



# NORTH COUNTY FIRE PROTECTION DISTRICT

## POLICY AND PROCEDURE MANUAL

GOVERNANCE  
BOARD OF DIRECTORS

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### BOARD OF DIRECTORS OPERATIONS

#### 1.0. **PURPOSE:**

- 1.1. The purpose of this policy is to supplement State law and to provide specific rules for the actions of the Board of Directors of the North County Fire Protection District of San Diego County, by a means which is fair, fiscally conservative and protective of the interest of the people served by the North County Fire Protection District.

#### 2.0. **POLICY:**

- 2.1. It is the policy of the North County Fire Protection District to form, organize and maintain a Board of Directors for the purposes of governing the provision of services to the citizens served by the North County Fire Protection District. This governing body shall function as prescribed in the Fire Protection District Law of 1987 and other applicable state laws. The Board will maintain an official policy from which the North County Fire Protection District shall be organized and operated.

#### 3.0. **INTENT:**

- 3.1. The provisions of these policies and proposals are to assist the Board of Directors of the North County Fire Protection District as they administer and represent the business and affairs of the North County Fire Protection District. It is the intent and purpose of this directive to help clarify and define the responsibilities of the elected officials (Directors) of the North County Fire Protection District.

#### 4.0. **PROCEDURE:**

##### 4.1. **BOARD ORGANIZATION:**

- 4.1.1. The Board shall be comprised of a five (5)-member electorate, consisting of a President, a Vice President and three Board Members. The Board shall appoint a Secretary, who shall be a permanent employee of the District. The Board may designate Counsel, who serves at the pleasure of the Board.

##### 4.2. **GENERAL DUTIES OF THE DIRECTORS:**

- 4.2.1. Duties shall be legislative and the Board shall formulate and adopt policy for the administration operation of the Fire District.



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- 4.2.2. Conduct District business for the public benefit, abiding by the "Open Meeting Law" court decisions and Attorney General Opinions concerning the requirements for open meetings of governmental agencies in California.
- 4.2.3. Exercise sound judgment in business efforts of the District.
- 4.2.4. Deal always in an ethical, honest, straightforward, open and above board manner with the community, the Fire Chief/CEO and the Department Staff.
- 4.2.5. Take legal action when required by law.
- 4.2.6. Review and approve a budget annually. They shall provide within budget limitations, adequate personnel, approve new positions as required and ratify or reject the appointment of all personnel on recommendation of the Fire Chief/CEO.
- 4.2.7. Employ a competent, professional person as Fire Chief/CEO who will administer, direct and supervise District Operations.
- 4.2.8. Act collectively and not individually involve themselves in the day-to-day operation of the fire department. They shall function as a Board rather than as individuals to adopt policies for guidance of the Board and Staff.
- 4.2.9. Keep the Fire Chief/CEO informed of community reaction to the fire department's services and assist in building positive community relations.
- 4.2.10. Represent the District at public hearings that pertain to the District as necessary.
- 4.2.11. Study ways of improving the District and the services the Department provides.
- 4.2.12. It is the duty of the President or his designee to call a workshop meeting prior to the first General Meeting after elections. This is to benefit the newly elected Directors and acquaint them with the California State Health and Safety Code, District Policies, the Brown Act (Open Meeting Laws) and the current annual budget.



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#### 4.3. ELECTIONS AND TERMS:

##### 4.3.1. SELECTION OF A CHAIRPERSON:

4.3.1.1. Should a Director desire to serve as an officer he/she has the responsibility to express such desire to the rest of the Board.

4.3.1.2. It is desirable that directors take turns as Chairperson.

4.3.1.3. The Board shall not have a "lock step" rotation system for selecting Chairpersons.

4.3.1.4. An officer may be removed from office by a 4/5 vote of the Board (4 out of 5 members).

4.3.2. ELECTIONS: At the first meeting following the election or appointment of new Director(s) and at the last scheduled meeting of the calendar year (during a non-election year), the Board shall elect a President and Vice President and appoint a Secretary to serve until the election of his or her successor. Assumption of the Board Officer positions is effective immediately and the newly elected Board President shall preside over the remainder of the meeting. Upon the occurrence of a vacancy, the Board shall fill such vacancy in accordance with the law (Health and Safety 13852). An interim election may be held upon the written request of the majority of the Directors in office at the time.

4.3.3. SEATING OF NEW DIRECTORS: The term of office of newly elected Directors shall begin at 12:00 A.M. of the first Friday of December following their election. Newly elected Directors shall be sworn-in as the first order of business during the regular December meeting of the Board.

4.3.4. TERM OF OFFICE: Once elected, Board Officers shall serve in their nominated position for a one-year term. Board Officers may be removed from a Board Officer position by a 4/5 vote of the Board (4 out of 5 members).

#### 4.4. BOARD SECRETARY:

4.4.1. The Board shall appoint a Board Secretary, who shall be a permanent employee of the District. The Board Secretary shall attend each meeting of the Board and maintain a record of all proceedings thereof as required by law.



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- 4.4.2. If the Board Secretary cannot attend a meeting, the President or the Fire Chief/CEO shall arrange to have someone in attendance to properly record the Board's proceedings.
- 4.4.3. The Board Secretary is responsible for signing all legal documents and affixing the District Seal as required.
- 4.4.4. The Board Secretary is responsible for the publication of legal notices, appropriate action and certification and filing of documents, e.g., budgets, election reports, audits, resolutions and other legal documents.
- 4.4.5. The Board Secretary is responsible for receiving and answering all Board correspondence as directed by the President or his designee.

#### 4.5. MEETINGS:

- 4.5.1. **TIME AND PLACE:** The regular meetings of the Board of Directors shall be held on the fourth Tuesday of each month. Except as otherwise provided in this section, the regular meetings shall commence at the hour of 5:00 P.M., at the location designated by the Board at the board meeting at the beginning of each Administrative year. The Board shall provide by resolution, ordinance, bylaws or by whatever other rule is required for the conduct of business, a time and place for holding regular meetings.
- 4.5.2. **ADMITTANCE:** All meetings are open to the public. Closed Sessions may be held as permitted by the Ralph M. Brown Act. Such Closed Session matters are not conducted in public.
- 4.5.3. **SPECIAL MEETINGS:** Special meetings of the Board of Directors may be called in the manner provided by state law. Special meetings in the form of workshops and study sessions may be called to implement policy, study budget, study salaries or other areas that pertain to the District which are open to the public.
- 4.5.4. **ATTENDANCE:** Each member shall be in his or her respective seat at the hour set for each regular meeting and at the time set for any adjourned or special meeting. Any member not present when the Board is called to order shall be designated in the minutes as absent. If a member arrives after a meeting convenes, the recording secretary shall note his or her arrival in the minutes. The Fire Chief/CEO or his designee shall attend all regular and special meetings of the Board unless otherwise specified by the Board.



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4.5.5. **ABSENCES:** If any member of the Board is unable to attend a meeting, the Board member shall, if possible, notify the Board President or the Board Secretary prior to the meeting and advise the reasons therefore.

#### 4.6. AGENDA:

4.6.1. **POSTING:** The agenda shall be posted in the front public display case at the main entrance to the Headquarters Fire Station seventy-two (72) hours prior to regularly scheduled meetings, special meetings and Finance Committee meetings or as required by the Board. Copies of the agenda shall be made available to the public at the Board Meeting.

4.6.2. **DISTRIBUTION:** Any writings given to a majority of the Board must be made available to the general public so long as those writings are public records. If these writings are distributed to members of the Board before the meeting, such writings must be made available to the public before the meeting. By the same token, any writings distributed to the Board during the course of the meeting must also be made available to the public at that time and will comply with the Government Code. The major exception to the obligation to provide the public with access to any writings distributed to members of the Board, are those that deal with matters properly discussed in closed sessions or protected under the Government Code; those are to remain confidential. Nothing in this law prevents the Board from charging a fee or deposit for a copy of public records pursuant to the Government Code.

4.6.3. **CONTENT:** The agenda shall include those matters, complete with pertinent department papers, reports and supporting documentation relating to each matter, addressed to the Board for action.

4.6.3.1. A brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, shall be included.

4.6.3.2. All agendas will contain the notice to disabled individuals regarding how to obtain assistance in compliance with the Americans with Disabilities Act, using the following language:

**Note:** This agenda was posted at the entrance of North County Fire Protection District, Fallbrook Public Utility District and Roy Noon Meeting Hall on June 22, 2006 (specific date). The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, District business. If you need assistance to participate in this meeting, please contact the District Office 24 hours prior to the meeting at (760) 723-2012."



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- 4.6.4. **ORGANIZATION:** The agenda shall list the items for the Board's consideration by number with a brief statement of the subject matter for each of the items. The agenda may include suggested actions or recommendations. The business of each regular meeting of the Board shall be in the order as printed on the agenda or as directed by the President of the Board.
- 4.6.4.1. Meeting called to order;
  - 4.6.4.2. Public Activities Agenda with Comment Period for Non-Agendized Items;
  - 4.6.4.3. Amend agenda, if necessary;
  - 4.6.4.4. Consent Items, including:
    - 4.6.4.4.1. Approval of Minutes and
    - 4.6.4.4.2. Financial Report;
    - 4.6.4.4.3. Approval Policies and Procedures
    - 4.6.4.4.4. Quarterly Staff Reports;
  - 4.6.4.5. Action Items;
  - 4.6.4.6. Discussion Items;
  - 4.6.4.7. Legal Report;
  - 4.6.4.8. Written Communications;
  - 4.6.4.9. News Articles;
  - 4.6.4.10. Staff Comments;
  - 4.6.4.11. Board Comments;
  - 4.6.4.12. Bargaining Groups Comments;
  - 4.6.4.13. Public Comments;
  - 4.6.4.14. Such other business as is necessary so that the Fire District can perform its functions as required by law;
  - 4.6.4.15. Closed Session, if required; and
  - 4.6.4.16. Adjournment.
- 4.6.5. **DEADLINE:** **The deadline for receiving agenda items shall be 4:00 P.M., the second Friday of the month.** The only exception is matters of an exigent nature which require immediate Board action. Under such circumstances, items may be added to the Action Agenda upon unanimous consent of the presiding quorum.



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#### **GENERAL RULES OF CONDUCT:**

- 4.6.6. **COMMITTEES:** It shall be the responsibility of each member of a Committee, appointed by the Board, to be fully informed concerning the business assigned to it by the Board. Each Committee shall promptly perform tasks assigned to it and report to the Board such information and recommendations as shall be necessary or proper. The Board President shall appoint standing and Ad Hoc Committees as deemed necessary.
- 4.6.6.1. **MEMBERSHIP:** The Board President will appoint those members necessary to carry out the goals and objectives of the specific Committee. This may consist of any combination of parties in accordance with the Brown Act.
- 4.6.6.2. **DURATION:** Terms of membership on standing Committees (i.e. [Finance](#)) shall be for at least a one-year term. There is no maximum term. Membership on Ad Hoc Committees shall be for the duration of the Committee. Ad Hoc Committees function for a limited duration and specified purpose. Standing Committees shall publish their agenda and provide notice in the same manner as the Regular Board Meetings.
- 4.6.6.3. **FUNCTION:** Committees shall act on behalf of the Board as a whole and shall make recommendations and regular reports to inform the Board as well as receive direction from the Board.
- 4.6.7. **ORDINANCES/CONTRACTS:** No ordinance or contract shall be presented to the Board for action which has not been approved as to form and legality by counsel.
- 4.6.8. **SAFETY:** Unless addressing the Board, or entering or leaving the Boardroom, all persons in the audience shall remain sitting in the seats provided (to the extent that seating is available). It is the Board's intent to accommodate all persons who wish to attend open public meetings.
- 4.6.9. **DEMONSTRATIONS:** All demonstrations, including cheering, yelling, whistling, hand clapping and foot stomping are prohibited.
- 4.6.10. **SMOKING:** Smoking is prohibited in the Board meeting room.



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4.6.11. **PUBLIC ADDRESSING OF BOARD ON NON-AGENDA ITEMS:** Persons desiring to address the Board on any matter not listed on the agenda shall make arrangements to be on the calendar in advance with the President of the Board through the office of the Board Secretary.

4.6.12. **PUBLIC HEARING PROCEDURES (APPEALS):** Procedures at hearings shall be as follows:

- 4.6.12.1. Staff presentation/recommendations;
- 4.6.12.2. Questions of the staff in support;
- 4.6.12.3. Individuals speaking in support;
- 4.6.12.4. Individuals speaking in opposition;
- 4.6.12.5. Individuals speaking in concern;
- 4.6.12.6. Rebuttal (if any);
- 4.6.12.7. Public input (if any);
- 4.6.12.8. Board discussion and disposition (vote).

4.6.13. **SUSPENSION OF RULES:** Except as otherwise provided by law, any procedural rule contained in this policy may be suspended or changed by order.

#### 4.7. **OFFICIATION:**

4.7.1. **OFFICIATING AND LINES OF SUCCESSION:** The President when present, shall preside at all meetings of the Board, shall take the chair at the hour appointed for every Board meeting and immediately call the members to order, and except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed in these rules. In the absence or unavailability of the President, the Vice-President shall act as President. In the absence of the Vice President, the most senior Board Member shall preside.

4.7.2. **POWERS AND DUTIES:** The President shall possess the powers and perform the duties prescribed as follows:

4.7.2.1. Have general direction over the Boardroom and assign seats for the use of the Board members and members of the staff, if required:

- 4.7.2.1.1. Preserve order and decorum; prevent demonstration; order removal from the Boardroom any person whose conduct is deemed objectionable; and order the Boardroom cleared whenever the President deems it necessary.



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- 4.7.2.1.2. Limit the amount of time that a person may address the Board during a public comment period to accommodate those persons desiring to speak and to facilitate the business of the Board. Public comments should be limited to three minutes per speaker.
- 4.7.2.1.3. Allocate equal time to opposing sides insofar as possible, taking into account the number of persons requesting to be heard on any side.
- 4.7.2.1.4. Other powers as may be prescribed by the Board.
- 4.7.2.1.5. The President shall be the official spokesperson for the Board, unless the Board selects another person.

#### 4.7.3. **RECORDING OF INFORMATION:**

- 4.7.3.1. All open sessions of the Board meetings shall be tape recorded in their entirety. The tapes will be destroyed after the minutes have been approved, but no sooner than thirty (30) days after the Board meeting.
- 4.7.3.2. Minutes shall be taken by the Board Secretary which summarize:
  - 4.7.3.2.1. Synopsis of the Board discussion on items presented;
  - 4.7.3.2.2. Action taken, with a recordation of motion noting name of each person making and seconding motion;
  - 4.7.3.2.3. Action taken, with a recordation of voting by name on each motion where a roll call vote is required;
  - 4.7.3.2.4. Specific information requested by the Board to be entered into the minutes.

#### 4.7.4. **CONTROL OF DISTURBANCES:**

- 4.7.4.1. The President shall order removed from the Boardroom any person who disrupts any regular or special meeting of the Board.



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- 4.7.4.2. Any person so removed shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon motion adopted by a majority vote of the Board.
- 4.7.4.3. The exception to the right of the public to attend all meetings of the Board applies to those who attempt to disrupt the conduct of the meeting. In the event that any meeting is willfully disrupted, by a group or groups of persons, that renders the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willingly interrupting the meeting, the Board may order the meeting room cleared and continue in session. However, only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press and other news media, except those participating in the disturbance shall be allowed to attend any session held pursuant to this exception.
- 4.7.5. **INTRODUCTION OF NON-AGENDA ITEMS:** Any Board member intending to introduce a special item not contained in the agenda shall deliver a copy of such items to each Board member. Items may not normally be added to the agenda unless the item(s) in question are of an exigent nature and in such cases the addition of the specified item(s) must occur with unanimous approval of the presiding quorum.
- 4.7.6. **ORDER OF SPEAKING:** When any Board member wishes to speak, the Board member shall address the President. The President shall name the member who is first to speak and speakers shall confine their remarks to the questions under debate and avoid personalities. The President may elect not to recognize a Board member to speak again until all other members have had an opportunity to be heard.
- 4.7.7. **RULES OF PROCEDURE AND CONDUCT:** Meetings and Committee meetings shall be conducted in accordance with the Brown Act, the Fire Protection District Law of 1987 and this policy. Should the point of order in question not be addressed in these documents, the President shall take the following actions (in order):
- 4.7.7.1. Refer to Roberts Rules of Order, Revised edition;
- 4.7.7.2. Ask for a motion and vote to rule on the point of order;
- 4.7.7.3. Rule on the point of order.



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#### 4.7.8. **MOTIONS:**

4.7.8.1. Any action taken by the Board shall be initiated by a motion or introduction of a resolution or ordinance.

4.7.8.2. A second on the motion is required.

4.7.8.3. The President shall be allowed to make motions.

4.7.8.4. The Secretary shall record the names of those making and seconding motions.

4.7.8.5. Once the President calls for remarks on a motion, the member making the motion is entitled to speak first. The President shall recognize speakers before the make their remarks.

4.7.8.6. Secondary motions pertaining to the main motion may be introduced before the main motion is voted. The last motion stated, shall be the first pending motion and the main motion shall be voted upon last.

4.7.8.7. A motion to amend must have the approval of the person making the original motion or a majority vote of the Board. An amendment to a motion may only be amended once.

4.7.9. **MOTIONS TO RECONSIDER:** Except in the case of specific agenda items requiring a noticed public hearing, the Board may reconsider any vote taken at the same session to correct an inadvertent error or consider new information not available at the time of the vote. A motion to reconsider requires a majority vote (3/5) prior to being reconsidered.

4.7.10. **ITEMS PREVIOUSLY VOTED UPON:** Unless an emergency situation exists, an item which has been voted on by the Board will not be brought back to the Board for consideration for a minimum of one year, without approval of the majority of the Board.

4.7.11. **MOTIONS TO RESCIND, REPEAL, OR ANNUL ACTIONS TAKEN AT PREVIOUS MEETINGS:** Such actions may be carried out by:

4.7.11.1. Passing a motion to place the item on a future agenda; or



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4.7.11.2. Passing the motion to rescind, repeal or annul with the appropriate number of votes (see below).

#### 4.7.12. VOTING:

4.7.12.1. APPROVAL OF A MOTION: To be deemed an official action of the Board, all actions must receive a majority vote (3/5), with the following exceptions, which require a 2/3 vote (super majority or 4/5 vote):

4.7.12.1.1. Motion to adopt or amend any policy or rule;

4.7.12.1.2. Motion to reconsider a previously considered motion;

4.7.12.1.3. Motion to close a debate;

4.7.12.1.4. Motion on any non-agendized item;

4.7.12.1.5. Motion to remove a Board Member from a Board Office position.

4.7.12.2. A unanimous motion is required to discontinue or transfer funds designated as Capital Outlay reserves.

4.7.12.3. ROLL CALL: The roll need not be called in voting upon a motion except where specifically required by law or requested by any Board member. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as "AYE."

4.7.12.4. RIGHT TO VOTE: Questions pertaining to a Director's right to vote on items because of the potential conflict of interest shall be decided as follows:

4.7.12.4.1. Director disqualifies himself/herself; or

4.7.12.4.2. President disqualifies the Director from voting.

4.7.12.5. APPEAL OF RIGHT TO VOTE: Should any Director be disqualified from voting or be overruled on a point of order by the President, he/she may move to appeal the ruling to the full Board. The President shall have the right to vote on the appeal and the majority vote of the Board overrules the President.



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#### 4.7.12.6. VOTING PARAMETERS:

- 4.7.12.6.1. There must be a quorum of three members present to conduct business;
- 4.7.12.6.2. A majority vote (simple majority) means three affirmative votes (3/5);
- 4.7.12.6.3. A 2/3 or super majority vote means four affirmative votes (4/5);
- 4.7.12.6.4. A unanimous vote means five affirmative votes (5/5).

#### 5.0. EXPENSES OF THE DISTRICT:

- 5.1. EXPENDITURES: A claims statement of expenditures for the proceeding period shall be submitted for the approval of the Board.
- 5.2. CAPITAL OUTLAY: Major items exceeding \$5,000.00 shall be approved by the Board prior to purchase, even though the item is included in the annual budget. Items costing in excess of the limits set forth in Public Contract Code and Health and Safety Code, will be bid by no less than three (3) sealed bids.
- 5.3. EMERGENCY EXPENSES: In the event of sudden extreme emergency, the President and the Fire Chief/CEO or their designated representatives concurrently may authorize expenditures of funds not budgeted when a Board meeting cannot be convened in time. Board approval must be obtained at the next regular Board meeting.
- 5.4. COMPENSATION: In concurrence with Health and Safety Code and AB 1234, each member of the District Board shall receive such sum as may be fixed by the Board, not to exceed \$100, for attending each meeting of the District Board, not to exceed four (4) such meetings in any calendar month, including:

##### 5.4.1. MEETINGS:

- 5.4.1.1. Each regular or special meeting attended;
- 5.4.1.2. Each regular or special advisory meeting attended;
- 5.4.1.3. Any conference or organized educational activity conducted in compliance with the Government Code, including but not limited to, ethics training;
- 5.4.1.4. Compensation for attendance at any meeting of the Board shall be the same rate;



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- 5.4.1.5. Members of the District Board may receive such other benefits as allowed by law only if the Board has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the Board may receive payment.

#### 5.5. EDUCATION:

- 5.5.1. The District may authorize its directors and employees to attend professional or vocational meetings and pay their actual and necessary traveling and incidental expenses while on official business. Reimbursement for these expenses is subject to the Government Code.

- 5.5.2. Members shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

#### 5.5.3. ETHICS TRAINING:

- 5.5.3.1. Any member of the a local agency legislative body or any elected local agency official who receives any type of compensation, salary, stipend or reimbursement for actual and necessary expenses incurred in the performance of actual duties shall have approved biennial ethics training. This training includes:

- 5.5.3.1.1. Any employee designated by the local agency legislative body who is to receive training as specified under the Government Code.

- 5.5.3.2. Initial training for each member of the Board shall be accomplished prior to January 1, 2007.

- 5.5.3.3. Thereafter, each member of the Board and specified employees shall attend approved biennial ethics training.

- 5.5.3.4. The District shall provide the members of the Board with information educational opportunities to satisfy this requirement at least annually.

- 5.5.3.5. Members of the District Board may be allowed actual and necessary travel, meals and lodging to attend biennial ethics training as approved by the Board.



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#### 5.5.4. **DISTRICT RESPONSIBILITIES:**

##### 5.5.4.1. **ETHICS TRAINING:**

5.5.4.2. The District shall maintain records demonstrating satisfaction of the ethics training mandate that demonstrates the following:

5.5.4.2.1. The dates the members satisfied the requirements for ethics training;

5.5.4.2.2. The entity that provided the training;

5.5.4.3. The records shall be maintain for at least five years after the members obtain the training;

5.5.4.4. The records shall be public records subject to disclosure under the California Public Records Act.

#### 5.5.5. **EXPENSES:**

5.5.6. The District shall provide expense report forms to be filed by the members of the Board for reimbursement of actual and necessary expenses incurred on behalf of the District in performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging and travel.

#### 5.6. **TRAVEL/LODGING:**

5.7. Members of the District Board may be allowed actual and necessary travel, meals lodging and other actual and necessary incidental expenses incurred in the performance of official business of the District as approved by the District Board.

5.8. Members are required to submit an expense report with a reasonable time, with supporting documentation in order to be reimbursed for expenses.