

**AGENDA**

**AD HOC COMMITTEE MEETING  
LEUCADIA WASTEWATER DISTRICT**

October 22, 2014 – 1:30 PM  
1960 La Costa Avenue, Carlsbad, CA 92009

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1. **Call to Order**
2. **Roll Call**
3. **Public Comment**
4. **New Business**
  - A. Review Board-General Manager/Staff Relations Policy. (Pages 2-7)
5. **Information Items**

None.
6. **Director's Comments**
7. **General Manager's Comments**
8. **Adjournment**

**MEMORANDUM**

**DATE:** October 16, 2014  
**TO:** Ad Hoc Committee  
**FROM:** Paul J. Bushee, General Manager *Stebertman for PJB*  
**SUBJECT:** Board-General Manager/Staff Relations Policy

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**RECOMMENDATION:**

Staff recommends that the Board of Directors:

1. Discuss and provide direction, as appropriate.

**DISCUSSION:**

At the October 2014 Board of Director's meeting, staff presented LWD's Board-General Manager/Staff Relations Policy (attached) for review. The Policy, which was originally adopted in January 2007, was last amended on October 10, 2012.

During the Board's review and discussion, Director Omsted suggested that there were several areas that warranted more detailed review. He recommended, and the Board approved, the formation of an Ad Hoc Committee to consider changes to the policy.

The purpose of this agenda item is to present the policy to the Ad Hoc Committee for discussion.

Staff requests that the Ad Hoc Committee discuss the Board-General Manager/Staff Relations Policy and provide direction as appropriate.

cal:PJB



LEADERS IN  
ENVIRONMENTAL  
PROTECTION

## LEUCADIA WASTEWATER DISTRICT BOARD - GENERAL MANAGER/STAFF RELATIONS POLICY

Ref: 13-3442

### I. General Provisions

A) The Board of Directors, acting as a Board, is the governing body of the Leucadia Wastewater District (District) and is accountable to the public for the District's services, finances, establishment of policy and staff performance. All powers of the Board shall be exercised and performed by the Board as a body, and no individual Director, except as otherwise authorized by the Board, shall have the power to alter or amend Board policy or directions. Public statements of Board policy and direction should reflect the viewpoint of a Board majority, notwithstanding a minority position.

B) The General Manager serves at the pleasure of the Board and is accountable to the Board for the implementation of Board policy and directions. The General Manager is the official spokesman for the District and is responsible for its day-to-day operation and administration. Unless directed otherwise by the Board, letters that express policies or positions of the District shall be from the General Manager.

C) The staff is responsible for performing administrative and operational functions assigned by the General Manager, or his or her designee, in implementing Board policy and directions. Direction to staff shall come through formal job descriptions or by directives from the General Manager or his or her designee.

D) District Counsel is retained by the Board, and is solely accountable to the Board.

E) The District's Financial Auditor is directly accountable to the Board. The Investment and Finance Committee (IFC) shall serve as the Board's delegated point of contact and meet with the Financial Auditor as required during the audit process.

### II. Board to General Manager

A) The Board shall hire a General Manager, establish his or her compensation and define the conditions of his or her employment. The General Manager shall serve at the pleasure of the Board.

B) The General Manager is responsible for performing those functions, specific or general, assigned by the Board, either in the form of job description or Board direction.

C) The General Manager shall recommend, and the Board shall approve, the organizational structure of the District.

D) The General Manager shall hire all personnel with the exception of General Counsel at his or her sole discretion. The General Manager shall recommend and the Board shall approve the District's organizational chart and compensation ranges.

E) The Board of Directors shall ultimately approve district Policy. The General Manager may recommend and provide information regarding policy matters, including information relating to the technical, administrative and fiscal ramifications of the policies being considered.

F) The General Manager shall take direction only from a Board majority, or from a duly appointed committee, acting within the scope of the District and in accordance with direction from the Board.

G) The General Manager shall act as the primary point of contact between the Board and the staff.

H) The General Manager shall provide such reports for the Board as requested, including but not limited to:

- 1) Status reports on Board directed activities.
- 2) Financial reports.
- 3) Updates on operations, maintenance, construction and personnel matters.
- 4) Emergency reports.

### **III. Board to Staff**

A) Administration of staff is the direct responsibility of the General Manager. The General Manager shall provide policy and administrative direction to staff. Directors shall not direct staff regarding their employment duties.

B) If a Director is requesting the creation of a particular report or analysis, the matter shall be brought to the General Manager or, if appropriate, the Board of Directors. However, Directors may obtain copies of existing reports and analysis from staff.

C) Individual Directors may contact staff directly for the purpose of asking questions about, or seeking clarifications of, issues related to the District's official business. This access may be in person or via telephone, e-mail or other forms of written or verbal requests. The General Manager should be notified of such contact between Directors and staff.

D) Individual Directors intending to use more than 30 minutes of any staff member's time for issues relating to the District's business, should make an appointment with the staff member at a mutually agreed time and date. Contact with staff members should not generally exceed one (1) hour in any one week. Contact between Directors and the General Manager is not limited.

E) Individual Directors shall be granted access to all existing public documents at the District.



F) Staff members are not precluded from speaking with Directors. However, all complaints or matters of internal discipline should follow the established chain of command.

#### **IV. Board and Employee Political/Election Related Activities**

A) Government Code § 3204 prohibits elected public officials, such as District Board Members, from directly or indirectly “using any office, authority or influence” to persuade an individual to vote, exert political influence, or take political action on behalf of any candidate, officer, or party, in exchange for aiding or obstructing that individual’s ability to secure “any position, nomination, confirmation, or promotion.” It is unlawful, therefore, for Board Members to use their positions to force employees to perform political or election related tasks, or to retaliate against employees for refusing to do so.

B) In the event that District employees volunteer to help Board Members with election or political activities, the District prohibits such conduct while at work or while on District property. The basic rule is that public entities cannot use public funds or resources to influence voters to support a political position. This prohibition naturally extends to a public employee’s use of his or her time on the job for political or election activities. Employees may not participate in political or election activities while in uniform or at work.

#### **V. Board, General Manager and Staff to Attorneys**

A) The Board may hire Attorneys as needed and establish their compensation. Attorneys shall work under the direction of the Board or its designee and shall serve at the pleasure of the Board or its designee.

B) Attorneys shall not become involved in policy decisions, except to comment on the legal ramifications of the policies being discussed or considered.

C) Attorneys shall take direction from a Board majority, from a duly appointed committee acting within the scope of its District and in accordance with direction from a Board majority or from the Board Chair.

D) Any Director may request a verbal opinion from Attorneys on matters relating to District business, including, but not limited to, clarification of potential conflicts of interest which may bear on the Director’s ability to participate in a vote. Any advice Attorneys provide shall be as legal counsel for the District and not individual Directors. Attorneys shall inform the Board if they become aware of any potential conflict of interest that may require withdrawal, disclosure, or abstention of a Director or otherwise impact the actions of the Board.

Directors may consult independent counsel on conflict of interest matters. If a potential conflict between an individual Director and the Board arises, the Director is encouraged to consult independent counsel.

E) Attorneys shall not respond to individual requests of a personal nature.

F) The General Manager is the primary point of contact between the staff and Attorneys for the assignment of work.

G) The General Manager shall be authorized to contact attorneys at his or her discretion.

## **VI. Board to Other Agencies**

A) Directors may contact elected officials, or staffs of other Agencies, on behalf of the Board. However, when representing the Board, Directors' comments should reflect approved Board policies or, in areas where no policy has yet been developed, the viewpoint of a majority of the Board. If the Board's viewpoint is unclear or not known, this should be stated.

B) If a Director expresses an opinion before another agency regarding District business that is inconsistent with established Board policy or is simply not covered by Board policy or action, it is requested that the Director state that he or she is expressing their own opinion and not representing the Board as a whole

## **VII. Emergency Situations**

A) The General Manager or his/her appointee shall notify Directors of an emergency as soon as reasonably practical. The General Manager or his/her appointee shall follow-up with written reports to the Board within a reasonable time following the emergency.

## **VIII. Access To The Agenda**

A) The Board may request items to be placed on future agendas at its regular meetings. In addition, each and every Director may place any item on the agenda provided the request is made no later than Tuesday of the week before the meeting.

B) Items placed on the agenda by an individual Director, accompanied by material submitted by that Director, shall be included in the agenda packet.

## **IX. Committees**

A) To facilitate the fulfillment of its responsibilities, the Board may, from time to time, establish committees, as allowed by the Government and Water Codes.

B) The Board President shall appoint committee members at a meeting of the Board. For appointments made by the Board President, no action or vote by the full Board is required. However, if requested by two Directors at the meeting in which committee appointments are made, a Board vote to affirm or reject the committee appointments shall be held. If a majority of the Directors vote in favor of the committee appointments, or fail to vote against the appointments, they shall be deemed approved. If a majority of the Directors present vote against the committee appointments, they shall be deemed void, and the Board shall then make the committee appointments.

C) The General Manager shall complete, and post on the District's website, a Fair Political Practices Commission Form 806 that identifies all of the current, paid committee appointments. The General Manager shall update and post a new Form 806 on the District's website upon any of the following circumstances: 1) the number of scheduled or estimated committee meetings is changed, 2) there is a change in committee compensation, or 3) there is a change in committee membership.

D) The purpose, scope and duration of each committee shall be established by the Board.

E) Each committee will operate within the purpose and scope defined by the Board. If additional activities appear necessary to the completion of the assigned task, the committee may request additional authorization from the Board.

F) Committees will keep the Board apprised of their activities and make a full report to the Board at regularly scheduled Board meetings.

X. Policy Review

A) This policy shall be reviewed annually by the Board of Directors.