

# 039

## ALBION LITTLE RIVER FIRE PROTECTION DISTRICT

### BYLAWS

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ALBION LITTLE RIVER FIRE PROTECTION DISTRICT  
P. O. BOX 634  
ALBION, CA 95410  
(707) 937-4022

**1000 - ESTABLISHMENT**

The Albion-Little River Fire Protection District (the District) was established after an election of voters within the boundaries of the proposed district by a resolution of the Mendocino County Board of Supervisors in 1962. The District is a California Special District governed by California Health and Safety Code Section 13800 et seq. cited as the Fire District Law of 1987.

**1010 - MISSION STATEMENT**

The mission of the District is to provide personnel and resources necessary for protection of life and property in the Albion and Little River communities against threats from structural and wildland fires, medical emergencies, hazardous materials releases, and disasters, natural or man-made.

In order to fulfill its mission the Board of Directors of the District will:

1. Employ necessary personnel to provide services to the district.
2. Effectively maintain and deploy district resources.
3. Create and maintain a local property tax to help finance emergency services operations within the District.
4. Oversee the distribution of funds in the control of the District.
5. Seek additional funding from all possible sources (local, regional, national) to further enhance the capabilities of the supported agencies.
6. Support and promote safety awareness, fire prevention, and disaster preparedness programs in our community.

**1020 - BOARD MEMBER DUTIES AND RESPONSIBILITIES**

Meeting packets of agenda, minutes, and backup materials will be mailed or emailed by the Secretary of the Board to each member at least 72 hours prior to regular meetings. Directors will thoroughly prepare themselves to discuss agenda items at Board meetings. Questions concerning information distributed in Board packets will be directed to the Board President or Secretary prior to the Board meeting.

1. Maintain regular attendance at various meetings of the Board.
2. Participate as a member of Board appointed committees and local/state professional organizations.
3. Become familiar with the Fire Protection District Law of 1987.
4. Become familiar with laws governing open meetings. (The Brown Act)
5. Become familiar with laws governing public employees and public agencies.
6. Become familiar with the District's operational philosophy, personnel, chain of command, services, programs, facilities and resources.
7. Become familiar with how the District is funded and how funds are administered at the County and District level.
8. Become familiar with policies governing the operation of the District.
9. Develop and ratify the District's annual budget and compensation program.
10. Become familiar with the in house rules used to govern meetings.
11. Refer questions/matters pertaining to District operations to the Fire Chief; if not alleviated, place the issue on the agenda for Board discussion.
12. Be an apolitical voice representing District-wide issues and concerns.
13. Keep an open mind to new ideas and encourage innovation that increases the level of services being provided.
14. Practice open and timely two-way communication.
15. Utilize each member's specific background, experience, and expertise during the development of projects, policies, and contracts.
16. Directors will, at all times, conduct themselves with courtesy to each other, to the staff, and to members of the public present at Board Meetings.

17. Directors will abstain from participating in consideration on any item involving a personal or financial conflict of interest.

### **1030 - LIMITATIONS OF AUTHORITY**

Individual Board members do not have authority to encumber District funds or enter into any contract or arrangement without express consent of a majority of the Board.

Individual Board members do not have authority to direct, assign, order or otherwise supervise District staff without express consent of a majority the Board.

### **1040 - BOARD MAKEUP**

The Board of Directors of the Albion-Little River Fire Protection District consists of five (5) members. Board members are elected by voters of the District in accordance with California Election Code 10500-10556 "Uniform District Election Law". In accordance with California Health and Safety Code Section 13853, the officers of the Board are its president, its vice-president, its secretary, and its treasurer. Officers of the Board shall be elected annually by the Board members at the December business meeting. All officers shall serve without pay or compensation unless otherwise determined by resolution of the Board in accordance with law.

The President of the Board of Directors will preside at all Board meetings. He or she will have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

The President shall designate an interim chair-person to serve as President during his or her absence. If no Interim President is appointed, the Vice-President of the Board of Directors will serve as Interim President. If the President and Vice-President of the Board are both absent, the Secretary of the Board will serve as chairman of the meeting.

It will be the duty of the Secretary to see that all minutes for all meetings are properly prepared.

### **1050 – BOARD OPERATIONS**

The President, with the assistance of the fire chief and other members of the Board, will ensure that the budget is developed each year and will also be responsible for seeing that the budget is complied with.

In accordance with California Health and Safety Code Section 13854, the board will direct one of the district officers to be a bonded treasurer. The Treasurer will receive money from the Mendocino county Auditor and will be the fiscal officer for the district to oversee all district financial matters. The Board may deposit funds in district held checking and savings accounts at independent financial institutions. One account will be designated for tax money received from the County in which two district officers will be needed for signing authority. Each board member will have signing authority on all accounts.

The Board may employ a bookkeeper or engage an independent bookkeeping service from time to time to assist in fulfillment of the district's financial duties and obligations. Any bookkeeper or bookkeeping service employed by the Board, whether as an employee of the District or as an independent contractor, is authorized by the Board to make draws on any funds maintained by the District for the purpose of making payments for Board approved District expenses.

The Board may employ a board clerk from time to time to assist in fulfillment of the district's legal and clerical duties and obligations.

### **1060 - MEMBERSHIP IN ASSOCIATIONS**

1. The directors of the Board may hold membership and attend meetings of such national, state and local associations as may exist which have applicability to the functions of the District and will look upon such memberships as opportunity for in-service training.
2. Albion-Little River Fire Protection District Directors may be active members of the Albion Little River Fire Department.

**1070 - COMMITTEES OF THE BOARD OF DIRECTORS**

1. The Board President will appoint such ad-hoc committees as deemed necessary by Board members.
2. The duties of the ad-hoc committees will be outlined at the time of the appointment, the committee will be considered dissolved when its final report has been made.
3. Standing committees will be appointed by the Board President as necessary.
4. The Chairman of a committee is responsible for the makeup of the committee and for reporting on its progress.

**1080 - MINUTES OF BOARD MEETINGS**

1. The Secretary of the Board will be responsible for taking and recording the minutes for the Board of Directors meetings with the exclusion of closed sessions.
2. Thirty (30) days after a meeting is adjourned and the minutes of the meeting are completed, any audio or video recordings of the meeting can be erased (Government Code Section 54953.3(b)).
3. Printed copies of minutes of Board meetings, Board actions, motions, resolutions, ordinances, and votes taken, will be distributed to Board Members and the Chief with the agenda for the next regular Board Meeting, and made available to the public after approval by a majority of the Board.

**1090 - COMMUNICATION AND CORRESPONDENCE**

1. It will be the policy of the Board of Directors of the Albion-Little River Fire Protection District that any communications and correspondence specifically directed to the "Board of Directors" will be delivered to the Secretary of the Board.
2. Communications specifically addressed to a particular director will be delivered to that individual director and official opening of a director's mail will require notification by phone.
3. Communications or correspondence from anonymous sources will be noted and filed.

**1100 - BOARD MEETINGS****Purpose**

District board members are elected or appointed to represent all the people, and to exercise their best judgment. The purpose of a board meeting is for its members to debate openly on particular matters, to hear public expression thereon, and to inform the public of what the board is doing. The board has the authority to limit debate on any subject, and where this is a problem it is the chairman's responsibility to control public debate so that repetitive or irrelevant remarks are not made, so that everyone has had a chance to speak before others speak for a second time, and to expedite the business at hand.

**1. Rules of Order**

- a. **Informal:** A board is free to select its own rules, within the bounds of democratic procedures. Many are familiar with "Robert's Rules of Order", which have been in existence for over a century. They were designed for large parliamentary bodies, and may be too formal and detailed for small groups such as a five-member District board. If informal rules are used they should observe the following basic principles:
  - i. The majority decides.
  - ii. The minority has a right to be heard.
  - iii. Only one main motion may be considered at any given time.
  - iv. Members have a right to know at all times what the immediately pending motion is.
  - v. Official action can be taken only in meetings properly called, and with a quorum of members present.
  - vi. If a board can make decisions without further parliamentary rules, it should do so. Under this approach the chairman would request a formal vote only when unanimity seems impossible, and the wording of motions might be discussed before the motion is actually proposed, avoiding the time-consuming process of making amendments to

reach agreement. When board opinion appears to have crystallized, the chairman can announce: "If there is no objection, we will ". However, as noted under the legal requirements for each type of district, the law sometimes requires a recorded vote.

- b. **Formal:** If a more formal method of proceeding is preferable - for example, where the board finds it cannot informally unite on the issues before it within a reasonable time the following guidelines are suggested. They are adaptations of Robert's Rules.
2. **Motions:** Motions need not be seconded, and the requirement of a second is largely a waste of time, particularly for small groups. The chairman would normally state the motion without asking for a second, and ask for discussion.

A main motion is a request for action or commitment. It should be clear and concise, and stated in the positive to avoid confusion in voting. The chairman should request or suggest rephrasing, if necessary to improve clarity. It is usually stated, "I move that..." and is debatable, can be amended, and the vote on it may be reconsidered. It is usually in order when no other main motion is under consideration, assuming it is not in conflict with the agenda. If it proposes a resolution, then it may use "whereas" and "resolved". Those special and ordinary motions that are handled like main motions are:

- a. To reconsider a vote (must be at same session).
- b. To rescind a previous action.
- c. To amend a motion already adopted.
- d. To amend the bylaws (usually requires notice and 2/3 vote).
- e. To appeal (only when no motion is pending).
- f. To recess (only when nothing else is being considered; should stipulate a time to reconvene; is not debatable but can be amended as to time).
- g. To adjourn (not debatable or amendable, unless it specifies an unusual time for the next meeting).
- h. To amend changes the wording of a motion, usually a main motion. It is debatable (unless it amends a non-debatable motion) and amendable and requires only a majority vote to pass, even if a 2/3 vote is required to pass the motion amended. Although amendments can be amended, to avoid confusion it is preferable that suggested changes be accepted without a formal vote, or voted on after the original amendment.
- i. To refer is used to send a main motion to a committee for study and report back and is debatable and amendable.
- j. To postpone delays consideration of a subject until a future time (at the same meeting or a future meeting), applies to main motions only, and is debatable and amendable.
- k. To limit debate requires a 2/3 vote, and limits the time that may be spent on a motion or question to a specified amount. It is amendable but not debatable.
- l. To close debate also requires a 2/3 vote and terminates discussion on a motion; leading to immediate voting. It is not debatable or amendable.
- m. To adjourn is in order at any time, provided the mover does not interrupt a speaker or the counting of a vote.
- n. Point of order calls to the chairman's attention a violation of the rules or any unusual situation requiring immediate attention. It is not debatable or amendable and requires no vote, since the chairman decides the question. His ruling may be appealed (except for the correctness of procedures that can be checked against the rules), which can be debated and is then decided by a vote of the board.
- o. To withdraw a motion removes it from consideration, is not debatable, and can be made by either the maker of the motion or another board member. The chairman may permit withdrawal without a vote, unless there is objection.
- p. To suspend the rules sets aside temporarily a rule that would hamper the board from acting, is not debatable or amendable, and requires a 2/3 vote. It is usually used to depart from the set order of business.

**3. Precedence of ordinary motions**

- a. To adjourn
- b. To recess
- c. To close debate
- d. To postpone
- e. To refer
- f. To amend

A higher ranking motion is in order even when lower ranking ones are pending. A lower ranking motion may not be made when a higher one is under consideration. A main motion – one proposing that the board take some action – ranks below all of the above ordinary motions, which are intended to help the board reach a decision on the main motion.

**4. Special Motions**

- a. Point of order
- b. To appeal
- c. To withdraw
- d. To suspend the rules
- e. To reconsider
- f. To rescind

These have no rank in relation to each other. Except for To Reconsider and To Rescind, their purpose is to handle procedural questions during the consideration of a main motion.

A summary of motions, somewhat different from the above, is at the end of this section.

**5. Conducting the Meeting**

Meetings of the Board of Directors will be conducted by the Presiding Officer consistent with the policies of the District and in accordance with the provisions of the Ralph M. Brown Act. (Government Code Section 54950 et. Seq.) Willful disruption of any meeting of the Board of Directors will not be permitted.

Disruptions will be grounds for the Chairman Presiding Officer to clear the room of the person or persons causing the disruption.

- a. **Order of Business:** A systematic plan for considering items at meetings should be included in a district's rules of order. This is usually called the order of business, agenda or calendar. A convenient order of business is:
  - i. Presentation of minutes.
  - ii. Reports of officers and committees.
  - iii. Unfinished Business.
  - iv. New Business.

A "Consent Calendar" is a means of expeditiously handling routine matters. Early in the board meeting the whole group of such items may be approved with one motion and vote, and no discussion. If a director, or member of the public, wants to discuss an item, it can be removed from the group and considered after the rest of the group has been approved. The board should have adequate information on the items on the Consent Calendar well in advance of the meeting. Typical routine items for a Consent Calendar include approval of minutes, of ordinances at final reading, of contract payments, of final tract maps, and of other matters where approval is routine. The receipt (and referral, if needed) of informational items, correspondence, administrative reports, etc., and the setting of hearing dates can also be handled in this matter. The items on the Consent Calendar can be selected by the secretary, other staff, or the board at a pre-board meeting. If a meeting includes a public hearing, it should be properly noticed, and set for a specific time on the agenda. Written procedures for participation, including time limits, may be desirable.

- b. **The Chairman:** The chairman presiding over any district meeting should remain impartial, particularly while administering the rules, although this applies more to large formal bodies than to the small informal district boards in Mendocino County. The more partial a chairman, the less effective he is as presiding officer. A chairman wishing to speak for or against a motion should

"step down" and relinquish the chair to another board member during the discussion. The chairman should be able to help the board to reach decisions, and should understand the basic rules of parliamentary procedure, in particular knowing the fundamentals required to present, modify, refer and postpone motions, and to bring them to a vote in an orderly and efficient fashion. He should be careful not to become confused by what is going on in a meeting, or to permit members to speak at will, to offer main motions when a main motion is already under consideration, to interrupt speakers, or to claim the floor without the recognition of the chair.

- c. **Quorum:** A quorum is normally a majority of the members. The chairman must determine the presence of a quorum, both at the beginning of a meeting and, if members have left, (a "disappearing quorum") during the meeting. If a quorum is no longer present, the chairman must either close the meeting or restrict it to those actions permissible in the absence of a quorum. These include to adjourn, to take a recess, to set a time for the next meeting, to listen to committee reports or the remarks of others, and to take any emergency action necessary, though this would have to be approved at a later meeting with a quorum present. As noted under the legal requirements for each type of district, the law sometimes requires not only the presence of a quorum, but the affirmative vote of a majority if the board members (not just of the quorum) to act.
- d. **The Secretary:** This person keeps the official record. S/he should be seated close to the chairman and observe the meeting as s/he takes notes, later to be rewritten in the form desired by the board. These minutes should include a record of all official actions taken, the identity of the chairman, the presence of a quorum, and information showing that the meeting was duly called. The minutes can go into greater detail, but only the following are suggested:
  - i. An exact statement of motions passed.
  - ii. The major arguments for and against a motion, without identifying the speakers, because this could inhibit free discussion.
  - iii. All referrals, postponements and appeals.
  - iv. Motions not passed, and amendments, may or may not be entered.

Further suggestions for minutes are in the section on Board Secretary.

The Secretary is also an assistant to the chairman, providing him/her with a copy of the agenda, the minutes of the previous meeting, any committee reports, and a list of unfinished business. S/he should also bring to the meeting any needed materials, such as a copy of the bylaws, and should be familiar with the record of previous actions taken by the board.

- e. **Voting:** The chairman should state the motion before asking for a vote. A unanimous vote means all members did vote, and voted the same way. This is somewhat different than general consent, under which the chairman declares a motion passed or a request granted "if there is no objection", which is a useful way of expediting business and should be used wherever possible. The voice vote is the most common, asking those in favor to say "aye" and those opposed "no". If a close vote is expected, the chairman should instead ask for a show of hands. A roll call vote is slow and is justified only when it is desirable, or legally required, to make public the members' votes. After voting, any member may change his vote, as long as he does so before the results are announced. It is the duty of the chairman to first state the motion being voted on, call for the vote, and then to state the results.
- f. **Ordinances and Resolutions:**
  - i. An ordinance is an enforceable statutory enactment, that is, a law, the violation of which is a misdemeanor. An ordinance imposes fines, penalties, forfeitures or imprisonment. Any ordinance normally requires a first and second reading, at two separate regular meetings. It requires publishing or posting within 15 days of passage, and does not take effect until 30 days after passage. These steps are to assure the public is informed of the impending law, and to give time for the circulation of referendum petitions. An ordinance usually begins: "The board of (district) does ordain as follows:"

- ii. **A resolution** is a formal expression of opinion, will or intent, or an action or decision. It does not itself have the force of law, that is, contain a penal clause, but it may implement existing law. "Resolved that-" is the effective clause. A resolution should not be used where a simple motion can take the desired action. If resolutions are used often, a standard form is suggested, into which specific data can be inserted. Usually resolutions can be introduced and adopted at the same meeting, and do not require publishing posting and a 30-day waiting period. They are therefore much easier to use than ordinances, and this should be done wherever possible. For example, an ordinance which provides for a user charge or fee schedule may state that the actual charges/fees shall be set and modified by resolution.
- iii. Still another device used by some agencies is a "**minute order**". This is a direction from a governing body to some element within the organization to do something that is within its normal scope of activity.

If ordinances and resolutions are not prepared by the district's attorney, he should review them before presentation. After adoption the secretary should prepare proper attestation, which includes filling in the last page to include the vote by each member, the chairman's signature, and the secretary's attestation. With ordinances to be published or posted, usually within 15 days, certification of publication should be obtained from the newspaper, or an affidavit from the person doing the posting, and filed. Only a summary of the ordinance need be published, noting that the full text is available in the district office.

The secretary should have a system to keep track of the distribution of ordinances and resolutions, and a file system of keeping copies available for the public. If there are a large number, indexing them by subject matter is useful. If some ordinances or resolutions contain an expiration date or a time certain when something is to be accomplished, a tickler system giving advance warning should be applied to them.

#### 6. BOARD MEETING SCHEDULE:

- a. **Regular meetings** of the Board of Directors will be held on the third Wednesday of each calendar month at 10:00 a.m. at ALRFPD Station 810, 33900 West Street in the town of Albion, California. The agenda will be posted 72 hours prior to all regular meetings.
- b. **Special meetings (non-emergency)** of the Board of Directors may be called by the Board President or any member of the Board.
  - i. All Directors, Chief, and necessary staff will be notified by mail or e-mail or in person twenty-four (24) hours prior to any special (non-emergency) meeting.
  - ii. Only those items of business listed in the call for the special meeting will be considered by the Board at any special meeting.
- c. **Special (emergency) meetings:** In the event of emergency involving matters upon which prompt action is required, the Board of Directors may hold an emergency special meeting without prior public notice. All rules governing a special meeting will be observed with the exception of the twenty-four (24) hour notice. "The minutes of the emergency special meeting, roll call, and any action taken at such meetings will be posted at the main fire station for a minimum of ten (10) days as soon after approval by a majority of the Board as possible.
- d. **Public Notice of Board Meetings:** All regular, special (non-emergency) meetings or special (emergency) meetings will conform to the Ralph M. Brown Act (California Government Code 54950 et. Seq. 54926).
- e. **Adjourned meetings:** A majority vote by the Board of Directors may adjourn any Board Meeting at any place in the agenda, to any time and place specified in the order of adjournment. Exception: If no directors are present at any regular meeting, the Chairman may declare the meeting adjourned to a stated time and place, and he or she will cause a written notice of adjournment to be given to all board members, the Fire Chief, and posted in the public place customarily utilized for other regular board postings.



**1110 - BOARD MEETING AGENDA**

1. The Board Secretary, in cooperation with the Board President, will prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may contact the President or the Secretary and request any item to be placed on the agenda five (5) or more days before the date of the meeting.
2. 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 of Directors, subject to the following conditions:
  - a. The request must be in writing and be submitted to the District Board President with supporting documents and information, if any, at least five (5) business days before the date of the meeting
  - b. The Board President will be the sole judge of whether the public request is or is not a "matter directly related to District business." The member of the public will be informed of the decision.
  - c. Matters that are legally a proper subject for consideration by the Board in closed session will be accepted under this policy.
  - d. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for anyone person to speak on the issue at the meeting.
  - e. This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters that are not on the agenda that a member of the public may wish to bring before the Board. However, the Board will not discuss or take action on such matters at that meeting.

**1120 - CONFLICT OF INTEREST**

1. The Political Reform Act, Government Code Subsection 8100, et. seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. This Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs., Subsection 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs., Subsection 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which members of the Board of Directors and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the Albion Little River Fire Protection District.
2. All Directors will file statements of economic interests (Form 700) with the Clerk of the County of Mendocino within 30 days of assuming office and annually per Government Code Section 87200.

**APPENDIX A****Designated Positions:**

All members of the board of directors of the Albion Little River Fire Protection District.

**Disclosure Categories for Above Designated Positions:**

All sources of income.

**Interests in real property:**

Investments and business positions in business entities.

**1130 - PUBLIC COMPLAINTS**

1. It is the desire of The Board of Directors that public complaints are resolved at the lowest possible administrative level, and that the methods for resolution of complaints are logical and systematic.
2. A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, or state or federal statute that has adversely affected the individual.
3. The method of resolving complaints will be as follows:

- a. The individual with a complaint will first discuss the matter with the Fire Chief (or a designated responsible staff member) with the objective of resolving the matter informally.
- b. If the individual filing the complaint is not satisfied with the disposition of the matter by the Fire Chief (or other responsible staff member) a written complaint may be filed with the Board of Directors. This must be done within (10) days of receiving the Chief Officer's (or other responsible staff member's) decision. The Board may consider the matter at the next regular meeting, or call a special meeting. The Board will expeditiously resolve the matter. In making the final decision, the Board may conduct conferences, hear testimony, and use the transcripts of written documentation. A written decision from the Board may be requested by the individual filing the complaint.

This policy in no way prohibits, or is intended to deter, a member of the community or staff member from appearing before the Board to present a testimony, complaint, or statement regarding actions of the Board, District programs and services, or impending consideration of the Board.

### 1140 - PROCUREMENT

It is the policy of the Board of Directors of the Albion-Little River Fire Protection District that all purchases of goods and services for the operation of the Fire District will be fully accountable and will be done in an appropriate logical manner. Therefore, the following policy is adopted and will be followed always:

1. The following processes will be used to disburse funds from the Albion-Little River Fire Protection District to individuals or businesses who are owed funds for goods and/or services:
  - a. Payment by check or electronic funds transfer from the appropriate district checking account.
  - b. Payment by credit card.
  - c. Payment by County of Mendocino Auditor-Controller issued check.
2. Purchase authority is limited to the maximum amount of funds that have been allocated for the item in the current budget. Normal operational needs dictate that the Fire Chief or his delegate must have the ability to obligate District funds to the amounts approved for items listed in the current budget. Fund obligation above that level is subject to the approval of the Board of Directors. In addition, good business practices require that fund obligation take advantage of competition in the marketplace. Purchasers are therefore encouraged to pursue the best prices available for goods and services without sacrifice to quality or safety.
3. In compliance with the above, the following is the Albion-Little River Fire Protection District policy:
  - a. **Checking Accounts:**
    - i. A checking account shall be established for the purpose of depositing tax funds paid to the district. Two district officers will be needed to sign and to draw money from this tax account and deposit it in an established general checking account. Each board member and the district bookkeeper shall be authorized signers of checks and may authorize electronic funds transferred on this account.
    - ii. Other checking and savings accounts shall be established as needed for the purpose of receiving and holding donations to the district for specified and unspecified district needs and/or projects as well as authorized payment of expenses for same. Board approved drafts from each account will require one authorized signature. Each Board Member, as well as the district bookkeeper, shall be authorized signers of each of these accounts.
  - b. **Credit Card:** A credit card account shall be established to expedite internet and non-vendor purchases. Each board member, the district bookkeeper, the chief and the assistant chief will be authorized users of this account for purchases of board approved budget items. This account is to be paid in full each billing period to avoid interest charges.

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**4. Expenditure authority within budget:**

- a. The Chief of the District or his/her designate will have the authority to purchase goods and services up to the amount of funds made available by the board for the budget category of the item or service.
- b. The Chief of the District will be prepared to justify his or her authorization of the expenditure of district funds used to purchase goods or services on behalf of the district.

**5. Expenditure authority for items not budgeted or for amounts in excess of budget allowance: Only a majority vote of the board of directors shall constitute the granting of authority to the board, the Chief, or his or her designate to make any expenditure over the amount authorized in the district budget.****1150 - DOCUMENT PREPARATION/POSTAL CHARGES – Section superseded by Ordinance 2016-1 passed December 18, 2017.****1160 - NEPOTISM**

1. It is the policy of the Albion-Little River Fire Protection District to seek the best possible candidate through the appropriate search procedures. There will be no bars to appointment of close relatives in any staff category in the same or different departments if the following standards are met:
  - a. No employee or member of the Board will vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employee status, or interest of a close relative.
  - b. For the purpose of this policy, "close relative" means husband, wife, mother, father, son, daughter, sister, brother, niece, nephew, mother/father in law, sister/brother in law, and son/daughter in law. Such matters will be referred to the Personnel Committee of the Board of Directors.
  - c. When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact will be required to all appointing levels. The objective of this review will be to assure equity to all members of the department.

**1170 - HARASSMENT**

1. The Albion Little River Fire Protection District strictly prohibits unlawful discrimination and harassment on the basis of race, religion, creed, color, sex, sexual orientation, national origin, ancestry, physical or mental disability, medical condition (cancer related), pregnancy, childbirth, veteran status, marital status or age. The District considers discrimination and/or harassment a serious offense and is firmly committed to the philosophy that every employee has the right to work in an environment free from discriminatory intimidation, ridicule and insult and to be treated with courtesy, dignity and respect. Every employee is expected to adhere to a standard of conduct that is respectful to all persons within the work environment.
2. In keeping with this commitment, the District maintains and follows a strict policy prohibiting unlawful discrimination and harassment, in any form, including verbal, physical and visual harassment, coercion, and/or reprisal. This policy applies to all employees, vendors and visitors. The District does not tolerate sexual or other harassment of employees at the work place or in any work-related situation by anyone. If, after a prompt and thorough investigation, it is determined that an employee has engaged in discrimination and/or sexual or other harassment, that employee will be disciplined, up to and including discharge.
3. The full District policy and procedure for handling complaints will be posted on the District website ([www.albionfire.com](http://www.albionfire.com)) for review at any time. Each employee is required to read and sign the policy to

acknowledge acceptance on the form provided. The form will be retained in the employee's personnel file.

4. Any person who believes he or she has been or is being harassed by a coworker, supervisor, Board Member, or any person doing business with or for the District should immediately report the facts of the incident without fear of reprisal to the President of the District Board, any other board member, the Chief, or any other officer of the Fire Department. If the incident deals with a fire department officer, complaints should be directed to another fire department officer or the president of the Board. All complaints and related information will be investigated promptly, thoroughly and handled as confidentially as possible. Appropriate corrective action will be taken if an allegation is proven.

### **1180 - DISCRIMINATION**

1. It is the policy of the Albion-Little River Fire Protection District that there will be no discrimination based upon race, national origin, religion, sex, physical impairment, veteran's status, or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.
2. Allegations of wrong doing, such as arbitrary and discriminatory action, should be made through a staff member's direct supervisor, the Chief, or any member of the Board of Directors.

### **1190 - PERSONNEL**

1. **EMPLOYMENT:** The District may employ personnel from time to time according to Health and Safety Code Section 13861 "A district shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this part, including, but not limited to, the following powers..... (d) To appoint necessary employees, to define their qualifications and duties, and to provide a pay scale for performance of their duties."
  - a. Paid employees compensation and benefits will be set by the District board of directors.
  - b. The chief, all volunteer firefighters, and any other district volunteer workers are employees of the District not subject to regular compensation and benefits. However, the District board may set stipends, and or other benefits for the chief and other qualified volunteer firefighters.
  - c. All employees of the District shall be insured by District provided workers' compensation insurance.
  - d. No person shall be permitted to participate in District fire department trainings or emergency responses unless listed on the District's active duty roster, or on the official roster of another participating agency.
2. **HIRING:**
  - a. District residents 18 years old or older may apply for employment with the district.
  - b. Non-resident applications for employment may be accepted upon the chief's recommendation.
  - c. Employment positions include the position of volunteer firefighter.
  - d. Applications for employment may be obtained at any regular meeting or from the chief.
  - e. The chief and the Board shall review and approve, reject, or postpone the application.
  - f. Upon approval of the application, employment will be granted if a position is available.
  - g. The chief may hire an applicant for the position of volunteer firefighter provisionally until her/his application is approved or denied.
  - h. All applicants for employment must submit to criminal and driving background checks (Live Scan). Results of criminal and driving background checks are subject to review by the chief and board of directors to determine the suitability of the applicant for employment by the District. Determination of the unsuitability of an applicant for employment based on criminal or driving background information and Board policy may result in denial of employment of the applicant.
  - i. This procedure is to be followed for all district employees, paid or volunteer.
3. **EMPLOYEE STATUS:**

- a. A regular employee is one who has been hired to fill a regular position in any job classification and has completed her/his probationary period.
- b. A probationary employee is one who has been hired to fill a regular position and has less than six months of service with the district. Upon completion of six months of continuous service in the position and upon the decision to retain said employee, the employee shall be granted regular employee status.
- c. A probationary employee's employment may be terminated by the chief or by a majority vote of the board without cause.
- d. A full time employee is a regular employee employed for 35 or more hours per week. A part time employee is a regular employee employed for less than 35 hours per week.
- e. A probationary volunteer firefighter is a probationary employee whose employment has been recommended by the chief and approved by a majority vote of the Board who when hired must perform certain tasks and attain certain training and certification requirements as required in the district's operations manual and as further directed by the chief.
- f. A probationary volunteer firefighter must receive a favorable evaluation and appointment to regular volunteer firefighter status within one year following appointment to probationary volunteer firefighter status.
- g. A regular volunteer firefighter is an employee who has been appointed to the position on the recommendation of the chief and by a majority vote of the Board after completing all requirements for probationary firefighters as directed in the district's Operations Manual and as further directed by the chief after a minimum of six months of service. The six month minimum probation period may be reduced by recommendation of the chief for returning or demonstrably qualified volunteer firefighters.
- h. A probationary volunteer firefighter applicant will be placed on the active duty roster as soon as her/his employment application is accepted by the chief, subject to confirmation by the board of directors.
- i. A regular volunteer firefighter must participate in a minimum number of fire department activities (including, but not limited to, trainings and call responses) annually, as outlined in the fire department operations manual, to maintain regular volunteer firefighter status. Firefighters who do not meet the minimum annual participation requirements may be placed on probationary firefighter status or may be dismissed from employment by the District.
- j. All regular employees are subject to continuing driving and criminal history reports. Determination of the unsuitability of a regular employee for continued employment based on criminal or driving background information and Board policy may result in termination of employment.

#### **4. RESIGNATION/LEAVE OF ABSENCE:**

- a. Resignation from employment by the District does not, by itself, preclude re-application for employment by the District.
- b. A regular volunteer firefighter may take a leave of absence for any reason for up to one year upon request.
- c. Any volunteer firefighter who takes a leave of absence will be removed from the roster of active duty firefighters and will be relieved of the duties and responsibilities of any office held and the requirements of item (3.i.) above. Active duty status may be reinstated by application for reinstatement, recommendation of the chief and a majority vote of the board of directors.
- d. Prior to returning to active duty any employee requiring a medical leave of absence due to injury covered by District workers' compensation insurance must provide the District with a "fit for duty" evaluation (available at District expense) from an independent physician who has

expertise in the covered injury (but who is not involved with the employee's treatment for the injury) before applying for reinstatement to active duty status.

- e. A regular volunteer firefighter who wishes to take a leave of absence for longer than one year for reasons other than injury covered by District workers compensation insurance will be asked to resign and reapply for employment when available for service to the District.
- f. Employment will be terminated for a probationary volunteer firefighter who wishes to take a leave of absence for reasons other than injury covered by District workers compensation insurance.

**5. APPOINTMENT AND REMOVAL OF THE CHIEF:**

- a. The district board may appoint the chief from the employees of the district.
- b. If there is a vacancy in the position of chief as a result of resignation, removal, or any other reason district employees hired as regular volunteer firefighters shall, at the first scheduled meeting following the vacancy, function as a committee to select one or more qualified candidates to submit to the district board for consideration for appointment to the open position. If all candidates proposed by the regular volunteer fire fighters are rejected by the district board this process will be repeated until a chief is selected.
- c. In the interim between the vacancy and the appointment of an acceptable candidate for chief, if the outgoing chief does not appoint an acting chief, the board may, without consultation, appoint an acting chief.
- d. Notwithstanding the appointment of an interim chief by the outgoing chief, the board may at any time rescind that appointment and appoint an acting chief.
- e. The term of appointment to the position of chief is indeterminate.
- f. Removal from the position of chief shall be the sole responsibility and option of the district board of directors and can be with or without cause.

**6. DISCIPLINARY ACTION:**

- a. The following measures are part of the disciplinary process: warning, reprimand, suspension with or without pay, dismissal, demotion, or reduction in pay. The Chief may discipline any employee for cause.
- b. Grounds for discipline include but are not limited to: discourteous treatment of the public or fellow employees; drinking of intoxicating beverages or use of illegal or non-prescribed drugs on the job or arriving on the job under the influence of such beverages or drugs; habitual absence or tardiness; abuse of sick leave; disorderly conduct; incompetence or inefficiency; being wasteful of material, property or working time; violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination; neglect of duty; dishonesty; misuse of District property; willful disobedience; conduct unbecoming a District employee.
- c. All disciplinary action will be accompanied by a letter of warning to the employee stating the reasons and grounds for such discipline. The employee must acknowledge receipt of the warning by signing the letter at the time of presentation; this signature signifies only receipt of the document, not necessarily agreement to the contents. The employee may, before the conclusion of the next regular working day, respond in writing to the contents of the letter of warning.
- d. All negative evaluations or letters of warning shall remain part of the employee's personnel file. Negative evaluation shall not be used in decisions to dismiss if the performance has improved or the action which merited a warning has not recurred, each/both for a period of at least one year.
- e. Any disciplinary action which may result in suspension without pay shall be set forth in writing to the employee at least five working days before the proposed effective date or dates. This notice shall be prepared after consultation with the District Legal Counsel and shall contain the following: a description of the proposed action and its effective date or dates, and the policy,

regulation or rule violated; a statement of the acts or omissions upon which the action is based, and attachments of materials upon which the action is based or notice that the materials are available for inspection; a statement advising the employee of the right to request a hearing before the Board; a date by which time the employee must respond in writing if he/she wishes to contest the action. All notices of proposed action shall be personally served or mailed by certified mail, return receipt requested, to the last known address of the employee.

#### **7. GRIEVANCES:**

- a. The purpose of this section is to provide a procedure by which a regular employee may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation or instruction.
- b. This section does not apply to probationary employees.
- c. Any regular employee who believes he/she has a grievance shall present the evidence orally to his/her supervisor within five working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The supervisor shall hold discussions and attempt to resolve the matter within three working days after the presentation of such evidence.
- d. If the grievance has not been resolved by method (c.) above, the grievant must present his/her grievance in writing to the District Board. The statement shall include a concise statement of the grievance, including reference to any law, policy, regulation or instruction allegedly misapplied or misinterpreted; the circumstances involved; the decision, or lack of, rendered by the supervisor; the specific remedy sought.
- e. The Board of Directors, as soon as possible at a regular or special meeting of the Board, shall schedule a hearing in closed session to receive the written grievance and to hear evidence regarding the issue or issues. The Board's decision shall be announced in open session immediately after the closed session in which it was made.
- f. By agreement in writing, the parties may extend any and all time limitations specified above. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

#### **1200 - SPECIAL ANNUAL EVALUATION SESSION**

The Albion-Little Fire Protection District shall hold a special meeting in January of each year to critique board and fire department performance of the past year, evaluate the performance of the Chief, and discuss planning strategies for the coming calendar year.

#### **2000 - ADOPTION/ AMENDMENT OF BYLAWS**

1. Consideration by the Board of Directors of the Albion-Little River Fire Protection District to adopt a new policy or to amend an existing policy may be initiated by any board member, the Chief, or member of the public. The proposed policy or amendment must be delivered by email to any board member or by regular mail to Box 634, Albion, CA 95410 and should include a request that the item be included for consideration on the agenda of the appropriate regular meeting of the Board of Directors. A copy of this proposed policy or amendment will be distributed by the Secretary of the Board to each board member and the Chief by mail or email so they may properly prepare themselves to discuss and consider the item(s) in question.
2. Proposals for additions, deletions, or amendments to district policies will be received at any regular meeting of the Board of Directors. All such proposals will be put on the agenda for discussion and/or action at the next regular meeting of the Board.
3. Adoption of a new policy or amendment of an existing policy will be accomplished at a regular meeting of the Board of Directors and will require a 4/5 affirmative vote of the entire Board of Directors.

1. Before considering to adopt or amend any policy, Directors shall have the opportunity to review the proposed adoption or amendment at the regular Board of Directors meeting prior to the meeting at which consideration of adoption or amendment is to be given. Copies of the proposed policy adoption or amendment shall be included in the agenda information packet for any meeting of consideration. The agenda information packets with said copies shall be made available to each Director for review at least three days (72 hours) prior to any meeting during which the amendment or policy is to be considered.

THESE REVISED BYLAWS PASSED AND ADOPTED BY VOTE OF THE BOARD OF DIRECTORS AT A REGULAR MEETING OCTOBER 16, 2023 AS FOLLOWS:

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Director Greenberg	X			
Director Acker	X			
Director Welty	X			
Director Linstedt	X			
Director Christensen	X			

*Chuck Greenberg*

\_\_\_\_\_  
 Chuck Greenberg, Director & President  
 Albion Little River Fire Protection District  
 Board of Directors

ATTEST:

*Steven E. Acker*

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 Steven Acker, Director & Secretary  
 Albion Little River Fire Protection District  
 Board of Directors

Dated 10/16/2023