policies, known collectively as the Board Policy Manual, shall be the reference instrument for conducting the business of the Board.

Staff has recently reviewed the Policy Manual and recommends one amendment be made to Article 3: Powers And Duties Of the Fire District Board, Section 3.3 Attendance at Meetings Via Teleconference. The Brown Act, Government Code Section 54950 et seq., governs meetings conducted by the Board and its standing Committees. The Brown Act represents the State Legislature's determination that a balance be struck between public access to meetings and the need for confidential debate by publicly elected and appointed officials. Courts have declared that the purpose of the Act is to curb misuse of the democratic process that could occur if governmental bodies were allowed to operate behind closed doors.

A comprehensive set of procedural requirements found in the Act ensures that the public has access to meetings of public bodies. This is achieved through a requirement that the dates and times of meetings be noticed, and an agenda prepared which contains a brief description of the matters that will be discussed and considered for action at a meeting. The Act also requires that the agenda be posted before the meeting, that the meeting be held in a place that is accessible to the public, and that the public have a right to address the governing body on any topic that is within the jurisdiction of the governing body and on each agenda item.

While the Act creates this broad right of public access to meetings, it also recognizes the legitimate need of governing bodies to conduct specific meetings outside of the public forum. Confidential closed sessions are allowed for limited purposes and those purposes must be disclosed on the public agenda.

For several decades, the Act has allowed members of a governing board to attend meetings by teleconference. As referenced in Section 3.3 of the Board Policy Manual, the Act allows Board members to teleconference if the teleconference location is shown on the agenda, the teleconference location is open and available for members of the public to attend from that location, a majority of the Board is attending from within the jurisdiction of the District, and all votes during the meeting are taken by roll call.

While these provisions in the Policy Manual reflect the Act's provisions regarding teleconferencing, there are a number of bills that have been enacted or are pending in the Legislature which have or may change the regulations regarding

teleconferencing requirements. These changes are being considered given the success of emergency provisions enacted during the Covid-19 pandemic to promote teleconferencing.

Initially during the pandemic, teleconferencing was allowed for all public meetings. This option for attending meetings was received favorably by both elected officials and the public, as it allowed for public meetings of governing boards to be held during the pandemic and for the public to attend those meetings safely. As the Governor's emergency declarations expired, Assembly Bill 2449 was enacted to allow for remote participation by elected and appointed officials in more limited circumstances. That bill allows a member of the governing board to teleconference if she/he has a "just cause" or an "emergency circumstance" which prevents attendance in person. Just cause means that the member or one of their family members has a contagious illness or a mental or physical disability that prevents attendance in person. An emergency circumstance exists if a member of the governing body has a physical or medical emergency that prevents the member from attending in person and the governing body grants permission for the member to participate remotely. The just cause exception can be used only twice a year and the emergency exception for the lesser of 3 consecutive months or 20% of the meetings within a calendar year. AB 2449 is scheduled to sunset January 1, 2026.

There are several bills now pending in the legislature that would, if enacted, make permanent changes to the teleconferencing requirements of the Brown Act as currently shown in the Policy Manual. These potential changes may include the opportunity for members of a governing body to attend more meetings remotely during each calendar year, eliminate the requirement that the teleconferencing location be listed on the agenda, and/or require that public entities provide for continued public teleconferencing at all public meetings. Given these pending bills, staff recommends that the language of Section 3.3 of the Policy be revised to acknowledge that the provisions regarding teleconferencing may be amended by the legislature in the coming months and, unless and until there are different regulations, the current provisions of the Brown Act, as stated in the Policy Manual, will apply to teleconferencing unless an exception currently exists in State law. If new permanent legislation is enacted by the State, staff will return to the Board with suggested amendments to reflect those changes.

Recommendation

Staff recommends that the Board consider and approve the proposed resolution, approving the amendment of Section 3.3 in the Manual.

Attachments:

1) Resolution

Exhibit A: Board Policy Manual

ATTACHMENT 1

RESOLUTION NO. 2024-04

**A RESOLUTION OF COASTSIDE FIRE PROTECTION DISTRICT BOARD OF DIRECTORS
AMENDING THE COASTSIDE FIRE BOARD'S POLICY MANUAL TO REFLECT AMENDMENTS
OF ARTICLE 3 SECTION 3.3, ATTENDANCE AT MEETING VIA TELECONFERENCE**

WHEREAS, the Board Policy Manual, Article 3: Powers and Duties of the Fire District Board, Section 3.3 Attendance At Meeting Via Teleconference, outlines the requirements for teleconferencing of Board members at Board and Committee meetings; and

WHEREAS, the Board has now completed its biannual review of the Board Policy Manual as called for by Article 7: Policy Adoption, Changes, Deletions, Additions, Repeal and Review; and

WHEREAS, during this review the Board was advised that State legislation is pending and may change the requirements in the Brown Act, which allow for teleconferencing as outlined in Section 3.3 of the Policy Manual; and

WHEREAS, the Board wishes to allow for continued teleconferencing under the current provisions of the Brown Act as outlined in the Policy Manual and pursuant to any additional exceptions currently in effect or enacted pursuant to bills now pending in the legislature, if enacted.

NOW, THEREFORE, BE IT RESOLVED, by the Fire Board of the Coastsides Fire Protection District that Section 3.3 of the Policy Manual is amended as shown in Exhibit A.

PASSED AND ADOPTED as a Resolution of the Coastsides Fire Protection District at the regular meeting held on the 24th day of January 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gary Burke, President

ATTEST:

Jonathan Cox, Deputy Chief

EXHIBIT A