



**CENTRAL MARIN SANITATION AGENCY**

**Board of Commissioners'**

**POLICIES**

**Board Approved October 13, 2020**





**CENTRAL MARIN SANITATION AGENCY**  
**Board of Commissioners' Policies**

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<b>POLICY:</b>	<b>#1</b>
<b>SUBJECT:</b>	<b>Board Member and Meeting Decorum</b>
<b>DATE:</b>	<b>10/13/2020</b>

This policy is intended to provide Board members attending CMSA Board and Committee meetings with general guidelines for appropriate and effective meeting behavior, and to clarify decorum expectations.

Board of Commission members are required to act in an objective, responsive, and fair manner, and to demonstrate proper conduct as they promote open public processes at meetings.

### **ATTENDANCE AND PREPARATION**

Commissioners are asked to prepare in advance of meetings, so that the time spent in session is productive and action-oriented.

- Commissioners should review the agenda and packet of materials before each Board meeting.
- If Commissioners have questions or concerns about an agenda item, they should contact the General Manager and/or the Board Chair in advance of the meeting so that the General Manager may be fully prepared to respond to these questions at the meeting or have information to distribute as handouts. Hopefully, advance notice to the General Manager can result in a discussion between the General Manager and a Board member, which will alleviate concerns prior to the meeting.
- Commissioners are asked to be on time to meetings. If a Commissioner will not be attending, he/she should communicate this to the General Manager or Board Chair as soon as possible, and arrange to have his/her Alternate attend.
- If a Commissioner misses two or more meetings in a twelve month period, and does not make arrangements to have his/her Alternate attend in his/her place, a letter will be prepared by the Board Chair and sent to the member agency requesting the appointment of a new representative.

### **DECORUM DURING MEETINGS**

While at meetings, the Commissioners' main duties are to consider problems to be solved, hear facts and points-of-view, make decisions and take action, and to receive and consider reports. To do this effectively, Commissioners are asked to:

- Conduct themselves with dignity and respect.
- Listen attentively and respond as appropriate.
- Avoid hidden agendas, gossip, and other forms of negative interaction.
- Focus on issues rather than personalities.

- Show respect for the decisions that the Board majority makes.
- Be cautious and careful with criticism.
- Make every effort to protect the integrity and promote the positive image of the Agency, and of one another.
- Be careful not to make unsubstantiated accusations, allegations, or verbal attacks on citizens, or fellow Commissioners. Do not criticize or denigrate staff in public or at meetings. Instead, Commissioners should direct any comments regarding staff to the General Manager. Should the comments refer to the General Manager, they should be shared in closed session during the General Manager's performance evaluation.
- Commissioners and staff should not be surprised with new materials presented for the first time at the meeting. Handouts should be distributed to Commissioners and staff well before the meeting and any verbal information should be provided to the Chair and/or General Manager well in advance of a meeting. Where a Commissioner receives relevant information on an agenda item at a time when he/she cannot give advance notice to the Board Chair or General Manager, he/she should provide the information to the Board Chair and/or General Manager prior to the commencement of the meeting or ask for a short break prior to the discussion of the relevant agenda item in order to advise the Board Chair and/or General Manager of the information.
- Board members should neither use Agency resources for their personal use nor request personal favors from staff members.

### **DECORUM AFTER MEETINGS**

- After the Board meeting, Commissioners should communicate any concerns they have with the General Manager. Questions to be posed to Agency staff should be as specific as possible, through the General Manager.
- Commissioners do not directly discuss matters with Agency Counsel. Matters that need to be brought before the Agency's attorney should first be discussed with the General Manager or the Board Chair.
- When speaking to the press or otherwise publicly sharing personal opinions, Commissioners will respect the decisions of the Board and will not undermine its decisions. Commissioners seek to make every reasonable effort to protect the integrity and promote the positive image of the Agency and of one another. The General Manager and/or the Chair are the official representatives of the Agency when speaking to the public.
- Commissioners shall maintain confidentiality in matters dealing with private or sensitive issues, particularly those matters addressed in closed session. Any materials distributed in closed session should not be retained by Commissioners, and should be handed back to staff at the close of the meeting.

<b>POLICY:</b>	<b>#2</b>
<b>SUBJECT:</b>	<b>Compensation Policy for Agency Officials</b>
<b>DATE:</b>	<b>10/13/2020</b>

## **MEETING STIPENDS**

### **I. General**

Consistent with Health and Safety Code section 6489 and Water Code section 20201, which provide for Commissioners to receive compensation for attendance at meetings or for a day's service rendered as a Commissioner, Commissioners receive a daily meeting stipend for each day's attendance at meetings and other qualifying events, as defined in this policy. Such compensation is in addition to any reimbursement for meals, lodging, travel, and expenses consistent with this policy.

### **II. Stipend Amount**

Commissioners or Alternates in the place of Commissioners who attend qualifying meetings/events as defined in Section III shall receive \$225.00 as their daily stipend. Should the Commission raise the stipend amount in the future, it shall be adjusted by passing an ordinance pursuant to the Health and Safety Code section 6489 (b), which allows for such an increase in stipend by ordinance, without the need to amend this policy.

### **III. Meetings and Service Subject to the Daily Stipend**

For a Commissioner or Alternate to be entitled to a daily stipend under this policy, the event in question must constitute one of the following:

- A. A "meeting" of the Agency Board as that term is defined in Government Code section 54952.2(a); i.e., a "congregation of a majority" of the Commissioners "at the same time and location, including teleconference location" to hear or discuss any item that is "within the subject matter jurisdiction" of the Commission.
- B. Standing and ad hoc Board Committee meetings.
- C. A conference or organized educational gathering open to the public that "involves a discussion of issues of general interest to the public or to public agencies of the type represented" by the Board, as described in Government Code section 54952.2(c)(2), including ethics training required by Government Code section 53234 et seq.
- D. A meeting of any multi-jurisdictional governmental body on which the Commissioner serves as the Agency's designated representative.
- E. Any meeting attended or service provided on a given day at the formal request of the Board and for which the Board approves payment of a daily meeting.

### **IV. Aggregate Limits**

The number of days for which a Commissioner receives a daily stipend will not exceed four days in a calendar month or state law, whatever is less.

- The stipend amount is for all meetings in a given day. Multiple meetings in one day do not justify multiple stipend payments.

**V. Policy Review**

The Board will review this policy every two years and consider making adjustments or revisions, as appropriate.



<b>POLICY:</b>	<b>#3</b>
<b>SUBJECT:</b>	<b>Board Meeting Noticing and Recording</b>
<b>DATE:</b>	<b>10/13/2020</b>

## **PURPOSE**

This policy is intended to provide CMSA staff, Commissioners and their Alternates, and the public with the general requirements and guidelines for noticing and recording the CMSA Board of Commissioner meetings consistent with the Brown Act (California Government Code Section 54950 et seq). Recording includes meeting minutes and the audio and video recording of meetings.

## **BOARD MEETING NOTICING**

Board meeting agendas are posted outside the CMSA offices, near the front gate, at 1301 Anderson Drive. The agenda is also posted on the Agency website ([www.cmsa.us](http://www.cmsa.us)). The website posting includes the entire agenda packet. The agenda and staff reports are available in the CMSA administrative office for review.

Posting for regular, special, and emergency meetings shall comply with Brown Act requirements.

## **BOARD MEETING MINUTES**

### **I. General**

The Agency's Administrative Specialist or other staff member as designated by the General Manager shall take and maintain minutes for each regular, special, and/or emergency meeting of the CMSA Board of Commissioners. The minutes are an official record of the Board meeting.

Minutes will not be taken for Board Committee meetings, unless required by the Brown Act or other state law.

### **II. Minutes - Form and Content**

Meeting minutes shall be in an action/summary format and shall contain the following information:

- A. Meeting location
- B. Meeting commencement time and adjournment time
- C. Board Members in attendance and absent
- D. Staff in attendance
- E. Public in attendance who sign-in on the meeting sign-in form
- F. Brief staff overview of each agenda item
- G. Board action and vote for each agenda item, if applicable; the Aye, No or Abstain vote of each Board member shall be recorded
- H. Board direction to staff for each agenda item, if applicable

I. Identification of public speakers for each agenda item

The minutes shall not contain a narrative advanced by each Board member during the meeting. Staff will summarize Board comments and questions, and staff responses to Board questions for each agenda item that influence Board direction or action. The minutes shall note the general nature of public comments and questions.

**III. Approval of Minutes**

Staff shall prepare minutes for each regular, special, and/or emergency Board meeting and place the minutes on the consent calendar for approval at the next Board meeting.

Any Board member who has comments on the minutes shall provide his/her comments to the Board during the Board meeting where the minutes are set to be approved. The Board will either accept the member's comments/clarifications into the minutes or reject the member's comment/clarifications if the Board votes that the proposed minutes do not need such clarification or change. The Board may also direct staff to review the audio recording of the subject meeting, make any necessary corrections, and bring the revised minutes to the Board at the subsequent meeting for approval.

**IV. Maintenance of Minutes**

Staff will place and store a hard copy of the approved minutes of each Board meeting in the Agency's administrative building vault. An electronic copy shall be placed in the Agency's intranet, and on the Agency website for public viewing and downloading.

**V. Public Access to Minutes**

Meeting minutes are public records and shall be accessible for public viewing and provided to the public upon request. If a copy of the minutes is requested by a member of the public, staff will either email (PDF) or fax the minutes, or prepare a hard copy for public pickup at the Agency's office.

**AGENCY AUDIO AND VIDEO RECORDING OF BOARD MEETINGS**

Staff intends to record each regular, special, and/or emergency meeting of the CMSA Board of Commissioners using digital audio and video recorders. The audio and video recordings are considered an official record of the meeting proceedings.

**I. Recording Protocol**

The recording devices shall be started at the beginning of the Board meeting when the Board Chair calls the meeting to order, and shall be turned off when the meeting is adjourned by the Board Chair. The devices shall also be turned off during meeting breaks and during closed session discussions.

Any accidental audio or video recording of discussions before, after, or during a break or during a closed session shall be deleted from the official recording prior to placing the recording in storage, posting it on the Agency website, or providing it to Board members or the public.

## **II. Audio and Video Recording Storage**

All recordings of Board meetings will be stored in the Agency's administrative building vault or long-term storage area, as determined by staff. Staff must keep at least one year's recordings on the Agency intranet before placing in storage.

## **III. Public Access to Audio and Video Recordings**

Meeting recordings are public records and shall be provided to the public upon request. Audio and video records will be posted to the Agency's website within two weeks of a Board meeting, and kept on the website indefinitely.

Staff will provide members of the public with a copy of a requested recording for the cost of reproduction. The minimum fee for providing a physical copy of the recording is \$5.00.

## **PUBLIC VIDEO RECORDING OF BOARD MEETINGS**

Video recording of Board meetings shall be performed in a manner that is safe, non-disruptive, non-intimidating, and respectful to the Board, staff, and the public, and shall conform to the requirements outlined below.

### **I. Video Recording Location**

The location for video recording of Board meetings by the public, using either traditional tripod mounted or non-battery powered video recorders, is in the back row of the public seating area opposite the Board room entrance door. Meeting attendees using handheld battery powered recording devices (PDA, camera phone, digital recorder, etc.) may film the meeting proceedings from their seat.

### **II. Public Video Recording**

Public video recording shall not be an official record of Board proceedings on the grounds that: (1) Agency personnel did not conduct the recording; and (2) there is no assurance that the video has not been edited.



<b>POLICY:</b>	<b>#4</b>
<b>SUBJECT:</b>	<b>Reimbursement for Travel/Expenses for Commissioners</b>
<b>DATE:</b>	<b>10/13/2020</b>

### **AUTHORIZED EXPENSES**

- I. Agency funds, equipment, supplies, and staff time must be used only for authorized Agency business.

Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- A. Communicating with representatives of regional, state, and national governments on Agency adopted policy positions;
- B. Attending educational seminars designed to improve Commissioners' skill and information levels;
- C. Participating in regional, state, and national organizations whose activities affect the Agency's interests;
- D. Attending local events or meetings on behalf of the Agency;
- E. Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.

All other expenditures require prior approval by the Agency's governing body.

- II. Commissioners must receive prior approval by the Board for attendance at conferences, trainings, or meetings that require overnight travel.

- III. Examples of personal expenses that the Agency will not reimburse include, but are not limited to:

- A. The personal portion of any trip;
- B. Political or charitable contributions or events;
- C. Family expenses, including a partner's expenses when accompanying a Commissioner on Agency-related business, as well as children-or pet-related expenses;
- D. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- E. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance, or gasoline; and
- F. Personal losses incurred while on Agency business.

- IV. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

## **COST CONTROL**

To conserve Agency resources and keep expenses within reasonable standards for public officials, expenditures should adhere to the following guidelines.

### **I. Transportation**

The following transportation modes may be used for the purposes of traveling on Agency business:

- A. Air -- Allowance for air travel will be reimbursed only for the actual round-trip air fare to the airport nearest to the conference location. Coach or tourist class accommodations shall be utilized when traveling by commercial airline. The Agency will reimburse the Commissioner for the cost of one personal baggage fee each way.
- B. Personal Vehicle -- For personal vehicle use, mileage is reimbursed at the rate currently established by the Internal Revenue Service.
- If the use of a personal vehicle is selected over air travel, the limit of reimbursement is based on the lesser of the calculated mileage or current air fare cost to the destination airport.
- C. Rental Car -- Rental cars, public transportation, taxi services, and ridesharing services may be used as needed at destination locations. The lowest cost alternative should be selected.
- D. Other Transportation Expenses -- Expenses for parking, bridge tolls, and other related transportation expenses are authorized, and the receipts shall be attached to the Travel Expense Report in order to obtain reimbursement. No receipt is required for reimbursement of bridge tolls. Long-term parking must be used for travel exceeding 24-hours.

### **II. Lodging**

Expenses will be allowed for lodging at the single-room rate for authorized overnight travel. The approved rate will be based on the conference-sponsoring hotel single-room rate, when applicable.

Commissioners shall be responsible for all cost differentials for partner/family member accompanying the Commissioner if the actual room rate exceeds the conference single room rate.

Meals or other charges on the hotel bill will be charged to the per diem amount. All receipts must be retained for payment or reimbursement.

When a lodging bill includes meals or other charges which exceed per diem rates, the Commissioner is liable for the amount that exceeds the lodging and per diem allowance as set forth in this policy.

### III. Meals and Incidental Expenses

The Agency will provide a per diem amount per Financial Policy #541 - *Travel, Training and Other Business Expense Reimbursements*, to cover meals, gratuities, and incidental expenses.

Meals provided by a conference in which a Commissioner participates will be subtracted from the overnight travel per diem rate.

Commissioners may be advanced the per diem amount upon request.

### IV. Daily Travel

#### A. Meal allocations

Meal allocations for travel where no overnight stay is required, and the meals are not provided by the registration fee, will be based on the Agency per diem limits established each calendar year.

#### B. Registration Fees

Generally, the Agency will pre-pay registration fees for approved seminars and conferences prior to the date of the event. If a Commissioner pays for registration, the receipt is to be attached to the Travel Expense Report form.

#### C. Other Expenses

Expenses not allowed above are NOT reimbursable. In no event shall expenses incurred by a non-Agency employee be reimbursed by the Agency.

#### D. Phone/Fax/Internet

Commissioners will be reimbursed for actual phone, fax, and internet expenses incurred on Agency business. Telephone bills should identify which calls were made on Agency business.

### PER DIEM ADVANCE POLICY

- I. From time to time, it may be necessary for an official to request a per diem advance to cover anticipated expenses while traveling or doing business on the Agency's behalf. Such request for an advance must be submitted to the General Manager on the Agency's Per Diem Advance Request Form prior to the need for the advance.
- II. In the event the General Manager is uncertain as to whether a request complies with this policy, such individual must seek resolution from the Commission.

### EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE

- I. All cash advance expenditures, credit card expenses, and expense reimbursement requests must be submitted on a Travel Expense Report provided by the Agency.
- II. Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official

should explain whose meals were purchased, what issues were discussed, and how those relate to the Agency's adopted legislative positions and priorities.

- III. Commissioners must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense.
- IV. Inability to provide such documentation in a timely fashion may result in the expense being borne by the Commissioner.

### **AUDITS OF EXPENSE REPORTS**

All expenses are subject to verification that they comply with this policy.

### **REPORTS TO GOVERNING BOARD**

Following attendance at a meeting/conference at Agency expense, each official shall briefly report on the meeting/conference at the next regular meeting of the CMSA Board of Commissioners. If multiple officials attended, a joint report may be made.

### **COMPLIANCE WITH LAWS**

Commissioners should keep in mind that some expenditures may be subject to reporting under the Political Reform Act. All Agency expenditures are public records subject to disclosure under the Public Records Act.

### **VIOLATION OF THIS POLICY**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) a demand for restitution to the Agency, (3) the Agency's reporting the expenses as income of the elected official to state and federal tax authorities, (4) civil penalties of up to \$1,000.00 per day and three times the value of the resources used, and (5) prosecution for misuse of public resources.



<b>POLICY:</b>	<b>#5</b>
<b>SUBJECT:</b>	<b>Commissioners' Response to Queries Raised by Members of the Public</b>
<b>DATE:</b>	<b>10/13/2020</b>

This policy is intended to provide Commissioners and their Alternates with general practice and guidelines for responding to questions and comments made by members of the public during Board meetings.

### **GENERAL**

The Agency Board of Commissioners encourages the public's presence and participation at their meetings, and promotes fair and open public processes. The opinions and input shared by members of the public are valued and considered in the decisions made by the Board, and the Commission seeks to have the public's questions answered.

During open time for public expression, the Board will not discuss or take action but Commissioners may briefly respond to statements made or questions proposed by the public, ask for clarification from staff, refer the matter to staff, or request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Public questions made during an agenda item are noted by the Commission Chairperson and the General Manager. At the close of public comments on the item, the Chair will direct staff to either address the questions or issues that have been posed, or ask the member of the public to contact staff following the meeting to obtain the required information. The nature of the questions posed are recorded in the minutes, pursuant to Board policy #3, *Board Meeting Noticing and Recording* for the public record.

Comments posed by members of the public are noted and a brief synopsis identifying the topic related to the comments is included in the minutes. Speakers are asked to identify themselves for the record.



<b>POLICY:</b>	<b>#6</b>
<b>SUBJECT:</b>	<b>Access to Public Documents</b>
<b>DATE:</b>	<b>10/13/2020</b>

### **GENERAL**

The Agency has an administrative procedure, *Public Records Act Requests*, which provides clear guidance to staff and Commissioners regarding providing the public with access and copies of public documents. It is the Agency's intention to provide the public with available information and records, except those that are related to legally protected confidential, personnel, or medical matters.

### **SPECIAL CONSIDERATION**

Commissioners often have access to materials that are provided in closed session. These materials are not part of the public record and are considered confidential. Commissioners will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board. This includes information that (1) has been received for, or during, a closed session Board meeting, as compliant with the Brown Act, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or as compliant with the Brown Act, or (3) is not disclosable under the California Public Records Act.



<b>POLICY:</b>	<b>#7</b>
<b>SUBJECT:</b>	<b>Establishing and Using Committees</b>
<b>DATE:</b>	<b>10/13/2020</b>

## **GENERAL**

This policy is intended to provide CMSA staff, Commissioners and their Alternates, and the public with information regarding the general practice of establishing and utilizing committees.

This Policy shall establish that the CMSA Board shall form standing and ad hoc committees on an as-needed basis. The composition of the committees shall be normally established at the beginning of the fiscal year. Both standing and ad hoc committees are advisory in nature. They present their findings on a subject matter with a recommendation to the full Board for consideration. Standing and ad hoc committees shall adhere to Board policies while conducting their business including the Board Decorum Policy.

## **EVALUATION COMMITTEE**

An Evaluation Committee shall be comprised of the Chair and Vice-Chair of the Agency's Board of Commissioners. Such composition will be determined at the commencement of each fiscal year with the nomination and appointment of the Board's officers.

The purpose of the Evaluation Committee is to meet with the General Manager prior to the annual performance evaluation to discuss the status of the Board approved workplan, initiatives for the next evaluation year, and salary, benefits, terms and conditions of employment and other provisions of the General Manager's employment agreement. The Evaluation Committee shall provide recommendations to the Board and receive direction from the Board as to any adjustments to the aforementioned contract items with the General Manager.

## **STANDING COMMITTEES**

A Standing Committee is a committee established by the Board that has a continuing subject matter jurisdiction or a meeting schedule fixed by Ordinance, Resolution, or other formal action by the Board. A Standing Committee is a legislative body for purposes of compliance with the Brown Act.

The Board of Commissioners shall have a Standing Finance Committee. The Finance Committee may contain a quorum of the Board, does not have a regular schedule, and meets irregularly on an as-needed basis. The Standing Finance Committee will provide recommendations to the Board on appropriate financial topics designated to them. The composition of this committee shall be determined by the Board of Commissioners near the beginning of each new fiscal year.

The meetings of the Standing Finance Committee shall be open to the public in compliance with the Brown Act and shall comply with the provisions of the Brown Act.

## **AD HOC COMMITTEES**

From time to time, the Agency's Board will determine the need for the establishment of ad hoc committees. These committees are formed for the specific purpose of addressing special issues or items that will come under consideration of the Board in the future.

An ad hoc committee is formed by either the election or voluntary assignment of Commissioners to the committee. The group shall be comprised of Commissioners representing two or three of the JPA member agencies, and at least one Agency staff person. Ad hoc committees do not have a regular schedule and meet irregularly only on an as-needed basis. Upon the establishment of an ad hoc committee, the Board or the Agency's general counsel will determine whether the committee is subject to the requirements of the Brown Act (California Government Code § 54952).