

# NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

## REGULAR BOARD MEETING MINUTES

April 25, 2023

**Call the meeting to order at 6:11 p.m. after invocation by President Unger**

**Pledge of Allegiance:** Director Roberts

### Roll Call

#### Present:

President Unger  
Vice President Deel  
Director Matson  
Director Roberts

#### Absent:

Director Springer

**Also Present:** General Manager Howard, District Secretary Paulsen, Treasurer Beaty, Fire Chief Lanier, members of the public.

### 1. Approval of Agenda

**Motion:** Director Roberts

**Second:** Director Matson

**Vote:** Unanimous Aye

### 2. Public Comments

#### a. Public Comments

Several members of the public requested that some items toward the end of agenda be moved to the front so the public doesn't have to sit through housekeeping chores. Director Unger: No objection by the Board.

V. Shaw: Asked the audience to get a haircut from Tamera VanGinkle.

C. Jones: Read document about the separation of powers of Board and General Manager. He also commented on the ballfield completion. (A full copy is at the end of Minutes.)

#### b. Community Reports

(1) County Supervisor – not present.

(2) Sheriff Capt. Markegard gave a verbal report. Some systems had been compromised so a written report was not available. The Sheriffs are still taking down illegal cannabis grows; there will be more now that the weather is warmer.

(3) CHP officer Adam Carmichael reported on behalf of Capt. Meeker. The CHP covers the freeways, mostly and noted that the good public is frustrated with bad drivers.

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**Regular Meeting Minutes**

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**3. Approval of Minutes****A. Minutes of 3-28-23****Move to Approve:** Director Roberts.**Second:** Director Deel.**Vote:** Aye, unanimous.**B. Minutes of 3-30-23**

Correction: Roll Call, Director Roberts present; Director Springer absent.

**Move to Approve as Corrected:** Director Deel**Second:** Director Roberts**Vote:** Aye, unanimous.**C. Minutes 4-10-23**

Correction: "Unger" misspelled.

**Move to Approve as Corrected:** Director Roberts**Second:** Director Matson**Vote:** Aye, unanimous.**3. Reports****A. General Manager.**

Upgraded the way the public can pay for things in the office by using credit cards.

Rose Love Electric now has a work schedule for the Fire Department.

Got 85% of the grant money to pay for the exercise equipment. After we put up a sign thanking the State, the rest will come.

The Budget meeting started that process; amounts need to be locked in at another meeting.

The GM is working with the auditor and treasurer; they are starting on the 2021-22 audit.

C. Jones helped with RFP and met with two directors and GM about the scoreboard. Terms need to be worked out so that isn't on tonight's agenda.

Discussion followed. The scoreboard is housed in Director Matson's container and he wants it removed. It is operated by Bluetooth controller. The GM will contact contractors for installing scoreboard and set a meeting date.

**B. Fire Department:** Report is in Supporting Documents**C. Financial Reports.**

The Treasurer reported that the Budget column in the Budget v. Actual Report was missing because of printer glitches. It will be added onto the Supporting Documents on the website.

**D. Air Quality Monitor.** All monitors are 100%.

**4. Agenda Items- Discussion/Possible Action**

**A. Status of Required Directors' Ethics Training as Required by California Law AB-1234.**

Directors Deel, Roberts, Matson have completed it; Director Unger is 30% done.

**B. Status of Required Directors' Sexual Harassment Training as Required by California Laws AB-1825 and AB-1661.**

Director Matson completed it.

**C. Support the Transformative Climate Communities Program for the Newberry CSD Building and Park for Planning or Project Development Funds.**

R. Beardshear recommended the CSD and Community apply for a planning grant to look at the facilities. A Standing Committee of two directors from the CSD could work with representatives from the school district, NSEDA, the Family Center, etc. to further investigate what could be done and to begin work on the grant.

**Move:** Director Matson moved to form a Newberry CSD Standing Committee to support the Transformative Climate Communities Program grant.

**Second:** Director Roberts.

**Vote:** Aye, unanimous.

**THERE WAS A SHORT BREAK AT 7:51. THE MEETING RESUMED AT 8:01.**

**Comment:** R. Shaw: Directors forbidden to be involved in day to day CSD operation. Putting these items before the public can comment on them is rude.

**D. Revision of Policy 2115 – Volunteer Personnel – Workers Compensation Insurance.**

After an intense discussion, Director Unger said that an attorney's opinion was warranted before action is taken unless the item was tabled to another meeting.

When the discussion continued, Director Unger adjourned the meeting because of unruly behavior by meeting participants.

**MEETING ADJOURNED AT 8:21 P.M**



\_\_\_\_\_  
District Secretary

\_\_\_\_\_  
Board President

# Newberry CSD Public Comment

By Casey Jones

Date: 4/25/2023

Greeting Directors,

I come before you today in a respectful and constructive manner. I am here to speak to you about the powers invested to the "Board" by the State of California and then I'd like to bring thoughts about the baseball field to the attention of the board.

## Powers of a CSD Board

This BOD is constantly seeking powers not afforded to boards by law. I'd like to bring to the attention of the BOD Section 61000 of the California Government Code.

1. *Section 61002(b) - "Board of directors" means the board of directors of a district that establishes policies for the operation of the district.*  
Comment: This law empowers the BOD to make "policies". Board members are not empowered to execute policy that the BOD approves.
  2. *Section 61002(f) - "General manager" means the highest-level management appointee who is directly responsible to the board of directors for the implementation of the policies established by the board of directors.*  
Comment: The "General manager" (GM) has the authority to execute the policies established by the BOD. By law, BOD is not empowered to implement their policy.
  3. *Section 61002(i) - "President" or "chair" means the presiding officer of the board of directors.*  
Comment: The CSD "President" is not the "Commander in Chief" of the district like the President of the United States is. The CSD's President is not an Executive, he is a policy maker. He cannot make any decisions on his own.
  4. *Section 61040 (a) - Except as provided in Section 61040.1, a legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.*  
Comment: Once again, the law empowers the GM to run the district within the legal policies of the BOD. The BOD members have no authority to execute policy.
  5. *Section 61045 (a) - A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business.*  
*(b) The board of directors shall act only by ordinance, resolution, or motion.*  
*(c) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the board of directors to take action.*  
*(g) The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.*
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Comment: This section outlines the powers and authority of the BOD. It does not give the BOD powers to hire, supervise, or terminate an employee or volunteer. The BOD is authorized by law to hire, supervise, and terminate a GM, that is it. Any policy contrary is illegal.

This section does not provide for a BOD member to manage any aspects of the district nor to execute a policy.

6. *Section 61050 (a) - The board of directors shall appoint a general manager.*

Comment: A GM is required by law to operate the district.

7. *Section 61051 - The general manager shall be responsible for all of the following:*

*(a) The implementation of the policies established by the board of directors for the operation of the district.*

*(b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.*

*(c) The supervision of the district's facilities and services.*

*(d) The supervision of the district's finances.*

Comment: By law, the GM appoints, supervises, disciplines, and dismisses an employee, not the BOD or an individual director. The GM also supervises the district's facilities and services, not the BOD or a director.

This board needs to understand their limited roles and stay within the powers authorized by law. I cannot find anywhere in law that the BOD can hire or fire anyone other than the GM. There is current policy and proposed policy that allows the BOD to hire and fire.

I cannot find where a BOD president or BOD member can act on his own and enforce or execute policy. The BOD and its members are not managers and members of this board need to stop adding policies that allow the BOD to directly manage the district. All existing policies need to be reviewed and modified to comply with the authority of the BOD provided by law.

Per the Community College League of California when creating policy, less is more, and policy should clearly state intent and the direction of the BOD but not be overly descriptive or detailed. These principles should be followed by this board. In other words, don't micro-manage.

#### **My Thoughts and Concerns About the Baseball Field**

As not to blindside the BOD with my thoughts, questions, and concerns, I sent the following email below to the directors on March 30, 2023. This email has caused "heat" and now the President of the Board has written a policy to effectively stop me from helping the district as a volunteer. I will speak more on that when the agenda item comes up, but I believe my email prompted the retaliation from the President.

My email:

*"Greetings Directors,*

*The ballfield project completion is very cloudy for me and others. I have been trying to figure out a productive way to help the Board think the project through. I'm starting with this email containing my thoughts of what will need to be accomplished. I am sure there is something missing that needs to be done so we all need to work together to develop a project charter and scope.*

*The point of this email is to foster thoughts about what needs to be done, not to create strife. Please think about what the end looks like. What is wanted and needed to maintain the field and to what level of upkeep? How will the project and maintenance be funded?*

*Please consider being prepared to discuss this in public as I intend to discuss this email at the next meeting and have it entered into the minutes for the record.*

*Below contains a list to consider:*

*Project completion (What are the needs, wants, timelines, and costs), examples:*

*-Irrigation system? (Electronic controller, wind shutdown, water conservation plan, backflow?)*

*-Will new soil need to be purchased and spread out?*

*-What kind of grass and how much seed?*

*-Has artificial grass instead of real grass been discussed with stakeholders?*

*-Electrical/lighting?*

*-Bleachers, are they safe?*

*-Dugout improvements?*

*-Batting cage needs?*

*-ADA compliance? (Gate, dugout, bleachers, walkways?)*

*Maintenance (Need to understand frequency and cost for each item), examples:*

*-Annual water requirements? (Most likely the CSD will need to purchase replenishment water or carryover water.)*

*-Well Pump electric? (Based on the water requirements, the pump will need to run more)*

*-Mowing and edge maintenance of the grass? (Any special equipment needed? Shroud be mowed 1 to 3 times a week per Little League)*

*-Weeding and weed control? (To what expectations?)*

*-Fertilizer?*

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- Bare spot repair and se-seeding?
- Aeration and soil nourishment?
- Infield maintenance and replenishment?
- Infield watering? (How much water?)
- Pest and vermin control? (Ants, ground rodents, sheep?)
- Electric for lights?
- If artificial grass is used, what labor and equipment is need to maintain it?
- Backflow testing and repair
- Sprinkler repair

Below you can learn about the Little League's recommendations for maintaining a ballfield:

<https://www.littleleague.org/university/articles/maintaining-your-local-fields-7-tips/>

<https://www.littleleague.org/university/articles/checklist-for-getting-your-fields-ready-for-the-season/>

<https://www.littleleague.org/university/articles/dont-let-this-happen-failure-to-make-facility-repairs-leads-to-injury/>

Sports Artificial Grass Maintenance:

<https://arturf.com/maintenance/sports-artificial-grass-maintenance/>

I look forward to helping our where I can.

Respectfully,

Casey Jones"

My question to the board is what needs to be done to complete the baseball field and how much is it going to cost? It appears that the project is on course for an endless scope and un-limited budget.

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# NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

## SPECIAL MEETING MINUTES May 1, 2023

**The Meeting was called to order after an Invocation by President Unger at 6:06 p.m.**

**Flag Salute:** Ronnie Shaw

**Roll Call: Present:** Directors Unger, Matson, Roberts, Deel. **Absent:** Director Springer

**Also present:** Fire Chief, Assistant Fire Chief, General Manager, District Secretary, Six Audience members.

### 1. Approval of Agenda

**Motion:** Director Matson. **Second:** Director Roberts

**Vote:** Unanimous Aye

### 2. Public Comments

Robert Shaw: Read a comment and gave to District Secretary to include in Minutes.

Rose Beardshear: Wants ARPA funds on next agendas. Complimented Fred Stearn for funds to allow people to attend a special meeting. The CSD Standing Committee chaired by Director Roberts will aid in this.

Ted Stimpfel: Commented on Policy memo available at meeting.

### 3. Agenda Items

#### **A. Cure and Correct April 25, 2023, Emergency Board Meeting to Approve the Purchase of a Fire Engine.**

The purchase was canceled because the Fire Chief received no data from the broker by the deadline. Director Unger asked if the Fire Chief wanted the Board to re-approve the amount to purchase another Engine. The Fire Chief said that if a Fire Engine is found, an emergency meeting could be called without a 24-hour deadline.

No motion was made.

#### **B. CLOSED SESSION WITH BOARD ATTORNEY – CONFERENCE WITH LEGAL COUNSEL – Potential/Threatened/Anticipated Litigation. Significant Exposure to Litigation Pursuant Government Code Section 54956.9(b) (One (1) Matter). 6:39 p.m.**

All, including General Manager, Board Secretary, and Fire Chief and Assistant, were required to leave the room. The Board returned at 7:40 p.m. No-one else returned. The Board President reported that the Conference with Legal Counsel had no reportable legal action.

**Move to Adjourn:** Director Matson. **Second:** Director Roberts. **Vote:** Unanimous Aye.

District Secretary *Delia Paucher*

Board President \_\_\_\_\_



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Robert Shaw

92365-0280  
760.265.0332

May 1, 2023

To: Newberry Springs Community Service District  
Attn: General Manager & Board of Directors  
Newberry Springs CSD Office & Board Room

via: Hand Delivery by Author

Re: Tonight's Special Meeting  
and Matters Raised at the  
last regular meeting  
Dated: April 25, 2023

Honorable Directors and Ms. General Manager,

a copy of this document is being handed to the District Secretary with a request that she include it, by reference, as an exhibit to the minutes to tonight's meeting.

Also this notice and request is being read by the author, Robert Shaw a long term resident of Newberry Springs, since these are serious matters before the Board and the Community. By reading this document it will lesson any chance of misstating or misunderstanding the issues that are brought forward.

In the past I sat on this board for 5 years and during that time I attended several conferences conducted by the California Small District Association and learned the ins and outs of the Brown Act and many of the issues involving the code of ethics.

When you were recently elected President of the Board, I explained to you what that meant and offered to hold a workshop for the Directors so they would understand scope of their involvement and the dangers associated with certain actions. But "NO" you dismissed the offer telling me you knew of those pitfalls and would not have any trouble.

Now we come to last Tuesdays meeting and you violated many issues from the Brown Act plus you allowed another Director to insult and disparage the General Manager as well as her fiance in open session. This event was recorded and it happened in front of the Sheriff's Captain and several leaders from our community. The end result being that you discredited yourself to the point that you have lost all respect of the community.

Continued on the next page

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In addition you attempted to bring an issue before the Board that was not on the agenda, this being a clear violation of the Brown Act. In reviewing tonight's agenda I see that you are trying to do the same thing tonight.

So, please let me re-iterate some of the issues:

You seem to believe your title as President allows you Executive operating powers. This is not true you are a Director with the same powers as all other Director's with the exception that you have been elected to preside at the meeting's. You have no operating responsibility or function. All of the operating responsibility Lies with the General Manager. And while your board has the power to hire or fire the General Manager they have no right to interfere with her day to day activities. If you are displeased with her actions then you can address that issue at an open board meeting.

On receipt of a valid complaint the District Attorney will conduct an investigation and during that time you will not be allowed to serve as a sitting Director.

Once advised, if you continue it becomes a criminal violation.

All Directors are stewards and fiscal agents of "tax money" a serious responsibility.

The only way for you to resolve this issue amicably is for you to beg forgiveness and to resign your seat as a Director.

Arms length is a rule!

Perception is a rule!

You are correct in discussing this matter with your attorney, because, I for one, am preparing documents to file with all agencies involved with oversight.

Respectfully,

Robert Shaw, Resident

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# NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

## DRAFT SPECIAL MEETING MINUTES OF May 9, 2023

The Meeting was called to order after an Invocation by President Unger at 6:16p.m.

Flag Salute was led by Ronnie Shaw.

Roll Call: Present: Directors Unger, Matson, Roberts, Deel Absent: Director Springer

Also present: Fire Chief Lanier and members of the public.

Motion to approve agenda as presented by Director Deel; 2<sup>nd</sup> by Director Roberts.

Vote: Unanimous Ayes

**Public Comments** were made by Robert Shaw, Randy Hazlet, Rose Beardshear, and Paul Hucik

### Agenda Items- Discussion/Possible Action

**Closed Session**-Moved to Closed Session at 6:29p.m.

1. CONFERENCE WITH LEGAL COUNSEL; Potential/Threatened/Anticipated Litigation; Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b); (One (1) Matter)
2. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE; Government Code section 54957; General Manager
3. PUBLIC EMPLOYEE APPOINTMENT (If necessary); Government Code section 54957; Title: General Manager

Report out from closed session at 7:23p.m.:

The Board has consulted with the District's attorney (in Closed Session).

The Board has voted unanimously to release the GM effective Wednesday, May 10, 2023 at 4 PM. We thank Miss Howard for her long-time service to the people of Newberry Springs and we wish the very best for her as she continues moving forward in her life.

Please watch our website, [www.newberrycsd.net](http://www.newberrycsd.net) for information on filling open CSD positions.

Adjournment at 7:24p.m.

Director Deel		President Unger
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**POLICY TITLE:** Job Description - General Manager  
**POLICY NUMBER:** 2300

**2300.1** Description. The General Manager is the Executive Officer of the District and for the Board of Directors. The General Manager administers the District and has exclusive management and control of the operations and works of the District, subject to approval by the board of Directors, and provides day-to-day leadership for the District. The General Manager has general charge, responsibility and control over all property of the District.

**2300.1.1** The General Manager attends all meetings of the District's Board and such other meetings as the Board specifies from time to time.

**2300.1.2** The General Manager employs such assistants and other employees as they deem necessary for the proper administration of the District and the proper operation of the works of the District. Compensation shall be set by the Board of Directors. The General Manager shall delegate authority at their discretion and has authority over and directs all employees, including terminating for cause or lack of worthwhile work. Their personnel management goal will be to provide a motivating work climate for District employees.

**2300.1.3** The General Manager maintains cordial relations with all persons entitled to the services of the District, attempts to resolve all public and employee complaints, and shall encourage citizen participation in the affairs of the District.

**2300.1.4** The General Manager seeks to carry into effect the expressed policies of the Board of Directors, including planning the short, medium and long term work program for the District, facilitating constructive and harmonious Board relations and shall translate the goals and objectives of the Board to the community.

**2300.1.5** The General Manager shall manage the District budget, conducting studies, and making oral and written presentations.

**2300.2** Required Qualifications. The General Manager 1) shall have a minimum of five (5) years of experience in an increasingly responsible public agency management position or similar experience; 2) shall possess a valid California driver's license; 3) shall annually complete a minimum of 4 hours (or equivalent) continuing education related to the duties of the position.

**2300.3** Desirable Qualifications: The ability to efficiently prepare annual budgets and long-term revenue/outlay plans; the ability to effectively communicate, both written and verbal, with the constituents and other agency personnel; and the ability to meet and serve the public courteously and efficiently.

*Revised, Approved and Adopted February 22, 2022*

*Revised, Approved and Adopted April 22, 2014*

**POLICY TITLE:** Job Description - District Secretary  
**POLICY NUMBER:** 2360

**2360.1** Under supervision of the General Manager: acts as Secretary to the Board of Directors, General Manager, and District Treasurer.

**2360.1.1** The District Secretary attends to administrative detail on special matters assigned by the General Manager; composes correspondence on own initiative on matters not requiring personal attention of the General Manager; writes reports and letters; and, acts as office manager in the absence of the General Manager.

**2360.1.2** The District Secretary prepares agendas and attends meetings of the Board of Directors; transcribes and edits minutes; prepares drafts of agenda items requiring action by the Board; gives information to organizations, employees, customers and the general public regarding Board matters; and, prepares correspondence and maintains files on official actions of the Board and the General Manager.

**2360.2** Required Qualifications. The District Secretary shall have knowledge of: modern office methods, practices, equipment; and techniques of business letter and report writing.

**2360.2.1** The District Secretary shall have the ability to: perform responsible clerical and secretarial duties and independently take care of administrative detail; compose correspondence independently or from general directions; take Board material and minutes quickly and accurately, and maintain cooperative relationships with those contacted in the course of work.

*Revised, Approved and Adopted March 22, 2022*

**POLICY TITLE: Job Description - District Treasurer**

**POLICY NUMBER: 2370**

2370.1 This is a part-time, salaried position. Under supervision of the General Manager the District Treasurer is responsible for managing the budget and expenditures of the District and performs the duties of an Accountant.

2370.1.1 The District Treasurer is responsible for depositing, withdrawing, transferring and investing District funds, maintaining efficient fiscal practices to maximize non-operational earnings, and maintaining cash flow for needed liquidity, and makes or designates others to make deposits and withdrawals.

2370.1.2 The District Treasurer, in cooperation with the General Manager, the Fire Department Chief, Assistant Chief, and the Budget Committee maintains the annual budget.

2370.1.3 The District Treasurer, in cooperation with the General Manager, makes recommendations to the Board of Directors for transfers to and from the Reserve Accounts per Policy #3030 Reserve Policy.

2370.1.4 The District Treasurer will review and approve reimbursement requests per Policy #4025.4.1 Expenditure Reimbursement.

2370.1.5 The District Treasurer in cooperation with the General Manager Shall provide information for the Annual Audit.

2370.2 The District Treasurer shall attend and provide a current budget report for the Board of Directors at their monthly meetings.

2370.3 Required Qualifications. The District Treasurer shall have a thorough knowledge of the principles and practices of creating a budget, financial record keeping, principles of accounting and computerized accounting. Applicants must be bondable, pass Livescan screening and submit professional references.

2370.4 Desirable Qualifications. The District Treasurer will have knowledge of modern office methods, practices, and equipment.

2370.4.1 The District Treasurer will have the ability to maintain cooperative relationships with those contacted in the course of work.

2370.5 Salary will be based on appropriate education, previous experience, courses completed and degrees or certifications obtained as well as on the District's budgetary resources.

*Revised, Approved and Adopted July 26, 2022*

*Revised February 22, 2022*

*Revised July 28, 2020*

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**Product Synopsis • Pyrotechnic Proposal**  
**Newberry Community Services District**  
**PROGRAM A – July 3, 2023**  
**\$13,500.00**

**Main Body - Aerial Shells**

<u>Description</u>	<u>Quantity</u>
◆ 3" Souza Designer Selections	180
◆ 4" Souza Designer Selections	90

**Total of Main Body - Aerial Shells 270**

**Grand Finale**

<u>Description</u>	<u>Quantity</u>
◆ 2" Souza Designer Bombardment Shells	100
◆ 2.5" Souza Designer Bombardment Shells	72
◆ 3" Souza Designer Bombardment Shells	75

**Total of Grand Finale 247**

**Grand Total 517**

*Product descriptions are for specification of product quality, classification, and value. Final product selections will be based on availability, suitability, and overall artistic style.*



3E



# DAUGGETT COMMUNITY PARK

THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION,  
AND OUTDOOR ACCESS FOR ALL ACT OF 2018

**GALVIN NEWSOM, GOVERNOR**  
Made Crowfoot, Secretary for Natural Resources  
Armando Quintero, Director, California Department of Parks and Recreation

**C&M**  
FENCE CO.  
Barstow  
752-3500





# INLAND SIGNS

I N C O R P O R A T E D

Inland Signs Inc.  
1715 S. Bon View Ave.  
Ontario CA 91761  
United States

Bus: (909) 923-0006 Fax: (909) 923-0037

**POLICY TITLE: Job Description - General  
Manager POLICY NUMBER: 2300**

**2300.1** Description. The General Manager is the Executive Officer of the District and for the Board of Directors. The General Manager administers the District and has exclusive management and control of the operations and works of the District, subject to approval by the Board of Directors, and provides day-to-day leadership for the District. The General Manager has general charge, responsibility and control over all property of the District.

**2300.1.1** The General Manager attends all meetings of the District's Board and such other meetings as the Board specifies from time to time.

**2300.1.2** The General Manager employs ~~such volunteers~~ assistants and other employees as they ~~General Manager and the Board of Directors~~ deem necessary for the proper administration of the District and the proper operation of the works of the District. ~~The General Manager's~~ Compensation shall be set by the Board of Directors. The General Manager shall delegate authority at their discretion and has authority over and directs all employees, including terminating for cause or lack of worthwhile work. Their ~~General Manager's~~ personnel management goal will be to provide a motivating work climate for District employees.

**2300.1.3** The General Manager maintains cordial relations with all persons entitled to the services of the District, attempts to resolve all public and employee complaints, and shall encourage citizen participation in the affairs of the District.

**2300.1.4** The General Manager seeks to carry into effect the expressed policies of the Board of Directors, including planning the short, medium and long term work program for the District, facilitating constructive and harmonious Board relations and shall translate the goals and objectives of the Board to the community.

**2300.1.5** The General Manager shall manage the District budget, conducting studies, and making oral and written presentations.

**2300.1.6** The General Manager shall present a written report at each regular Board meeting. The report shall include the following.

- a) The current status of all ongoing District projects.
- b) A bullet-point list of significant information from all off-site meetings that the General Manager attended during the prior month.
- c) A bullet-point list of all non-confidential correspondence sent to and received from other governmental agencies during the prior month.
- d) A summary of the number of hours worked by all District employees during the prior month.
- e) Any other information that the General Manager deems important for the Board and the public to be made aware of.

This report will be included in the official Minutes of each regular Board meeting.

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2300.2 Required Qualifications. The General Manager 1) shall have a minimum of five (5) years of experience in an increasingly responsible public agency management position or similar experience; 2) shall possess a valid California driver's license; 3) shall annually complete a minimum of 4 hours (or equivalent) continuing education related to the duties of the position.

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**2300.3** Desirable Qualifications: The ability to efficiently prepare annual budgets and long-term revenue/outlay plans; the ability to effectively communicate, both written and verbal, with the constituents and other agency personnel; and the ability to meet and serve the public courteously and efficiently.

*Revised, Approved and Adopted February 22, 2022*

~~*Revised, Approved and Adopted April 22, 2014*~~

## Agenda Item Vacations – Discussion/Possible Action

Proposed Policies for Vacations. Policies from the CSDA Manual have been included for reference.

**POLICY TITLE:** Vacations  
**POLICY NUMBER:** 2020

**2020.1** This policy shall apply to regular and probationary employees in all classifications assigned a 12 hour work schedule.

**2020.2** Paid vacations shall be accrued according to the following schedule on an annual basis:

- a) ~~(a)~~—During the first year of continuous work, and the next four (4) years an amount equal to the amount of time the employee is expected to work during a normal work week. Example: If the employee works 12 hours per week, then the amount of vacation time earned during the first year is 12 hours.
- b) ~~(b)~~—Six through ten years of service, the employee earns vacation time at the rate the employee is expected to work during a two week period.
- c) ~~(c)~~—After ten years of service, one additional day of paid vacation for each additional year of service to a maximum of 20 days.

**2020.3** Employees who have completed six months in regular status may take their vacation time all at once, or gradually, with the approval of the General Manager. No vacation may be taken until the employee has completed at least six months in regular employee status ~~unless approved by the General Manager.~~

**2020.4** Vacation time may not be accumulated or postponed. ~~The total accumulated vacation time shall not exceed that amount earned annually by the employee. Only one week of accumulated vacation may be used in addition to regular vacation time during any given year.~~

**2020.5** At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.

**2020.6** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.

**2020.7** If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

**2020.8** Vacations may be scheduled at any time during the year upon approval of the General Manger.

**2020.9** Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except in situations of hardship. Said pay off shall be submitted for written approval by the General Manager.

*Revised, Approved and Adopted:* \_\_\_\_\_

*Revised, Approved and Adopted* **April 22, 2014**

**CSDA Policy Manual****POLICY TITLE: Vacations****POLICY NUMBER: 3490**

- 3490.1 This policy shall apply to regular and probationary employees in all classifications.
- 3490.2 Paid vacations shall be accrued according to the following schedule on an annual basis:
- a) During the first year of continuous work, (\_\_\_\_) days;
  - b) Two through five years of service, (\_\_\_\_) days;
  - c) Six through ten years of service, (\_\_\_\_) days;
  - d) After ten years of service, one additional day of paid vacation for each additional year of service to a maximum of 30 days.
- 3490.3 Employees who have completed six months in regular status may take their vacation time all at once, or gradually, with the prior written approval of their supervisor. No vacation may be taken until the employee has completed at least six months in regular employee status unless approved by the General Manager in writing.
- 3490.4 Vacation time may be accumulated or postponed. The total accumulated vacation time shall not exceed that amount earned annually by the employee. Only one week of accumulated vacation may be used in addition to regular vacation time during any given year.
- 3490.5 At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.
- 3490.6 The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.
- 3490.7 If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.
- 3490.8 Vacations may be scheduled at any time during the year upon written approval of the [PERSONNEL DIRECTOR or other responsible managing employee].
- 3490.9 Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except in situations of hardship or cumulation in excess of (\_\_\_\_) hours. Said pay off shall be submitted for written approval by the General Manager.

**Agenda Item Sick Leave – Discussion/Possible Action**

Proposed Policies for Sick Leave. Policies from the CSDA Manual have been included for reference.

**POLICY TITLE: Sick Leave**  
**POLICY NUMBER: 2025**

~~2025.1 This policy shall apply to salaried and hourly employees including the General Manager, Board Secretary, Treasurer, Office Assistant and Fire Department Administrator.~~

This policy shall apply to regular and probationary employees in all classifications assigned a 12 hour work schedule.

This policy shall apply to probationary and regular employees in all classifications. An employee shall be entitled to use accrued paid sick days beginning on the 90th day of employment, after which day the employee may use paid sick days as they are accrued.

**2025.2** Sick leave is defined as absence from work due to illness, non-industrial injury or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is given to the General Manager.

**2025.3** Employees shall be granted twenty four (24) hours of sick leave at the beginning of each calendar year.

**2025.4** Each employee may use sick leave as kin care leave, to care for sick immediate family members. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses. Family members covered include parents, children and spouses and are defined as follows:

2025.4.1 A "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild.

2025.4.2 A "parent" means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered "parents for purposes of this division.

2025.4.3 The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.

**2025.5** In order to receive compensation while on sick leave, the employee shall

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notify his/her supervisor prior to the time for beginning the regular day, or as soon thereafter as practical.

**2025.6** If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager.

**2025.7** Unused sick leave time may be bought back by the District at a rate of one half hour for each whole hour accrued. ~~Said buy back shall be limited only to time over and above 48 hours of accrued sick leave.~~ Termination for cause shall result in loss of all accrued sick leave.

*Revised, Adopted and Approved:* \_\_\_\_\_

*Revised, Adopted and Approved: August 25, 2015*



**CSDA Policy Manual****POLICY TITLE: Sick Leave****POLICY NUMBER: 3460**

- 3460.1 This policy shall apply to probationary and regular employees in all classifications.
- 3460.2 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to [SPECIFY DEPARTMENT, POSITION, PERSON, etc.].
- 3460.3 Employees shall earn sick leave at the rate of one working day per month, cumulative to a maximum of 60 days. The determination of total accumulated sick leave days shall be made on January 2 of each year.
- 3460.4 Each employee may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick immediate-family members. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses and are defined as follows:
- 3460.4.1 A "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild.
- 3460.4.2 A "parent" means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered "parents for purposes of this division.
- 3460.4.3 The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.
- 3460.5 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.
- 3460.6 If absence from duty by reason of illness occurs, satisfactory evidence may be required by the [PERSONNEL DIRECTOR or other responsible managing employee].

**[OPTIONAL]**

~~3460.7 Unused sick leave time may be "bought back" by the District at a rate of one-half (1/2) day [specify whatever rate your district provides] for each whole day accrued. Said buy back shall be limited only to time over and above 30 days of accrued sick leave. No more than 12 days of accrued sick leave shall be bought back in any given calendar year unless employment is terminated for non-cause reasons, in which case all accrued sick leave over and above 30 days shall be bought back at said one-half (1/2) rate. Termination for cause shall result in loss of all accrued sick leave.~~

(b) (1) An employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or the operative date of this article, whichever is later, subject to the use and accrual limitations set forth in this section.

(2) An employee who is exempt from overtime requirements as an administrative, executive, or professional employee under a wage order of the Industrial Welfare Commission is deemed to work 40 hours per workweek for the purposes of this section, unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek.

(3) An employer may use a different accrual method, other than providing one hour per every 30 hours worked, provided that the accrual is on a regular basis so that an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period.

(4) An employer may satisfy the accrual requirements of this section by providing not less than 24 hours or three days of paid sick leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment.

(c) An employee shall be entitled to use accrued paid sick days beginning on the 90th day of employment, after which day the employee may use paid sick days as they are accrued.

(d) Accrued paid sick days shall carry over to the following year of employment. However, an employer may limit an employee's use of accrued paid sick days to 24 hours or three days in each year of employment, calendar year, or 12-month period. This section shall be satisfied and no accrual or carryover is required if the full amount of leave is received at the beginning of each year of employment, calendar year, or 12-month period. The term "full amount of leave" means three days or 24 hours.

**POLICY TITLE: Hours of Work and Overtime**

**POLICY NUMBER: 3122?**

3122.1 This policy shall apply to all non-exempt employees.

3122.2 The regular hours of work each day shall be consecutive ~~except for interruptions for meal periods and breaks,~~ or as otherwise approved by the General Manager in writing.

3122.3 A work week is defined to consist of ~~seven (7) consecutive calendar days, Sunday through Saturday~~ Wednesday through Saturday ~~Friday, and, except as otherwise provided herein, a basic work week is defined to consist of five (5) consecutive work days of eight (8) hours each, Monday through Friday.~~ The regular work hours shall be ~~8:00 a.m. to 4:00 p.m. with one (1) hour off for lunch.~~ A majority of employees may request a change of regular work hours, for their division, with the written consent of the General Manager, so that the regular work hours may be revised to accommodate needs of the public, such as ~~7:00 a.m. to 4:00 p.m. with one (1) hour off for lunch.~~

~~Regular work hours may be modified as outlined in an applicable Memorandum of Understanding between the District and a District-recognized bargaining unit.~~

3122.4 Overtime is defined as: Time worked in excess of forty (40) hours in a work week.

3122.5 It is the general policy of the District to avoid the necessity for overtime work whenever possible.           

Overtime shall be held to a minimum consistent with efficient operation and shall only be used to cover emergencies or where working employees overtime is more economical. All overtime work shall be authorized in advance by the employee's supervisor, the General Manager, or his or her designee. Employees working overtime without prior approval by the appropriate individual may be subject to discipline.

Non-exempt employees shall be paid overtime at one-and-one-half (1½) times the employee's regular rate of pay. Holidays, administrative leave, vacation, authorized compensatory time off, and sick leave do not count toward an employee's overtime calculation.

3122.6 A work schedule is maintained by the ~~[insert Department]~~ NCS department head and approved by the General Manager ~~whereby [operations employees, fire employees, emergency services employees] may be assigned on a rotational basis to be "on-call" on weekends, holidays, and other times not considered regular hours of work for the District employees or assigned to work alternative workweeks. "On-call duty" is an assigned duty outside the normal workweek assignment during which an employee must remain where he or she can be contacted by telephone and he or she is ready for immediate call back to his or her department to perform an essential service.~~

3122.6.1 On-Call ~~Weekday~~ Duty employees are paid ~~[\$ \_\_\_\_\_] per hour rate for each weekday they are on-call. If these employees are called into work during this time, they will be paid for any on-call hours worked at the standard overtime rate.~~

3122.6.2 On-Call employees receive ~~[\$ \_\_\_\_\_] per hour rate per day for each holiday or weekend day they are assigned to on-call duty.~~

3122.6.3 ~~When an employee is assigned to on-call duty, he or she shall be free to utilize his or her time as desired, but must be able to respond within one hour to the District facilities. This will enable the on-call employee time to return to work in the event of an emergency call. On-call employees need to remain~~

~~unimpaired (e.g., refraining from drinking alcoholic beverages or marijuana usage) and able to perform all duties when on-call.~~

3122.6.4 If an employee is ~~not "on-call" and he or she is~~ called back to work, the employee will receive two (2) hours of ~~call-back~~ pay regardless of whether the employee works less than two (2) hours. The Employee shall also receive hourly ~~call-back~~ pay for every hour worked beyond two (2) hours.

Approved and Adopted: \_\_\_\_\_

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## Newberry CSD Policy

**POLICY TITLE: Board Meeting Agenda**  
**POLICY NUMBER: 5020**

**5020.1** Agenda preparation. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act. (Cal. Govt. Code, section 54950-54963) Any Director may call the General Manager and request any item to be placed on the agenda no later than ~~533:00P.M3:00 P.M. on the day~~ two days prior to the posting of the agenda for the next meeting date (per Section 5020.4).

**5020.2** Public Requests. 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:

**5020.2.1** The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least seven business days prior to the date of the meeting;

**5020.2.2** The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business", the public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.

**5020.2.3** 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. The Board President may also extend the time made available on any issue upon request of the speaker or any member of the Board.

**5020.2.4** No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

**5020.2.5** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not take action on such matters at that meeting.

**5020.3** Agenda descriptions. All Board agendas shall include a clear and unambiguous description of each item on the agenda to be discussed or action by the Board, including closed session items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered. All reports will be in writing and included in the supporting documents.

**5020.4** Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the

public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. The internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format.

~~This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not take action on such matters at that meeting.~~

**5020.4** ~~At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time. All information made available to the Board (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.~~

**5020.4.1** ~~The agenda for a special meeting shall be posted at least 24 hours before the meeting in the same location.~~

Reviewed and adopted on \_\_\_\_\_

Reviewed and adopted by the Board of Directors on February 27, 2018

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**CSDA Policy**

**POLICY TITLE:** Board Meeting Agenda  
**POLICY NUMBER:** 4205

4205.1 Agenda preparation. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda no later than 5:00 P.M. on the day that is 48 hours prior to the closing of the agenda for the next meeting date.

4205.2 Public requests. 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:

4205.2.1 The request must be in writing and be submitted to the General Manager [or other responsible managing employee] together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.

4205.2.2 The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

4205.2.3 The General Manager shall determine the timing of when the item will be placed on the agenda.

4205.2.4 The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.

4205.2.5 No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

4205.2.6 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 any one person to speak on the issue at the meeting.

4205.3 Agenda descriptions. All Board agendas shall include a clear and unambiguous description of each item on the agenda to be discussed, including closed session items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

4205.4 Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. The internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format.

4205.5 Agenda packages. When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all Board members at the same time. Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

4205.5.1 When a closed session item is agendized on the grounds of anticipated litigation based on either: (1) a written threat of litigation; (2) an oral threat received outside of the public meeting setting; or (3) an issue of potential litigation where the facts and circumstances giving rise to the closed session are known to the potential plaintiff, a copy of the written record must be included in the agenda package or public announcement of same.

4205.6 Public comment.

4205.6.1 For regular meetings the Board shall provide the public with an opportunity to address not only any item on the agenda but any item within the subject matter jurisdiction of the District.

4205.6.2 For special meetings, the Board shall provide the public with an opportunity to address any item on the agenda.

4205.6.3 The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comment.

4205.6.4 The Board may not require members of the public to give names or sign a register as a condition of attendance or speaking.

4205.6.5 The Board may require public comment specific to items on the agenda be made at the time when the agenda item is considered.

4205.7 Closed sessions. The Board may conduct a closed session during a noticed meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending litigation. The Board shall allow public comment on any closed session item before going into closed session.

4205.8 Items not on the agenda. The Board shall not discuss or take action on any item that does not appear on the posted agenda except that the Board may act on items not on the agenda to address emergency situations, subsequent need items, and hold-over items from a continued previous meeting held within the prior five days. The Board may also respond to public comments and make announcements.