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POLICY TITLE:	Purpose of Board Policies
POLICY NUMBER:	1000

- | | |
|----------------|---|
| 1000.10 | It is the intent of the Board of Directors of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District (to be known as TEAM RCD) to maintain a manual of policies and procedures. Contained therein shall be a comprehensive listing of the Board's current policies and procedures, being the rules and regulations enacted by the Board from time to time. The Policy and Procedure Manual will serve as a resource for Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted. |
| 1000.20 | If any policy or portion of a policy contained within the manual is in conflict with rules, regulations or legislation having authority over Temecula-Elsinore-Anza-Murrieta Resource Conservation District, said rules, regulations or legislation shall prevail. |
| 1000.30 | For clarification of policies or procedures not identified in this document, refer to Division 9 of the Public Resources Code. |

POLICY TITLE:	Operating Principles of the Board (Norms)
POLICY NUMBER:	1005

OPERATING PRINCIPLES OF THE BOARD (NORMS)

Every board should have operation principles and certain "norms" that are accepted practices and behavior that each director and member should follow as a representative of the Board.

IMPLEMENTATION AND PROCESS NORMS

- We are committed to practice these norms, whereupon we evaluate and adjust as the Board deems necessary.
- Upon the occasion of the occurrence of what appears to be a breach of these norms, we are committed to addressing this perception first to the individual(s) involved, before raising the issue with the Board itself. The Executive Director would be the individual to address the perception and if there is no Executive Director, the President would address the issue. For all TEAM RCD business, as discussed in this document and otherwise, if the President is unavailable during the time necessary to respond or otherwise undertake the actions in question, the responsibility will go to the successive elected Officers, in order of seniority of position, Vice President and then the Secretary/Treasurer. If the occurrence becomes necessary to discuss at Board level, it will be the Board that takes the appropriate action to remedy the breach.
- All Communication should be accurate and brief. Communication must be funneled to the Office Manager with a copy to the Executive Director. If there is no Executive Director, the Board President should be copied. E-mail communication that is meant for informational or information gathering purposes for Directors prior to any meeting will be sent through the office manager who will ensure the inability of Directors to "reply all".
- Information gathering for Director assigned project areas is encouraged, however, should be in the Directors' area assigned to them and may need to be authorized by the Board with parameters as to the project scope and representation from the Board to that effect.
- Basic information gathering and reporting to the Board generally would not include larger meetings with multiple organizations, larger governmental and sister agencies and/or groups. These type of requests from Directors should follow a chain of command in order to keep the Executive Director and/or the President aware of Board Director activities and to enable them to anticipate agenda items that may need addressing. Following is the chain of command to follow:
 1. All requests for larger meetings should be brought to the Executive Director and/or President and office manager to decide the necessity of the larger meeting.
 2. The President or other assigned Board officer (if the President is not available) will review the existing request and be given the authority to collect all the necessary information. This should include the purpose of the call, the nexus as to the included individuals, an agenda, specific scope of discussion detailing the process and potential goals to be achieved, current information collected, and the needs or interest of existing partners

and how this call would be of benefit our partners, those on the call and/or the community.

3. At this time, the Executive Director and/or President will be given the authority by the Board to determine if there is still more information needed before reaching out to groups or other governmental agencies prior to moving forward. If so, it will be given back to the Director to do more research.
4. Once sufficient information has been gathered, the outreach to Executive Directors of outside organizations, groups, or governmental agencies as potential partners on larger calls will be done by the Executive Director and/or the President to decide if there is interest on the part of the participants to be part of a call or if the call is of benefit to both organizations. This will help determine whether a larger call is necessary or if more data needs to be collected to host a larger call. It has been the norm of the board to be respectful of sister agencies, their staff and their time as well as TEAM RCD's time.
5. If those calls show minimal or no interest in the District's project, no call will be scheduled, however the President and/or appropriate designated officer of the Board, will give a report on the results of the outreach at the next meeting and give the Board opportunity to discuss options. The Board can or may agendaize either to move forward to finding alternatives to getting the project done and/or abandon the project, as decided by the Board.
6. If sufficient information has been gathered that warrants further discussions with several partners or advancement based on interest, the item will be agendaized and discussed at the next available meeting as to the potential for advancing discussions with those partners and what the Board hopes to achieve.
7. If the Board votes to host a meeting, an agenda will be established in advance and brought to the Board for a vote. All meetings will have agendas in order to keep the meeting and focus on track.
8. All virtual or in person meetings that affect or have anything to do with TEAM RCD that are initiated by any Director should go through the office manager and be arranged through the TEAM RCD offices and technology for arrangements to be made for the physical location or virtual platform.
9. The President and the office manager will make all arrangements and send out to the interested parties an invitation with a concrete agenda and discussion points which have been approved by the Board. This process also includes notifying all Board members, if interested in attending that they must make clear to the office manager that they will be attending. If three or more members wish to attend then the meeting may be required to be noticed to the public to make sure the Board is in keeping with state rules and regulations.
10. Once the call or meeting commences, the President or designated TEAM RCD representative will give an overview of the reason for the meeting and what they hope can be achieved. At which time, should an individual Director be the point person in their assigned area of the discussion, the President will do a formal introduction of the Director and ask them to give their presentation and answer questions.
11. Board members are encouraged to seek out all kinds of information particularly if it pertains to their specific area of assignment from the Board. There are also many

informational and training videos available through our member associations CSDA and CARCD which are free. Executive Directors, or in the absence of one, elected officers of the board in order of authority (President, Vice-President, Secretary-Treasurer) historically have been given more authority to speak on behalf of the Board due to the nature of their elected position to speak on behalf of the Board. The President has the authority to speak for the Board as its representative as the elected head of the Board and in the absence of the President in order of position, the Vice President and then the Secretary would be afforded those duties and authority to maintain the normal order of business if the President is not available. Individual Directors shall have no power to act on behalf or speak for TEAM RCD or the Board or to direct the staff of TEAM RCD unless specifically authorized by the Board.

12. If there is any question as to the extent of an individual Director authority or lack of written policy does not specify exact direction to act on specific subjects, it is advised that the Director contact either the President, Vice President or Secretary/Treasurer (Senior officers in order of board hierarchy) prior to doing anything if they are unsure of or unclear on the chain of command in achieving a specific goal. Board members must be conscious that there may be additional information that they are personally unaware of that may impact the District or the Board itself should they decide to act unilaterally. Clarification can also be obtained through District Counsel.

- The Executive Director and the President are in charge of putting together the Agenda and working with the Office Manager to put all the appropriate materials together for the Board Packet. In the absence of the President, these duties fall to the elected officers in order of rank. Should specific information miss the packet deadline but will be discussed at the meeting, hand-outs will be available to the Board and the public at that time.
- The agenda is based on the current work plan, speakers, Directors projects, ongoing projects and available time. The President is given the authority by the Board to create the agenda as the President deems necessary and sees fit in order to run an efficient meeting within accepted norms for the board. As a rule, the meetings last roughly 1 hour or more however they do not usually last more than one and half hours unless they are for specific required training sessions for Directors which as a rule are a minimum of 2 hours. All speakers are given a relative time frame for presentation. However, speakers who request to present to the Board that are current collaborators or are working on current projects will normally take priority over a new speaker since they may have current project information that the Board may need to act upon quickly. These organizations are given deference in the time they are given and therefore a speaker or presentation will affect the timeline of the agenda.
- If someone would like to speak at a meeting, they should contact the Board President directly through the office manager to discuss the purpose and subject to be discussed. The President and the speaker will discuss how the subject will benefit TEAM RCD's mission statement and the District and a decision will be made as to the viability of the subject and if a presentation is necessary. Members of the public can also speak during public comment for up to 3 minutes.
- TEAM RCD is a quasi-governmental non-political body and strives to maintain partnerships and collaborations with those organizations whose goals coincide or enhance TEAM RCD's mission statement and in doing so, help and enhance the District and the community in a non-partisan

way. The Board is clear that it has no interest in putting the District in the middle between opposing sides of conservation, habitat or political issues, locally, regionally or nationally. TEAM RCD does not feel it productive to take either side of controversial issues and prefers to be more collaborative with their sister agencies, its partners and the community. Since governmental agencies both County and State have more enforcement authority than Resource Conservation Districts, TEAM RCD can provide support with their resources once issues or discussions are decided at the higher levels of government if the Board decides to act. The District's focus is to use their resources to achieve common sense and reasonable conservation goals that gives everyone involved a piece of the pie and strive for a win-win situation for all sides in the District, not to divide it by taking particular sides.

AUTHORITY OF THE BOARD

- The Board of Directors shall act only at regular, regularly adjourned or special meetings as provided by State Law.
- Individual Directors shall have no power to act for TEAM RCD, or the Board, or to direct the staff of TEAM RCD except as authorized by the Board.
- The Board is authorized to delegate any of its powers and duties to "an officer of TEAM RCD". This is usually the Executive Director or the President. The TEAM RCD Board has delegated day-to-day responsibility of the administering and delegation of general District business to the President, to be summarized and discussed at the next Board meeting in the form of an agenda. In the absence of the President, due to illness or unforeseen issues, the authority passes first to the Vice-President and then to the Secretary-Treasurer to act in the role of President. The Board, however, retains ultimate responsibility over the performance of those powers or duties so delegated.
- The Board sets the policy for the TEAM RCD. When there is no Executive Director, the authority lies with the President of the Board, who is elected once a year for a one-year term in June. Should the President not be available, authority passes to the Executive Officers, the Vice-President and then the Secretary Treasurer. The Board provides policy direction to the Chief Executive and/or the President on matters within the authority given to them by majority vote of the Board members present during duly-convened Board meetings.

POLICY NUMBER: 1010

1010.1 To operate the District under the policies and procedures defined in the District Policy and Procedure Manual

1010.1.1 To respond to Environmental Impact Reports or Development Projects as defined in the District Policy and Procedure Manual, through the District's Conservation Review Subcommittee.

1010.1.1.1 Prevent dry gravel and stream bed erosion

1010.1.1.2 Prevent sedimentation into lakes and streams

1010.1.1.3 Prevent overuse of groundwater supplies

1010.1.1.4 Manage disturbance of vegetation

1010.1.2 To support conservation programs and efforts of cooperating agencies and civic groups and coordinate efforts of such programs as needed.

1010.1.3 To approve an Annual Budget Plan by June 30 of each year, which will address the goals within the next fiscal year and the Long Range Plan.

1010.1.4 To complete an Annual Report of the prior years' activities by September 30 of each year.

1010.1.5 To support a valley-wide approach to reduce the loss of prime farmland through the Agriculture Subcommittee.

1010.1.6 To encourage all land use development projects within the District to reflect conservation practices that:

1010.1.6.1 Prevent or reduce soil erosion

1010.1.6.2 Address flooding potential

1010.1.6.3 Prevent over use of ground water supplies

1010.1.6.4 Dedicate open space for human recreation and wildlife habitat

1010.2 To prevent loss of vegetation through the Education Committee with local government agencies such as Planning Commissions, City Councils, and the development community.

1010.2.1 To seek solutions to the conservation of agricultural zoned lands for redevelopment.

1010.2.2 To encourage water conservation practices within the District by both agricultural and domestic customers.

1010.2.3 To cooperate with local, City, County, State and Federal agencies in implementing best management practices in storm water

management planning.

- 1010.2.4** To support the Crafton Hills Open Space Conservancy and other Conservancies within our District
- 1010.2.5** To achieve optimum water conservation practices within the mountain communities.
- 1010.2.6** To develop and implement education programs adaptable to the students (grades K-12) of the Unified and Private Schools within TEAM RCD's district.
- 1010.2.7** To encourage and enable participation of these students in environmental competitions sponsored by TEAM RCD and other agencies.
- 1010.2.8** To develop a volunteer society to assist the District in community conservation programs.
- 1010.2.9** To increase public awareness of the economic and ecological benefits of resource conservation.
- 1010.2.10** To provide information to, and assist, District Cooperators, the general public, public officials and other agencies.
- 1010.2.11** To provide information to the news media, local newspapers, radio stations, trade magazines, and make use of public service announcements with monthly articles, advertisements, signage or public announcements.
- 1010.2.12** To support irrigation designs of the NRCS for new or reorganized irrigation systems for the purpose of improved irrigation water management.
- 1010.2.13** To support any MOU with Riverside-Corona Resource Conservation District, Inland Empire RCD, Mission RCD, Antelope Valley RCD, Regional Conservation Authority, Rivers and Lands Conservancy, Riverside Flood Control and any other agency the District board duly adopts future MOU's with.
- 1010.2.14** To continue to partner with local, City, County, State and Federal agencies in the preservation and restoration of the Santa Ana Watershed and Santa Margarita Watersheds.
- 1010.2.15** To increase public awareness programs that will educate the general public, public officials and other agencies to discourage illegal dumping throughout the District.
- 1010.2.16** To support a Watershed-wide approach in the removal of invasive species.
- 1010.2.17** To support the Santa Ana Watershed Association in the management of the Santa Ana Watershed.
- 1010.2.18** To continue to build partnerships with local, City, County, State and Federal agencies that will better enable the District to

successfully cooperate with the invasive species removal program and other programs that improve long range water quality within the watersheds.

1010.2.19 To encourage the development of a Watershed-wide education program that will enable landowners to partner in the long range monitoring program.

1010.3 All employees shall be given a copy of the policy and procedure manual with the understanding that said manual remains the property of District. Employees shall be required to sign a statement of fact that they have received, read, and understand the manual and said statements of fact shall be maintained in the employees' personal file.

POLICY TITLE: Adoption/Amendment of Policies
POLICY NUMBER: 1020

- 1020.1** Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director, or by the District Manager. The proposed adoption or amendment is initiated by submitting a written draft of the proposed adoption or amendment to each Director and the District Manager through the District office, and requesting that the item be included for consideration on the agenda of the appropriate regular meeting of the Board of Directors.
- 1020.2** Adoption of the new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require a 3/5 affirmative vote of the entire Board of Directors.
- 1020.3** Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy (ies) shall be made available to each Director for review at least 72 hours, per the Brown Act (Cal. Gov. Code § 54954.2), prior to any meeting at which the policy(ies) are to be considered.

POLICY TITLE: Conflict of Interest
POLICY NUMBER: 1030

1030.1 The District has adopted a Conflict of Interest Code (the “Code”) pursuant to the requirements of the Political Reform Act of 1974, Government Code Section 81000 et seq. (the “Act”). The Code sets forth the required provisions for the disclosure of assets and income of designated employees, the disqualification of designated employees from acting where a conflict of interest exists, the list of designated employees subject to the disclosure provisions of the Code, and the list of disclosure categories specifying the types of assets and income required to be disclosed by each of the designated employees. The requirements of the Code are in addition to other state and local laws pertaining to conflicts of interest and have the force and effect of law. All officers and employees are directed to refer to the District’s conflict of Interest Code for these specific requirements.

**CONFLICT OF INTEREST CODE
TEMECULA-ELSINORE-ANZA-MURRIETA RESOURCE CONSERVATION DISTRICT**

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 2.13
(ID # 12941)

MEETING DATE:

Tuesday, August 04, 2020

FROM : COUNTY COUNSEL:

SUBJECT: COUNTY COUNSEL: Approval of the Amended Conflict of Interest Code of the Temecula-Elsinore-Anza- Murrieta Resource Conservation District. [Districts 1,3] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

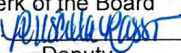
1. Approve the Amended Conflict of Interest Code of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District; and
2. Direct the Clerk of the Board to notify the Temecula-Elsinore-Anza-Murrieta Resource Conservation District of the action taken.

ACTION:Consent

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: August 4, 2020
xc: CoCo

Kecia R. Harper
Clerk of the Board
By  Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	N/A	N/A	N/A	N/A
NET COUNTY COST	N/A	N/A	N/A	N/A
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: [CEO use]

BACKGROUND:

Summary

The Political Reform Act prohibits a public official from using his or her position to influence a government decision in which he or she has a financial interest. Government Code section 87300 requires local government agencies to adopt and promulgate a Conflict of Interest Code identifying officials and employees required to file statements of economic interest based on the positions they hold. A local government agency, as defined by Government Code section 82041, includes the Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

Each even-numbered year, Government Code section 87306.5 requires local government agencies to review their Conflict of Interest Code, make appropriate revisions, if necessary, and submit an amended Conflict of Interest Code to the code reviewing body. Government Code section 82011(b) identifies the Board of Supervisors for the County of Riverside as the code reviewing body for a local government agency within its county.

The Board of Directors of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District recently adopted Resolution No. 2020-01 amending its Conflict of Interest Code on May 14, 2020 to include new positions and revise disclosure categories. The Temecula-Elsinore-Anza-Murrieta Resource Conservation District has submitted its amended Conflict of Interest Code for approval by the Board of Supervisors as the code reviewing body.

This office has reviewed the Conflict of Interest Code of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District and has found that it complies with statutory requirements. A complete copy of the Conflict of Interest Code of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District is attached.

It is recommended that the Board of Supervisors approve the amended Conflict of Interest Code of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District, and direct the Clerk of the Board to notify the Temecula-Elsinore-Anza-Murrieta Resource Conservation District of the action taken.

ATTACHMENTS

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

ATTACHMENT A: RESOLUTION NO. 2020-01

ATTACHMENT B: CONFLICT OF INTEREST CODE OF THE TEMECULA-ELSINORE-
ANZA-MURRIETA RESOURCE CONSERVATION DISTRICT


Gregory V. Priamos, Director County Counsel 7/23/2020

RESOLUTION NO. 2020-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE TEMECULA-ELSinore-ANZA-MURRIETA RESOURCE CONSERVATION DISTRICT AMENDING THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District (the "District") and requires all public agencies to adopt and promulgate a conflict of interest code; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended and approved on September 20, 2016, in compliance with the Act; and

WHEREAS, subsequent changes in the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the District's Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the Authority being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Code was provided each affected designated position and publicly posted for review at the offices of the District; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the Board of Directors on May 14, 2020, at which all present were given an opportunity to be heard on the proposed amended Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District that the Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the President, and available to the public for inspection and copying during regular business hours;

BE IT FURTHER RESOLVED that the said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of Riverside for approval and said Code shall become effective upon the Board of Supervisors' approval of the proposed amended Code as submitted.

APPROVED, SIGNED AND ADOPTED this 14th day of May, 2020, by the following vote:


AYES: 4

NOES: 0

ABSTAIN: 0


ABSENT: 1

TEMECULA-ELSINORE-ANZA-MURRIETA
RESOURCE CONSERVATION DISTRICT



President, Board of Directors
Temecula-Elsinore-Anza-Murrieta
Resource Conservation District

ATTEST:



Secretary to the Board of Directors
Temecula-Elsinore-Anza-Murrieta
Resource Conservation District

**CONFLICT OF INTEREST CODE
OF THE
TEMECULA-ELSINORE-ANZA-MURRIETA
RESOURCE CONSERVATION DISTRICT**

(Amended May 14, 2020)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate a conflict of interest code. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. § 18730 ["Regulation 18730"]) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the Conflict of Interest Code of the **Temecula-Elsinore-Anza-Murrieta Resource Conservation District (the "District")**.

All officials and designated positions required to submit a statement of economic interests shall file their statements with the **District Secretary** as the District's Filing Officer. The **District Secretary** shall make and retain a copy of all statements filed by the District Manager and members of the Board of Directors and Associate Directors, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of Riverside. (Gov. Code, § 87500.) The **District Secretary** shall retain the original statements filed by all other officials and designated positions and shall make all retained statements available for public inspection and reproduction during regular business hours. (Gov. Code §81008.)

FORM APPROVED COUNTY COUNSEL
BY: 
DANIELLE D. MALAND

APPENDIX
CONFLICT OF INTEREST CODE OF THE
TEMECULA-ELSINORE-ANZA-MURRIETA RESOURCE
CONSERVATION DISTRICT

(Amended May 14, 2020)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are NOT subject to the District's Code, but must file disclosure statements under Government Code section 87200 et seq. (Regs. § 18730(b)(3)). These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Members, Board of Directors and Associate Directors
District Manager
Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code section 87200.

BB&K – May 2020

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>Designated Positions</u>	<u>Disclosure Category Assigned</u>
Conservation Educator	4
Education Coordinator General Counsel	4
Field Ecologist	4
General Counsel	1, 2
Natural Resources Manager	2, 4
Project Manager	2, 4
Consultants and New Positions ²	

² Individuals serving as a consultant as defined in FPPC Reg. 18700.3 or in a new position created since this Code was last approved that makes or participates in making decisions must file under the broadest disclosure set forth in this Code subject to the following limitation:

The District Manager may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.) The District Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ "Investment means financial interest in any business entity (including a consulting business or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of the District.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, that do business in, or own real property within the jurisdiction of the District.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District, or within two (2) miles of any land owned or used by the District.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency's jurisdiction if the source does not have some connection with or bearing upon the functions or duties of the position. (Reg. 18730.1)

POLICY TITLE: Public Complaints (Non-Tort Claims)
POLICY PROCEDURE: 1040

- 1040.1** The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.
- 1040.2** A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute of which the individual has been adversely affected.
- 1040.3** The method of resolving complaints shall be as follows:
- 1040.3.1** The individual with a complaint shall first discuss the matter with the District Manager with the objective of resolving the matter informally.
- 1040.3.2** At the discretion of the District Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The District Manager shall memorialize his/her decision in writing, with the individual registering the complaint being provided a copy.
- 1040.3.3** If the individual filing the complaint is not satisfied with the disposition of the matter by the District Manager, a written complaint may be filed with the Board of Directors within ten (10) days of receiving the District Manager's decision. The Board may consider the matter at the next regular meeting, or the Board or President may call a special meeting. The Board will expeditiously resolve the matter. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize any transcripts and/or written documentation. The Board's final decision shall be memorialized in writing with the individual registering the complaint being provided a copy.
- 1040.4** 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 orally present testimony, a complaint, or a statement in regard to actions of the Board, District programs and services, or impending considerations of the Board

Policy Title: Claims Against the District
Policy Number: 1050

The purpose of this policy is to provide direction to District for processing and resolving (if possible) a property damage claim against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

Nothing in this section is intended to nullify or modify the requirements of the California Tort Claims Act (Cal. Gov. Code § 810 et seq.)

1050.1 Property (Land and Improvements) Damage Claims

In the course of the District's operations- damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible, with permission of the property owner.

When a property owner informs a District employee of damage to their property (by telephone, in person, or in writing), the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability issues.

As soon as possible after information about the damage has been received, it shall be given to the District Manager. The District Manager, or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board of Directors of damage to his/her property, the information will be given to the District Manager. Directors should not independently investigate claims, but may accompany staff to observe any investigation.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the District Manager.

If the investigating staff person determines that the damage was caused by District personnel, equipment, or infrastructure, he/she shall typically prepare a work order to have the damage repaired, subject to the following conditions:

- (a) Property owner agrees that the proposed repairs are appropriate and adequate;
- (b) Property owner agrees to allow District personnel access to their property to perform the repair work;
- (c) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- (d) Repair work can be accomplished within a reasonable amount of time; and,
- (e) Cost of material for the repairs will not exceed \$499.

The owner will be required to submit a claim in writing for any amount of claimed damage.

The District Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed \$499. A report shall be submitted to the Budget and Finance Committee describing the damage claim, including a description of the manner in which it was resolved.

If the amount of the damage claim exceeds \$499, the claim will ordinarily be forwarded

immediately to the District's Insurance Company. The Board will not consider a claim of an amount in excess of the insurance deductible, including the cost of the investigation, without prior written approval of the District's insurance company. The district's deductible is \$500.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Any claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1050.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles or other unsecured property shall be submitted to the District Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage was caused by District personnel, equipment, or infrastructure, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed \$499. A report shall be submitted to the Budget and Finance Committee describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed \$499.

1050.3 Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than \$500, all damage or tort claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all of the following:

- (a) The name and post office address of the claimant;
- (b) The post office address to which the person presenting the claim desires notices to be sent;
- (c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- (f) The amount claimed if it totals less than ten thousand dollars as of the date of presentation of the claim, including the estimated amount of any prospective injury damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars, no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code 910 and 910.2. Then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, office staff shall date stamp the claim form.

Policy Title: Copying Public Documents
Policy Number: 1060

1060.1 Individuals requesting copies of public documents shall be charged a reasonable fee based upon the cost to produce the copy (\$.20 per sheet) to defray expenses associated with the copying process.

1060.2 Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board Meetings shall be made available to the public. A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at no charge. Individuals requesting copies of such documents prior to the board meeting will be charged \$.15 per sheet. The copy charge may be levied at Board meetings for copies of documents if more are needed and/or requested in addition to those normally prepared for the public at Board Meetings.

POLICY TITLE: Public Contributions
POLICY NUMBER: 1070

- 1070.1** Donations from members of the public to the District for a public purpose that is within the scope of the district's responsibilities will be accepted. The District Manager will provide a receipt for said donation and include the District's tax identification number thereon.
- 1070.2** Donations must be clearly marked as such.
- 1070.3** By accepting donations, the District is not claiming to be qualified by the Internal Revenue Service as being a charitable organization for which donations may be considered tax deductible. Determination of how donations to the district are to be treated relative to the donor's tax liability is strictly the responsibility of the donor.

Policy Title: Fee For Services Policy
Policy Number: 1080

- 1080.1** It is the policy of the Inland Empire Resource Conservation District that the District will provide certain services, in which the District is uniquely qualified, to the public and other governmental entities served by the District, and that the District will charge fees that cover the cost of providing these services. This policy has been adopted by the District pursuant to its authority to obtain fees for services defined Division 9, Article 9, section 9403.5 Fees for services of the California Public Resources Code.
- 1080.1.1** The Board of Directors may establish and charge fees for services provided by the District to, and upon the request of, persons or government entities. No fee shall exceed the cost reasonably borne by the District in providing the service.
- 1080.2** The District is empowered to develop and carry out natural resource conservation, restoration and education programs throughout its service area in San Bernardino and Riverside counties, and has developed technical expertise in these areas. Upon occasion, members of the community served by the District request technical assistance outside of the District's budgeted work plan. It is the goal of the District to provide quality service to the landowners and residents of its service area, as well as government agencies, as follows:
- 1080.2.1** The fees charged for services will be based on the actual cost to the District, including employee hourly rate of pay, benefits and overhead for each project.
- 1080.2.2** All proposals for the District to provide services and charge fees pursuant to this policy must be approved by the District Board of Directors through a contract, except for the following:
- 1080.2.2.1** The District Manager can approve water use efficiency education contracts as outlined in the District's *Delegation of Signing Authority Policy Number 6065*.
- 1080.2.3** The District's services are provided on a non-discriminatory basis, without regard to race, color, national origin, ancestry, sex, age, religion, marital status, medical condition or physical handicap.
- 1080.2.4** The District's Fee for Service Programming Flier is attached which lists the services offered and a description of services. This flier will be updated by District staff when any programming changes occur.

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POLICY TITLE:
POLICY NUMBER:

Election, Appointment and Time of Taking Office
2000

2000.10 Directors shall be appointed on the following schedule, with terms commencing at the time stated and every fourth year thereafter:

5 Directors- 2016

2000.1.1 As an alternative to the appointment of Directors, the Board of Directors may, by a resolution presented to the Board of Supervisors of Riverside County, request to hold public elections for the positions of TEAM Board members, in accordance with Public Resources Code Section 9314. At this time, the Board of TEAM RCD request only for Board members to be appointed and not elected due to election costs.

2000.1.2 Persons elected or appointed shall take office at the next regular Temecula-Elsinore-Anza-Murrieta Conservation District Board of Directors meeting following their election or appointment and shall serve a term of four (4) years. When a vacancy occurs it is to be filled by appointment for the duration of the term.

2000.1.3 The expiration of the term of any Director does not constitute a vacancy, and the Director shall hold office until his or her successor has qualified to serve on the Board.

POLICY TITLE:
POLICY NUMBER:

Code of Ethics
2010

2010.1 The Board of Directors of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents and to comply with all State laws, including AB 1234, approved in 2006. In order to assist in the governance of the behavior between and among members of the Board of Directors, the following rules shall be observed:

2010.1.1 The dignity, style, values and opinions of each Director shall be respected. The Board of Directors is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to improve the quality of life in the community.

Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

Directors should commit themselves to focusing on issues, not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

Differing viewpoints are healthy in the decision making process. Individuals have the right to disagree with ideas and opinions, but should do so without being disagreeable. Once the Board of Directors takes an action, Directors should commit to supporting said action and not create barriers to the implementation of said action.

Directors should demonstrate honesty and integrity in every action and statement.

Directors should comply with both the letter and the spirit of the laws and policies affecting the operation of the District.

Directors should work for the common good, not personal interest.

Directors should prepare in advance for Board meetings and be familiar with issues on the agenda.

Directors should fully participate in Board meetings and other public forums to increase Board effectiveness.

2010.1.2 In Public Meetings, Directors shall:

Practice civility and decorum in discussions and debate and be respectful of diverse opinions;

Honor the role of the presiding Director in maintaining order and equity. Objections should be voiced politely and with reason;

Demonstrate effective problem-solving approaches and seek to reach compromise agreements; and

Be respectful of other people's time, including staying focused and acting efficiently during Board meetings.

2010.1.3 Responsiveness and attentive listening in communication are encouraged.

2010.1.4 The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, he/she should refer to the Conflict of Interest Code and, if necessary, legal counsel shall be consulted to determine if a conflict exists or not.

2010.1.5 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to the appropriate professional staff members of the District.

In interacting with staff members, Directors should not direct, request, or attempt to influence or interfere with, either directly or indirectly, the judgment of any staff member.

Directors should treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with other Director colleagues, civility and decorum should be practiced in all interactions with staff.

Individual staff members should not be publicly criticized for their job performance. If a Director wishes to express discontent with a staff member, comments should be made to the appropriate supervisors through private correspondence and communication.

Directors should be cautious in representing their positions on issues, indicating whether those positions are their own personal views or whether the position represents the viewpoint of the entire Board.

2010.1.6 Directors should practice the following procedures:

2010.1.6.1 In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making. Directors should not, however, attend staff meetings unless approved or requested by staff members.

2010.1.6.2 In handling complaints from residents and property owners of the District, said complaints should be referred directly to the District Manager, as per Rule 1050.1 of this Policy and Procedure Manual.

- 2010.1.6.3** In handling items related to safety, concerns for safety or hazards, said complaints should be reported to the District Manager or to the District office. Emergency situations should be handled immediately by seeking appropriate assistance.
- 2010.1.6.4** In presenting items for discussion at Board Meetings, see Policy #2060.
- 2010.1.6.5** In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the District Manager or legal counsel.
- 2010.1.7** If approached by District personnel concerning a specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The applicable chain of command should be followed in all circumstances.
- 2010.1.8** The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
- 2010.1.9** When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
- 2010.1.10** Directors should develop a working relationship with the District Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
- 2010.1.11** Directors should function as a part of the whole Board. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- 2010.1.12** Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
- 2010.1.13** The citizens, businesses and organizations affected by TEAM RCD, are entitled to have fair, ethical and accountable administration, which has earned the public's full confidence for integrity. To that end all Directors shall:

Comply with all laws of the nation, the State of California and all other applicable local laws in performance of their duties;

Maintain a respect for the process of governing, and Directors shall perform their duties in accordance with all established processes and rules or order governing the deliberation of public policy issues;

Base decisions on the merits and substance of the matter at hand, rather than on unrelated considerations;

Comply with the TEAM RCD Conflict of Interest Code;

Commit to follow the laws that apply to accepting gifts or favors as a public official;

Respect the confidentiality of information concerning the property, personnel or affairs of the TEAM RCD. Directors nor District or Office Managers shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other interests.

Not use public resources, such as staff time, equipment, supplies or facilities, for private gain or personal business;

Act as advocates for the TEAM RCD to the best of their abilities when designated as delegates for this purpose; and

Strive to create a positive and constructive work environment for other Board members and staff as well as for citizens and businesses doing business with the Board or TEAM RCD.

POLICY TITLE:
POLICY NUMBER:

Roles and Responsibilities of Directors
2020

- 2020.10** Directors are expected to attend monthly meetings of the Board, and are expected not to miss more than three (3) sequential meetings. Additionally, Directors are expected to:
- 2020.1.1** Act morally and honestly in discharging their responsibilities and refrain from using their office for personal gain.
 - 2020.1.2** Devote the time and effort necessary to ensure the successful functioning of the board of Directors as well as participate in, and encourage others to participate in, the activities of the District.
 - 2020.1.3** Strive for self-improvement by learning more about District programs through attendance at area, state, regional and national association meetings, training sessions and other activities.
 - 2020.1.4** Avoid any conflicts of interest and disclose promptly to the Board any matter, financial or otherwise, that could be perceived as a potential conflict of interest. Directors should also refuse gifts from organizations, interest groups and other concerns that may present, or be perceived as an indiscretion or impropriety.
 - 2020.1.5** Keep their constituents informed and allow opportunity for their participation in the decision-making process.
 - 2020.1.6** Support non-discriminatory membership on the Conservation District Board, and ensure that District programs and services are available to all constituents regardless of age, race, color, national origin, sex, religion, marital status, or handicap.
 - 2020.1.7** Advocate the highest standards of conduct and competence for all who serve or participate in District programs.
 - 2020.1.8** Adhere to all applicable local, state and federal laws and regulations.
 - 2020.1.9** Support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; bear the true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; take this obligation freely, without any mental reservation or purpose of evasion; and well and faithfully discharge the duties of the Board of Directors.

POLICY TITLE: Board Officers
POLICY NUMBER: 2030

- 2030.1** The officers of the Board shall consist of a President, Vice- President, and Secretary/Treasurer and shall be selected by the Board from its members at the first meeting in the month of June of every year.
- 2030.2** Certain power and duties are hereby delegated to Board Officers beyond those provided by statute:
- 2030.2.1** The President serves as chairperson at all Board meetings. He/she shall 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.
 - 2030.2.2** The Vice-President serves as parliamentarian and as presiding officer in the absence of the President. If the President and Vice President of the board are both absent, the Secretary/Treasurer shall act as chairperson of the meeting.
 - 2030.2.3** The Secretary/Treasurer is responsible for maintaining and verifying the accuracy and availability of the Minutes of Board Meetings and the Official Record of all Resolutions and Orders passed or adopted by the Board. The Secretary/Treasurer shall certify the passage and adoption of all Resolutions and Orders of the Board, the filing of all Documents filed therewith, or by order of the Board, the official status, capacity and signature of all officers and employees of the District, and all matters appearing of record in the files and records of the District and of its Board or of any office or officer of the District. All meetings will be recorded and transcribed at the prior to the next meeting. Copies of transcriptions are available upon request.
 - 2030.2.4** The District Manager or the Bookkeeper and his/her assigned designee on staff are responsible for verification of deposits of all monies of the District, the certification that checks presented for Board approval in payment of obligations of the District are correct and supporting documents available, and the investment of District funds.
 - 2030.2.4.1** The President and when duly authorized by the Board, the District Manager will have the authority to sign official documents, financial instruments, and any time sensitive items necessary to operate and run the District. Any checks signed by the District Manager alone must be under \$1000.
 - 2030.2.5** District officers may request the District Manager to: (1) direct the preparation of required documents and reports; (2) facilitate the fiscal affairs of the District.

POLICY TITLE: Associate Directors
POLICY NUMBER: 2040

- 2040.1** In addition to the five-member board of voting directors, TEAM RCD also encourages the participation of non-voting members of the board, titled Associate Directors. The purpose of the inclusion of these additional associate members of the board is to expand the collective knowledge of the members and by extension the District's activities and programs. All parties interested in applying for Associate Director positions should have a demonstrated interest in wildlands conservation and restoration, and/or environmental education and outreach in order to provide the desired increase in collective range of Board conservation knowledge.
- 2040.2** Members of the public are eligible for application to TEAM RCD Associate Director program according to the same criteria required of Regular Directors.
- 2040.3** These Associate Directors can either be nominated directly by an existing member of the TEAM RCD Board, or may fill out an Associate Member application for consideration by the TEAM Board. Acceptance of the application will be indicated by nomination of this candidate by at least one regular member of the TEAM RCD Board of Directors. Regardless of the nomination method, all prospective Associate Directors must fill out the TEAM RCD Associate Member application and return it to the Board of Directors for review, prior to being appointed to the Board.
- 2040.4** The application for Associate Director will be reviewed by the full board during the course of the board meeting that follows submittal, provided that the application is received at least ten (10) days prior to that meeting. The Associate Director application will be considered accepted upon a motion and second by any two of the five Regular Directors, followed by a majority vote of the present Regular directors.
- 2040.5** Associate Directors are a critical part of TEAM RCD board discussion and function and will be provided all materials distributed to Regular Directors in preparation for participation in regular board and applicable committee meetings, with the exception of closed session packet items. Associate Directors are encouraged and expected to contribute to board discussion, both in agreement and dissension; however, legal responsibility for the Board's actions remains with the seven (5) appointed Directors.
- 2040.6** Associate Directors are encouraged to actively attend official meetings and special events on behalf of the District, and will be reimbursed for expenses incurred in the course of that participation including but not limited to gas, meals, and lodging costs. Associate Director attendance at such official meetings must be sanctioned via a majority vote of the Regular Directors, including approval of any expenses associated with conduction of TEAM RCD business beyond attendance at regular board and committee meetings may be given responsibilities as approved by the elected Directors (See 2040.1 for exception as to non-voting nature of Associate Directors); however,
- 2040.7** Any Board Member can request a review of the Associate Director program to be scheduled at any time, including for the purposes of adjusting elements of the program including total number of Associate Directors permitted to serve at any one time. Associate Directors may be removed for cause at any time during the course of the year by a majority vote of the Board of Directors. Cause includes, but it not limited to, erratic attendance at meetings, serious violation of TEAM RCD Policy and Procedure manual, or violation of TEAM RCD Conflict of Interest Code.
- 2040.8** Associate Directors shall be expected to comply with Policy #2020 in this Manual.

POLICY TITLE: Board Meetings
POLICY NUMBER: 2050

- 2050.1** Regular meetings of the Board of Directors shall be on the second Thursday of each and every month, at 4:00 p.m. at the Truax Building, 41923 Second Street, Fourth Floor, Temecula, California 92590. The Board will comply with all Brown Act requirements applicable to regular meetings, including all notice and posting requirements.
- 2050.2** Special meetings (non-emergency) of the Board of Directors may be called by the Board President or by a majority of the Board. (Cal. Gov. Code § 54956)
- 2050.2.1** All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by all Board Members at least 24 hours prior to the meeting.
- 2050.2.2** Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code 54950 through 54956) shall be notified by a mailing unless the special meeting is called less than one (1) week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.
- 2050.2.3** An agenda shall be prepared as specified for regular Board meetings in Policy #2060 and shall be delivered with the notice of the special meeting to those specified above.
- 2050.2.4** Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.
- 2050.3** Except for closed sessions, all meetings of the Board shall be open and public.
- 2050.4** The Board may conduct a closed session for any purpose authorized by the Ralph M. Brown Act, Government Code Section 54950, et seq. The Board may conduct a closed session to:
- 2050.4.1** Consider the appointment, promotion or job performance of employees.
- 2050.4.2** Consider charges levied against an employee as part of disciplinary proceedings or otherwise, unless the employee requests a public hearing.
- 2050.4.3** Establish the District's position concerning employee negotiations.
- 2050.4.4** Consider pending or potential claims or litigations.
- 2050.4.5** Consider property acquisition by eminent domain or otherwise.
- 2050.3.6** Conduct any other business as is authorized under the Brown Act in closed session.

- 2050.5** The agenda for Board meetings shall state the purpose of the closed session unless the purpose of the closed session is to:
- 2050.5.1** Consider charges levied against an employee, in which case, the identity of the employee shall not be disclosed, unless already publicly known or requested by the employee.
 - 2050.5.2** Discuss pending or potential claims or litigation and counsel announces that disclosure of the identity of the claimant or litigant would prejudice the District.
 - 2050.5.3** Consider property acquisition and counsel announces that disclosure of the identity of specific property would prejudice the District.
- 2050.6** If possible, the Board shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the District, e.g., counsel may be given authority to negotiate settlement of a lawsuit. If, or when, the potential for prejudice to the District does not exist, action taken in closed session shall be publicly announced at the same meeting as the closed session or at the next public meeting if such action was to appoint, employ or dismiss an employee. If the action in closed session was taken by roll call vote, the vote shall be announced.
- 2050.7** When closed session not held at the beginning of a meeting will result in a decision authorizing the expense of District funds, the action shall be deferred until the next regular meeting of the Board, at which time it will be considered as a part of the Board's agenda, unless the matter involves:
- 2050.7.1** Litigation which is scheduled before the Board's next regular meeting.
 - 2050.7.2** Litigation regarding a District officer or employee or removal or dismissal of District officer(s) or employee(s).
 - 2050.7.3** Response to emergency conditions.
- 2050.8** After completing a closed session, the Secretary shall prepare a confidential memorandum stating the purpose of the closed session and action taken, if any. This memorandum shall be filed with the District Manager.
- 2050.9** Special Meetings (emergency). In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the twenty-four (24) hour notice required in 2050.2.1 above. An emergency situation includes a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.
- 2050.9.1** Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code 54950 through 54926) shall be notified at least one (1) hour prior to the emergency special meeting. In the event that telephone services are not functioning, the notice requirement of one (1) hour is waived, but the District Manager, or his/her

designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.

2050.9.2 No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the twenty-four (24) hour notice. The minutes of the emergency special meeting, a list of persons the District Manager or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten (10) days in the District office as soon after the meeting as possible.

2050.10 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, except that if no Directors are present at any regular or adjourned regular meeting, the District Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in Policy 2050.2.2 above.

2050.11 Annual Organization Meeting. The Board of Directors shall hold an annual organizational meeting at its regular meeting in June. At this meeting the Board will elect a President, Vice-President and Secretary-Treasurer from among its members to serve during the coming calendar year.

2050.12 The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

2050.13 The Chairperson and District Manager shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

POLICY TITLE: Board Meeting Agenda
POLICY NUMBER: 2060

- 2060.1** The District Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the District Manager and request that any item be placed on the agenda no later than 4:00 P.M. on the Monday prior to the meeting date.
- 2060.2** 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:
- 2060.2.1** The request must be in writing and be submitted to the District Manager together with supporting documents and information, if any, at least seven (7) business days prior to the date of the meeting.
- 2060.2.2** The District 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 District Manager's or Chairperson'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.
- 2060.2.3** No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy for consideration in open session.
- 2060.2.4** 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.
- 2060.3** 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 discuss or take action on such matters at that meeting.
- 2060.4** At least seventy-two (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 as public information at the same time. All information made available to the Board of Directors (except confidential information specified by State law and per legal counsel authority) shall be available for public review prior to the board meeting.
- 2060.4.1** The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting in the same locations as in 2050.2.

POLICY TITLE: Board Meeting Conduct
POLICY NUMBER: 2070

- 2070.1** Meetings of the Board of Directors shall be conducted by the Chairperson in a manner consistent with the policies of the District. The “Rules of Order for Board and Committee Meetings” Policy, as detailed in Policy 2110 of this Policy and Procedure Manual, shall be used as a general guideline for meeting protocol.
- 2070.2** All Board meetings shall commence at the time stated on the agenda and shall be guided by the same.
- 2070.3** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
- 2070.3.1** Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve problems.
 - 2070.3.2** Receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- 2070.4** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:
- 2070.4.1** Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.
 - 2070.4.2** No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person’s privilege of address.
- 2070.5** Willful disruption of any meeting of the Board of Directors shall not be permitted. If the Chairperson finds that there is in fact willful disruption of any meeting of the Board, he/she may order the room cleared and subsequently conduct the Board’s business without the audience present.
- 2070.5.1** After clearing the room, the Chairperson may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.
 - 2070.5.2** Duly accredited representatives of the news media, whom the Chairperson finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

POLICY TITLE: Board Actions and Decisions
POLICY NUMBER: 2080

2080.1 **Appropriate** actions by the Board of Directors include, but are not limited to, the following:

- 2080.1.1** Adoption or rejection of regulations or policies;
- 2080.1.2** Adoption or rejection of resolutions;
- 2080.1.3** Adoption or rejection of ordinances;
- 2080.1.4** Approval or rejection of any contract or expenditure;
- 2080.1.5** Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel;
- 2080.1.6** Approval or disapproval of matters which require or may require the District or its employees to take action and/or provide services.

2080.2 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three (3) votes to be effective (unless a 4/5 vote is required by policy or other law).

2080.2.1 A member abstaining in a vote is considered as absent for that vote.

2080.2.1.1 **Example.** If 3 of 5 Directors are present at a meeting, a quorum exists and business can be conducted. However, if 1 Director abstains on a particular action and the other 2 cast aye votes, no action is taken because a majority of the Board did not vote in favor of the action.

2080.2.1.2 **Example.** If an action is proposed requiring a two-thirds vote and 2 Director abstains, the proposed action cannot be approved because 4 of the 5 Directors would have to vote in favor of the action.

2080.2.1.3 **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, 3 Directors must vote in favor of the appointment for it to be approved. If 2 of the 4 Directors present abstain, the appointment is not approved.

2080.3 The Board may give directions which do not constitute formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the District Manager.

2080.4 The Chairperson shall determine, by consensus, a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the Chairperson, a voice vote may be requested.

2080.5 A formal motion may be made by any Director to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the District Manager for review and recommendation, etc.).

2080.6 Informal action by the Board is still Board action and shall only occur regarding

matters that appear on the agenda for the Board meeting during which said informal action is taken.

POLICY TITLE: Review of Administrative Decisions
POLICY NUMBER: 2090

- 2090.1** The provisions of 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of 1094.5 of said code. The provisions of 1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.
- 2090.2** This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.
- 2090.3** The purpose of this policy is to insure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

POLICY TITLE: Minutes of Board Meetings
POLICY NUMBER: 2100

2100.1 The Administrative Secretary of the RCD shall keep minutes of all regular and special meetings of the board.

21001.1 Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet.

2100.1.2 Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fireproof vault or in a fire-resistant, locked cabinet for a minimum of 60 days. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

2100.1.3 Motions, resolutions, or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting anew at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

Date, place and type of each meeting;
Directors present and absent by name;
Administrative Staff present by name;
Call to order;
Time and name of late arriving Directors;
Time and name of early departing Directors;
Names of Directors absent during any agenda item upon which action was taken;
Summary record of staff reports;
Summary record of public comment regarding matters not on the agenda, including names of commentators;
Approval of the minutes or modified minutes of preceding meetings;
Approval of financial reports;
Record by number (a sequential range is acceptable) of all warrants approved for payment;
Complete information as to each subject of the Board's deliberation;
Record of the vote of each Director on every action item for which the vote was not unanimous;
Resolutions and ordinances described as to their substantive content and sequential numbering;
Record of contracts and agreements, and any amendments, approved by the Board;
Approval of the annual budget;
Approval of all policies, rules and/or regulations;

Approval of all dispositions of District assets;
Approval of all purchases made with District assets; and,
Time of meeting's adjournment.

POLICY TITLE:
POLICY NUMBER:

Rules of Order for Board and Committee Meetings
2110

2110.1 General.

2110.1.1 Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules such as Robert's Rules of Order.

2100.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the Chairperson. If the ruling of the Chairperson is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

2100.2 Obtaining the Floor.

2110.2.1 Any Director desiring to speak should address the Chairperson and, upon recognition by the Chairperson, may address the subject under discussion.

2110.3 Motions.

2110.3.1 Any Director, including the Chairperson, may make or second a motion. A motion shall be brought and considered as follows:

2110.3.1.1 A Director makes a motion; another Director seconds the motion; and the Chairperson states the motion.

2110.3.2 Once the motion has been stated by the Chairperson, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the Chairperson will call for a vote of the Directors on the matter.

2100.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

2110.4 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

2110.4.1 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

- 2110.4.2** Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, that is then seconded and approved by a majority vote of the Board.
- 2110.4.3** Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone that is then seconded and approved by a majority vote of the Board.
- 2110.4.4** Motion to Refer to Committee. A main motion may be referred to a Board Committee for further study and recommendation by a motion to refer to committee that is then seconded and approved by a majority vote of the Board.
- 2110.4.5** Motion to Close Debate and Vote Immediately. As provided above in Policy 2100.3.2.1, any Director may move to close debate and immediately vote on a main motion.
- 2110.4.6** Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.
- 2110.5** Decorum.
- 2110.5.1** The Chairperson shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The Chairperson may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the Chairperson, or otherwise disrupting the meeting or hearing.
- 2110.5.2** The Chairperson may also declare a short recess during any meeting.
- 2110.6** Amendment of Rules of Order.
- 2110.6.1** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

Policy Title: Committees of the Board of Directors
Policy Number: 2120

2120.1 The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of ad hoc committees shall be outlined at the time of the appointment, and the committee shall be considered dissolved when its final report has been made.

2120.2 The following shall be standing committees of the Board:

- 2120.2.1** Budget, Finance and Audits;
- 2120.2.2** Administrative and Employee Relations;
- 2120.2.3** Public Outreach and Education;
- 2120.2.4** Land Conservation and Mitigation

2120.3 The Board of Directors shall discuss amongst themselves and appoint members to the standing committees for the ensuing year, no later than the Board's regular meeting in June.

2120.4 The Board's standing committees may be assigned to review District functions, activities and/or operations pertaining to their designated concerns. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

2120.4.1 All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.

POLICY TITLE: Attendance at Meetings
POLICY NUMBER: 2130

2130.1 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

POLICY TITLE: Director Reimbursement
POLICY NUMBER: 2140

2140.1 In accordance with Section 9303 of the Public Resources Code, Directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the District at the direction of the Board of Directors. The Board of Directors shall fix the amount allowed for necessary expenses, but no director shall be appointed to any position for which he or she would receive compensation as a salaried officer or employee of the District. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the California Government Code.

2140.2 Expenses.

2140.2.1 TRANSPORTATION

2140.2.1.1 Use of Personal Vehicle. The District shall reimburse Board Members for mileage incurred when they use their vehicles to attend conferences or other meetings in furtherance of the District's affairs. The District will reimburse mileage for travel to and from the destination based upon the approved Internal Revenue Service rate in effect.

2140.2.1.2 Rentals. The District shall reimburse Board Members for actual and necessary vehicle rental expenses. The District shall only reimburse economy or compact rate vehicles unless (i) such class of vehicle is unavailable; or (ii) such class of vehicles do not accommodate a disability. When a Board Member or other designee rents a vehicle, he or she shall obtain insurance for the vehicle at the District's expense.

2140.2.1.3 Shuttle, Bus, Taxi, and Public Transportation. Shuttle, bus, taxi, and public transportation may be used between an airport, hotel and conference site whenever it is available. Board Members are encouraged to use the most efficient mode of transportation available.

2140.2.1.4 Air Travel or Other Common Carrier Transportation. As necessary for the performance of their official duties, Board Members may use air travel or other mode of common carrier transportation to and from the destination. Board Members are encouraged to use the most efficient means available.

2140.2.2 LODGING. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available. If a group rate is not available, the government rate of the provider of lodging shall be used. If neither the group nor governments rates are available, the most economical rate shall be obtained, not to exceed \$300.00 per day. If lodging is not available within the aforementioned parameters due to significant cost of region/area or in season nature of travel, Board Members should obtain option that is the most cost efficient and as economical as situation allows.

- 2140.2.3 MEALS AND INCIDENTAL EXPENSES.** The actual costs of meals incurred while attending conferences or other meetings in furtherance of the District's affairs are reimbursable provided District staff is given a receipt. If no receipt is available, meal costs shall be reimbursed at an amount not exceeding the greater of one hundred twenty five dollars (\$125.00) per day or the applicable Internal Revenue Service per diem rate.
- 2140.2.4 PERSONAL EXPENSES AND OTHER EXPENSES NOT REIMBURSABLE.** The District shall not reimburse the cost of transportation, lodging, meals or other costs of travel when such costs are of a personal nature incurred in conjunction with the performance of District official duties. Personal costs, not reimbursable by the District, shall include, but not be limited, to the following: (i) alcoholic beverages; (ii) parking and traffic violations; (iii) entertainment; (iv) services provided by the provider of lodging; and (v) expenses incurred on behalf of a spouse, dependent, or traveling companion.
- 2140.2.5 CONFERENCES AND OTHER MEETINGS.** Board Members shall only receive reimbursement of travel, lodging, and meals for conferences or other meetings in furtherance of the District's affairs. No other occurrence will be reimbursed.
- 2140.2.6 EXPENSE REPORTS.** The District shall not reimburse any expenses until an expense form is submitted to the District's administrative office no later than 45 days after the expenditure. Reimbursable expenses shall be limited to actual and necessary expenses incurred in attending conferences or other meetings in furtherance of the District's affairs. Expense forms shall be accompanied by receipts documenting each expense. If no receipt is available, a written explanation of the expenditure is required. Furthermore, Board members will be required to provide a brief report on the conference or meeting attended at the next regular meeting of the Board.
- 2140.2.7 EXPENSES NOT INCLUDED WITH LIST.** Expenses which do not fall within this Policy or the Internal Revenue Service reimbursable rates must be approved by the Board of Directors in a public meeting before the expense is incurred.
- 2140.2.8 CANCELLED TRAVEL.** If expenses are prepaid by the District and are not used, the District shall require reimbursement unless the reason for not attending was due to personal illness or an event that impeded good faith efforts to attend. The Board of Directors will review all cancelled travel and determine whether reimbursement is due.
- 2140.2.9 MODIFICATIONS.** The forgoing provisions may be reviewed and amended by the Board of Directors.

POLICY TITLE: Members of the Board of Directors
POLICY NUMBER: 2150

- 2150.1** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
- 2150.1.1** Information exchanged before meetings shall be distributed through the District Manager, and all Directors will receive all information being distributed.
- 2150.1.2** Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.
- 2150.2** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- 2150.3** Directors shall defer to the Chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- 2150.4** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that the item is discussed (including, if desired, a position of abstention or dissenting vote).
- 2150.5** Directors shall abstain from participating in consideration of any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.
- 2150.6** Requests by individual Directors for substantive information and/or research from District staff shall be channeled through the District Manager.

POLICY TITLE: Basis of Authority
POLICY NUMBER: 2160

- 2160.1** The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.
- 2160.2** Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

POLICY TITLE: Membership in Associations
POLICY NUMBER: 2170

- 2170.1** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.
- 2170.2** The Board of Directors shall maintain membership in the California Special Districts Association and shall ensure that annual dues are paid when due.
- 2170.3** The Board of Directors shall maintain membership in the Special Districts Risk and Management Association and shall ensure that annual dues are paid when due.
- 2170.3.1** At the regular Board meeting in June, a member of the Board shall be selected to represent the District in accordance with said organization's constitution/bylaws, and another member of the Board or staff member shall at the same time be selected to serve as an alternate for the representation.

POLICY TITLE: Training, Education and Conferences
POLICY NUMBER: 2180

- 2180.1** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purpose of such activity is to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.
- 2180.1.1** "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.
- 2180.2** It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. However, cash advances or use of District credit cards for these purposes is not permitted.
- 2180.2.1** The District Manager is responsible for making arrangements for Directors for conference and registration expenses pursuant to District Policy 2140. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the District Manager, together with validated receipts in accordance with State law.
- 2180.2.2** Attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.
- 2180.3** A Director or District Manager shall not attend a conference or training event for which there is an expense to the District if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.
- 2180.4** Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors or District Managers will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

POLICY TITLE: Ethics Training
POLICY NUMBER: 2190

- 2190.1** All directors and designated executive staff of TEAM RCD shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- 2190.1.1** This policy shall also apply to all staff members that the Board of Directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- 2190.1.2** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- 2190.1.3** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.
- 2190.1.3.1** District staff shall maintain records indicating both the dates that Directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after Directors receive the training, and are public records subject to disclosure under the California Public Records Act (Cal. Gov. Code § 6250 et seq.)
- 2190.4** District staff shall provide the Board of Directors with information on available training that meets the requirements of this policy at least once every year.
- 2190.5** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- 2190.6** Any director of TEAM rcd that serves on the board of another agency is only required to take the training once every two years.

Policy Title: TICKET DISTRIBUTION POLICY
Policy Number: 2195

2195.1 AUTHORITY

This policy is pursuant to the Political Reform Act (California Code of Regulations, Title 2, Division 6, section 18944.1).

2195.2 PURPOSE

The purpose of this Policy is to ensure that all tickets and/or passes provided to the District shall be distributed in furtherance of governmental and/or public purposes as required under Section 18944.1.

2195.3 DEFINITIONS

For the purposes of Regulation 18944.1 and this policy, “ticket” or “pass” means admission to a facility, event, show or performance for an entertainment, amusement, recreational or similar purpose.

2195.4 LIMITATIONS

This Policy shall only apply to the District’s distribution of tickets and/or passes to, or at the behest of, a public official for which no consideration of equal or greater value is provided by the public official. Consideration of equal or greater value shall be presumed if the tickets and/or passes are distributed pursuant to this Policy. This Policy shall only apply to the benefits a public official receives that are provided to all members of the public with the same class of ticket.

2195.5 OFFICIAL DUTIES & CEREMONIAL ROLES

A ticket provided to a public official and one guest of the official at which the official performs a ceremonial role, as defined in FPPC Regulation 18942.3, on behalf of the District must be disclosed on Form 802 and posted as set forth below. Any additional effort by the District to either limit or expand permissible ceremonial roles by the District will require that any revised policy to expand these ceremonial roles be forwarded to the FPPC.

2195.6 USE PROHIBITION

Any ticket or pass acquired by the District by purchase, contract, or because the agency controls the event and distributes such ticket or pass to a public official, excluding elected officials or members of the legislative or governing body of the agency, such ticket or pass may be used for the official’s personal use to support general employee morale, retention, or to reward public service. Any ticket or pass distributed to an official for such a purpose must be reported as described in 2195.14 below.

2195.7 PUBLIC PURPOSES

The District may provide a ticket or pass to a person subject to this policy for any of the following District purposes providing that the District Manager or his or her designee determines that providing the ticket or pass actually benefits the District by accomplishing one or more of the following:

- Promotion of special events in accordance with any District contract
- Promotion of public facilities for public use
- Promotion of District visibility, recognition, or profile on a local, state or national scale

- Promotion of District controlled or sponsored events, activities or programs
- Promotion of conservation activities within the District, including conferences and events
- Promotion of community programs and resources available to District residents
- Marketing promotions highlighting District achievements
- Employment Recruitment Programs
- Any similar purpose stated in any District contract

2195.8 RETURN OF TICKETS

Any public official, any member of the public official's immediate family, or guest of the public official may return any ticket unused to the District for redistribution pursuant to this Policy. Government Code section 82029 has defined immediate family to mean spouse and dependent children.

2195.9 AUTHORITY OF DISTRICT MANAGER

The District delegates the authority to distribute any tickets and/or passes in accordance with this Policy to the President or his or her designee. In such case, where the Board President desires to obtain a ticket or pass, the Board by majority vote will decide the use or behest of tickets and/or passes is in accordance to the terms of this Policy.

2195.10 TICKETS AND/OR PASSES PROVIDED BY AN OUTSIDE SOURCE

A ticket and/or pass provided from an outside source to the official by the District is not considered a "gift" and will not be reportable if the following requirements are met:

- The ticket and/or pass is not "earmarked" by the outside source for use by the official or employee who uses the ticket or pass;
- The District determines, in its sole discretion, which official or employee may use the ticket and/or pass;
- The distribution of the ticket and/or pass by the District is made in accordance with this policy.

2195.11 TRANSFER PROHIBITION

A public official may transfer his or her ticket to a guest, as well as the official's immediate family, solely for their attendance at the event. All other transfers are prohibited and no such transferred tickets may be resold.

2195.12 VALUATION

The value of any ticket shall be the face value of the ticket.

2195.13 WEBSITE POSTING

This policy and any reporting requirement shall be posted on the District Website.

2195.14 DISCLOSURE FORM

The distribution of any tickets or passes pursuant to this Policy shall be disclosed on FPPC Form 802 or such alternative form as may be amended from time to time. The District

must retain these forms as public records, be subject to inspection and copying, as required under the Act. These forms must be forwarded directly to the FPPC for posting on its website.

2195.15 FILING OFFICER AND RETENTION OF FORMS

The District Manager is the filing officer of these forms and shall keep a log of the forms under both the name of the District and the official receiving the payment. The forms are public record and are subject to inspection and copying. The forms shall be maintained on file and on the District's website for a period of not less than four (4) years.

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POLICY TITLE: District Manager
POLICY NUMBER: 3000

- 3000.1** The District Manager shall be the Executive Officer of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District and for the Board of Directors.
- 3000.2** The terms and conditions of the District Manager's employment shall be specified in the agreement of employment established between the District Manager and the Board of Directors. The agreement of employment shall be for the period of time as specified therein.
- 3000.3** Whenever the agreement of employment established between the District Manager and the Board of Directors is in conflict with any District policy, District policy shall prevail.

POLICY TITLE: Hours of Work and Overtime
POLICY NUMBER: 3010

3010.1 This policy shall apply to all non-exempt employees.

3010.2 The regular hours of work each day for full time employees shall be consecutive except for interruptions for a meal period and two (2) paid fifteen (15) minute breaks (one mid-morning and one mid-afternoon). Part time employees shall be eligible for a compensated fifteen (15) minute break after the completion of four hours of work, and shall receive two paid fifteen (15) minute breaks if they work eight hours in a day.

All employees are provided a thirty (30) minute meal period each day, if their shift is over six (6) hours. All meal periods will be "duty-free," where the employee will not be required to perform any duties during his/her meal period. However, some employees, who, due to the nature of their work, are unable to be relieved of all duties during their meal period, may be required to take an on-duty meal period, which is counted as time worked and paid accordingly. All on-duty meal periods must be pre-approved by management.

3010.3 The workweek for all employees shall commence at 12:00 Midnight Sunday and run through 11:59 PM the following Saturday. The standard workweek shall be determined as deemed necessary by the Board of Directors. Employees have the option of working other pre-agreed upon work shifts.

3010.3.1 Periods of pay are bi-weekly.

3010.4 Overtime is defined as:

3010.4.1 Time worked in excess of forty (40) hours in a work week; (for those employees on the eight hour, five day week/ or on a 10 hour, four day week).

3010.4.2 Time worked on a designated holiday by a full time employee. Part time and temporary employees are not eligible for holiday pay.

3010.4.3 Overtime shall be paid as time and one-half (1 ½ times regular rate). Comp time shall be accrued as time and one-half (1 ½ times regular hours worked).

3010.4.4 In lieu of pay, employees shall receive compensatory time for hours in excess of regular time at a rate of one and one-half (1½) times regular rate. Overtime payments are required if employees exceed a threshold of 240 comp time hours.

3010.4.6 Employees shall use all accrued comp time within the fiscal year that it is accrued. There will be no comp time carried over from year to year. The fiscal year is July 1-June 30th. TEAM RCD reserves the right to require employees to use their comp time within the specified period.

3010.4.5 Part time and temporary employees are not eligible for compensatory time since their hours should never exceed the forty (40) hour threshold per week.

POLICY TITLE: Vacation
POLICY NUMBER: 3020

3020.1 This policy shall apply to full-time, regular employees in all classifications. This policy does not apply to part-time, temporary/seasonal, or probationary employees.

3020.2 Paid vacations shall be accrued according to the following schedule on an annual basis:

3020.2.1	6 months through 1 year	1 week
3020.2.2	1 year through 5 years	2 weeks
3020.2.3	6 years through 10 years	3 weeks;
3020.2.4	10 years or more	4 weeks

3020.3 Employees will be eligible to begin accruing vacation upon successful completion of the probationary period. Normally, probation is scheduled to complete after six months of full-time, continual employment unless probation is extended at the discretion of the District Manager. No vacation will accrue during the probationary period. Once the transition is made to a full-time, regular employee, vacation will accrue at the rate shown in the following table.

Years of Service	Vacation	Accrual Rate	Vacation Hours
6 months - 1 year	1 week	.0385 Hrs/hour worked	1 Hr/25.97 hrs worked
1 through 5	2 weeks	.0385 Hrs/hour worked	1 Hr/25.97 hrs worked
6 through 10	3 weeks	.0577 Hrs/hour worked	1 Hr/17.33 hrs worked
10 or more	4 weeks	.0769 Hrs/hour worked	1 Hr/13.00 hrs worked

3020.4 A full-time, regular employee shall cease to accrue vacation leave once he/she has reached the maximum cap of one hundred sixty (160) hours of accrued vacation. The employee will not thereafter accrue additional vacation benefits until such time as he/she takes sufficient time off to reduce the total accrued vacation benefits below the maximum.

3020.5 An employee at the time of leaving the employment of the District shall be compensated for all accrued but unused vacation time.

3020.6 The District will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in the case of extended illness where available sick leave has exhausted.

3020.7 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.

3020.8 Vacations are scheduled at any time during the year upon approval of the District Manager. Approval is subject to operational needs and is at the District's discretion.

3020.9 There is no vacation time accrual during an employee's probationary period, regardless of the length of that probation. Entitled employees begin to accrue only after completion of probation and a successful transition to full-time, regular employment.

POLICY TITLE: Holidays
POLICY NUMBER: 3030

3030.1 This policy shall apply to all regular, full-time, regular employees, including those during their probationary period. Part-time and temporary/seasonal employees are not eligible for and do not receive holiday pay.

3030.2 The following days shall be recognized and observed as paid holidays:

3030.2.1	January 1	New Years Day
3030.2.2	3rd Monday in January	Martin Luther King
3030.2.3	3rd Monday in February	President's Day
3030.2.4	Last Monday in March	Cesar Chavez Day
3030.2.5	Last Monday in May	Memorial Day
3030.2.6	4th of July	Independence Day
3030.2.7	1st Monday in September	Labor Day
3030.2.8	2nd Monday in October	Columbus Day
3030.2.9	November 11	Veterans Day
3030.2.10	Thursday designated for	Thanksgiving Day
3030.2.11	Friday following Thanksgiving	Thanksgiving Friday
3030.2.12	December 25	Christmas Day

3030.2.13 Any day designated as a paid holiday by the Board or any day declared a paid holiday for all public employees by the Governor of California or the President of the United States.

3030.3 A full-time, regular employee (whether or not in the probationary period) is eligible for a paid holiday as listed above if he/she works his/her regularly scheduled shift both before and after said holiday. Eligibility is also granted if the employee was on a planned vacation or had notified the District Manager and received permission to be absent from work on that specific day or days. If eligible, the entitled employee's duties, if any, shall be suspended on the holiday and the employee shall receive one (1) day's pay.

3030.4 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday. Relevant to only to those employees on a 4/10 schedule, whenever a holiday falls on a Friday, the following Monday or the preceding Thursday (at the District's discretion) shall be observed as the holiday.

3030.5 When an employee is taking an authorized leave such as vacation with pay when a holiday occurs, said the employee shall receive the holiday pay and the time shall not be charged against his/her leave accrual. See, e.g., District Policy §3020.7.

3030.6 If an employee works on any of the holidays listed above, in addition to holiday pay, he/she shall be paid at his/her regular rate of pay or as otherwise specified under Policy #3010, Hours of Work and Overtime.

POLICY TITLE: Sick Leave
POLICY NUMBER: 3040

- 3040.1** This policy shall apply to all regular employees in all classifications. This policy does not apply to probationary, part-time, or temporary/seasonal positions which are not eligible for sick leave accrual.
- 3040.2** Regular, full-time employees will be eligible to begin accruing sick time upon successful completion of the probationary period. Eligible employees shall earn sick leave at the rate of 3.69 hours per pay period for an 80 hour pay period or 0.0462 sick hours per hour worked, cumulative to a maximum of 60 days.
- 3040.3** 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 the District Manager.
- 3040.4** Sick leave may also be taken by an employee for the purpose of attending to an ill or injured member of the employee's immediate family as permitted by law, including the "Kin Care" requirements set forth in California Labor Code section 233. 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:
- 3040.4.1** 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.
- 3040.4.2** 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.
- 3040.4.3** The term "spouse" is not defined in the legislation mandating Kin Care, but presumably applies only to an individual to whom an employee is legally married or to an employee's domestic partner.
- 3040.5** 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, or two days prior in the case of absence for a doctor's appointment.
- 3040.6** If absence from duty by reason of illness occurs, satisfactory evidence may be required by the District Manager, including without limitation, a written certification from a physician excusing the employee from his/her work duties.
- 3040.7** Unused sick leave time shall be bought back by the District at a rate of one-half (1/2) day for each whole day accrued. Said buy back shall be limited only to time over and above thirty (30) days of accrued sick leave. No more than twelve (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 thirty (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.

POLICY TITLE: Bereavement Leave
POLICY NUMBER: 3050

3050.1 This policy shall apply to probationary and regular employees in all classifications.

3050.2 In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three (3) days. This is in addition to regular sick leave and vacation time. Certification may be required by the District Manager.

3050.3 Immediate family is defined as being spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law, domestic partner, or any other person who is a legal dependent of the employee.

POLICY TITLE: Jury Duty
POLICY NUMBER: 3060

3060.1 This policy shall apply to probationary and regular employees in all classifications.

3060.2 An employee summoned for jury duty will immediately notify the District Manager. While serving on a jury, he/she will be given a paid leave of absence for a maximum of up to five days. Said paid leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday. It is also conditional upon the employee's conveyance to the District of any compensation received as a juror, not including any travel allowance received.

POLICY TITLE: Continuity
POLICY NUMBER: 3070

- 3070.1** For probationary and regular employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits such as sick leave and vacation time. Length of continuous service will also be one of the considerations in promotions, demotions and layoffs.
- 3070.2** Continuous service with the District will start with the date of employment and will continue until one of the following occurs:
- 3070.2.1** An employee is discharged for cause;
 - 3070.2.2** An employee voluntarily terminates his/her employment; or,
 - 3070.2.3** An employee is laid off.
- 3070.3** Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:
- 3070.3.1** Absence by reason of industrial disability;
 - 3070.3.2** Authorized absence without pay for less than thirty (30) days in a calendar year; or,
 - 3070.3.3** Absences governed by applicable state and/or federal laws such as disability, military or National Guard service.
- 3070.4** A re-employment list shall be maintained by the District. The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than regular work is available and additional employees are needed. The list shall be arranged on the basis of seniority. An individual is considered to have seniority if his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the re-employment list shall be rehired to fill a vacant position within a specific job classification if:
- 3070.4.1** He/she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and,
 - 3070.4.2** He/she has seniority, as defined above.
- 3070.5** When an individual on the re-employment list is called to work and is unavailable to work, the next person on the list having seniority and satisfying the conditions listed in Policy #3070.40, above, shall be called. If an individual is called to work three (3) times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list when he/she notifies the District that he/she has taken a regular position elsewhere and is unavailable to work for the District.
- 3070.6** Regular employees who are laid off will be placed on the re-employment list and shall receive seniority based on previously earned length-of-service, per policy 3190.2.

- 3070.7** Previous regular employees who are laid off and called back for work not being regular in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an hour-for-hour basis.
- 3070.8** Part-time and temporary employees who are hired for a position having regular status will have previously earned length-of-service maintained in their employment service records.
- 3070.9** Previous temporary employees who are rehired within eighteen (18) months of their last date of employment shall have their employment service records restored to include previously earned length-of-service.

POLICY TITLE: Employee Status
POLICY NUMBER: 3080

3080.1 A **Regular employee** is one who has been hired to fill a full-time, regular position in any job classification and has completed his/her probationary period.

3080.2 A **Probationary period** is a working test period during which an employee is required to demonstrate his/her ability to perform the duties of his/her position and is subject to termination with or without cause, notice or any right to appeal. All regular employees are required to successfully complete a probationary period before becoming a regular employee. The first six (6) months of continuous service with the District shall constitute the preliminary probationary period. Upon completion of the initial six (6) months, the employee's performance shall be reviewed and the District Manager may: (1) transition the employee to a regular position; (2) extend the probationary period by an additional six (6) months; or (3) terminate the employee's employment. Following completion an extended probationary period, the District manager may either transition or terminate the employee.

3080.3 A **Probationary employee** is an employee who is hired for a full-time, regular position who has not successfully completed the requisite probationary period. A probationary employee will receive not less than the minimum rate for the job and will be eligible for insurance coverage or other benefits items as the law requires. Generally, a probationary employee shall not be entitled to vacation or other leaves of absence unless required by law.

3080.3 A **Temporary/Seasonal** employee is one who is hired to work within any job classification, but whose position is temporary or seasonal in duration. The duration of the work assignment of a temporary/seasonal employee shall be either the season as defined by the calendar year or District activities or may be for a set temporary duration as set by the District Manager in order to satisfy operational needs. In no case can a temporary/ employee work more than nine hundred and ninety-nine (999) hours per year.

A temporary/seasonal employee may be hired to cover duties for a regular employee who is on a leave of absence.

A temporary/seasonal employee will not receive less than the minimum rate for the job classification, but will not be eligible for sick leave pay, holiday pay, vacation pay or other items of a similar nature. A temporary/seasonal employee will also not accrue seniority or leave of absence rights.

3080.4 A **Part-time employee** is one who is hired to work within any job classification, but whose position is not full-time in nature. The part-time employee does not exceed 30 hours of work in any work week. Part-time employees may be eligible for CalPERS retirement enrollment upon completion of 1,000 hours within a fiscal year (July 1-June 30). Employees should confirm CalPERS requirements with CalPERS. Part-time employees are not eligible for sick and vacation accrual, holiday pay, or medical benefits.

POLICY TITLE: Family and Medical Leave
POLICY NUMBER: 3090

3090.1 The purpose of this policy is to clarify how Inland Empire RCD will implement the Family and Medical Leave Act of 1993 (FMLA) and California Family Rights Act of 1993 (CFRA) in the event that the District has at least fifty (50) employees working within seventy-five (75) miles of the worksite at a future date.

3090.2 Eligibility. To be eligible for leave under the FMLA and CFRA, an employee must have: (1) been employed by Inland Empire RCD for at least 12 months, which need not be consecutive; (2) worked for Inland Empire RCD at least 1,250 hours during the 12 months immediately preceding the commencement of leave; and (3) be employed at a worksite where the District employs at least fifty (50) employees within seventy-five miles (75) miles of the worksite.

Currently, there are fewer than 50 employees working for the District, and therefore no employees are eligible for leave under FMLA or CFRA at this time. The following general information is provided in the event that the District employs at least fifty (50) employees working within seventy-five (75) miles of the worksite at a future date:

3090.3 Leave Benefit

3090.3.1 Basic Leave Entitlements: For eligible employees, up to a total of 12 weeks of unpaid job-protected leave within a 12-month period is permitted for any one or more of the following reasons: the birth of a child of an eligible employee and to care for a newborn; the placement of a child with an eligible employee in connection with the adoption or foster care of a child; leave to care for a child, parent, spouse, or domestic partner who has a serious health condition; leave because of a serious health condition of an eligible employee; and, leave for an employee's incapacity due to pregnancy, prenatal medical care, or childbirth.

"Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails:

- (1) inpatient care in a hospital, hospice, or residential medical care facility; or,
- (2) continuing treatment by a health care provider.

3090.3.2 Military Family Leave Entitlements: Under FMLA, eligible employees are permitted to take their entitlement of up to 12 weeks of unpaid job-protected leave in a 12-month period for any "qualifying exigency" that arises out of the active duty status, or call or order to active duty, of the employee's spouse, son, daughter, or parent.

Eligible employees may take up to 26 weeks of unpaid job-protected FMLA and/or CFRA leave in a single 12-month period to care for a "covered service member" with a "serious injury or illness" incurred in the line of duty, or aggravated by service in the line of duty, if the employee is the spouse, son, daughter, parent, or "next of kin" of the covered service member.

3090.3.2 TEAM RCD requires employees to exhaust applicable accrued paid leaves permitted by the District concurrently with any FMLA and/or CFRA leave, including vacation leave and sick leave, before taking any unpaid leave. Employees taking pregnancy disability leave, however, are encouraged but not required to exhaust their accrued vacation leave. Paid leave will not be added to the end of a protected FMLA and/or CFRA leave without the District Manager's prior approval.

Even if an employee is not eligible for FMLA or CFRA leave, if she is disabled by pregnancy, childbirth or related medical conditions, an employee is entitled to take a pregnancy disability leave of up to four months, depending on the period(s) of actual disability. If the employee is eligible at the time of leave, she has certain rights to take BOTH a pregnancy disability leave and a FMLA and/or CFRA leave for reason of the birth of her child. Both types of leave guarantee reinstatement to the same or a comparable position at the end of leave, subject to any defense allowed under the law.

3090.3.3 Employees on leave who are covered by Temecula-Elsinore-Anza-Murrieta RCD's health benefit at the time their leave commences shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work for the duration of their FMLA and/or CFRA leave. The employee will not accrue seniority or non-health employment benefits during any unpaid portion of the leave period.

3090.3.4 At the end of the leave, the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits, and working conditions, subject to exceptions allowed by applicable laws. TEAM RCD will also require the employee to obtain medical certification that they are able to resume work.

3090.4 Employee Obligations

3090.4.1 If the need for leave is foreseeable (such as an expected birth or planned medical treatment), the employee must provide his or her District Manager with at least 30 days' prior written notice if possible, or with as much notice as practicable. If the need for leave is not foreseeable, the employee must provide the District Manager with as much notice as practicable under the circumstances. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with this notice policy.

3090.4.2 Employees seeking leave on account of a serious health condition must provide the District Manager with medical certification regarding their condition. The District Manager may require employees to obtain, at Inland Empire RCD's expense, a second opinion. If the second opinion differs from the first, the District Manager may require a third opinion from a mutually agreed on health provider. Certification for the serious health condition of a covered family member, for military family leave, or documentation of a family relationship may also be required

when applicable.

3090.4.3

Intermittent leave or a reduced-leave schedule may be taken by the employee because of a serious health condition if medically necessary, or when intermittent leave is necessary due to a qualifying exigency. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job. For employees taking leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and the employee must conclude the leave within one year of the birth or placement for adoption or foster care.

3090.4.4

For employees who would like more information regarding FMLA or CFRA, or to determine whether they may be currently eligible based upon the number of employees working for the District, please contact the District Manager or President.

POLICY TITLE: Health and Welfare Benefits
POLICY NUMBER: 3100

- 3100.1** Medical Expense Insurance. Accident, health, and hospital insurance to cover non-occupational injuries and sickness shall be available to regular, full-time employees and those probationary employees who are scheduled to become regular, full-time employees in all job classifications. Pursuant to federal and state law requirements, health and insurance coverage shall be provided not later than sixty (60) days after employment begins. The scope of coverage and the payment of premiums are subject to periodic review and revision by the Board of Directors. Said plan will be known as a Cafeteria Plan. The Cafeteria Plan is not provided for part time or temporary/seasonal positions.
- 3100.2** Workers' Compensation Insurance. All District employees will be insured against injuries received while on the job as required by state law.
- 3100.3** Retirement Plan. Upon achieving full-time employee status or completion of 1,000 hours in a fiscal year, employees shall be enrolled in the District's employee retirement plan. IERCD will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions to the Public Employees' Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code sections 20000, *et seq.*

POLICY TITLE: Educational Assistance
POLICY NUMBER: 3110

- 3110.1** Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities with the District, or which will prepare them for future career advancement.
- 3110.2** The District will reimburse employees for approved courses of study on the following criteria:
- 3110.2.1** A refund of one-half (1/2) of the cost of tuition and required class materials approved by the District Manager on a case-by-case basis.
- 3110.2.2** The total amount of reimbursement which will be paid to an employee is limited to \$1,000 in any calendar year.
- 3110.3** To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the District Manager. Requests for reimbursement should be submitted in writing. The employee will be notified of final approval, or the reasons for disapproval. Those requests for reimbursement which are received after the class begins will be eligible for only one half of the usual reimbursement.
- 3110.3.1** Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the District Manager.
- 3110.50** Two types of classes are generally eligible for reimbursement per this policy:
- 3110.5.1** Classes that are related to the employee's present work assignment or that may prepare him/her for foreseeable opportunities within the District. Such classes may be taken individually and need not be directed toward a degree or certificate.
- 3110.5.2** Classes that are taken as part of the requirement for a degree or certificate. In this case the employee must have first completed the equivalent of two full years of college level study and have reached the equivalent of the "junior" year of a four year degree program.
- 3110.6** Only residence courses are approved for reimbursement. Correspondence courses are not reimbursable under this policy.

POLICY TITLE: Pay Periods
POLICY NUMBER: 3120

- 3120.1** The salaries and wages of all District employees shall be paid bi-weekly. Pay periods correspond with the workweek as defined in Policy #3010.3.
- 3120.2** In the event a pay day falls on one of the holidays listed in Policy #3030, or on a Saturday or Sunday, the immediately previous working day shall become the pay day.

POLICY TITLE: Compensation
POLICY NUMBER: 3130

3130.1 This policy shall apply to all District employees.

3130.2 Compensation at Hiring

3130.2.1 New Employees. All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

3130.2.2 Advanced Step Hiring. If the District Manager finds that qualified applicants cannot be successfully recruited at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range. Whenever advanced step hiring is approved an employee being paid at a lower salary step in the same range may be advanced to the step at which the new employee is appointed.

3130.2.3 Former Employees. A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

3130.3 Merit Advancement Within Range

3130.3.1 Performance Evaluation Required. The District Manager shall authorize a merit advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

3130.3.2 Period of Employment Required for Merit Advancement. Unless otherwise specified herein, each employee shall, in addition to receiving a satisfactory performance evaluation, complete the following required time of employment to be eligible to receive a merit increase:

3130.3.2.1 New Employees. A person hired as a new employee shall have a merit advancement date which is six (6) months following the appointment date. The next merit advancement date will be one year from the initial six (6) months merit date. All merit advancement dates from this point on shall be on a yearly basis.

3130.3.2.1.1 If an employee gives notice prior to completing their six months probationary period, they shall not be eligible for the initial six months merit advancement. Their probationary status shall be extended until their termination date.

- 3130.3.2.2** Promotion or Demotion. An employee who is promoted or demoted shall have a new merit advancement date which shall be one (1) year from the date of promotion or demotion.
- 3130.3.2.3** Voluntary Demotion. An employee who voluntarily demotes to a position at a lower salary range shall have no change in merit advancement date.
- 3130.3.2.4** Changes in Range Allocation. If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.
- 3130.3.2.5** Position Reclassification. An employee whose position is reclassified to a position having the same or lower salary range shall have no change in merit advancement date. An employee whose position is reclassified to a position having a higher salary range shall have a new merit advancement date which is one (1) year following the effective date of the position reclassification.
- 3130.3.2.6** Non-Merit Step Adjustments. An employee whose salary step is adjusted to a higher step for reasons other than regular merit advancement shall have a new merit advancement date effective one (1) year from the date of said adjustment.

3130.3.3 Effective Date. An employee's merit increase shall take place on the first day of the pay period in which his/her merit advancement date falls. The District Manager may delay authorizing the merit advancement up to ninety (90) days beyond the employee's merit advancement date without affecting the normal merit advancement date. In case of such a delay, the employee's merit advancement shall be effective the first day of the pay period following the District Manager's authorization. If authorization for a merit advancement is delayed beyond ninety (90) days from the employee's merit advancement date, the employee shall not be eligible for a merit increase until his/her next normal merit advancement date.

3130.4 Promotion

3130.4.1 Employees promoted to a position with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, whichever is greater, provided that an employee promoted to a salary range in excess of one (1) range above his/her former range shall receive no less than one (1) range increase, at the same step, in rate

POLICY TITLE: Guidelines for Accepting and Providing Gifts, Entertainment,
And Services
POLICY NUMBER: 3140

3140.1 Directors shall refer to the Conflict of Interest Code (referenced, *supra*, at Policy Number 1030) before accepting any gifts, entertainment and/or services. The Conflict of Interest Code provides comprehensive rules and regulations pertaining to the acceptance of gifts, honoraria and loans at Section 8

3140.2 When a gift to a Director meets the following criteria, it shall be considered a gift to the TEAM RCD itself: (a) the agency controls the use of the payment; (b) it is for official agency business; (c) the public agency reports the gift on a new FPPC report form; and (d) the new third party gift of travel rules are followed (if applicable, i.e. in travel situations). In such a situation, TEAM RCD, as an agency, shall refer to Regulation 18944.2, promulgated under the Fair Political Practices Act ("FPPA") by the Fair Political Practices Commission ("FPPC") before accepting any gifts, entertainment and/or services, including payment for any travel expenses incurred.

TEAM RCD, as an agency, shall also follow the reporting requirements of Regulation 18944.2 by reporting gifts within 30 days of acceptance on FPPC Form 801.

POLICY TITLE: Authorized Leave
POLICY NUMBER: 3150

- 3150.1** With the approval of the District Manager, an employee may request a leave of absence without pay for a period of up to thirty (30) days. An employee shall also be allowed a leave of absence without pay as per the standards set by State and Federal Law.
- 3150.2** Such leave of absence may be taken only after all accumulated vacation time has been exhausted. If the leave of absence is for medical reasons, then all accumulated sick leave time must also be exhausted before a leave of absence can be granted.
- 3150.3** Employees will not accrue benefits available to regular employees of the District (e.g., vacation or sick leave) during an unpaid leave of absence.
- 3150.4** If the employee is disabled or otherwise injured or unable to work, such period of time when the employee is on disability and/or receiving benefits under the District's Worker's Compensation Program, shall be considered a period of authorized leave without pay and no other accrual of vacation or sick leave, shall be allowed during such periods of time, excepting applicable provisions of Policy #3070.
- 3150.5** Due to the District's limited work force, maintenance of job classifications for the term of an authorized leave of absence generally cannot be guaranteed beyond thirty (30) days. Employees returning from a leave of absence may be required to certify that they are fit for duty.
- 3150.6** Administrative Leave. Each employee designated as Exempt by the Board of Directors shall be given eighty (80) hours of Administrative Leave in lieu of overtime and/or comp time.
- 3150.7** Pregnancy Disability Leave. Employees are entitled to take a pregnancy disability leave of up to four (4) months depending on the period of actual disability under the Fair Employment and Housing Act ("FEHA"). Time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are covered by a pregnancy disability leave. Disability arising out of pregnancy shall be treated by the District the same as other disabilities of similarly situated employees in terms of eligibility for, or entitlement to sick leave or leave without pay, extended sick leave, or accrued sick leave benefits.
- 3150.7.1** The District may require certification from the employee's health care provider of a pregnancy disability or the medical advisability for a transfer or reasonable accommodation, particularly where the nature of the duties performed are hazardous or burdensome. If possible, an employee must provide at least thirty (30) days advance notice for a foreseeable event such as the birth of a child in accordance with the regulations.
- 3150.7.2** All employees will be placed on leave when their physician states that maternity disability would interfere with the performance of the duties of the position or continuing work would be hazardous. Should disagreement arise between the District and an employee's physician as to the hazardous nature of a job or the ability of the employee to perform the job, the physician representing the District will resolve the conflict and his decision will be binding upon all parties.

3150.7.3 Following childbirth and upon release from medical treatment for the disability resulting from the pregnancy, an employee must submit a medical statement of fitness to perform the duties of the position to Human Resources. At that time, a determination will be made for a return work date. Reinstatement should be accomplished as expeditiously as is reasonably practicable.

3150.7.4 For more information regarding rights to pregnancy disability leave contact the Human Resources Department.

3150.7 Employees on authorized leave, administrative leave, pregnancy disability leave or any other leave, do not accrue vacation, sick leave, or other seniority-based benefits during any portion of the leave that is unpaid. Upon completion any leave, any entitlement to benefits shall be governed by the applicable leave policy.

POLICY TITLE: Unauthorized Voluntary Absence
POLICY NUMBER: 3160

3160.1 Voluntary absence from work without permission for five (5) consecutive working days shall be considered an automatic resignation.

3160.1.1 After three (3) consecutive days of voluntary absence from work without permission, the employee shall be notified in writing that the absence will be considered as a resignation if it continues consecutively through the fifth working day. Said notice shall provide factual evidence that the employee's absence is voluntary and unauthorized and an invitation to the employee to present his/her version of the facts at an informal hearing before a neutral fact finder.

3160.1.1.1 Constructive resignation shall not be determined to have occurred until after the employee has an opportunity to present his/her version of the facts at an informal hearing before a neutral fact finder. If the employee fails to afford himself/herself of this opportunity, the employee's right to present his/her version of the facts will be waived.

3160.1.1.2 The informal fact finding hearing shall be held within ten (10) days after the end of the five (5) consecutive days of unauthorized voluntary absence.

3160.1.1.3 The neutral fact finder shall be a member or members of the appointed Administrative Committee assigned by the Board of Directors.

3160.2 The District Manager may, prior to the informal fact finding hearing, reinstate the employee who has been voluntarily absent without leave for five (5) consecutive days if the employee provides a satisfactory explanation. If the employee is reinstated after providing a satisfactory explanation, back pay for the period of absence may be disallowed, including the employee's use of vacation or comp time to cover the period of absence.

3160.3 If the neutral fact finder determines, as a result of the evidence presented at the informal hearing, that the employee was voluntarily absent without leave and did not have a satisfactory explanation, the employee shall not be entitled to a post severance evidentiary hearing and the employee's resignation shall be considered to be effective at the end of the fifth consecutive day of his/her unauthorized voluntary absence.

POLICY TITLE: Performance Evaluation
POLICY NUMBER: 3170

- 3170.1** This policy shall apply to all employees.
- 3170.2** The District Manager or his/her designated representative shall conduct a scheduled performance review of each employee prior to the merit advancement date.
- 3170.3** Performance evaluations shall be in writing on forms prescribed by the District Manager. Said evaluation shall provide recognition for effective performance and also identify areas which need improvement. In addition to providing scaled scores in each performance and characteristic category, the evaluator will also provide a narrative explanation of the reason for each score.
- 3170.4** The performance evaluation shall be signed by the evaluator and shall be discussed with the employee. The employee will be provided an opportunity to prepare a written response to the evaluation that will be attached to the evaluation for inclusion in his/her personnel file.
- 3170.5** Unscheduled performance evaluations may be made at the discretion of the District Manager or his/her designated representative.

POLICY TITLE: Grievance Procedure
POLICY NUMBER: 3180

- 3180.1** This policy shall apply to all regular employees in all classifications.
- 3180.2** The purpose of this policy is to provide a procedure by which employees may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation or instruction.
- 3180.3** Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; District Board of Directors resolutions, ordinances or minute orders, including decisions regarding wages, hours and terms and conditions of employment.
- 3180.4** Grievance Procedure Steps
- 3180.4.1** **Level I, Preliminary Informal Resolution.** Any employee who believes he/she has a grievance shall present the evidence thereof orally to his/her immediate supervisor within five (5) working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter within three (3) working days after the presentation of such evidence. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor.
- 3180.4.2** **Level II, District Manager.** If the grievance has not been resolved at the Level I, the grievant must present his/her grievance in writing on a form provided by the District (attached hereto as Appendix A) to the District Manager within ten (10) working days after the occurrence of the act or omission giving rise to the grievance.
- 3180.4.3** The statement shall include the following:
- A concise statement of the grievance including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted;
 - The circumstances involved;
 - The decision rendered by the immediate supervisor or Level I;
 - The specific remedy sought.
- 3180.4.4** The District Manager shall communicate his/her decision within ten (10) days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties of interest. If the District Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of written decision by the District Manager or, in the case where no decision is provided by the District Manager, the last day on which the General Manager was to provide a response pursuant to this provision. Within the above time limits either party may request a personal conference with the other.
- 3180.4.5** **Level III, Board of Directors Administrative and Employee Relations Committee.** In the event the grievant is not satisfied with the decision of Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix A) to the District's Board of Directors standing Administrative and Employee Relations Committee within five (5) days. The statement shall include a copy of the original

grievance; a copy of the written decision by the District Manager; and a clear, concise statement of the reasons for the appeal to Level III.

3180.4.5.1 The Administrative and Employee Relations Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made.

3180.4.6 **Level IV**, If a District employee or public member have a grievance or complaint against the District Manager they are required to notify in writing the members or chairperson of the appointed Administrative Committee assigned by the Board of Directors of the grievance or complaint. The grievance or complaint shall be reviewed and investigated in accordance to existing policies of the District as they address employee grievances and public complaints. Said grievance or complaint shall remain anonymous until the committee has completely reviewed the initial grievance or complaint, at which time if the findings are proven correct, all evidence shall become known in accordance with District policies.

3180.5 Basic Rules.

3180.5.1 If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

3180.5.2 By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

3180.5.3 The District Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

3180.5.4 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

APPENDIX A
EMPLOYEE GRIEVANCE FORM

TEMECULA-ELSINORE-ANZA-MURRIETA RESOURCE CONSERVATION DISTRICT

Employee's Name: _____ Date: _____

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the information conference:

Specific remedy sought:

POLICY TITLE: Separation from District Employment
POLICY NUMBER: 3190

3190.1 Resignation: To leave District service in good standing, an employee must file a written notice of termination with the District Manager at least two (2) weeks before the effective date. The District Manager may, however, grant good standing with less notice if he/she determines the circumstances warrant. Resignations may not be withdrawn without the District Manager's approval. The Board of Directors encourages an employee to consent to an exit interview with the District Manager.

3190.2 Layoffs: Whenever, in the judgment of the District Board, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and the employee is qualified.

3190.2.1 Employees to be laid off shall be given notice of the layoff at least fourteen (14) calendar days in advance of the layoff date.

3190.2.2 Except as otherwise provided, whenever there is a reduction in the work force, the District Manager shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off (in accordance with 3190.2 of this policy) is qualified.

3190.2.3 An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For the purpose of this document, seniority includes all periods of full-time service or above the retreat position being considered.

3190.2.4 In order to retreat to a former or lower position, an employee must request displacement action in writing to the District Manager within five working days of receipt of the layoff notice.

3190.2.4.1 Employees retreating to a lower position shall be placed at the salary step representing the least lost of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.

3190.2.5 If two positions have the same job description, then employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional, and probationary employees shall be laid off according to the needs of the service as determined by the District Manager. In cases where there are two or more regular positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the position, providing such rating has been filled at least 60 days prior to layoff as follows:

3190.2.5.1 First, all employees having ratings of Unsatisfactory;

- 3190.2.5.2** Second, all employees having ratings of Marginal;
- 3190.2.5.3** Third, all employees having rating of Less Than Satisfactory;
- 3190.2.5.4** Fourth, all employees having ratings of Satisfactory;
- 3190.2.5.3** Fifth, all employees having ratings of Commendable;
- 3190.2.5.4** Sixth, all employees having ratings of Superior; and,
- 3190.2.5.5** Seventh, all employees having ratings of Exceptional;
- 3190.2.5.6** Employees within each of the rating categories shall be laid off in order of least seniority first.

3190.2.6 The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. The re-employment list may be used by the District Manager when a vacancy arises in the same or lower position before certification is made from an eligibility list.

3190.2.7 Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to regular positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list. Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower-position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the discretion of the District Manager, the list may be extended for an additional year.

3190.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the District Manager for cause, and after consulting with District Legal Counsel.

3190.3.1 The following shall constitute sufficient cause for dismissal:

- 3190.3.1.1** Conviction of a felony;
- 3190.3.1.2** Fraud in securing employment;
- 3190.3.1.3** Misappropriation of District funds or property;
- 3190.3.1.4** Intentional or gross misconduct; and,
- 3190.3.1.5** Failure to respond or improve regarding an item specified in 3200.2, Grounds for Discipline, of Policy No. 3200: Disciplinary Action, after an evaluation or corrective action plan has failed to produce an improvement to performance.

- 3190.3.1.6** Incapacity due to mental or permanent physical disability rendering the employees unable to perform job duties.
- 3190.3.1.7** Severe physical or mental disability.
- 3190.3.2** A probationary employee may be dismissed at any time during a probationary period without right of appeal or hearing. In case of such dismissal, the District Manager shall notify the dismissed probationary employee in writing that he/she is being separated from District service.
- 3190.3.3** Dismissal of the District Manager shall be as outlined in the employment agreement between the District Manager and the District.
- 3190.4** Notice of Dismissal. All employees shall be provided with a notice of dismissal. This notice shall be prepared by the District Manager after consultation with District Counsel and shall contain the following:
- 3190.4.1** A description of the proposed action and its effective date or dates, and in the case of a regular employee, the ordinance, regulation or rule violated;
- 3190.4.2** A statement of the acts or omissions upon which the action is based;
- 3190.4.3** A copy of the materials upon which the action is based; and,
- 3190.4.4** In the case of a regular employee, a statement advising the employee of the right to file an appeal as provided in 3190.5 of this policy.
- 3190.5** A regular employee may, upon receipt of a notice of dismissal or disciplinary action, appeal in writing to the District Manager within five (5) working days of the date of the notification. The District Manager shall then schedule an informal hearing at which the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of dismissal. The hearing guidelines and format shall be available upon request. The District Manager shall issue his/her opinion and decision within ten (10) working days of the hearing and may, if the District Manager finds that the dismissal was not justified, he/she may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits. Following this hearing, the employee will be issued a notice of disciplinary action, if any discipline is to be upheld.
- 3190.6** If the discipline consists of the suspension without pay, demotion or termination, the employee shall also be informed of their right to appeal this decision to the District's Board of Directors, or designee. Any such appeal must be filed with the President of the Board of Directors in writing, setting forth the reasons for the appeal, within ten (10) calendar days of the date of the notice of disciplinary action. Should the Board decide to delegate the hearing of the appeal to a hearing officer, the hearing officer will prepare a written recommended decision to the Board. Any appeal under this section shall not be conducted in strict conformity with the technical rules of evidence as applied in a court of law, but all parties shall observe a substance of the rules of evidence such that the matter may be fully heard and

determined upon evidentiary matter which reasonable people rely on in the conduct of serious business affairs. The hearing shall be in closed session, unless the employee requests otherwise.

POLICY TITLE: Disciplinary Action
POLICY NUMBER: 3200

3200.1 The following measures are part of the disciplinary process: warning, reprimand, suspension with or without pay, dismissal, demotion, or reduction in pay. The District Manager may discipline any employee for cause.

3200.2 Grounds for Discipline

3200.2.1 Discourteous treatment of the public or fellow employees.

3200.2.2 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.

3200.2.3 Habitual absence or tardiness.

3200.2.4 Abuse of sick leave.

3200.2.5 Disorderly conduct.

3200.2.6 Incompetence or inefficiency.

3200.2.7 Being wasteful of material, property, or working time.

3200.2.8 Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination.

3200.2.9 Neglect of duty.

3200.2.10 Dishonesty

3200.2.11 Misuse of District property.

3200.2.12 Willful disobedience

3200.2.13 Conduct unbecoming a District employee.

3200.3 All acts of discipline 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.

3200.4 All negative evaluations or letters of warning shall remain part of the employees personnel file. Negative evaluation shall not be used by the District Manager 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 (1) year

3200.5 Any disciplinary action which may result in suspension without pay or a demotion shall be set forth in writing to the employee at least five (5) working days before

the proposed effective date or dates. This notice shall be prepared by the District Manager after consultation with the Administrative Committee and shall contain the following:

- 3200.5.1** A description of the proposed action and its effective date or dates, and the ordinance, regulation, or rule violated;
 - 3200.5.2** A statement of the acts or omissions upon which the action is based;
 - 3200.5.3** A copy of the materials upon which the action is based;
 - 3200.2.4** A statement advising the employee of the right to request a hearing as provided in 3190.5 of Policy #3190, Separation from District Employment.
 - 3200.2.5** A date by which time the employee must respond in writing if he/she wishes to contest the action.
 - 3200.2.6** A notice of disciplinary action and a post-disciplinary appeal, in accordance with section 3190.6, shall also be provided.
- 3200.6** All notices of proposed action shall be personally served or be mailed by certified mail, return receipt requested, to the last known address of the employee.

POLICY TITLE: Pre-Employment Physical Examination
POLICY NUMBER: 3210

- 3210.1** All individuals who are offered full-time, temporary or part-time employment shall be required to submit to a physician's examination at District expense. The examining physician will be provided a description of the job involved to assist in a determination of the individual's fitness to work.
- 3210.1.1** Individuals offered full-time, temporary or part-time employment in a safety-sensitive position shall also be required to submit to a controlled substance test at District expense. Employment of these individuals will not occur until after a negative controlled substance test result is certified, and until after a qualified physician has certified the individual as fit to perform the type of work required by the position applied for.
- 3210.1.1** Employment will not occur if the individual refuses to cooperate in any required examination or testing.
- 3210.2** Retesting of an individual who was previously employed on a temporary, part-time or full-time basis will be required if more than three (3) months have elapsed since the individual's last day of work for the District.
- 3210.3** Appointments with the medical facility providing the examination and controlled substance testing shall be made at least one day prior to testing if possible, with the individual to be tested provided minimal advance notice (no more than one day, if practical).
- 3210.4** When the individual to be tested reports to the medical facility for the scheduled examination and controlled substance testing, when required, they must provide proof of identification, such as a drivers license photo or a state-issued photo identification card.
- 3210.5** All test results shall be kept confidential. The applicant may be told they failed to pass the test, but only the District Manager and his/her confidential designee shall have access to the actual test results.
- 3210.6** District employment application forms shall contain a notice to applicants as follows:
- 3210.6.1** The District has a policy of requiring a physician's physical fitness exam of persons who have been offered employment. Additionally, the District requires a urine drug test for all persons who have been offered employment in a safety-sensitive position. Individuals who are determined by the physician not to be physically fit for duty, or who test positive for controlled substances, will not be employed. If you have reason to believe that you will not pass a physician's physical examination, or will test positive for the presence of controlled substances, or if you are unwilling to consent to such an examination or test if offered employment, it is recommended that you not submit an application.

CONSENT AND RELEASE FORM

DRUG/ALCOHOL TESTING

I hereby authorize Temecula-Elsinore-Anza-Murrieta Resource Conservation District, and any laboratories or medical facilities designated by Temecula-Elsinore-Anza-Murrieta Resource Conservation District, to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to Temecula-Elsinore-Anza-Murrieta Resource Conservation District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only drugs, medicine or mind-altering substances, including drugs prescribed by a physician and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol™, Robitussin-DM™, Mediprin™, etc.), that I have used in the last forty-five (45) days are as follows:

<u>DRUG/MEDICINE:</u>	<u>WHEN USED:</u>	<u>ISSUED BY:</u> <u>(IF PRESCRIPTION)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME OF EMPLOYEE: _____

FACILITY PERFORMING TEST: _____

DATE OF TEST: _____

SIGNATURE OF EMPLOYEE: _____

SUPERVISOR REQUESTING TEST: _____

POLICY TITLE: Confidentiality Regarding Resignations
POLICY NUMBER: 3220

3220.1 To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation from the District.

3220.1.1 This policy is itself a public record which the District must release upon request.

POLICY TITLE: Letters of Recommendation
POLICY NUMBER: 3230

- 3230.1** The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interests of the District to ensure that letters of recommendation issued by individuals in their best capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements by law. Therefore, the District Manager or his/her designee is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the District Manager or his/her designee before dissemination.
- 3230.2** The District Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the District Manager or his/her designee.
- 3230.3** At his/her discretion, the District Manager or his/her designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

POLICY TITLE: District Vehicle Usage
POLICY NUMBER: 3240

- 3240.1** This policy applies to employees who drive District vehicles.
- 3240.2** During working hours, extraneous trips for personal purposes will be avoided. Occasionally stopping at a store en route to a business destination, or going to a restaurant (within close proximity of your work location) for lunch is permitted.
- 3240.3** Other than the foregoing uses, district vehicles will not be used for any other personal purposes without prior approval from the District Manager.

POLICY TITLE: Helicopter Travel Guidelines
POLICY NUMBER: 3245

3245.1 The purpose of this Section is to provide guidance to District employees traveling to and working at locations that may require travel by helicopter. **District employees who will be utilizing a helicopter as part of their job duties MUST receive written permission from the District Manager or his/her designee prior to boarding a helicopter, on each monitoring occasion.**

3245.2 General Helicopter Safety Guidelines: District employees and contractors that use a helicopter for transportation for District related activities must follow these general guidelines:

- 3245.2.1** When flying by helicopter, the pilot is always in command;
- 3245.2.2** Inform the pilot and dispatcher if you are a first-time passenger;
- 3245.2.3** Store and secure belongings in the cargo area;
- 3245.2.4** Long pants are required to enter the helicopter;
- 3245.2.5** Sleeveless shirts or tank tops are prohibited;
- 3245.2.6** Petroleum or chemical-saturated clothing or shoes is prohibited;
- 3245.2.7** Proper shoes are required – no thongs, sandals, slippers, or flip-flops;
- 3245.2.8** Wear the required in-flight Personal Protective Equipment, including:
 - 3245.2.8.1** Hearing protection, such as ear muffs or ear plugs;
 - 3245.2.8.2** Seat belt;
 - 3245.2.8.3** Inflatable Personal Flotation Device, if required.
- 3245.2.9** All seating arrangements are assigned by the pilot;
- 3245.2.10** Do not smoke on the heliport landing area;
- 3245.2.11** The use of all tobacco products is prohibited onboard the helicopter;
- 3245.2.12** Read the safety briefing cards if any, before taking off. Note the type and location of all emergency exits;
- 3245.2.13** Follow the pilot's instructions at all times. The pilot has the authority to refuse passage to anyone considered to be an unsafe passenger;
- 3245.2.14** Declare any magnetic or hazardous material;

- 3245.2.15** Under no circumstances are firearms, alcoholic beverages, or illegal drugs permitted aboard the helicopters or at any worksite.
- 3245.2.16** Carry pipes, poles, and other long items horizontally so that they do not strike the rotor;
- 3245.2.17** Take care not to damage the helicopter's floats when loading and unloading your luggage and cargo.
- 3245.3** Boarding and Departing Helicopter Guidelines. When boarding or departing a helicopter, use the following guidelines:
 - 3245.3.1** When arriving to the heliport, check in with dispatcher;
 - 3245.3.2** Accurate weight for both person and luggage is needed when signing in on the manifest;
 - 3245.3.3** Remove and stow headgear before approaching a helicopter;
 - 3245.3.4** Always embark in a crouched position in the pilot's view and on his command;
 - 3245.3.5** Never walk around the tail rotor or under the tail boom of the helicopter;
 - 3245.3.6** Keep clear of the landing zone or helipad until the helicopter has landed;
 - 3245.3.7** Approach or depart from a helicopter:
 - 3245.3.7.1** Only after the pilot has given permission;
 - 3245.3.7.2** Remain well clear of the tail rotor at all times. Approach and disembark from the helicopter toward the front of the craft. Under no circumstances should you walk under the tail rotor or tail boom;
 - 3245.3.7.3** In a crouched position well below the rotor tips. In high winds or unusual conditions, the main rotor blades can dip below six feet level anywhere around the aircraft.
 - 3245.3.8** Stay in view of the pilot at all times when approaching or departing the helicopter;
 - 3245.3.9** All seating arrangements are assigned by the pilot;
 - 3245.3.10** Provide the pilot with all information requested before boarding a helicopter. This may include your name, total weight (including your gear), your employer affiliate and destination;
 - 3245.3.11** Remain well clear of the tail rotor at all times. Do not walk under the tail rotor or tail boom under any circumstances;
 - 3245.3.12** Keep a firm grip on all hand carried articles while walking to and from the helicopter;
 - 3245.3.13** Use the step to get in and out of the aircraft.

- 3245.4** Helicopter Safety. When using helicopters, passengers must:
- 3245.4.1** Make themselves aware of all exits and safety equipment locations upon boarding the flight;
 - 3245.4.2** Always enter or leave the helicopter in the safe access/egress area. This is explained during the pre-flight briefing. As a rule, this is at an angle of approximately 45 degrees to the helicopter, avoiding the tail rotor area. Exercise special tail rotor caution when retrieving baggage from the tail section of the helicopter;
 - 3245.4.3** Secure lightweight articles, such as coats, hats or other loose items inside passenger baggage to prevent them from being sucked into the rotor blades or blown overboard;
 - 3245.4.4** Respect flight provided safety equipment. Do not tamper with this equipment.
- 3245.1** Selection of Provider of Services: The TEAM RCD Field Ecologist is empowered to conduct monitoring via helicopter per the terms of the employment description. However, prior to engaging in this form of monitoring, the FE must perform the following due diligence in vetting providers of this service to ensure maximization of safe travel:
- 3245.1.1:** Development of list of potential service providers, of which the FE has verified all are in possession of current licensing to perform helicopter transport. List can be based off of general research, but recommendations from area entities using similar monitoring techniques should be considered. The list will be vetted by the TEAM RCD District Manager.
 - 3245.1.2:** Annual updating of existing list of service providers, ensuring removal of any whose licensing has lapsed.
 - 3245.5.3:** Once service provider has been selected, acquisition of proof of licensing and current insurance must be provided to TEAM RCD District Manager to keep on file at the TEAM RCD offices
 - 3245.5.4** FE will report all current and potential issues with individual service providers to TEAM RCD District Manager following each use.

POLICY TITLE: Cell Phones
POLICY NUMBER: 3250

- 3250.1** Eligibility for an Allowance:
Employees whose job description and duties require a cell phone may require extra compensation in the form of an allowance to cover business use of a cell phone. The Temecula-Elsinore-Anza-Murrieta Resource Conservation District recognizes that the use of a cellular telephone while conducting field work by the field ecologist position is necessary in order to coordinate with biologists, contractors and others while outside of the office.
- 3250.2** Cell Phone Allowance:
The Temecula-Elsinore-Anza-Murrieta Resource Conservation District has elected to provide a monetary allowance for employee owned cell phones. This option provides employees that require cell phones with an allowance for the acquisition and monthly service charge of a cell phone. The District Manager, in cooperation with the Budget Committee, shall determine the cell phone allowance amount for individual employees. This amount shall be included in the annual budget for approval by the Board of Directors and is set for \$50 per month. The monthly allowance is not considered part of the employees' base salary and shall not be used when calculating retirement benefits or salary increases.
- The District will provide the monthly cell phone allowance of \$50 after receipt of a reimbursement request from the eligible employee. The reimbursement request form shall include a copy of the cover sheet of the bill for the employee's personal cellular telephone.
- 3250.4** Maintenance of Personally Owned Cellular Telephone:
A cell phone acquired by this method is the personal property of the employee. It is the responsibility of the employee to provide payments to their service carrier, and to work directly with their carrier to resolve any problems with their cellular service. TEAM RCD does not accept any liability for claims, charges or disputes between the service provider and employee.
- 3250.4.1** Employees are required to be professional and conscientious at all times when using personally owned cell phones to conduct District business.
- 3250.5** The District requires strict adherence to state law concerning the use of District-Issued or personal cellular phones while driving a District vehicle or a personal vehicle on District business. For the safety of our employees and others it is required that employees use hands-free devices while driving. Employees are expressly prohibited from checking, sending or receiving emails or text messages while driving. Failure to adhere to this policy is grounds for discipline, up to and including termination.
- 3250.5.1** Cell phone usage will not be permitted by employees who are engaged in a continuous operation, such as a member of a utility crew engaged in the construction or repair of District facilities.
- 3250.5.2** Cell phones will be turned off or set to vibration mode during meetings, training sessions and during work hours if the employee's workstation is in close proximity to others.
- 3250.5.3** Camera phones shall not be used in situations where any individual may have an expectation of privacy. This includes, but is not limited to, restrooms, locker rooms and training rooms.

3250.6 In the course of completing job duties, other employees may be required to use their personal cell phone to conduct business. The District Manager and TEAM RCD Budget Committee will determine if these employees are eligible for the monthly cell phone allowance, through annual review of self-reported personal cell phone use and shall amend this policy to include additional positions as needed. Any allowance provided is intended to offset the business use costs of their cell phones and is not an increase in base pay and will not be included in calculations of salaries or retirement benefits.

3250.6.1 Text messaging shall not be used by employees to communicate with each other during work hours for District business unless the employees (A) qualify for the District cell phone stipend or (B) have signed a waiver authorizing text messaging as an acceptable method of communication with other District employees on their personal cell phones. When communicating through use of text message, employees will adhere to all guidelines governing cell phone use outlined in this policy.

3250.7 The District understands that employees occasionally need to use their personal cell phones to make or receive personal calls or text messages. Such communications should not reduce employee's job performance or be disruptive to other employees or customers. Excessive or disruptive use of a personal cell phone is prohibited and may lead to disciplinary action.

3250.7.1 To the extent possible, personal cellular telephone usage should be confined to rest and lunch breaks, and in locations such that the conversation is not disrupting to other employees or District business.

POLICY TITLE: Credit Card Policy and Procedure
POLICY NUMBER: 3260

3260.1 Purpose. The purpose of this policy is to prescribe the internal controls for management of District credit cards.

3260.2 Scope. This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

3260.3 Implementation. A credit card shall be issued to the District Manager. Credit cards shall not be issued or used by members of the Board of Directors.

3260.4 Policy for Using District Credit Cards

It is the policy of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District (TEAM RCD) to permit use of a District credit card by approved District employees designated by the District Manager for charging legitimate District expenses.

3260.4.1 The purpose of a District credit card is to facilitate business conducted on behalf of the corporation. Eligible expenditures include transportation, lodging and other business related expenses.

3260.4.2 Use of a District credit card for personal expenses is prohibited. All credit card expenses shall be reasonable and necessary to the furtherance of District business. If there is an overlap on a transaction between personal and District business, the employee shall pay for the transaction personally and then request reimbursement from the district.

3260.5 Procedure for Using the District Credit Cards

Eligible staff, as designated by the District Manager, who desire to use District credit cards should complete the "Credit Card Expenditure" form, Appendix A.

The following review and documentation procedures are to be completed:

3260.5.1 All charges shall be examined by the District Manager to insure that they represent proper and legitimate District expenditures. All credit-card transactions shall have third party documents (receipts) attached and the District purpose annotated by the cardholder.

3260.5.2 The District Manager shall mark the billing "approved for payment" and sign and date it.

3260.5.3 The billing shall be attached to the "Credit Card Expenditure" form, attached, so that the accounts to be charged may be designated and proper documentation and tax-reporting information may be provided.

3260.6 After completion of the above steps, the billing is to be sent to the Accounting Department for payment.

3260.7 As part of the annual audit, the external auditors will review the use of District credit cards and the documentation and tax treatment of expenditures.

260.8 Any questions on procedures for District credit cards may be directed to the District Manager.

3260.9 Protocol for District credit card “Rewards Points” usage

The District will accrue rewards points in connection with card purchases, at a rate of one point per each dollar spent. Reward points will automatically accumulate and should be used according to the following protocols:

3206.9.1 Credit card points can be redeemed for a variety of uses, including air travel, hotel stays, gift cards, and cash rewards; amounts required to take advantage of these uses vary according to reward desired.

3206.9.2 The balance of District credit card points will be included within the monthly financial statements to ensure regular review by TEAM RCD Directors.

3206.9.3 Points will be redeemed with permission from the District Manager, on an as-needed basis, and will be applied only to the following pre-approved uses as identified by the TEAM RCD Board of Directors:

3206.9.3.1 Donations for organizations and/or events operating within the scope of the District's mission

3206.9.3.2 Supplies for District events and general educational outreach

3206.9.3.3 Air or ground travel, or sleeping accommodations necessary for conduction of District business by board and/or staff

3206.9.3.4 Other items and/or services necessary for conduction of District business, to be determined by the TEAM RCD board of directors

3206.9.4 This policy will be subject to review on an as-needed basis by the TEAM RCD Budget and Finance Committee for identification of appropriate rewards points' application.

APPENDIX A

CREDIT CARD EXPENDITURE FORM

TEMECULA-ELSINORE-ANZA-MURRIETA RESOURCE CONSERVATION DISTRICT

Credit Card Expenditure Form

Employee: _____

Credit Card: _____

Purpose of the Expense:

Date	Description		Total
		Subtotal	
		Tax	
		Total Charge	

Employee Signature: _____ **Date** _____

Approved by: _____ **Date** _____

Receipts must be attached to expense form.

POLICY TITLE: Internet, E-mail, and Electronics Communication Ethics, Usage and Security
POLICY NUMBER: 3270

3270.1 TEAM RCD believes that employee access to and use of the Internet, Email, and other electronic communications resources benefits the District and makes it a more profitable and successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success.

3270.2 The District has established this ethics, usage and security policy to ensure that all District employees use the computer resources, which the District has provided its employees, such as Internet and e-mail, in an ethical, legal, and appropriate manner. This policy establishes what is acceptable and unacceptable use of the Internet, e-mail and other electronic communications.

3270.3 This policy applies to all Temecula-Elsinore-Anza-Murrieta Resource Conservation District employees, officers, and designated contractors who, as part of their job responsibilities, have access to District email, use the Internet during working hours, or are authorized to speak on behalf of the District in their official capacity. This includes all employees, officers, and designated contractors engaged in the maintenance participation and observation of any District website or social media site.

3270.4 This policy also establishes the steps the District may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate termination.

3270.4.1 Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the Internet and e-mail includes, but is not limited to:

3270.4.1.1 Accessing Internet sites that contain pornography, exploit children, or sites that would generally be regarded in the community as offensive, or for which there is no official business purpose to access.

3270.4.1.2 Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the District's policies (i.e. policy on sexual harassment).

3270.4.1.3 Exploiting security weaknesses of the District's computing resources and/or other networks outside the District.

3270.4.1.4 Internet access is to be used for District business purposes only (unless the employee is on break). Employees who have completed all job tasks should seek additional work assignments. Use of the Internet should not interfere with the timely and efficient performance of job duties. Access to the Internet and e-mail is not a benefit of employment with the District. (Personal use of

the Internet, e-mail, and other electronic communications is strictly prohibited.)

- 3270.4.2** Employees do not have any right to privacy in any District computer resources, including e-mail messages produced, sent, or received by District computers or transmitted via the District's servers and network. Employee access to the Internet and e-mail is controlled by use of a password. The existence of a password does not mean that employees should have any expectation of privacy. Employees must disclose their passwords to the District upon request, and the District will maintain a file of all passwords currently in use. The District may monitor the contents of all e-mail messages to promote the administration of the District, its business and policies.
- 3270.4.3** Employees access to and use of the Internet, e-mail, and other electronic communications will be monitored frequently. Failure to follow the policy may lead to discipline, up to and including immediate termination. Disciplinary action may include the removal of Internet and e-mail access from their computer or termination of employment with the District.
- 3270.4.4** The Internet and e-mail provide means by which employees of the District may communicate with its customers (general public). Messages to or from customers through the District's e-mail system may be considered part of the District's business records and should be treated as such.
- 3270.4.5** Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the District's computer system. For a specific period of time, the District retains backup copies of all documents, including e-mail messages produced, sent, and received on the District's computer system.
- 3270.4.6** E-mail and any attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letters, and other paper-based products. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which the District may be involved.
- 3270.4.7** Currently all District e-mail being sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Due to the way Internet data is routed, all messages are subject to "eavesdropping". Messages may be stolen as they temporarily reside on host machines waiting to be routed to their destination, or they may be purposefully intercepted from the Internet during transfer to the recipient. It is possible for someone other than the intended recipient to capture, store, read, alter/or re- distribute your message. Do not transmit information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.
- 3270.4.8** E-mail, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.

- 3270.4.9** Use of electronic mail or the Internet to distribute copyrighted materials is prohibited.
- 3270.4.10** Each user should take the necessary steps to prevent unauthorized disclosure of confidential or privileged information. Users should make efforts to determine whether information, including but not limited to information obtained from legal counsel or an accounting firm is confidential prior to disclosing that information. Disclosure may lead to a waiver of the information's confidential status and may compromise that district's position in litigation.
- 3270.4.11** Use of electronic mail or the Internet to send offensive messages of any kind is prohibited.
- 3270.4.12** Use of electronic mail or the Internet for inappropriate or unauthorized advertising and promotion of the District is prohibited.
- 3270.4.13** When District employees communicate using electronic mail or other features of the Internet, the employee must be extremely mindful of the image being portrayed of the District. Any communications sent by employee represent the district and may affect the image of the District. Any communications sent by employees represent the District and may affect the image of the District.
- 3270.4.14** Computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the Internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include e-mail and/or documents received via e-mail and the Internet. All downloaded files must be scanned for viruses.
- 3270.4.15** Use of another user's name/account, without express permission of the Systems Administrator, to access the Internet is strictly prohibited.
- 3270.4.16** Personal use of the District's computer resources for personal commercial activity or any type of illegal activity is strictly prohibited.
- 3270.4.17** It is advisable for all employees of the District to remind customers/clients/contractors of these security issues when sending confidential electronic mail and/or documents to the District via electronic mail. If applicable, our customer/clients/contractors should be reminded to implement a security policy and make sure their employees understand the ramifications of sending privileged information via electronic mail. Employees should endeavor to maintain the highest level of security when sending privileged information especially information being sent to legal counsel or an accounting firm.
- 3270.4.18** To maintain the integrity and firewall protection of the District's network system, telephone system, modem pool, or

communication server to access the Internet, the District will not be responsible for maintaining or payment of personal Internet accounts or related software. .

3270.4.19 E-mail that users need to retrieve from their personal Internet account must be retrieved via that User's personal Internet account. District users shall not access such personal e-mail account using the District's network system, telephone system, modem pool, or communication server.

3270.4.20 Employees will only access the Internet using the approved Internet browser (Internet Explorer). Any other browser being used on a workstation will be promptly removed.

3270.4.21 Employees will respect all copyright and license agreements regarding software or publication they access or download from the Internet. The District will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication, which is downloaded onto District computer resources, becomes the sole property of the District.

3270.4.22 Employees will only download information and/or publications for official business purposes.

3270.4.23 Employees are to scan all downloaded materials before using or opening them on their computers to prevent the introduction of computer viruses.

3270.4.24 All list subscriptions should be for business purposes only. The employee will make sure all List Servers are notified when the employee leaves the District.

3270.5 Employee Acceptance. By signing this agreement, I hereby represent that I have read, understand, and agree to the District's Internet, e-mail, and electronic communications ethics, usage, and security policy.

Date

Signature

Print Name Here

POLICY TITLE: Website Policy
POLICY NUMBER: 3275

- 3275.1 Purpose.** The sole and limited purpose of TEAM RCD's website is to provide factual information to the public about or related to TEAM RCD'S programs, services, facilities, structure, organization, events, meetings, activities and similar topics, as further set forth in section 3275.3. By establishing and maintaining an official website, TEAM RCD does not intend to and is not establishing a forum or other means by which public discourse, exchange of opinions, or discussion on issues of any nature may occur.
- 3275.2 Administration.** The District Manager, or a designee authorized by the District Manager, shall act as the administrator of TEAM RCD's website ("Webmaster"), and shall, subject to this Website Policy, have sole discretion over the content of all information published or posted on TEAM RCD's website. Only the Webmaster may publish, place, post or otherwise direct the content of the website.
- 3275.3 Content.** TEAM RCD's website is intended to provide District-related information, including but not limited to the following:
- 3275.3.1** Public notice of or information about TEAM RCD programs, services, facilities, operations, policies, rules or regulations;
 - 3275.3.2** Public notice of or factual information about a program, service, facility, event or activity that is open to the public and conducted, or sponsored, by TEAM RCD;
 - 3275.3.3** Directional information about TEAM RCD, such as maps;
 - 3275.3.4** Listings of the names, addresses and other identifying information about TEAM RCD;
 - 3275.3.5** Information about the culture and history of TEAM RCD or its environment; and
 - 3275.3.6** Information that promotes or safeguards the environment, residents, businesses and property owners, such as water conservation, mitigation of environmental impacts, and educational opportunities.
- 3275.4 Public Record.** TEAM RCD's website is comprised of all documents, databases, log files, web pages, and other information residing on any TEAM RCD owned or managed server. This includes, but is not limited to, information stored in html, asp, Microsoft Word, Adobe PDF, or database storage formats. Content placed on TEAM RCD's website is subject to the California Public Records Act. Public records contained on TEAM RCD's website should be retained in hard copy or permanent electronic form, pursuant to TEAM RCD's record retention schedule, before the records are removed from the website.
- 3275.5 Legal Notices.**
- 3275.5.1** The materials and information contained on or obtained from TEAM RCD's website, are distributed and transmitted "as is" without warranties of any kind, either express or implied, including, without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. Information contained on the website, including information obtained from external links, is provided without any endorsement or representation of any kind as to accuracy, quality, content or

completeness by TEAM RCD and should be verified by the user. Website content is subject to change without notice as a result of updates and correction; TEAM RCD's does not warrant that service will be uninterrupted or error free. TEAM RCD may make improvements and/or changes in the information or programs described herein at any time.

- 3275.5.2** TEAM RCD is not responsible for viruses or contamination of the hardware, software, peripherals, or properties of a visitor to TEAM RCD's website, nor for delays, inaccuracies, errors or omissions resulting from use of, or with respect to, material contained on its web servers including any information posted on or linked, directly or indirectly to or from TEAM RCD's website.
- 3275.5.3** TEAM RCD is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, TEAM RCD's website and/or the materials contained on the website whether the materials contained on the website are provided by the TEAM RCD, or a third party.
- 3275.5.4** No communications made with TEAM RCD through the website shall be deemed to constitute public comment or legal notice to TEAM RCD or any of its agencies, officers, employees, agents or representatives with respect to any past, existing or potential claim or cause of action regarding TEAM RCD or any of its agencies, officers, employees, agents or representatives, where notice to TEAM RCD is required by any federal, state or local law, rule or regulation.

Policy Title: Records Retention and Public Records Request Policy
Policy Number: 3280

3280.1 The District has adopted a Records Retention Policy pursuant to the requirements of California Government Code 60200 through 60203, California Water Code 21403, and the guidelines prepared by the State controller's office and the Controller's Advisory Committee for Special Districts (the "Codes"). The Codes set forth the required provisions for the retention and disposal of District records and the identification, maintenance, safeguarding and disposal of records in the normal course of business. Those requirements are integrated into the Records Retention Policy. The requirements of the Codes are in addition to other state and local laws pertaining to records retention and have the force and effect of law. All officers and employees are directed to refer to the District's Records Retention Policy for these specific requirements. See attached records retention and destruction policy and schedule for details.

3280.2 The Temecula-Elsinore-Anza-Murrieta Resource Conservation District ("District") is committed to providing members of the public their full right of access to District public records under the California Public Records Act. The goal of this policy is ensure that members of the public receive prompt, accurate and thorough responses to their requests for public records maintained by the District.

3280.3 **District Records that are Subject to Disclosure**
Every record made or received by the District is presumed to be a public record that members of the public may inspect or obtain a copy upon request. Some records in the possession of the District are exempt from public disclosure under federal or state law. Examples of records that the District is prohibited from disclosing or may decline to disclose include but are not limited to; personnel, medical or similar files where disclosure would constitute an unwarranted invasion of personal privacy; records relating to pending litigation; or confidential communications between the District and its attorneys which are protected by the attorney-client privilege. If a record contains both exempt and non-exempt information, the District will redact the exempt material and make the remainder of the record available to the requesting party.

The District is not required to create a document in response to a public records request or to respond to a prospective request.

3280.4 **How to Request Public Records from the TEAM RCD**
Members of the public should direct their public records requests to the District's Administrative Assistant or District Manager. Members of the public should not direct a request to personnel other than the Administrative Assistant or District Manager as that may delay the District's response to the request. However if a response is not forthcoming within five (5) business days, it is appropriate to contact the Board President. E-mail addresses are available on the website

Requests for District records should be submitted as follows:

US Mail:
25864-K Business Center Drive,
Redlands, CA 92374

By Fax:
(909) 799-1438

By Email:
manager@teamrcd.org

By Phone:
(951)387-8992

3280.5 Form and Content of Request

Requests for records can be made verbally or in writing. They should be as specific as possible in order to expedite processing of the request, and the request must include a reasonable description of an identifiable record or records. Requests should also include a telephone number, address and/or other contact information the District can use to contact the requesting party, either to clarify the request or to provide notification of when the records are available for review.

Although a written request is not required, it will assist the District in understanding the records request and in processing it in a more efficient manner. Members of the public do not need to provide a reason for their records request. However, District staff may ask questions about the request to better understand the information that the requester is seeking, and to help them create a focused records request. District staff can assist a requesting party with identification of the existence, form and nature of public records or information maintained by the District.

3280.6 Time Allowed for TEAM RCD to Respond to Request

The District responds to all public records requests as quickly as possible, and provides disclosable responsive records (if any) as soon as possible after they become available. The District has ten calendar days to respond to a request to inspect or receive copies of records. In certain instances, the District can extend its time to respond by an additional 14 calendar days. These instances include where the District staff must search for records in separate offices; gather a voluminous amount of records; consult with another agency with a substantial interest in the request; or compile data, write programming language or construct a computer report to extract the data.

If the District needs to extend the time to respond, they will notify the requester in writing within the initial ten day response period of the reason or reasons for the extension and estimated date for the response.

3280.7 District's Response to Records Request

The District will provide a written response to notify the requesting party whether any responsive records were located; whether any exemptions to disclosure apply (if so, the legal grounds for the exemptions) and whether any responsive records are available for inspection or pick-up. The District's notice will include the number of records available for inspection or pickup, if any, and the applicable copying and postage fees.

Unless the requester has requested a response through another method, the District responds to the request by letter sent US Mail (if a mailing address is provided). If the requesting party requested an alternative method of response, such as email, the District will honor that request to the extent possible.

3280.8 Fees

There is no charge associated with reviewing documents at the District's office. The rate of copying is 20 cents per sheet, as specified in *TEAM RCD Policy Number 1060: Copying Public Documents*. The District will charge the cost of postage when a requesting party asks that the District mail the copies of the records through the mail. Fees can be paid by check or money order, made payable to the Temecula-Elsinore-Anza-Murrieta Resource Conservation District

3280.9**How to Inspect or Collect Requested Records**

A member of the public can inspect any responsive records free of charge and can obtain copies of the records after paying any applicable fees. If the requester would like to inspect the records, they should contact the District's Administrative Assistant or District Manager to schedule a time to review the records at a location designated by the District. Records are retained at typically the District's storage location at 41391 Kalmia St., Ste 140, Murrieta, CA 92562. If the records contain exempt and non-exempt information, the District will only provide copies of the records and will not make the original records available for inspection.

A requesting party can pick up copies of responsive records at the Temecula-Elsinore-Anza-Murrieta Resource Conservation District office between 9:00 a.m. and 4:30 p.m. Monday – Thursday. The requesting party must pay the applicable fee before they can collect the records.

A requesting party can have the District send any responsive records through the US Mail. If this option is selected, the District will mail the records after receiving payment for the copies and postage.

If responsive records are in electronic form, the requesting party can ask that the District provide the records by email. Records sent by email must be in an electronic format that preserves the integrity of the records and can't contain any exempt information. The District does not charge a fee to send electronic records.

Unless the requesting party has requested delivery of responsive records through some other method, the District will hold those records for pick-up at the District office.

3280.10**Abandoned Requests**

The District will hold any responsive records for 30 calendar days after the date of its written response to the requesting party. A requesting party that is unable to inspect the records or collect copies within that period may contact the Administrative Assistant or District Manager to make arrangements to inspect or collect records at a later date. If no such arrangements are made after the 30 day period, the District will return the records to their files or storage. At that time, a new request will need to be made to obtain the records.

3280.11**Complaint Process**

If a requesting party believes that the District has improperly withheld a public record, they may petition the District Manager for review of the District's response by submitting a request for review by the District Manager, a copy of the original records request and a copy of the District's response. The petition should be submitted to:

Temecula-Elsinore-Anza- Murrieta Resource Conservation District
Attn: District Manager
P.O. Box 2078,
Temecula, CA 92393-2078

The District Manager will review the matter. If the District Manager decides that the district has improperly withheld a record, he/she will direct the District to provide the records.

The petition process is administrative in nature, and is included in the policy as a part of the District's commitment to providing members of the public their full right of access to District public records under the California Public Records Act. It is the intention of the District to provide a cost effective means for the District to work

with requesters to resolve any disputes over the District's response to a records request.

POLICY TITLE: E-mail Records
POLICY NUMBER: 3285

- 3285.1** This regulation sets forth guidelines for e-mail retention and destruction in accordance with the Government Code section 60201 and California Public Records Act ("PRA"), Government Code sections 6250-6276.48.
- 3285.2** The District's e-mail system is intended as a medium of communication only. Therefore, the District's e-mail system should not be used to store or maintain documents, including, but not limited to, official records of the District.
- 3285.3** The District frequently receives requests for inspection or production of documents pursuant to the PRA, as well as demands by subpoena or court order for documents. In the event a records request or court-issued demand is made for e-mail, the employees having control over such e-mail, once they become aware of the request or demand, shall use their best efforts, by any responsible means available, to temporarily preserve any e-mail which is in existence until it is determined whether such e-mail is subject to preservation, public inspection or disclosure.
- 3285.4** The PRA states that "public records" include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency *regardless of physical form or characteristics*." (Cal. Gov. Code, § 6252(e), emphasis added.) The PRA also defines "writing" as "handwriting, typewriting, printing, photostating, photographing, photocopying, *transmitting by electronic mail* or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored." (Cal. Gov. Code, § 6252 (g), emphasis added.)
- 3285.5** According to the preceding definitions, e-mail messages and any attachments, regardless of format, are public records and are subject to the provisions of the PRA, as well as to legal requirements for retention of public records. The preceding definitions also include any messages that concern the District's business and are sent or received by a public official or employee through a personal digital assistant (PDA), such as a Blackberry, iPhone, iPad or similar electronic device.
- 3285.6** It is the responsibility of individual District officials and employees to determine if an e-mail is an official District record which must be retained in accordance with the Records Retention Policy. Generally, an e-mail message and any attachments regardless of format may be considered an official District record if it: (1) is created or received in connection with official District business; (2) documents the formulation and implementation of District policies and decisions; or (3) initiates, authorizes or completes a transaction of official District business.
- 3285.7** Always consider the contents of an e-mail message, and any attachments, when determining whether an e-mail message is a public record. Ask the following questions: (1) Is the information in the message or attachment needed for a District related work assignment? (2) Will the information in the message or attachment be presented in some form (or has it been presented) to the District's governing board? (3) Is the information in the e-mail or attachment necessary or convenient to the discharge of official duties?
- 3285.8** Preliminary drafts, notes or interagency or intra-agency memoranda which are not retained by the District in the ordinary course of business are generally not

considered to be official District records subject to disclosure. Officials and employees are encouraged to delete e-mail communications which are not otherwise required to be kept by law or whose preservation is not necessary or convenient to the discharge of your duties or the conduct of the District's business. Non-record emails should be deleted as soon as possible but in any case within sixty (60) days of the date sent. Examples of e-mail messages that are not generally considered official District records may include: (1) personal messages and announcements not related to official District business; (2) SPAM e-mails, advertisements or other "junk" e-mail, and announcements not related to official District business; (3) messages with attached copies or extracts of documents distributed for convenience or reference (with the original documents being preserved according to the Records Retention Policy); and (4) messages that are essentially cover notes or distribution slips. Any District officer or employee may request District legal counsel assistance in determining whether an e-mail message is required to be retained and/or is necessary or convenient to the discharge of official duties or the conduct of the District's business.

3285.9 E-mail messages that qualify as official District records (including all attachments to those e-mails) must be retained in accordance with the District's Records Retention Policy. Willfully altering, destroying or permitting someone else to alter or destroy official District records is punishable by imprisonment for a minimum of two (2) and a maximum of four (4) years. (Gov. Code, § 6200.)

3285.10 Generally, the District official or employee who sends an e-mail that qualifies as an official District record should be the person responsible for preserving that e-mail, but persons responsible for a particular program or project file shall also be responsible for preserving all e-mail they send or receive related to that program or project. District officials and employees may print and file hard copies of e-mail messages that must be preserved. Officials and employees may also create PDF versions of the e-mail and any attachments and store or in electronic folders separate from their regular e-mail inboxes. However, e-mail messages must not be stored in an official's or employee's regular inbox, since it is strongly advised that each District e-mail account have an "automatic deletion" function that will delete e-mails from the inbox and sent folders that are more than sixty (60) days old. Regardless of the storage method used, all e-mail messages that are retained electronically must be accessible and retrievable during the period of time that they are retained. Do not store e-mail messages that are official District records on portable media (CDs, DVDs, thumb drives, flash drives, iPods, etc.)

3285.11 Any e-mail messages that relate to a claim or a potential claim against the District must be preserved. Likewise, any e-mail messages that may relate to a lawsuit filed against the District, even if a subpoena or court order for such e-mail messages has not yet been issued, must be preserved. Under newly enacted federal rules regarding electronic discovery, any information stored electronically, including e-mail messages, must be produced for a requesting party. A court can impose severe penalties if e-mail messages relevant to a lawsuit are deliberately destroyed when it is known, or should have reasonably been anticipated, that a claim or lawsuit could be filed against the District. There are no penalties if electronic information is "lost" through "routine, good-faith operation of an electronic information system" (i.e., automatic deletion after a period of time; automatic overwriting of backup tapes, etc.). (Fed. Rules Civ. Proc., Rule 37(e).) However, the District has a duty to preserve any relevant data when there is even a hint of possible litigation. Therefore, every District official and employee who becomes aware of a potential claim, an actual claim, or a lawsuit against the District, must preserve any e-mail messages and attachments that have any information relevant to that matter. District legal counsel can provide further guidance on these issues.

POLICY TITLE:
POLICY NUMBER:

Press Releases
3290

- 3290.1** The district will use the press release opportunity to publicize the work and accomplishments of the district.
- 3290.2** The District Manager will approve all releases and advertisements developed by TEAM RCD staff and have the right to approve, deny, and edit content in part or in whole.
- 3290.3** The District Manager will serve as the contact person for the press release. The Project Manager will serve as the alternate contact in the event that the District Manager is out of the office.
- 3290.4** Press releases will not be more than one page.
- 3290.5** All releases shall have a statement describing the resource conservation district. It will be the last paragraph of every press release.
- 3290.6** The District Manager will consider the following criteria, but is not limited to the criteria, when approving or denying press releases or advertisements:
- 3290.7** The RCD has completed an important outreach activity within the district.
- 3290.7.1** The RCD has participated in a public event.
- 3290.7.2** The RCD has created a new partnership with another agency.
- 3290.7.3** The RCD has featured a new program or project.
- 3290.7.4** The RCD has made steps toward completing the education center.

Appendix A: Press Release Example

Contact: District
Manager/ Natural
Resources Manager
Inland Empire
Resource
Conservation District

P.O. Box 2078
Temecula, CA 92593
Phone 951-387-8992

Temecula-Elsinore-Anza-Murrieta
Resource Conservation District



Activity Title

Temecula, CA, Jan 01, 20__ : When writing a press release, say *who*, *what*, *where*, *when*, *why* and *how* in the first paragraph, if you can. Study your newspaper and notice how deftly most writers work that type of information into the first paragraph of each article. In addition, it is helpful if you remember the following:

- Know your contact's name, title, telephone, fax and department.
- Mail or fax your release 10 days in advance of the release date.

POLICY TITLE: Uniforms and Protective Clothing
POLICY NUMBER: 3300

- 3300.1** The District does not require a specific uniform for all staff.
- 3300.2** The District does require, when conducting field work and/or school programs, to wear a shirt that bears the official logo of the District.
- 3300.3** The District will reimburse employee up to three field shirts per year to conduct District work upon proof of purchase.
- 3300.4** The District has the option of authorizing reimbursements up to half the cost of an item to qualifying employees that can only be used by said employee; such as field boots; that the employee will take with them when separation from the District occurs.

POLICY TITLE: **Personal Vehicle Usage**
POLICY NUMBER: **3310**

- 3310.1** When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.
- 3310.2** Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.
- 3310.3** Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work.
- 3310.4** Proof of adequate insurance coverage for collision, personal injury, and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

POLICY TITLE: LONG TERM VOLUNTEERS
POLICY NUMBER: 3320

- 3320.1** This policy shall apply to all long term volunteers. This policy does not apply to part-time, regular or temporary/seasonal employees or short term volunteers. Long term volunteers are defined as volunteers who work with the District for a period of longer than two consecutive days. Nothing provided in this policy should be read to grant or imply that short term volunteers are entitled to any of the rights or benefits provided herein for long term volunteers, such as the ability to operate District vehicles.
- 3320.2** The Temecula-Elsinore-Anza-Murrieta Resource Conservation District has established a long term volunteer program to assist interested students and individuals in gaining valuable, conservation related experience. The utilization of volunteers pursuant to this program is done pursuant to, and in accordance with, California Labor Code section 3325(i) and 29 C.F.R. section 553.101 and any other relevant state or federal authority which authorizes volunteer services for public agencies.
- 3320.3** All volunteer positions are unpaid. However, TEAM RCD volunteers will be reimbursed expenses incurred during the course of duty; including, but not limited to, meals, travel, lodging and incidental expenses.
- 3320.3.1** Volunteers shall be reimbursed for mileage at the same rate as employees; based upon the most recent IRS determination.
- 3320.3.2** Volunteers shall follow the same reimbursement protocol as TEAM RCD employees, and will fill out District reimbursement request forms with proper documentation before payment shall be issued.
- 3320.4** All long term volunteers shall sign the TEAM RCD Long Term Volunteer Program Waiver prior to enrollment in the program.
- 3320.5** All long term volunteers for the Temecula-Elsinore-Anza-Murrieta Resource Conservation District shall also become Earth Team Volunteers with the Natural Resources Conservation Service (NRCS). As such, they will be empowered to ride in NRCS vehicles and to assist NRCS staff on projects as needed. All Earth Team Volunteers are covered under the NRCS Workers Compensation Insurance.
- 3320.6** It is the desire of the Board of Directors that long term volunteers be able to utilize District vehicles while conducting business on behalf of the TEAM RCD. Any volunteer, over the age of 18, with the express permission of the District Manager, shall be authorized to utilize District vehicles while carrying out District business. However, said volunteer must be in possession of a current driver's license in order to do so. A copy of this driver's license must be on file at the District office.
- 3320.6.1** It shall also be noted that volunteer use of District vehicles is secondary to the needs of TEAM RCD employees who use the vehicles on a daily basis for business. If a scheduling conflict occurs, the District Manager may be consulted with the employee's need for the vehicle taking precedence.
- 3320.6.2** If a District vehicle is not available for conducting District

business, TEAM RCD volunteers shall be allowed to use their personal vehicle in the course of work. However, said volunteer must receive permission from the District Manager, and have both a current driver's license and proof of automobile insurance in order to utilize a personal vehicle for business purposes. Both of these items shall be on file at the District office prior to personal vehicle usage.

3320.7 It is anticipated by the Board of Directors that letters of recommendation may be requested by long term volunteers. Staff shall follow the Letters of Recommendation Policy already established which mandates that only the District Manager or his/her appointee shall write letters of recommendation on behalf of the District.

3320.8 No function at the Temecula-Elsinore-Anza-Murrieta Resource Conservation District is so critical as to require or justify a compromise of safety and health. All long term volunteers will be required to follow TEAM RCD Safety Protocol. Upon acceptance into the TEAM RCD Long Term Volunteer Program, all volunteers will receive the Illness, Injury Prevention Plan and the General Code of Safe Practices for reference.

POLICY TITLE: SHORT TERM VOLUNTEERS
POLICY NUMBER: 3325

- 3325.1** This policy shall apply to all short term volunteers. This policy does not apply to part-time, regular, temporary/seasonal employees or long term volunteers. Short term volunteers are defined as volunteers who work with the District for a period of less than two consecutive days.
- 3325.2** The Temecula-Elsinore-Anza-Murrieta Resource Conservation has established a short-term volunteer program to assist members of the community in taking part in TEAM RCD sponsored conservation related events. The utilization of volunteers pursuant to this program is done pursuant to, and in accordance with, California Labor Code section 3325(i) and 29 C.F.R. section 553.101 and any other relevant state or federal authority which authorizes volunteer services for public agencies.
- 3325.3** All short volunteer positions are unpaid. Short term volunteers are not entitled to any of the benefits provided to long term volunteers or employees. As such, they will not incur any expenses that would require remuneration by TEAM RCD including, but not limited to, meals, travel, lodging and incidental expenses. However, short term volunteers may be provided with meals by TEAM RCD while donating their services.
- 3325.4** All short-term volunteers shall sign the appropriate Volunteer Waiver for the event in which they are participating.
- 3325.5** Short term volunteers shall not drive District vehicles, nor shall they drive personal vehicles on behalf of the TEAM RCD.
- 3325.6** No function at the Temecula-Elsinore-Anza-Murrieta Resource Conservation District is so critical as to require or justify a compromise of safety or health. All short-term volunteers will be required to follow TEAM RCD Safety Protocol.

POLICY TITLE: Advancement of Wages
POLICY NUMBER: 3330

- 3330.1** This policy shall apply to all District employees
- 3330.2** Employees requesting payment of wages in advance of regular pay days as defined in Policy No 3120 "Pay Periods", shall submit said request to the District Manager.
- 3330.3** The District Manager may authorize the requested advancement of wages if the amount requested does not exceed the wages accrued (excluding applicable deductions) by the employee to the date of said request.
- 3330.4** Advancement of wages prior to a regular payday is not a privilege that an employee may use at his/her discretion, but may be authorized by the District Manager at his/her discretion in case of employee necessity and/or personal financial emergency.
- 3330.5** Requests for advancement of wages may be submitted only once in any three month period, and frequent requests shall be grounds for denial.

POLICY TITLE: Performance Evaluation – District Manager
POLICY NUMBER: 3340

- 3340.1** The District Manager of the District is retained and serves at the will of the Board of Directors. The Board of Directors shall review the performance of the District Manager after the initial six months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.
- 3340.2** The performance evaluations should occur first with the Administrative Personnel Committee. The Administrative and Personnel Committee will discuss their review with the rest of the Board of Directors in closed session annually during the first board of directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of directors and the District Manager. The Clerk of the Board shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate notice to the Board and the District Manager.
- 3340.3** The Board of Directors will agree upon an evaluation form to be provided to the Board and completed prior to the formal performance review session. Board of Directors shall be encouraged to prepare input on the form prior to the Board of Directors meeting.
- 3340.4** During the scheduled closed session(s), the Board should meet as a group with the District Manager to verbally discuss the components of the performance evaluation and received feedback from the District Manager relative to his/her assessment. If requested by the Board and/or the General Manager, the District's Legal Counsel may attend the evaluation session.
- Following the meeting with the District Manager, the board shall meet and determine an overall evaluation of the District Manager's performance for the past review period and provide written notification to the District Manager of the assessment and any recommended compensation adjustment, as appropriate. A copy of this written assessment should be provided to the District Manager and a copy kept in the District Manager's personnel file. The performance evaluation shall be kept confidential. Any decision on a compensation award shall be made at a public meeting following the closed session evaluation meeting.
- 3340.5** The Board of Directors and District Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period.

POLICY TITLE: HIPAA Compliance
POLICY NUMBER: 3350

3350.1 Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information (PHI) will be a condition of employment or continued employment with the Agency to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, and any other lawful need for medical information. Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.

POLICY TITLE: Driver Training and Record Review
POLICY NUMBER: 3360

- 3360.1** Purpose. The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by: (a) applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; (b) establishing disciplinary procedures for different types of driving violations.
- 3360.2** Scope. This policy applies to all regular, part-time and temporary District employees and volunteers who operate a vehicle for the District which requires a class A or class B driver's license or a class C license with a hazardous materials endorsement or who otherwise qualifies under California Vehicle Code section 1808.1(k). Directors are encouraged to provide their license information, but cannot be required to do so in accordance with State Law. All other employees who frequently drive during their employment must complete a waiver (either a form INF 1101 from the Department of Motor Vehicles or similar document) indicating TEAM RCD's ability to enroll employee in the DMV Employer Pull Notice program.
- 3360.3** TEAM RCD shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice (aka "Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV: (a) once a year; and, (b) immediately in the event of any new activity (e.g. moving violation, accident, address change, etc.) Employees who have terminated employment will be deleted from the program.
- 3360.4** Review Criteria. Information that will be generated during the record review will include: (a) type of license; (b) expiration date; (c) endorsements; (d) DMV action suspensions, revocations, and penal code violations; and, (d) Vehicle Code Violations
- 3360.5** Disciplinary Procedures
- 3360.5.1** A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc) if:
- (a) they earn two points within 36 months of report date; or
 - (b) they receive any moving violation in a District Vehicle within 36 months of report date; or,
 - (c) they are involved in an accident within 36 months of report date.
- 3360.5.2** A driver will be placed on a 12 month driving probation if they earn three to five points within 36 months of report date. Additional point violations within this probation period will affect a 120-day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
- 3360.5.3** A driver will be suspended from District driving privileges for 120 days if:
- (a) they earn four or more points within 24 months of report date; or,

(b) they earn six or more points within 36 months of report date; or,
(c) they receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
(d) if they are involved in two chargeable (resulting in a point violation) accidents within 24 months of report date.
If their job routinely involves driving a vehicle and if having driving privileges suspended would impose hardship on normal District operations, they will be terminated from employment.

3360.5.4

A driver will be permanently suspended of District driving privileges if:

(a) they receive a citation for DUI, reckless driving, or speed contest during District business within 36 months of report date; or,
(b) they receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within 12 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.

3360.5.5

Occasionally, it may be brought to the District's attention that an employee is exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

3360.6

Defensive Driver Training. All drivers shall attend an approved defensive driving course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State Law.

POLICY:
POLICY NUMBER:

Allowable Employee and Director Expense Reimbursement
3370

3370.1 **Director Reimbursement:** The District shall provide mileage and travel expense reimbursement to directors while on official District business. Directors should retain receipts for reimbursement for expenses related to such travel; these include but are not limited to:

- Lodging
- Meals
- Personal vehicle use, which shall be reimbursed at the amount set by the Board of Directors but no less than the amount set by the Internal Revenue Service and State Franchise Tax Board
- Parking
- Toll costs
- Public transportation

3370.2 **Employee Reimbursement:** The following guidelines will govern rates of reimbursement for employees:

3370.2.1 Private Vehicle: Amount approved by the Board of Directors, but no less than the allowable amount set by the Internal Revenue Service and State Tax Franchise Board.

3370.2.2 Public Conveyance: Actual cost (receipt required).

3370.2.3 Other expenses. Periodically, TEAM RCD employees may engage in District business that requires meal purchase; examples include meetings scheduled at meal times or day-long commitments at a distance from the office that is prohibitive to bringing meal provisions with them. In all situations where meal purchase is projected, employees will need to discuss such purchase with the District Manager prior to actual purchase. Employees should use the following rates for allowable reimbursement for meals:

- Breakfast: \$10
- Lunch: \$15
- Dinner: \$25

These allowable costs are meant to be individual and cannot be combined; for example, employees should not have higher allowable costs for lunch and dinner if breakfast is skipped. If the cost of the employee's meal exceeds the amount set for the individual meal expense, that employee will still be required to submit the original receipt but will only be reimbursed up to the allowable daily amount for each meal. Employees will not be reimbursed for purchase of alcoholic beverages.

3370.3 Other Travel Reimbursement. TEAM RCD employees may periodically attend conferences and trainings that take place in locations a consideration distance from the District office and/or for multiple workdays. The following guidelines will be observed by all TEAM RCD employees when participating in training and conference opportunities:

3370.3.1 All direct and indirect trainings and conferences costs will be

included in the annual budget plan for each fiscal year. Any costs exceeding annual amount approved by the Board of Directors will need to be requested through separate action by the board. Attendance at any conferences and trainings not planned for prior to the fiscal year will need to be pre-approved by the District Manager.

3370.3.2 Expenses

3370.3.2.1 Payment of expenses prior to the training or conference will be done using a District-issued credit card, either by the District Manager or Administrative Assistant, to the greatest extent possible. Careful record keeping including completing District Credit Card Justification Forms with associated receipts will be done for all such expenses.

Lodging for all conferences and trainings will be booked and paid for prior to the event to the greatest extent possible. Employees will stay at the location associated with the training or conference; exceptions to this include a nearby location with rates equal or lower to those offered by the conference/training hotel or employee election to make personal arrangements with friends or family for lodging. Lodging arrangements other than the sponsored conference/training hotel will be discussed with the District Manager prior to the trip.

3370.3.2.2 There will be expenses associated with conference/training attendance that cannot be pre-paid; for these costs, District employees will be required to retain and present receipts for all claimed costs, and will be reimbursed according to the following allowable costs schedule:

- Breakfast: \$10
- Lunch: \$15
- Dinner: \$25

These allowable costs are meant to be individual and cannot be combined; for example, employees should not have higher allowable costs for lunch and dinner if breakfast is skipped. If the cost of the employee's meal exceeds the amount set for the individual meal expense, that employee will still be required to submit the original receipt but will only be reimbursed up to the allowable daily amount for each meal. Employees will not be reimbursed for purchase of alcoholic beverages.

For conferences and trainings where meals are included, the employee will not be reimbursed for meal expenses resulting from electing to bypass the included meal eat elsewhere. If the aforementioned situation occurs as a result of extenuating circumstances, the employee should discuss those circumstances with the District Manager to determine if reimbursement is appropriate.

3370.3.2.3 Employees may have other reasonable costs associated with conference and training attendance; these include but are not limited to parking, gas when using IERCD District vehicles, and purchase of office or field supplies required for participation in such trainings/conferences. The employee will be

required to present receipts and will be reimbursed for actual costs upon return to the office.

3370.3.2.4 If employees lose receipts for conference and training-related purchases, they will be required to complete “lost receipt justification form” for each requested reimbursed item. If purchases are made using employee credit/debit cards, a print-out of individual purchase records may suffice as a receipt for reimbursement.

3370.4 Proof of adequate insurance covering collision, personal injury and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

POLICY TITLE: Social Networking
POLICY NUMBER: 3380

3380.1 Purpose

This policy is intended to coordinate the use of District-Sponsored Social Media Accounts by Employees and to ensure District-Sponsored Social Media Accounts are used to advance the District's goals and mission. Social Media provides a communication tool that can broaden the District's reach into the community. When used appropriately, Social Media allows the District to listen to and communicate with residents, to maximize transparency, and to enhance the credibility of local government.

3380.2 Applicability

This Policy applies to all District Employees' use of District-Sponsored Social Media at all times and to all District Employees' use of general or non-District-Sponsored Social Media during working hours.

3380.3 Definitions

3380.3.1 Authorized Manager means the District Manager or person designated by the District Manager.

3380.3.2 District means the Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

3380.3.3 District-Sponsored Social Media Account means a profile, account, personalized website or other similar electronic presence established by the District on a Social Media website for the purpose of sharing information, ideas, messages and other content.

3380.3.4 Employee means a person employed by the District, including but not limited to the District Manager, all department directors, and staff members, but excluding independent contractors and any elected official.

3380.3.5 Social Media means forms of electronic communication through which users create an electronic presence, persona or community to share information, ideas, messages, and other content, such as videos. Social Media includes, but is not limited to websites for social networking and blogging. Examples of social media sites and technology include, but are not limited to, Facebook, Google+, Twitter, Tumblr, Instagram, Flickr, Pinterest, LinkedIn, YouTube, and blogs.

3380.4 District-Sponsored Social Media Accounts

3380.4.1 Creation of District-Sponsored Social Media Accounts

3380.4.1.1 The Authorized Manager or the President has the exclusive authority to create or authorize the creation of District-Sponsored Social Media Accounts.

3380.4.1.2 Every District-Sponsored Social Media Account

must contain the following disclaimer in a prominent location:

The posting of text or other media on this website is not the official way to communicate concerns to the District, cannot be considered delivery of any notice or request to the District, and is not a substitute for public comment at District meetings or other public forums. You may contact the District by making a public comment at Board of Director meetings, by calling (952) 387-8992, or by writing a letter, addressed to the Temecula-Elsinore-Anza-Murrieta Resource Conservation District, P.O. Box 2078, Temecula CA 92593-2078. For more information, please visit the District's official website at www.teamrcd.org.

3380.4.1.3 The District Manager or the President of the Board is the Authorized Manager of each District-Sponsored Social Media Account, but may designate a department director to be an Authorized Manager of any District-Sponsored Social Media Account.

3380.4.1.4 All communications posted on a District-Sponsored Social Media Account must be coordinated through that Account's Authorized Manager. Messages, video or other information intended for Social Media websites should be reviewed and approved by the Authorized Manager prior to being posted and must be limited to official District business only.

3380.4.1.5 If comments posted to a District-Sponsored Social Media Account by the public warrant a response from the District, the response should be done in a timely manner (within 24 hours) and coordinated through the Authorized Manager.

3380.4.1.6 Wherever possible, content posted to a District sponsored social Media Account shall contain links directing users back to the District's official websites for in-depth information, forms, documents, or online services necessary to conduct business with the district.

3380.4.2 Use of District-Sponsored Social Media Accounts

3380.4.2.1 The District's official website (www.teamrcd.org) is the District's primary and predominant internet presence. Use of Social Media should support, not replace, content on the District's website. Wherever possible, content posted to the District's social media sites will also be available on the District's website.

3380.4.2.2

Appropriate uses of District-Sponsored Social Media include, but are not limited to:

- a. Posting time-sensitive information, such as advisory reports on public safety emergencies.
- b. The dissemination of public information, such as:
 - Informing residents on the progress of public projects;
 - Announcing upcoming District sponsored events; and
 - Providing unofficial notice of upcoming public hearings.
- c. As marketing/promotional channels, which increase the District's ability to broadcast its messages to the widest possible audience.

3380.4.3

Content Posted on District-Sponsored Social Media Accounts by District Employees

3380.4.3.1

Public Records Act. Content placed on a District-Sponsored Social Media Account is subject to the California Public Records Act. All content, including a list of subscribers, is a public record subject to public disclosure. District-Sponsored Social Media Accounts should not be considered a repository for public records. Public records displayed on Social Media Websites should also be retained in hard copy form in a separate location, whenever possible. The following notice should be posted on the District-Sponsored Social Media Account or be accessible by a hyperlink:

Any content maintained in a social media format that is related to District business, including information regarding any subscribers, users, friends or fans, any communications, comments or messages, and any images, videos or media content in any format may be considered a public record and may be subject to public disclosure pursuant to the California Public Records Act. This may include, but is not limited to, personal identifying information for users and visitors to this site or page, text of any and all comments or messages, reproductions of any images or videos, and all other

content appearing on this page or site. Public disclosure requests should be directed in writing to the District at P.O. Box 2078, Temecula, CA 92593-2078.

3380.4.3.2 First Amendment. The District considers any Social Media Account the District joins to be a limited public forum intended only to disseminate information to the public and provide for limited public discussion on a narrow range of District-related topics. The District has an overriding interest and expectation in deciding what is “announced” or “spoken” on behalf of the District on Social Media websites and limiting the types of responses to pertinent District-related topics of discussion.

Whenever possible, users and visitors to District-Sponsored Social Media Accounts shall be notified of the District’s public comment and messaging standards, by a message appearing on the Social Media website substantially as follows (or by a hyperlink directing a user to the same message):

The District disclaims any and all responsibility and liability for any materials that the District deems inappropriate for posting, which cannot be removed in an expeditious or otherwise timely manner. The District reserves the right to restrict or remove any content that is deemed in violation of policy or any applicable law. Any articles, messages, posts, comments, images, video or other content containing any of the following forms of content shall not be allowed and shall be removed as soon as possible:

- Comments not topically related to the District;
- Comments in support of or opposition to political campaigns or ballot measures;
- Profane language or content;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;

- Sexual content or links to sexual content;
- Solicitations of commerce;
- Conduct or encouragement of illegal activity;
- Information that may compromise the safety or security of the public or public systems; or
- Content that violates a legal ownership interest of any other party.

Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available, in accordance with the District policy on the retention of such information and upon the advice of the District Attorney, if appropriate. Content provided by outside users may not be deleted or removed unless it expressly violates this Policy. Neither the Authorized Manager nor any other person from the District may delete or remove comments, messages, images, video or other content because they are critical or praise the District, its officials, staff or employees or because the District otherwise dislikes or disapproves of the content. If content is positive or negative and in context of the conversation, then the content must be allowed to remain. If the content is ugly, offensive, denigrating, and completely out of context, then the content may be rejected and removed.

3380.4.3.3

The Brown Act. Social Media sites shall be managed consistent with the Ralph B. Brown Act (Cal. Gov. Code 54950 et seq.) Members of the District Board of Directors shall not respond to any published postings, or use the District-Sponsored Social Media Accounts or any form of communication to respond to, blog, or engage in serial meetings or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the Board of Directors. The District as a policy generally does not wish Board Members to engage individually on these types of issues on social media, but instead through more traditional means of public communication and interaction.

3380.4.3.4 Ethics Laws. Social Media may be viewed as a District resource. Therefore, Employees must avoid using District-Sponsored Social Media for any type of campaigning or for personal advantage or gain.

3380.4.3.5 General.

- a. All use of District-Sponsored Social Media by Employees must be thoughtful and convey respect and professionalism.
- b. Employees must immediately report to the Authorized Manager any content that poses a threat to the District technology system or its security.
- c. Content posted to a District -Sponsored Social Media Account should, if possible, contain hyperlinks directing users back to the District's official website for in-depth information, forms, news releases or other documents related to District business.
- d. Content posted on a District-Sponsored Social Media Account on behalf of the District must relate to District business and not contain information that is personal or confidential as defined by any District policy or state or federal law.
- e. "Likes," "Follows," mentions of, or interactions with other social media pages or accounts by a District-Sponsored Social media Account will be at the discretion of the District Manager or other Authorized Manager and do not denote endorsement by the District.

3380.4.4 Content Posted on District-Sponsored Social Media Accounts by Third Parties (Non-Employees)

The District disclaims liability for advertisements, videos, or messages, which are posted by third parties to or accessible from a District-Sponsored Social Media Account. The District does not endorse any hyperlink or advertisement placed by any third party on any District-Sponsored Social Media Account. The following notice should be posted on the Social Media Account or be accessible by a hyperlink:

The District is not responsible for postings, links, advertisements, or any materials made available by a third party. The District does not endorse any hyperlink, advertisement or other material placed on this website by a third party.

3380.5 Non-District Sponsored Social Media Accounts

- 3380.5.1** Employees may not use personal or other non-District-Sponsored Social Media Accounts during the work day or while on District equipment. However, Employees may use personal or other non-District-Sponsored Social Media Accounts during the work day or while on District equipment for professional development, educational, collaborative or information sharing activities which are approved by the Authorized Manager. Employees should not post their District contact information, including work email, telephone number, or address, on personal or other non-District-Sponsored Social Media websites. District contact information may be permissible on professional Social Media websites with prior approval from a supervisor.
- 3380.5.2** Employees' use of Social Media must not interfere with productivity or work performance, disrupt District activities, or disclose any confidential or sensitive District information. Employees must not use District trademarks, logos, or other identifying materials on a personal or other non-District-Sponsored Social Media website.
- 3380.5.3** Use of Social Media during work hours or while on District equipment must not involve commercial, political or other prohibited activities.
- 3380.5.4** Employee access to Social Media during work hours may be monitored and is subject to restrictions imposed by supervisors. Information created, transmitted, downloaded, exchanged or discussed on Social Media websites, at any time, may be accessed by an Employee's supervisor.
- 3380.5.5** Employees who violate this Policy in any manner may face discipline, suspension, termination of employment, or civil or criminal liability, including indemnifying the District for any legal action pertaining to his or her violation of this Policy. The District's non-harassment and non-retaliation policies and other general conduct policies apply to an Employee's use of Social Media websites.

POLICY TITLE: Motor Vehicle Safety Program Policy

POLICY NUMBER: 3385

3385.1 The Temecula-Elsinore-Anza-Murrieta Resource Conservation District values our employees as our greatest asset. The District is committed to reducing the risk of injury to employees, the public, and the environment. As motor vehicle accidents are a leading cause of death among U.S. workers, the District recognizes that an effective motor vehicle safety program is essential to achieving this goal. It is essential that all employees who drive on District business fully participate in the motor vehicle safety program. Managers and supervisors are expected to take the lead in setting the example for safety.

3385.2 Purpose: The purpose of this document is to provide uniform guidelines for the employees driving District vehicles or personal vehicles in the course of District business.

3385.3 Scope: These procedures apply to all full-time, part-time and temporary District employees, Directors and volunteers who operate motor vehicles owned, leased or rented by the District or in personal vehicles in the course of District business.

3385.4 Driver Qualifications

3385.4.1 Drivers of District vehicles must possess a valid Operator's License issued in their state of residence. The license must have the appropriate classification and any required endorsements for the vehicles they drive. Drivers must be thoroughly familiar with the state and local regulations governing motor vehicle operation.

3385.4.2 Drivers of District vehicles are subject to motor vehicle records checks, and if such records show a suspension or revocation, the driver will not be authorized to operate a motor vehicle for the District.

3385.4.3 Drivers must report moving violations to their Supervisor and are responsible for paying all moving/parking violation fines and fees. Any change in the status of a driver's license must also be reported.

3385.4.4 Drivers must participate in an approved defensive driving course within 90 days of hire.

3385.4.5 Drivers must participate in required driver safety and education programs.

3385.5 Vehicle Condition

3385.5.1 All employees shall verify that any vehicle or mobile equipment they are assigned to drive is in safe operating condition. Employees shall report all operating defects or problems to the District Manager as soon as possible.

3385.5.2 Every District vehicle must be checked before use to determine if any defects or damage are present. Any damage must be immediately reported to the District Manager.

3385.5.3 Examples of reportable damage/loss include but are not limited to:

3385.5.4 Body damage

3385.5.4.1 Broken windshields and glass

3385.5.4.2 Broken lights

3385.5.4.3 Damaged bumpers

3385.5.4.4 Broken mirrors

3385.5.4.5 Any other damage to the vehicle

3385.5.4.6 Missing or stolen District equipment

3385.5.4.7 Damaged District equipment, tools, property, etc.

3385.5.5 Damage must be documented on the District's Property Damage/Loss form.

3385.5.6 All damage will be investigated by the employee's supervisor.

3385.5.7 No repairs will be scheduled until the damage is documented and investigated unless it is imperative that the vehicle be placed back in service.

3385.6 Seat Belts

3385.6.1 All employees shall wear seat belts while operating any District vehicle, including construction equipment and forklifts.

3385.6.2 Drivers shall require that all occupants use seat belts, child safety seats, and other restraint devices at all times.

3385.7 Distracted Driving

3385.7.1 Employees of the District are expected to drive safely. Distractions, even minor, quick distractions can lead to a collision. A distraction is anything that takes your attention away from the task at hand - tuning a radio, eating, talking on a cell phone. Drinking, eating, smoking or talking on a cell phone while operating a District vehicle is prohibited. Doing any of these activities places the employee and the public at unreasonable risk of an accident due to the distracting nature of such activities. This also applies to other activities that may cause the employee to be distracted while driving, such as reading maps, using computers, or any other distractions.

3385.7.2 Cell phone use has become an integral part of our communications system. **However, cell phone use while driving is prohibited by TEAM RCD under any circumstances. Text messaging while driving, under any circumstances is prohibited by State Law and by the District.**

3385.8 Impaired Driving

- 3385.8.1** Never take drugs or strong medication or drink alcohol before operating a vehicle. Remember that drugs, illness, or extreme fatigue may affect your ability to judge distances, speed, and driving conditions.

3385.9 Rules of the Road

- 3385.9.1** Drivers are responsible and accountable to operate motor vehicles in a safe manner at all times. Drivers must follow all the rules of the road and those as described in the State Vehicle Code. Failure to do so will result in disciplinary action.
- 3385.9.2** Even though it may be legal to make a certain maneuver the employee must determine whether doing so would jeopardize his or her own safety as well as that of the public. Examples might include but are not limited to: U-turns, passing, and crossing busy roadways. Employees must make every effort to drive in as safe a manner as possible.

3385.10 Motor Vehicle Accidents

- 3385.10.1** In the event of an accident involving District owned vehicles, the following procedures will be followed:
- 3385.10.2** Stop immediately and get full information to assist the police in completing the accident report. Report carefully the position of the respective cars, the location and length of any skid marks, the distance traveled by each car after the collision, and any unusual conditions of the roadway, the vicinity, or the respective cars involved. These are all important in placing responsibility for the accident.
- 3385.10.3** In the event of personal injuries to another party, it is your legal duty to see that the injured party receives "first aid." This is not an admission of liability.
- 3385.10.4** Report **ALL** accidents to local law enforcement as soon as possible.
- 3385.10.5** All accidents should also be reported as soon as possible to the District Manager.
- 3385.10.6** Obtain the name, address, age, and telephone numbers of ALL witnesses, including occupants of the other car. If a name or address is refused or cannot be obtained, get the house number if they live nearby, license number of their car, or if a police officer or other numbered employee of a firm, get their number.
- 3385.10.7** Complete the accident report form (found in the safety field manual in the safety box in each District vehicle).
- 3385.10.8** Forward all accident-related material to the Special Districts Risk Management Authority, via the District Manager, within 24 hours of the accident.

3385.11 DO NOT:

- 3385.11.1** Make admission as to your negligence or fault for ANY accident, nor

under any circumstances assume any liability or authorize any repairs on the other party's automobile. Such acts violate the provisions of our insurance policy. Refer all claimants to the Special Districts Risk Management Authority; if you are liable, their claim will be promptly taken care of.

3385.11.2 Do not take part in any altercation or argument with the other party. Arguing only makes it more difficult for the insurance adjuster, who has to follow up where you leave off.

3385.11.3 Do not sign any statement or discuss the accident with an adjuster of any other insurance District, or any attorney or representative of the injured or damaged party.

3385.12 Acknowledgement of Motor Vehicle Driving Standards

3385.12.1 Operating a motor vehicle requires the driver's full attention. These simple guidelines are intended to ensure that when operating either a District vehicle or a personal vehicle on District business each employee is provided a safe work environment.

3385.12.2 Perform a pre-trip inspection of the vehicle to ensure that all safety equipment (lights, horn, mirrors, tires, wipers, etc.) is operational and in good condition.

3385.12.3 Be physically, mentally, and emotionally prepared to operate the vehicle.

3385.12.4 Obey all traffic laws.

3385.12.5 Wear a seatbelt and ensure all passengers are wearing seatbelts when the vehicle is in motion.

3385.12.6 Ensure that any equipment is secured to prevent movement in the event of an accident.

3385.12.7 Avoid distractions. Do not eat, talk on the phone or smoke while driving. **Smoking is never allowed in or near District vehicles.**

3385.12.8 Preset vehicle radio stations before driving to reduce the need to "search" for a radio station while driving.

3385.12.9 Have a passenger, rather than yourself, make and receive necessary cell phone calls or operate any electronic device.

3385.12.10 If the need to use a cell phone arises, stop in a safe location to conduct the call. Talking on the phone while driving is never permitted, even with a hands free device. Text messaging while driving is also prohibited.

3385.12.11 Avoid discussing emotional or difficult issues with passengers while driving.

3385.12.12 Avoid use of electronic devices such as date-minders, laptop computers, voice recorders and related equipment when driving. If used, pull over to a safe location.

- 3385.12.13** Take extra precautions to drive safely, such as avoiding U-turns in busy roadways.

3385.13

These guidelines are not all-inclusive. Each driver must use sound judgment when operating a vehicle, recognizing that distractions caused by the use of electronic devices may result in a collision with another vehicle, pedestrian, and/or object.

I have read and understand the Acknowledgement of Motor Vehicle Driving Standards. I understand that I am responsible to drive in as safe a manner as possible and that by reducing distractions I can be a safer driver. By signing below I acknowledge that I will do my part to ensure a safe environment while operating a District vehicle or when operating a personal vehicle on District business. I agree to abide by the provisions of this policy, and I understand that violation of this policy will result in disciplinary action, up to and including termination of employment.

Printed Name of Driver	Department
Signature	Date
Printed Name of Supervisor	
Signature	Date

Job Description
Policy Number:

District Manager
3390

The District Manager reports to and serves under the direct supervision of the five-member TEAM RCD Board of Directors. The District Manager is responsible for management of the District, consistent with TEAM RCD's mission and goals as approved by the Board of Directors. These responsibilities include but are not limited to managing all TEAM RCD staff, overseeing the running of the TEAM RCD office, speaking under the direction of the Board of Directors, representing the District at public outreach events, and ensuring proper management of TEAM RCD's finances, among other tasks. The District Manager is an exempt position and is evaluated on an annual basis according to the terms of a contract between the District Manager and the Board of Directors.

Basic Skill Requirements

1. Knowledge of local, state and federal programs and laws with the potential to affect conservation, enhancement, restoration, and educational activities performed by the TEAM RCD; these include but are not limited to the National Environmental Protection Act, the California Environmental Quality Act, Federal and state Endangered Species Acts, and the Clean Water Act, among others.
2. **Ability to maintain and enhance** relationships with local, state, and federal legislators, regulatory agencies, and TEAM RCD partners to ensure efficient running of the District and to increase its visibility among these entities.
3. Experience with management of multiple employees across more than one department; ability to continue building such knowledge after assuming position of District Manager to ensure effective supervision and support of staff.
4. Ability to work with minimal direction in the planning, organization and delegation of work load; little to no trouble maintaining considerable workload.
5. Experience in public speaking to be used in representing the Board of Directors at various public outreach events, meetings of other local and regional governments, and trainings/conferences, among others.
6. Ability to strengthen existing and develop new revenue streams for TEAM RCD; primarily including but not limited to mitigation/conservation easement programming, grant research and acquisition, and increasing fee-for-service opportunities.
7. Qualified to identify and define goals and objectives, as well as evaluate programs, ideas and measures concerning the District.
8. Excellent oral and written communication skills; ability to work effectively with area community members and partner agencies in the satisfaction of TEAM RCD's mission and goals.
9. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.
10. Ability to maintain a professional appearance; maintains and enhances professional demeanor within the office and outside of the office.

Duties and Responsibilities

1. In cooperation with various federal, state and local agencies and groups assesses the need for conservation work within the District and recommends actions and programs to meet these needs.
2. Informs the District Board of Directors of actions taken, progress of various projects, trends in conservation work that appear to be developing and issues in which District may have an interest or wish to become involved.
3. Supervises all work required for public agency compliance; this includes but is not limited to preparation of the monthly board packet, preparation for all board and committee meetings, and maintenance of current knowledge of Ralph M Brown Act.
4. Supervises, directs and assists the work of District personnel.
5. Oversees all TEAM RCD departments and work, including education programming, mitigation and conservation easements, and administrative and outreach tasks.
6. Represent the TEAM RCD on the Santa Ana Watershed Association Board of Directors; further, coordinate mitigation, education, and outreach programming in cooperation with SAWA Board members and staff for the benefit of both agencies.
7. Assumes the responsibility for completion and accuracy of all correspondence, various reports, conservation plans and other materials necessary for the operation of the District; this includes at least the preparation of an Annual Report, Annual Work Plan, and Long Range Objectives for the District
8. Oversees management of District finances through preparing an annual budget, mid-year budget revision, annual audit, and regular financial tracking tasks including management of District accounts, detailed record-keeping, and interfacing with TEAM RCD accounting and investment staff whenever necessary.
9. Researches and compiles background information to facilitate the decision making and policy setting function of the District Board.
10. Keeps informed of all federal, state and local laws that affect the District.
11. Cultivates and maintains good working relationships with cooperating agencies within District.
12. Supervises maintenance of District records and prepares various reports for submission.
13. Supervises updating of the District filing systems. Assists the NRCS in maintenance of their filing system according to established systems when called upon.
14. Supervises proper maintenance and use of all District equipment and facilities.
15. Develops and directs a public information program through tours, press releases, District newsletters, appearances at levels of government, civic groups, youth groups and other avenues.
16. Offers technical support to the USDA and the NRCS when necessary in accordance with existing Memorandum of Understanding.

17. Stands ready to support and/or temporarily serve at any District position when vacated.
18. Administrative/Personnel Committee to secure necessary personnel for District operations.
19. Coordinates requests for District assistance with the NRCS District Conservationist including TEAM RCD participation in NRCS programs and activities.
20. Obtain education in any of the areas needed to advance the District's Goals and Objectives; this may include attendance at area conferences and trainings including the California Association of RCDs Annual Conference, the California Special Districts Association Annual Conference, and any other pertinent trainings or meetings.
21. Perform any other task as deemed necessary by the Board of Directors for successful running of the District. This may include working non-traditional hours including evenings and weekends, as dictated by job requirements.

Experience

Must possess a degree in environmental studies, business, or public administration related field and have five or more years experience in natural resources management, grant writing and supervising staff. Must have experience working with a board of directors.

Proven ability to identify with, build rapport, and develop constructive and effective working relationships with consultants, government representatives, conservation partners, community leaders, land owners, elected officials and corporate representatives.

Salary

The position of District Manager is an exempt, salaried position.

Starting salary shall not be less than the amount under Step 1 of the District Manager line in the most current TEAM RCD salary schedule.

Benefits – CalPERS

Cafeteria Plan

Health Insurance – District co-pay.

Retirement – District pays

Job Description: Natural Resources Manager
Policy Number: 3400

The Natural Resources Manager reports to and serves under the direct supervision of the District Manager. The Natural Resources Manager is responsible for carrying out the day-to-day programs approved by the District Board of Directors. The position is responsible for assisting the District Manager with the development, implementation and supervision of various district projects and programs. At the full performance level, the incumbent performs mitigation monitoring and reporting and increasingly responsible work in the application of Geographic Information System (GIS) technology to support a wide range of Service programs on behalf Temecula-Elsinore-Anza-Murrieta Resource Conservation District within the Santa Ana and Santa Margarita Watersheds.

Basic Skill Requirements

1. Knowledge of environmental issues, locally (within district boundaries) and throughout the state.
2. Knowledge and experience with grant writing.
3. Knowledge and experience with mitigation and conservation easement requirements.
4. Understanding of the various permits required by the regulatory agencies such as; California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and Flood Control Districts.
5. Comprehensive knowledge of theories, concepts and application of GIS for planning and implementing multi-discipline investigations.
6. Knowledge of and experience using ArcGIS and the Trimble GPS Unit to manually digitize and edit spatial data, input non-spatial attributes, conduct spatial analysis, and create and plot cartographic products in response to requests from internal and external customers.
7. Knowledge of standards and techniques for technical report writing in order to provide clear, concise descriptions and instructions to other users.
8. Increasing familiarity with data base management concepts and principles, and their implementation in GIS.
9. Knowledge of writing and editing to utilize in the development of programs.

Duties and Responsibilities

1. Supervise grants and grant writing.
2. Facilitates district grants and federal appropriation projects.
3. Serves as a representative for district projects (such as SAWA, GIS Database Management and Big Bear projects).
4. Calculates expenditures of future mitigation and conservation easement projects.
5. Oversees management of invasive species removal, mitigation and conservation easement projects.
6. Develops scope of work and bid walks for new invasive species eradication projects.
7. Organizes and leads regular restoration programs.

8. Prepares monitoring reports and submits them to the regulatory agencies in order to meet mitigation requirements.
9. Prepares permits necessary to conduct restoration projects within the Santa Ana Watershed.
10. Plans, develops and maintains spatial and non-spatial databases that support the diverse activities of the Santa Ana Watershed.
11. Manages the GIS programs developed for the Santa Ana Watershed Association.
12. Utilizes instruction techniques and assistance for interns in proper mapping in the field.
13. Maintains a specialized knowledge of developments in GIS, computer mapping, and spatial analysis by reading professional literature such as journals, proceedings, and trade literature, and by attending conferences, symposia and workshops.
14. Responds to GIS inquiries received from other agencies and the general public.
15. Ability to write and speak effectively.
16. Represents Temecula-Elsinore-Anza-Murrieta Resource Conservation District at various district meetings and environmental education functions or other meetings as needed or assigned.
17. Assists with outside events such as county fairs, expos and science fairs and annual events such as speak-off and Arbor Day.
18. Represents the District by speaking before groups and agencies representing the district programs and projects.
19. Plans and organizes conservation education presentations, such as invasive species eradication, endangered species monitoring and stream restoration, based upon the use of public information media and cooperation of interested or effected organized groups.
20. Reviews, alters and analyzes material for a specific conservation/restoration education medium.
21. Prepares the Temecula-Elsinore-Anza-Murrieta Resource Conservation District's annual report with the assistance of the conservation educator and administrative secretary.
22. Must possess current, valid Californian driver's license and auto insurance.
23. Maintains a professional appearance and demeanor.

Education/Experience Requirements

Bachelor's Degree in an environmentally related field required. Minimum three years experience in GIS and/or conservation project implementation and management.

Salary

Starting Salary: not less than the amount under Line A on the Salary Schedule.

Benefits – CalPers

Cafeteria Plan

Health Insurance - District co-pay

Retirement - District pays

Job Description: Project Manager
Policy Number: 3410

The Project Manager reports to and serves under the direct supervision of the District Manager. The Project Manager is responsible for carrying out the day-to-day programs approved by the District Board of Directors. The position is responsible for assisting the District Manager with the development, implementation and supervision of various district projects and programs. At the full performance level, the incumbent performs increasingly responsible work in the field of mitigation to support a wide range of Service programs on behalf of the Inland Empire Resource Conservation District. In the event the District Manager is absent, the Project Manager acts as supervisor.

Position Requirements

1. Knowledge of environmental issues, in the Santa Ana River and Santa Margarita Watersheds and throughout the state.
2. Knowledge and experience with grant writing.
3. Knowledge of standards and techniques for technical report writing in order to provide clear, concise descriptions, and instructions to other users.
4. Ability to provide support to TEAM RCD financial record-keeping requirements, through opening/coding of TEAM RCD bills and conducting bank business as directed by District Manager.
5. Ability to perform all tasks associated with management of individual TEAM RCD conservation easement and mitigation projects including but not limited to data management, report creation, and financial tracking.
6. Excellent oral and written communication skills; ability to work effectively with TEAM RCD project partners.
7. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.
8. Maintenance of professional appearance and demeanor within the office and in working with the public.

Duties and Responsibilities

1. Supervise/assist in researching and developing grant opportunities for the TEAM RCD.
2. Serve as the manager/representative for projects as directed by the District Manager, including but not limited to conservation easements, mitigations, and the TEAM RCD native plant mini-grant program.
3. Maintains current and consistently seeks to secure updated knowledge of resource issues and techniques for managing and effecting functional lift within TEAM RCD conservation easement and mitigation project sites.
4. Assists and advises the Education Department in ongoing review and refinement of the District's conservation education program; tasks include but are not limited to development of pre/post educational materials, visual aides, program activities, and Prezi presentations consistent with the most current state standards for science curriculum for public schools.

5. Represents the Temecula-Elsinore-Anza-Murrieta Resource Conservation District at various district meetings and environmental education functions or other meetings, as needed or assigned by the District Manager.
6. Assists, advises, and represents the TEAM RCD at outside events such as regional education fairs and expos, science fairs and annual conservation events such as Speak-Off and Arbor Day. Occasionally works evenings and weekends to assist District with public outreach activities and events.
7. Addresses groups and agencies within TEAM RCD's service area regarding District programming, including but not limited to the native plant garden mini-grant, Water Conservation for youth and adult programs.
8. Plans and organizes volunteer-based outreach programs and events consistent with the mission of the TEAM RCD.
9. Reviews and contributes to TEAM RCD website content under the direction of the District Manager.
10. Performs other related duties as requested by supervisor.

Education/Experience Requirements

Bachelor's Degree Required. Work experience may substitute degree requirement on a year-by-year basis if experience is directly related to position. Minimum three years experience in GIS and/or conservation project implementation and management.

Salary

The position of Project Manager is a non-exempt position.

Starting Salary: not less than Step 1 of the Project Manager line item on the most current TEAM RCD salary schedule.

Benefits – CalPers

Health Insurance - District co-pay

Retirement - District participation

Job Description: Education Coordinator
Policy Number: 3420

The Education Coordinator reports to and serves under the direct supervision of the District Manager, and is responsible for oversight of the ongoing refinement and implementation of TEAM RCD conservation education programming approved by the Board of Directors. These responsibilities include but are not limited to managing the Conservation Educator and any Education Assistant positions; maintenance of knowledge of current educational standards, classroom management techniques, and environmental education presentation software; development of education program content and associated documentation; and presentation of District educational content in classrooms and at community events within TEAM RCD's service area.

Basic Skill Requirements

1. Knowledge of environmental issues, in the Santa Ana River and Santa Margarita Watersheds and throughout the state.
2. Experience in working in a variety of educational settings with students in grades Kindergarten through twelfth.
3. Knowledge of historic and current state standards for science curriculum in California public schools, to be used in program development and implementation.
4. Experience in supervising in a professional setting through employee performance observation, conduction of training sessions, and completion of annual review documentation.
5. Excellent oral and written communication skills; ability to work effectively with area educators, community members, and youth.
6. Excellent organizational skills to be used in managing education program performance scheduling and related supply research, purchase and storage.
7. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.
8. Maintenance of professional appearance and demeanor within the office and in classrooms and at outreach events.

Duties and Responsibilities of Education Coordinator

1. Coordinates ongoing improvement and implementation of TEAM RCD's conservation education program at schools and community facilities within TEAM RCD's service area; tasks include but are not limited to development of pre/post educational materials, visual aides, program activities, and Prezi presentations consistent with the most current state standards for science curriculum for public schools.
2. Oversees the TEAM RCD Education Department staff; tasks include but are not limited to regular observation of staff performances, at least annual staff reviews, and remediation of performance issues in cooperation with the District Manager.
3. Supervises the contacting of schools and community groups within TEAM RCD's service area to maximize both total number of annual presentations and geographic distribution of presentations.

4. Oversees the research, acquisition, and organization of materials necessary for TEAM RCD education program operation, in cooperation with the District Manager.
5. In cooperation with the District Manager, oversees TEAM RCD portion of Habitat Conservation Fund grant program management as dictated by various grants
6. Prepares IERCD Education Department content contribution to TEAM RCD'S annual reports, Water Conservation program reports, District website, and any other reports as necessary.
7. Represents Temecula-Elsinore-Anza-Murrieta Resource Conservation District at environmental education or other meetings as needed.
8. Oversees TEAM RCD representation at outside events such as county fairs, expos and science fairs when needed.
9. Along with the District Manager, coordinates annual Speak-Off competition if said competition is an board approved program
10. Oversees TEAM RCD participation in annual events including Speak-Off, Earth Day, and Arbor Day.
11. Oversees local volunteer projects organized and/or supported by the TEAM RCD, primarily including but not limited to community clean-ups of illegal dump sites.
12. Works with the Santa Ana Watershed Association (SAWA) to coordinate environmental education programming and outreach events, and to provide outreach materials to the public.
13. Performs other job-related duties as directed by supervisor.

Education/Experience Requirements

Bachelors Degree Required. One year minimum experience in training and supervising staff, and in a variety of K-12 educational environments.

Salary

The position of Education Coordinator is a non-exempt position.

The salary for this position shall be no less than Step 1 of the Education Coordinator line of the most recent TEAM RCD salary schedule.

Benefits – CalPers

Health Insurance - District co-pay

Retirement - District pays

Job Description: **Field Ecologist**
Policy Number: **3430**

The Field Ecologist reports to and serves under the direct supervision of the District Manager and/or Natural Resources Manager. The Field Ecologist is responsible for carrying out all day-to-day tasks established by the District Manager and/or Natural Resources Manager. The position is a regular full time position approved by the Board of Directors of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

Position Requirements:

1. Be in possession of or be willing and able to obtain Qualified Applicator's License (QAL) in California for application of herbicide. Be able to work with one or more TEAM RCD Field Assistants to perform herbicide application over TEAM conservation, enhancement, and restoration projects.
2. Ability to lift a minimum of 50 lbs, hike in varying elevations, and/or perform physical tasks required for restoration of District sites, for durations lasting as long as eight hours.
3. Basic working knowledge of local native vegetation and wildlife in the Santa Ana Watershed.
4. Experience with Global Positioning Systems (GPS) hand-held units and incorporation of data into project maps and reports.
5. Experience with Geographic Information Systems (GIS) mapping software.
6. Excellent oral communication skills; ability to work effectively with residents in TEAM RCD's service area.
7. Ability to catalogue/manage data from TEAM RCD projects, and to create and/or contribute to reports for individual projects, grants, and annual district operations.
8. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.

Duties and Responsibilities

1. Perform maintenance and monitoring of TEAM RCD mitigation and conservation easement sites, including site assessments, invasive plant removal, native plant revegetation, and trash/vandalism abatement and prevention, under the direction of the District Manager.
2. Work with one or more TEAM RCD Field Assistants to complete TEAM RCD conservation, enhancement, and restoration project work.
3. In cooperation with the District Manager, research and coordinate purchase, storage, and care/maintenance of equipment required for performance of TEAM RCD field work.

4. Collaborate on conservation, enhancement, and restoration work with the Santa Ana Watershed Association project manager and removal technicians.
5. Use Global Positioning System and Geographic Information Systems software and equipment to track and record field data, and to create corresponding project maps and databases.
6. Identify areas affected by species of non-native/invasive vegetation, and implement tasks required for removal of such species including budget creation, permit acquisition, and strategic planning.
7. Author TEAM RCD project reports for invasive vegetation removal; contribute to TEAM RCD annual reports and grant applications.
8. Work with TEAM RCD partner agencies on invasive vegetation removal planning, support, and implementation.
9. Provide support for the TEAM RCD education department including attendance at programs and representation at local and regional events.
10. Be available to work outside of traditional office hours, including nights and weekends as demanded by job duties.
11. Perform remote site monitoring through travel in alternative means of transportation including but not limited to Off-Highway Vehicles including Polaris and ATVs, helicopters and/or fixed-wing planes.
12. Perform other related duties as requested by supervisor.

Education/Experience Requirements

Bachelor of Science in Environmental Science, Ecology, Biology or related field preferred. Field experience coupled with data analysis preferred.

Salary

The Field Ecologist position is a non-exempt position.

Starting Salary: not less than the amount listed under Step 1 of the Field Ecologist line item on the most current TEAM RCD salary schedule.

Benefits – CalPERS

Health Insurance - District co-pay

Retirement - District participation

Job Description: Conservation Educator
Policy Number: 3440

POSITION DEFINITION:

The Conservation Educator reports to and serves under the direct supervision of the Education Coordinator. The Conservation Educator is responsible for assistance in development of TEAM RCD conservation education programs approved by the District Board of Directors; tasks include but are not limited to program content research, visual aid and activity design, presentation creation, and performance of content at educational institutions and community centers throughout the TEAM RCD service area. The Conservation Educator is also responsible for representing the TEAM RCD at local and regional education/outreach events and all other job-related tasks as assigned by supervisor.

Basic Skill Requirements

1. Knowledge of environmental issues, in the Santa Ana River and Santa Margarita Watersheds and throughout the state.
2. Experience in working in a variety of educational settings with students in grades Kindergarten through twelfth.
3. Knowledge of historic and current state standards for science curriculum in California public schools, to be used in program development and implementation.
4. Excellent oral and written communication skills; ability to work effectively with area educators, community members, and youth.
5. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.
6. Maintenance of professional appearance and demeanor within the office and in classrooms and outreach events.

Duties and Responsibilities of Conservation Educator

1. Assists the Education Coordinator in ongoing improvement and implementation of TEAM RCD's conservation education program at schools and community facilities within TEAM RCD's service area; tasks include but are not limited to development of pre/post educational materials, visual aides, program activities, and Prezi presentations consistent with the most current state standards for science curriculum for public schools.
2. Works to contact schools and community organizations within the District to maximize ongoing performance of TEAM RCD conservation education programs, under the direction of the Education Coordinator.
3. Represents the TEAM RCD at environmental education and outreach events including but not limited to local and regional education expos and science fairs, as directed by the Education Coordinator.
4. Participates in annual programs and events such as Speak-Off, Earth Day, and Arbor Day, under the direction of the Education Coordinator. Occasionally works on weekends to assist with District events.
5. Assists in local volunteer projects organized and/or supported by the TEAM RCD,

primarily including but not limited to community clean-ups of illegal dump sites.

6. Organizes Education Department supplies stored at the TEAM RCD and the District's storage space, under the direction of the Conservation Educator. Works with the Administrative Assistant to order new supplies as directed by the Education Coordinator determined by program need.
7. Perform other job-related duties as requested by supervisor.

Education/Experience Requirements

Bachelor's Degree in education and/or an environmentally related field is preferred; however, three years' experience in environmental education experience, or any combination of education and experience that has provided the knowledge, skills and abilities necessary for the Conservation Educator position.

Salary

The position of Conservation Educator is a non-exempt position.

Starting salary is not less than Step 1 under Conservation Educator line item of most recent TEAM RCD salary schedule.

Benefits – Calpers

Health Insurance - District co-pay

Retirement - District participation

Job Description: Administrative Secretary
Policy Number: 3450

POSITION DEFINITION:

The Administrative Secretary is responsible for performing secretarial, clerical, and receptionist duties established by the District Manager.

Basic Skill Requirements

1. Possess typing skills at a minimum of 50 wpm on the typewriter and computer.
2. Knowledge of spelling, grammar and punctuation, with the capability to compose and structure professional correspondence.
3. Ability to operate basic office equipment i.e., computer (Microsoft/Word), typewriter, copy machine, calculator, fax machine, and multi-line telephone system.
4. Must be able to follow directions with minimal supervision.
5. Works well with others.
6. Maintains a professional appearance and demeanor.
7. Lends support to other district staff as needed or directed.
8. Be in possession of a current, valid California Driver's License and auto insurance.
9. Must have knowledge of the Brown Act.

Duties and Responsibilities

1. Administrative Secretary provides a wide variety of secretarial, clerical and administrative services for the District; monitors workflow and ensures adherence to deadlines and priorities.
2. Serves as receptionist in the District office. Answers the telephone, transfers calls and takes accurate, detailed messages for District. Responds to public inquiries in a courteous manner; providing information within the area of assignment; resolves complaints in an efficient and timely manner.
3. Receives and distributes incoming District and NRCS mail, channels to appropriate personnel, and prepares outgoing mail i.e. bills and public outreach material.
4. Prepares, types, word processes and proofreads correspondence, conservation related materials, various reports and other material necessary for the operation of the office.
5. Designs the graphic layouts for the newsletter, brochures, annual reports and any other public outreach material.
6. Maintains a calendar of activities, meetings and various events for the District.
7. Records monthly Board Meetings and prepares in minute form. In cooperation with the District Manager, prepares and mails monthly board agenda.
8. Up-to-date with California Special District's Association meetings, trainings and requirements.

9. Assists District Manager, Project Manager, and Conservation Educator Annual report, Long Range Plan, and mailings.
10. Develop and assist with the maintenance of the District Resource Library.
11. Serves as administrator of District Healthcare benefit package, employee enrollment, acts as district liaison to PERS and Insurance providers, etc.
12. Takes part in the housekeeping duties i.e., maintain a tidy work area and assists with keeping refrigerator and break room clean.
13. Maintain a professional appearance and demeanor.
14. Keeps supplies available for office equipment.
15. Maintains District files according to established systems.
16. Assist SAWA's assigned representative with administrative duties when RCD work is at a hiatus.

Education/Experience Requirements

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

Three years of responsible clerical and secretarial experience.

Training

Equivalent to completion of the twelfth grade.

Salary

The position of The Administrative Secretary is a non-exempt, hourly position. Starting salary is the amount under Line "A" of the "Salary Schedule".

Benefits – CalPers

Cafeteria Plan

Health Insurance - District co-pay

Retirement - District participation

Job Description: Senior Administrative Assistant
Policy Number: 3455

POSITION DEFINITION:

The Senior Administrative Assistant is responsible for performance of Administrative/Board Secretary duties, design and development of TEAM RCD reporting including annual and mitigation reports, and financial management tasks in cooperation with the District Manager and TEAM staff accountant and/or bookkeeper.

Basic Skill Requirements

1. Ability to work closely with the District Manager to perform all tasks associated with TEAM RCD public agency meeting requirements; tasks include but are not limited to board packet preparation, meeting minutes, and maintenance of current knowledge of the Ralph M. Brown Act.
2. Excellent written and verbal communication skills; able to compose and structure professional correspondence with little assistance and interact professionally with members of the public and partner entities.
3. Able to design TEAM RCD annual and mitigation program reports using software program InDesign
4. Maintains a professional appearance and demeanor in the office and when representing the TEAM RCD outside of the office.
5. Is in possession of a current, valid California Driver's License, auto insurance, and reliable transportation.
6. Must be able to perform essential QuickBooks functions on an as-needed (both daily and weekly) basis, under the supervision of the Managing Accountant
7. Must be able to create detailed invoices based on timesheets, mileage logs, and receipts for TEAM RCD reimbursement from the Santa Ana Watershed Association and three separate water providers.
8. Must be able to proficiently update/operate the TEAM RCD website and Facebook pages on an as-needed basis

Duties and Responsibilities

1. Serves as receptionist in the District office, including answering the telephone, transferring calls and taking accurate, detailed messages for the District. Responding to public inquiries in a courteous manner; providing information within the area of assignment; resolving complaints in an efficient and timely manner.
2. Conceptualizes, creates, and proofs correspondence, conservation related materials, various reports and other material necessary for the operation of the office.
3. Designs the graphic layouts for the newsletter, brochures, annual reports and any other public outreach material.
4. Maintains a current calendar of activities, meetings and various events for the District.

5. Records monthly Board Meetings and prepares detailed minutes. In cooperation with the District Manager, prepares/distributes monthly board agenda and packet.
7. Maintains current information on public agency board and staff requirements.
8. Assists District Manager and Project Manager with Annual report, Long Range Plan, and other outreach mailings.
9. Serves as administrator of District Healthcare benefit package/employee enrollment, and acting as district liaison between board/staff and California Public Employee Retirement System (CalPERS) and Insurance providers
10. In cooperation with TEAM RCD staff, oversees tracking and ordering of office supplies required for regular District operation. Assists staff with special equipment and supply orders in cooperation with the District Manager.
11. Maintains District files according to established systems
12. Maintains daily District office operation including communication with company from which IERCD leases its building and corresponding with sub-leasing agencies regarding tenant needs
13. Conceptualizing/administering TEAM RCD employee safety program including communication with District insurance provider and creation of PowerPoint presentations, and District safety/injury prevention policies
14. Creates quarterly detailed invoices for reimbursement by the Santa Ana Watershed Association (SAWA) and water provider partners with which the TEAM RCD performs fee-for-service education programs.
15. Performs the following QuickBooks functions on an as-needed (both daily and weekly) basis, under the supervision of the Managing Accountant: review/correct entry of payroll information, review/correct entry of accounts payable information, review/correct post of cash receipts and receivable information, review/creation of District checks corresponding to accounts payable information, performance of bank reconciliation on a monthly basis, and performance of journal entries on previously recorded items
16. Performs ongoing data entry/other maintenance of the TEAM RCD website and Facebook pages
17. Maintains current Notary license

Education/Experience Requirements

This position requires completion of a District-approved QuickBooks instruction class as well as training with a qualified Certified Professional Accountant in essential services to be performed on behalf of the District. It also requires a combination of the following experience and training:

- **Experience**
Three years of responsible clerical and secretarial experience.
- **Education**
High School Diploma Required
Bachelor's Degree preferred

Salary

The position of The Administrative Secretary is a non-exempt, hourly position.
Starting salary is not less than Step 1 of the Senior Administrative Assistant line in the most current TEAM RCD salary schedule

Benefits – CalPERS

Cafeteria Plan Health Insurance - District co-pay
Retirement - District participation

Job Description: Project Assistant
Policy Number: 3460

POSITION DESCRIPTION

The District Project Assistant for the Temecula-Elsinore-Anza-Murrieta Resource Conservation District is located at P.O. Box 2078, Temecula, CA 92593. The District Intern reports to and serves at the pleasure of the duly appointed District Manager. The Project Assistant is responsible for carrying out all day-to-day tasks established by the district manager and/or natural resources manager. The position is a temporary position set by the District Manager of Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

BASIC SKILL REQUIREMENT

1. Have some knowledge and interest of conservation issues.
2. Must be able to work on a variety of tasks assigned on a day-to-day basis.
3. Must be able to work independently. Maintain and follow a daily calendar.
4. Exhibit flexibility in handling multiple tasks and heavy work load.
5. Possess the ability to interface effectively with the public.
6. Proficiency in oral and written communications with individual and groups.
7. Effectively carry out tasks assigned by Inland Empire Resource Conservation District staff.
8. Possess average typing and computer skills, and have good knowledge of spelling and punctuation. Must be able to operate computer, copy machines and GPS units.
9. Be in possession of a current, valid California Driver's License.

DUTIES AND RESPONSIBILITIES OF PROJECT ASSISTANT

1. Assist district manager, natural resources manager, project manager, conservation educator and/or administrative assistant with any day-to-day projects.
2. Conduct filing, duplicating, mailings and errands as needed by the district.
3. Assist with project monitoring located in the Temecula-Elsinore-Anza-Murrieta RCD service area along with projects in Orange County if required. Monitoring includes, driving to site, taking photos and notes of observations.
4. Ability to utilize a GPS unit to map current and potential projects.
5. Assists with the cultivation and maintenance of the teacher contacts for the education programs.
6. Cooperates and participates in the preparation of the Temecula-Elsinore-Anza-Murrieta Resource Conservation District education programs.
7. Assist the Conservation Educator with education programs conducted in the schools.
8. Assist SAWA field biologist and with any field projects such as mapping and/or monitoring.

Experience

Applicant must have some knowledge and interest in conservation. Working toward a degree in an environmentally related field is preferred. Field experience coupled with data analysis is a plus.

Salary

\$12.00/hour

The position of the Project Assistant is temporary part-time.

Benefits

20 hour/ week position and receives no benefits

Job Description: **Education Assistant**
Policy Number: **3470**

The Education Assistant reports to and serves under the direct supervision of the Education Coordinator. The Education Assistant is responsible for completion of tasks as assigned by the Education Coordinator to support ongoing refinement and implementation of TEAM RCD's conservation education programs approved by the District Board of Directors. Tasks include but are not limited to, program content and visual aid research, presentation refinement and performance of content at educational institutions and community centers throughout the TEAM RCD service area under the direction of the Education Coordinator. The Education Assistant is also responsible for representing the TEAM RCD at local and regional education/outreach events and all other job-related tasks as assigned by the Education Coordinator.

Basic Skill Requirements:

1. Some familiarity with natural resource/conservation issues in the Santa Ana River Watershed and Santa Margarita Watershed and the state of California.
2. Experience in a variety of K-12 educational settings, including education content presentation and behavior management. Experience with public speaking in other environments desired.
3. Excellent oral and written communication skills; ability to work effectively with area educators, community members, and youth.
4. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.
5. Maintenance of professional appearance and demeanor within the office and in classrooms and outreach events.

Duties and Responsibilities of Education Assistant:

1. Assists the Education Coordinator and in ongoing improvement and implementation of TEAM RCD's conservation education program at schools and community facilities within TEAM RCD's service area; tasks include but are not limited to development of pre/post educational materials, visual aides, program activities, and Prezi classroom presentations consistent with the most current state standards for science curriculum for public schools.
2. Represents the TEAM RCD at environmental education and outreach events including but not limited to local and regional education expos and science fairs, as directed by the Education Coordinator.
3. Participates in annual programs such as Speak-Off, Earth Day, and Arbor Day, under the direction of the Education Coordinator. Occasionally works on weekends to assist with District participation in annual events.
4. Assists in local volunteer projects organized and/or supported by the TEAM RCD, primarily including but not limited to community clean-ups of illegal dump sites.
5. Assists in organizing Education Department supplies stored at the TEAM RCD and the District's storage space, under the direction of the Education Coordinator.
6. Perform other job-related duties as requested by supervisor.

Education/ Experience Requirements:

Candidate must be working towards an associates of arts or bachelors degree in education or a natural resources related field and/or one year minimum experience in teaching required.

Candidate must possess a valid, current California Driver's License and automotive insurance along with a clean DMV driving record. In addition, applicant must provide background check via fingerprints.

Salary

The position of the Education Assistant is a temporary, part-time, non-exempt position.

Starting salary is not less than Step 1 under Education Assistant line item of most recent TEAM RCD salary schedule.

Benefits

Position performance not to exceed 999 hours per fiscal year.

No additional benefits associated with this position.

Job Description: University of Redlands Work Study Education Assistant
Policy Number: 3480

The University of Redlands Work Study Education Assistant reports to and serves under the direct supervision of the Education Coordinator. The Education Assistant is responsible for completion of tasks as assigned by the Education Coordinator to support ongoing refinement and implementation of TEAM RCD's conservation education programs approved by the District Board of Directors. Tasks include but are not limited to, program content and visual aid research, presentation refinement and performance of content at educational institutions and community centers throughout the TEAM RCD'S service area under the direction of the Education Coordinator. The Education Assistant is also responsible for representing the TEAM RCD at local and regional education/outreach events and all other job-related tasks as assigned by the Education Coordinator. University of Redlands Work Study Education Assistant hours of employment may not exceed a maximum of 12 hours per week.

Basic Skill Requirements:

6. Some familiarity with natural resource/conservation issues in the Santa Ana River and Santa Margarita Watersheds and state of California.
 7. Experience in a variety of K-12 educational settings, including education content presentation and behavior management. Experience with public speaking in other environments desired.
 8. Excellent oral and written communication skills; ability to work effectively with area educators, community members, and youth.
 9. Possession of a current California Driver's License and auto insurance, as well as reliable transportation.
 10. Maintenance of professional appearance and demeanor within the office and in classrooms and outreach events.
-

Duties and Responsibilities of Education Assistant:

7. Assists the Education Coordinator and in ongoing improvement and implementation of TEAM RCD's conservation education program at schools and community facilities within TEAM RCD's service area; tasks include but are not limited to development of pre/post educational materials, visual aides, program activities, and Prezi classroom presentations consistent with the most current state standards for science curriculum for public schools.
8. Represents the TEAM RCD at environmental education and outreach events including but not limited to local and regional education expos and science fairs, as directed by the Education Coordinator.
9. Participates in annual programs such as Speak-Off, Earth Day, and Arbor Day, under the direction of the Education Coordinator. Occasionally works on weekends to assist with District participation in annual events.
10. Assists in local volunteer projects organized and/or supported by the TEAM RCD, primarily including but not limited to community clean-ups of illegal dump sites.
11. Assists in organizing Education Department supplies stored at the TEAM RCD and

the District's storage space, under the direction of the Education Coordinator.

12. Perform other job-related duties as requested by supervisor.

Education/ Experience Requirements:

Candidate must be working towards an associates of arts or bachelors degree in education or a natural resources related field and/or one year minimum experience in teaching required.

Candidate must possess a valid, current California Driver's License and automotive insurance along with a clean DMV driving record. In addition, applicant must provide background check via fingerprints.

Salary

The position of the Education Assistant is a temporary, part-time, non-exempt position. Starting salary is not less than Step 1 under U of R Work Study Education Assistant line item of most recent TEAM RCD salary schedule.

Benefits

Position performance not to exceed 999 hours per fiscal year. Work study student does not exceed a 12 hour weekly maximum cap.

No additional benefits associated with this position.

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POLICY TITLE: Harassment
POLICY NUMBER: 4000

4000.1 Temecula-Elsinore-Anza-Murrieta RCD is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, gender identity or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District - supervisors and co-workers.

Acts of sexual harassment or harassment based on any other protected category by employees, supervisors, or managers, are prohibited employment practices and are subject to sanctions and disciplinary measures, up to and including termination of employment.

4000.2 Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:

4000.2.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

4000.2.2 Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

4000.2.3 Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

4000.3 Prohibited acts of harassment can take a variety of forms ranging from unwanted verbal or physical actions, subtle pressure for sexual activity to physical assault. Examples of such forbidden harassment include, but are not limited to, the following behavior:

4000.3.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

4000.3.2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person; sexually degrading words to describe the person, or propositions of a sexual nature.

4000.3.3 Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

4000.3.4 Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;

4000.3.5 Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;

- 4000.3.6** Retaliation for having reported or threatened to report harassment;
 - 4000.3.7** Kidding or joking about sex or membership in one of the protected classifications;
 - 4000.3.8** Hugs, pats, and similar physical contact;
 - 4000.3.9** Assault, impeding or blocking movement, or any physical interference with normal work or movement;
 - 4000.3.10** Cartoons, posters, and other materials referring to sex or membership in one of the protected classifications;
 - 4000.3.11** Threats intended to induce sexual favors;
 - 4000.3.12** Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
 - 4000.3.13** Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
 - 4000.3.14** Prolonged staring or leering at a person; and
 - 4000.3.15** Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, handicap or disability, medical condition, age (over 40), marital status, sexual orientation, or any other protected classification under applicable law.
- 4000.4** Policy Publicizing. All employees shall be informed of the District's harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.
- 4000.4.1** All new employees shall be given a copy of the harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.
 - 4000.4.2** An annual bulletin shall be prepared and distributed to all employees informing them of the District's harassment policy.
- 4000.5** Within three working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees reinforcing them of the District's harassment policy.
- 4000.6** Complaint Process. Any employee who believes he/she is the victim of sexual harassment, or any other form of forbidden harassment, shall file a formal or informal confidential complaint without fear of reprisal or embarrassment. The complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness(es).
- 4000.6.1** An informal complaint is made verbally by the employee to the immediate supervisor. Although filing the complaint with the

immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

4000.6.2 A formal complaint is made in writing, using the "Employee Grievance Form," see "Appendix A" in Policy #3180. Said form should be submitted by the employee to their immediate supervisor. Although submitting the formal complaint with the immediate supervisor is preferred, the employee is free to submit a formal complaint with any supervisory employee, or with the President of the Board of Directors if the employee's immediate supervisor is the District Manager and the District Manager is unavailable or personally involved in said complaint.

4000.6.3 Additionally, any supervisory employee who observes or otherwise becomes aware of harassment that violates this policy has a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

4000.6.4 Staff receiving harassment complaints will refer them immediately to the District Manager or the President of the Board of Directors (in the event the complaint involves the District Manager) who will undertake an immediate, thorough and objective investigation of the harassment allegation(s) as set forth herein.

4000.7 Complaint Response Process. Any supervisory employee who receives a formal or informal sexual harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the division manager, or to the District Manager if the division manager is unavailable or personally involved in said complaint.

4000.7.1 Within 24 hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall be conducted by the manager of the division, in cooperation with the Personnel Manager, within which the alleged harassment occurred. Said investigation shall be conducted by the District Manager if the division manager is unavailable or personally involved in said complaint. The District Manager may delegate the investigation at his/her discretion.

4000.7.2 A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the District Manager. The District Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board if one exists or the entire Board of Directors.

4000.7.3 All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

4000.7.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

4000.8 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of alleged harassment, appropriate action shall be taken by the District Manager against the harasser where harassment is found, up to and including

termination.. Whatever punishment is meted out to the harasser shall be made known to the victim of the harassment.

4000.8.1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

4000.8.2 Action taken to remedy a harassment situation shall be done in a manner so as to protect potential future victims. An employee involved in a confirmed incident shall be removed from supervision of a person verified to have committed a harassment activity.

4000.8.3 Employees complaining of harassment shall be protected thereafter from any form of reprisal and/or retaliation. Retaliation by management or co-workers against anyone filing a complaint will not be permitted or tolerated.

4000.9 Employee Obligation. Employees are obligated to report any instances of harassment. Employees are further obligated to cooperate in every investigation of harassment, including, but not limited to:

4000.9.1 Coming forward with evidence, both favorable and unfavorable to a person accused of harassment;

4000.9.2 Fully and truthfully making a written report or verbally answering questions when required to do so during the course of TEAM RCD's investigation of alleged harassment; and

4000.10 Knowingly, falsely accusing someone of harassment or otherwise knowingly giving false or misleading information in an investigation of harassment shall be grounds for disciplinary action, up to and including termination.

POLICY TITLE: Non-Discriminatory Statement
POLICY NUMBER: 4010

4010.1 It is the policy of Temecula-Elsinore-Anza-Murrieta Resource Conservation District that there shall be no discrimination based upon race, national origin, color, religion, sex, physical handicap, veteran's status, age, sexual orientation, gender identity, marital status, medical condition or any other protected class under applicable law in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

POLICY TITLE: Equal Opportunity
POLICY NUMBER: 4020

- 4020.1** The District employs persons having the best available skills to efficiently provide high quality service to the public.
- 4020.2** The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reductions in force, reinstatement, and all other matters of employment.
- 4020.3** Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, gender identity, handicap, veteran status, or any other factor unrelated to job performance.

POLICY TITLE: **Nepotism**
POLICY NUMBER: **4030**

- 4030.1** It is the policy of the TEAM RCD to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:
- 4030.1.1** No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.
- 4030.1.1.1** For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.
- 4030.2** When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.
- 4030.3** When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.

POLICY TITLE: Outside Employment
POLICY NUMBER: 4040

- 4040.1** No District Employee shall be permitted to accept employment in addition to or outside of District service if:
- 4040.1.1** The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,
 - 4040.1.2** The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,
 - 4040.1.3** The duties to be performed in the additional or outside employment are in conflict with the duties involved in the District service.
- 4040.2** An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities, or other District resources in connection with said employment.

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POLICY TITLE: Drug and Alcohol Abuse
POLICY NUMBER: 5000

- 5000.1** It is the desire of the Board of Directors that all work environments of District employees be safe and productive and free of the influence of drugs, alcohol and/or other controlled substances. The Board of Directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.
- 5000.2** The use (except as prescribed by a physician), sale, possession, purchase or transfer of drugs, alcohol and/or other controlled substances by any District employee or officer on District property or work sites or while said employee or officer is on District business is prohibited.
- 5000.2.1** Employees are also prohibited from being under the influence of drugs, alcohol and/or other controlled substances during hours of work where such substances could impair the fitness of an employee to perform his/her work.
- 5000.2.2** Commission of any of the actions described above will subject the employee to disciplinary action up to and including termination.
- 5000.2.3** For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substances in one's body.
- 5000.3** The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the District Manager pending said employee's attempt at rehabilitation. The District Manager has discretion to handle each case individually with factors such as the employee's frequency of use, commitment to rehabilitation, and type of substance taken into consideration regarding the waiving of penalties.
- 5000.3.1** Discipline or termination that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:
- 5000.3.1.1** Successfully complete an approved rehabilitation program;
- 5000.3.1.2** Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,
- 5000.3.1.3** Be subject to periodic testing without further reasonable cause.
- 5000.3.2** Employees who are found to have brought drugs, alcohol or other non-prescription controlled substances onto District property or work sites and to have provided them to other employees shall be terminated without resource to a rehabilitation program.

- 5000.3.3** Discipline or termination should not be taken until a thorough investigation has been completed.
- 5000.4** To assure that employees, property and equipment are not endangered by other employees who are involved with, or under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance, speech or other characteristics create a reasonable suspicion of involvement with, or influence of said substances will be taken to a medical facility and be subject to an exam by a qualified physician at District expense. If said physician determines that a drug/alcohol test is warranted, said employee will be subject to testing for the presence of alcohol or drugs in their bodies.
- 5000.4.1** Presence of such substances will result in disciplinary action up to and including termination, as described above.
- 5000.4.2** An employee who is suspected of involvement as described above and refuses to cooperate in the physician's exam and/or drug/alcohol testing is subject to termination.
- 5000.5** If a qualified physician, as a part of the examination specified in Policy #4190.40 above, determines that an employee is not capable of working safely, said employee will be transported to his/her home by a supervising employee and not allowed to drive himself/herself home.
- 5000.6** Immediately prior to reporting for drug/alcohol testing, all employees shall complete a Consent and Release Form to be kept on file in the District office which shall conform to the general format, as shown on Appendix A.
- 5000.7** District employees are required to notify the District Manager in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

**APPENDIX A
CONSENT AND RELEASE FORM**

DRUG/ALCOHOL TESTING

I hereby authorize Temecula-Elsinore-Anza-Murrieta Resource Conservation District, and any laboratories or medical facilities designated by Temecula-Elsinore-Anza-Murrieta Resource Conservation District, to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to Temecula-Elsinore-Anza-Murrieta Resource Conservation District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only drugs, medicine or mind-altering substances, including drugs prescribed by a physician and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol™, Robitussin-DMT™, Mediprin™, etc.), that I have used in the last forty-five (45) days are as follows:

<u>DRUG/MEDICINE</u>	<u>WHEN USED</u>	<u>ISSUED BY:</u> <u>(IF PRESCRIPTION)</u>
_____	_____	

_____	_____	
_____	_____	

NAME OF EMPLOYEE: _____

FACILITY PERFORMING TEST: _____

DATE OF TEST: _____

SIGNATURE OF EMPLOYEE: _____
(SIGNATURE) (DATE)

SUPERVISOR REQUESTING TEST: _____
(SIGNATURE) (DATE)

POLICY TITLE: Substance Abuse
POLICY NUMBER: 5010

SECTION I - POLICY STATEMENT

The purpose of this policy is to assure worker fitness for duty and to protect Temecula-Elsinore-Anza-Murrieta Resource Conservation District employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 DFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, The Drug-Free Workplace Act of 1988, which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

Temecula-Elsinore-Anza-Murrieta Resource Conservation District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

A. APPLICABILITY

This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

A safety-sensitive employee is: (1) one in any classification requiring the use of a Class A or Class B commercial driver's license, as listed in Appendix A; (2) one who has voluntarily driven a District vehicle requiring a commercial license within the last 12-month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or, (3) one who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

B. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include, but are not limited to, the following:

Drugs: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

Alcohol

The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. Alcohol is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

Legal Medications

Using or being under the influence of any legally prescribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. An employee who feels his/her performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work-related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession and Use

Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), and may result in discipline up to and including termination of employment.

Impaired/Not Fit for Duty

Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines.

Alcohol Use

No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision are prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP and may result in termination.

Compliance with Testing Requirements

All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test. Failure to comply with testing requirements may result in termination.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one (1) year or longer than five (5) years.

Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the General Manager or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the Drug Free Workplace Act of 1988," any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination of employment.

F. TESTING FOR PROHIBITED SUBSTANCES

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing for reasonable suspicion. All safety-sensitive employees shall be subject to testing prior to employment, randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and

using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Circumstances Under Which Employees May Be Tested

Pre-Employment Testing

All job applicants who have been offered District employment in a safety-sensitive position, including current non-safety-sensitive employees who promote, demote or transfer to such positions, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide clean records from previous employers will fail to complete the District's probationary period.

Reasonable Suspicion Testing

All employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
4. Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that

an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

When safety-sensitive employees are off work due to long-term lay-offs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, 25% of the employee pool is tested for alcohol and 50% for substance abuse. The employee pool will either be all *Inland Empire Resource Conservation District* safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

Return-to-Duty Testing

All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than six (6) tests during the first twelve (12) months, nor longer than sixty (60) months in total, following return to duty.

Employee Requested Testing

Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the

control of the employee.

Records Retention

The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and, employee evaluations and referrals. Records will be kept permanently regarding the alcohol and controlled substance collection process. Records will also be kept permanently regarding the: collection process; collection logbooks; documents of random selection process; calibration documents for breath testing device; and, documentation of breath alcohol technician training.

G. EMPLOYEE ASSESSMENT

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An SAP is a District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse.

If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

H. TEST RELATED TIME-OFF WORK PROVISIONS

Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, administrative leave, personnel necessity leave or floating holidays, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

I. CONTACT PERSON

Any questions regarding this policy should be directed to the following District representative:

Name: Rose Corona
Title: President of the Board
Address: P.O. Box 2078, Temecula, CA 92593-2078
Telephone: (951) 387-8992

J. DEFINITIONS

Accident - An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).

Alcohol Use - Consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).

Breath Alcohol Technician (BAT) - A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BAT's are the only qualified personnel to administer the EBT tests.

Chain of Custody - The procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

Collection Site - A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breath.

Commercial Motor Vehicle - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

Confirmation Test - For alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

Controlled Substance (Drug) Test - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the DHHS guidelines. The primary (initial or screening) controlled substance test thresholds (subject to change based on DHHS guidelines) for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolites	50 ng/ml
Cocaine Metabolites	300 ng/ml
Phencyclidine (PCP)	25 ng/ml

Opiates Metabolites¹ 300 ng/ml

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolite (THC) ²	15 ng/ml
Cocaine Metabolite ³	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates	
Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine ⁴	500 ng/ml

Covered Employee - A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.

Department of Transportation Guidelines - The controlled substance and alcohol testing rules - 49 CFR Part 382 (FWHA - Commercial Motor Vehicle) - setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.

District - Inland Empire Resource Conservation District.

District Time - Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Driver - Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.

Drug - The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

Evidential Breath Testing Device (EBT) - The device to be used for breath alcohol testing.

Medical Review Officer - A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

Performing (Safety-Sensitive Function) - A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety-sensitive

¹25 ng/ml if immunoassay

²Delta-9-tetrahydrocannabinol-9-carboxylic acid

³Benzoyl ecgonine

⁴Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

employee is actually performing, ready to perform, or immediately available to perform such functions.

Post-Accident Alcohol and/or Controlled Substance Testing - Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See Accident.

Pre-Employment Controlled Substance Testing- Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.

Prohibited Drugs (Controlled Substances) - Marijuana, cocaine, opiates, amphetamines, or phencyclidine.

Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.

Random Alcohol and/or Controlled Substance Testing - Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.

Reasonable Suspicion Alcohol and/or Controlled Substance Testing - Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

Refuse to Submit (to an Alcohol and/or Controlled Substance Test) - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).

Rehabilitation - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.

Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance Testing - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty upon the SAP recommendation.

Return-to-Duty Agreement - A document agreed to and signed by the General Manager or his/her designee, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.

Safety-Sensitive Employee (Function and/or Position) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)

Screening (Initial) Test - An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration.

Substance Abuse Professional (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

Supervisor - Foreman, Superintendent, Division Manager or General Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse.

Vehicle - Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

SECTION II - PROCEDURES

A. REASONABLE SUSPICION TESTING

1. An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.

Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any supervisor (employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action). The supervisor must witness first-hand the employee's signs and symptoms.

2. The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a driver's license photo or state-issued photo identification card.

Whenever practical, the District Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.

4. At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee

will be taken home from the collection by a District employee (or others designated).

6. The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
7. The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up will result in the employee's termination of employment.

B. RANDOM TESTING

1. The compliance company notifies the General Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
5. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the

safety-sensitive employee's termination of employment.

C. POST-ACCIDENT

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
5. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
6. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

D. RETURN-TO-DUTY and FOLLOW-UP

1. The compliance company notifies the District to send the employee to the collection site for alcohol and controlled substance testing.
2. The supervisor notifies the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02, or whose controlled substance test is verified positive will be terminated from employment.

E. CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

F. SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. An employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the witness.
3. An incident report is written by the supervisor and signed by both the supervisor and the witness.
4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

G. ALCOHOL CONCENTRATION

1. The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken.
3. If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.
4. The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

H. DEVIATIONS FROM PROCEDURES

Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not

invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.

APPENDIX A
SAFETY-SENSITIVE CLASSIFICATIONS AND FUNCTIONS

Safety-Sensitive Classifications

Equipment Operator
Mechanic
Field Ecologist

Maintenance Technician
Utility Worker

Safety-Sensitive Function

Operating any vehicle where a Class A or Class B driver's license would be required.

APPENDIX B

VOLUNTARY PARTICIPATION IN RANDOM TESTING

In accordance with Appendix A of the District's Substance Abuse Policy my classification is not considered safety-sensitive. Therefore, I am not required to participate in the random testing for controlled substances, even though I have a Class A or Class B (commercial) driver's license.

However, for the convenience of the District, and because I would like to have the opportunity to operate District vehicles and equipment requiring a commercial license, designated as safety-sensitive functions in the District's policy, I hereby request that I be included - during the current calendar year - in the pool of safety-sensitive employees for the purpose of controlled substance random testing, in conformance with the District's Substance Abuse Policy.

Employee's Signature

Date

Employee's Name Printed

POLICY TITLE: Use of Tobacco Products within the District
POLICY NUMBER: 5020

5020.1 Ample research exists demonstrating the health hazards of the use of tobacco products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, the smoking of tobacco products shall be banned completely within District buildings or confined spaces, or in District vehicles.

5020.1.1 The successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility of adhering to this policy.

5020.2 All District employees will be responsible for advising members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Said individuals shall be asked by staff to refrain from smoking.

5020.2.1 Members of the public who refuse to comply with this policy may be directed by the District Manager (or designee) to leave District property.

5020.3 District employees who violate this policy will be subject to disciplinary action in accordance with Policy #4260.

5020.4 Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee.

POLICY TITLE: Smoke-Free Workplace
POLICY NUMBER: 5030

- 5030.1** Smoking is prohibited within the buildings and facilities of the Temecula-Elsinore-Anza-Murrieta RCD. Those who smoke are requested to do so outdoors away from entrances or windows of buildings.
- 5030.2** Extra care should be taken when working around combustible materials, or out in the field.
- 5030.2.1** Personnel who smoke in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner,. Not littering or throwing residual parts on the ground or streets or areas of drains, etc.
- 5030.3** Smoking is allowed in **non-district vehicles** and on district properties as long as it is not a safety hazard. If employees observe unsafe activity involving smoking, they should bring it to the attention of the person and attempt to gain voluntary compliance to terminate the smoking activity. If the party refuses to cooperate, the employee should inform his/her supervisor to take added action.

Policy #	Policy Title	Page Number
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POLICY TITLE: Fraud Policy
POLICY NUMBER: 6000

6000.1 Temecula-Elsinore-Anza-Murrieta Resource Conservation District (TEAM RCD) recognizes the importance of protecting the organization, its operations, its employees and its assets against financial risks, operational breaches and unethical activities. Therefore, it is incumbent upon Board of Directors and management to institute and clearly communicate the fraud prevention policy to both internal and external customers, vendors and partners.

TEAM RCD recognizes a zero tolerance policy regarding fraud and corruption. All matters raised by any source will be taken seriously and properly investigated.

This policy covers all TEAM RCD employees and officers. Additionally this policy covers all TEAM RCD vendors, customers and partners to the extent that any TEAM RCD resources are involved or impacted.

6000.2 Definition of Fraud
Fraud is defined as an intentional deception, misappropriation of resources or the manipulation of data to the advantage or disadvantage of a person or entity. Some examples of fraud include:

- 6000.2.1** Falsification of expenses and invoices
- 6000.2.2** Theft of cash or fixed assets
- 6000.2.3** Alteration or falsification of records
- 6000.2.4** Failure to account for monies collected
- 6000.2.5** Knowingly providing false information on job applications and requests for funding
- 6000.2.6** Misuse of credit cards
- 6000.2.7** Misuse of Equipment/Vehicles

6000.3 Corruption is defined as the offering, giving, soliciting or accepting of an inducement or reward that may improperly influence the action of a person or entity. Some examples of corruption include:

- 6000.3.1** Bribery
- 6000.3.2** Conspiracy
- 6000.3.3** Extortion
- 6000.3.4** Conflict of Interest (see page 7, 1020.10 and 1020.20)

6000.4 Reporting of Fraud or Corruption
Allegations and concerns about fraudulent or corrupt activity may come from various sources including:

- 6000.4.1** Employees
- 6000.4.2** Vendors
- 6000.4.3** Members of the public
- 6000.4.4** Results of internal or external audit reviews
- 6000.4.5** Financial/Audit Committee
- 6000.4.6** Any other interested parties

6000.5 All employees and officers have a duty to report concerns they have or information provided to them about the possible fraudulent or corrupt activity of any officer, employee, vendor or any other party with any association with TEAM RCD. Any person who has a reasonable basis for believing fraudulent or corrupt acts have occurred has a responsibility to report the suspected act immediately.

6000.5.1 Concerns should be reported to any of the following:

- 6000.5.1.1** The employee's immediate supervisor
- 6000.5.1.2** Any District supervisor
- 6000.5.1.3** District Manager
- 6000.5.1.4** President of the Board of Directors

6000.6 Retaliation and retribution will not be tolerated against any employee or officer who reports suspected fraudulent or corrupt activities. However, if an employee is determined to have acted maliciously or with deceit, the employee will be subject to disciplinary action.

6000.6.1 All reports will be taken seriously and will be investigated by staff and/or the Legal means. If deemed necessary, TEAM RCD will notify and fully cooperate with the appropriate law enforcement agency. Any investigating resulting in the finding of fraud or corruption will be referred to the Board of Directors for action.

6000.7 Deterring Fraud and Corruption

6000.7.1 TEAM RCD has established internal controls, policies and procedures in an effort to deter prevent and detect fraud and corruption.

6000.7.2 All new employees, plus temporary and contract employees, are subject to background investigations including a criminal background check. TEAM RCD will also verify all applicant's employment history, education and personal references prior to making an offer of employment.

6000.7.3 All vendors, contractors and suppliers must be active in good standing and authorized to transact business in the state of California, appropriate county and city. Contractors and suppliers are subject to screening, including verification of the individual's or companies status.

6000.7.4 All contractual agreements with TEAM RCD will contain a provision prohibiting fraudulent or corruptive acts and will include information about reporting fraud and corruption.

6000.8 Corrective Action

6000.8.1 Final determination regarding action against an employee, vendor, recipient or other person found to have committed fraud or corruption will be made by the Board of Directors.

6000.8.2 Offenders at all levels of the District will be treated equally regardless of their position or years of service with TEAM RCD. Determinations will be made based on a finding of facts in each case, actual or potential damage to the Corporation, cooperation by the offender and legal requirements.

6000.8.3 Depending upon the seriousness of the offense and the facts of each individual case, action against an employee can range from

written reprimand and a probationary period to legal action – either civil or criminal. In all cases involving monetary losses to the District, TEAM RCD will pursue recovery of losses.

POLICY TITLE: Fixed Asset Accounting Control
POLICY NUMBER: 6010

- 6010.1** The purpose of this policy is to ensure proper accounting control resulting in the maintaining of accurate financial reports of fixed assets.
- 6010.2** An accounting, or inventory, of all fixed assets shall be conducted on an annual basis. After the conclusion of said inventory, the District Manager shall certify its completeness and report the results thereof to the Board of Directors at its next regular monthly meeting.
- 6010.3** Applicable purchases for inclusion in said accounting shall be the following:
- 6010.3.1** Equipment, tools, and vehicles that individually have an original total cost of more than \$300.
 - 6010.3.2** All land or building acquisitions regardless of price; and,
 - 6010.3.3** Additions or major improvements in the District's service infrastructure.
- 6010.4** When any item defined in section 6010.3.1 above is received, a tag with a unique identification number shall be affixed to said item, and the number recorded in the permanent inventory records.
- 6010.5** Permanent inventory records shall be maintained in either a paper file or electronic format. Said records shall be updated whenever a change in the status of a particular fixed asset occurs (e.g., original purchase, sale, destruction, loss, theft, etc.)
- 6010.6** Information to be maintained in said inventory records shall include at least the following:
- 6010.6.1** Asset number;
 - 6010.6.2** Description;
 - 6010.6.3** Manufacturer's serial number;
 - 6010.6.4** Storage location;
 - 6010.6.5** Original Cost;
 - 6010.6.6** Acquisition date;
 - 6010.6.7** Life expectancy; and,
 - 6010.6.8** Classification code (e.g. office equipment, vehicle, etc)

POLICY TITLE: Capitalization and Fixed Asset Policy
POLICY NUMBER: 6020

- 6020.1** Purpose
The fixed assets and capitalization policy is a procedure established and implemented by the District to capture the cost of purchased assets or the fair market value of such assets at the date of their donation by other parties such as developers, etc. This policy requires development of asset data including, but not limited to, description of the item, date of acquisition, cost of asset, service life, location of asset, identification number (ID), depreciation schedule, replacement year, department association and replacement cost. One of the purposes of this policy is to manage the District's assets in such a manner that ensures assured service to the District's users.
- 6020.2** Policy
In establishing the District's fixed assets and capitalization policy, the District has defined fixed assets as described below:
- 6020.2.1** Items with a services life of two or more years purchased for District's operations
- 6020.2.2** Machinery and/or equipment purchased for \$1000 or more
- 6020.2.3** Capital projects for repairs and replacement or District's facilities
- 6020.2.4** Machinery, equipment, and/or capital improvement projects of fair market value of \$1000 contributed to the District by developer and/or other entities.
- 6020.2.5** Any asset required to be controlled separately reported pursuant to grant conditions or any other externally imposed reporting requirement.
- 6020.2.6** Upon purchase, items that meet the above criteria are entered into the capitalization and depreciation journal either paper file or electronic (computer database).
- 6020.3** Materials and chemicals used for operations and maintenance are not considered fixed assets of the District and shall be charged in the period in which they are incurred. Maintenance or repairs to existing assets will normally not be subject to capitalization unless they extend the useful life of the asset.
- 6020.4** Capitalization Schedule
The procedure for setting up and continued use of the capitalization policy is illustrated by the capitalization and depreciation schedule. This schedule consists of the following items:
- 6020.4.1** Description of item
- 6020.4.2** Department to which item is allocated
- 6020.4.3** District fixed asset account number
- 6020.4.4** Date of acquisition or contribution
- 6020.4.5** Purchase price of item or current fair market replacement cost

- 6020.4.6** Anticipated service life of the item
- 6020.4.7** Replacement year of item
- 6020.4.8** Replacement cost of item
- 6020.4.9** Annual Depreciation based on straight line depreciation method
- 6020.4.10** Total depreciation of item to date
- 6020.4.11** Location of asset
- 6020.4.12** Identification number of asset
- 6020.4.13** Salvage or depreciated value of the item
- 6020.5** Capitalization Procedures
Throughout the fiscal year of operations, the District makes purchases and acquires several items that qualify for this capitalization policy. The following steps briefly describe the steps for capitalization of equipment and capital improvements. Items purchased and/or acquired are entered into the capitalization schedule upon initiation of purchase transaction or date of contribution to the District as described below. Capital Assets, Infrastructure Assets, and Non-Capital Assets procedures are established by the District Manager or Board of Directors best practices and generally accepted accounting procedures.
- 6020.6** Approvals
Prior to construction or purchase, all assets must:
- 6020.6.1** Be a valid budgeted item
- 6020.6.2** Be supported by documentation evidencing the approval of the District Manager or Board of Directors having authority over the budget being used for the asset construction or purchase.
- 6020.6.3** Be supported by documentation containing relevant asset tracking information
- 6020.7** Description
- 6020.7.1** Location
- 6020.7.2** Identification number
- 6020.7.3** Acquisition date
- 6020.7.4** Useful life
- 6020.7.5** Cost
- 6020.7.6** Account coding
- 6020.7.7** Asset class
- 6020.8** Prior to disposal, all assets must:
- 6020.8.1** Meet the definition of Surplus District Assets.
- 6020.8.2** Be supported by documentation approved by the Manager or Board of Directors containing current market value and all original asset tracking information.
- 6020.9** Machinery and Equipment
In conjunction with purchasing procedures described elsewhere in this manual,

machinery and equipment purchases with values over \$1000 for each purchase, are processed as noted below:

- 6020.9.1** Fixed asset purchase orders will designate which department and account the acquisition will be posted to in the general ledger.
- 6020.9.2** Fixed asset data is listed under the fixed assets capitalization schedule as described above.
- 6020.9.3** Annual depreciation of fixed assets is calculated using the straight depreciation method
- 6020.9.4** Annual depreciation values of District assets are taken into consideration when preparing the annual District budget
- 6020.9.5** Assets that require replacement are taken into consideration when preparing the District's capital improvement plan.
- 6020.9.6** Machinery and equipment contributed to the District are posted to the fixed asset schedule on the date of acceptance by the District.

6020.10 Capital Improvement Projects

- 6020.10.1** Capital improvement projects lapse over a long time period that may span several months or years. Such capital improvements are not considered fixed assets during planning, design and construction phases. The costs associated with these projects are considered "work in progress" until completion of construction and start of operations. Work in progress costs are paid out of the District's funds specifically designated for these purposes.
- 6020.10.2** Upon completion of project construction, the entire cost associated with capital improvements is transferred from the "work in progress" expense fund to the fixed asset schedule described above. All data associated with capital improvement projects are posted to the capitalization schedule against the year of project completion.
- 6020.10.3** Capital improvement projects contributed to the District are posted to the fixed asset schedule at the time of contribution.
- 6020.10.4** The fixed assets and capitalization schedule is used to calculate the annual depreciation values required for the District's annual financial statements and for the long range planning of the District's facilities replacement program.

6020.11 Assets Inventory

- 6020.11.1** An initial inventory of all District assets will be conducted by the District staff. The physical inventory will be conducted for the purpose of identifying all of the District's physical assets in order to plan for their orderly replacement. The items will be categorized according to: description, location, number, date of acquisition, purchase price, life of the item, replacement year, replacement cost, annual depreciation, total depreciation, and the salvage or depreciated value of the item.

6020.11.2 The physical inventory will involve tagging each item with an individual or manufacturers identification number. All of the information about each item will be logged into a written or electronic spreadsheet, to be used for control and tracking purposes.

6020.12 Operating Expense Items

6020.12.1 Value of less than \$1000

6020.12.2 Or has an estimated useful life of less than 24 months

6020.13 Capital Purchase Items

6020.13.1 Operating expense items that is more than \$1000

6020.13.1 And has an estimated useful life of more that 24 months

6020.14 The purchase of Capital and Non-Capital assets should be made in accordance with the following requirements and procedures:

6020.14.1 All Capital and Non-Capital asset purchases must be provided for in the current budget. Non-budgeted emergencies require Manager or Board approval.

6020.14.2 All Capital and Non-Capital assets to be involved in the asset tracking system must be budgeted.

6020.14.3 All purchase must be made in compliance with the District's purchasing policies.

6020.14.4 The District Accountant will review asset account activity for possible coding errors and follow up on re-class entries. However, the District Manager is responsible for coding purchases in accordance with approved budgeted accounts.

6020.14.5 The District Accountant will maintain an asset tracking system for all requisite assets and differentiate between Capital, Non-Capital, and Infrastructure assets.

6020.15 Constructing Infrastructure Assets

The construction of Capital or Infrastructure assets should be made in accordance with the following requirements and procedures:

6020.15.1 All Capital or Infrastructure assets to be constructed must be provided for in the current budget.

6020.15.2 All Capital or Infrastructure assets to be constructed must be budgeted in a capital project budget.

6020.15.3 All contracts, purchases, or payments must be made in compliance with the District's purchasing policies.

6020.15.4 The District's Accountant will review project account activity for possible coding errors and follow up on re-class entries.

However, the District Manager is responsible for coding construction expenditures in accordance with approved budgeted project accounts.

- 6020.15.5** The District Accountant will maintain a work in progress asset tracking system for all requisite assets to be capitalized at the conclusion of the project.

6020.16 Asset Reporting

Reporting of Capital, Non-Capital, and Infrastructure assets will be made in accordance with the following requirements and procedures.

- 6020.16.1** The District Accountant will provide current and year to date (YTD) expenditure information for all asset accounts and projects as part of the month-end expenditure reports.
- 6020.16.2** The District Accountant will provide year-end expenditure information for all asset accounts and projects as a part of the year-end internal and external reporting process.
- 6020.16.3** The District Accountant will track depreciation information for all assets necessary to support of the year-end internal and external reporting process.

6020.17 Disposal of Surplus District Assets

The disposal of Surplus District Assets must be completed in accordance with the following requirements and procedures:

- 6020.17.1** The Department Head responsible for the asset must provide and approve documentation containing current market value and all original asset tracking information indicating the asset meets the definition of the Surplus District Assets.
- 6020.17.2** The asset documentation must contain the approval of the District Manager before any asset can be sold, transferred, recycled, donated or disposed of as junk to land fill or other appropriate waste removal facility.
- 6020.17.3** Proceeds from the disposal of Surplus District Assets along with approved documentation supporting the disposal must be delivered to the District Manager for receipting and deposit. All proceeds from the sales of Surplus District Assets will be placed into the District General Fund unless the property was originally purchased with monies from a specific District Fund, in which case, the proceeds will be returned to that specific fund.
- 6020.17.4** Upon receipt of the approved documentation, the District Accountant will remove that asset from the asset tracking system.
- 6020.17.5** The guidelines for the Disposal of District Surplus as outlined in 6020.17 is to be used in conjunction with Policy Number 6160, The Disposal of Surplus Property or Equipment.

POLICY TITLE: Emergency Preparedness
POLICY NUMBER: 6030

- 6030.1** It is the policy of TEAM RCD to create and maintain an active emergency preparedness program that includes an emergency plan that will help manage the District's critical functions during any emergency and protect the safety of staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency duties.
- 6030.2** Emergency. Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and may require the combined forces of other political subdivisions to help respond.
- 6030.3** Emergency Preparedness. The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally recognized four phases of emergency management: mitigation, preparedness/planning, response and recovery. District actions will include developing and maintaining an District wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs incurred during the emergency.
- 6030.4** Standardized Emergency Management System. The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created by Government Code §8607 following the East Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.
- 6030.5** District Emergency Declaration: When an emergency condition arises, the District Manager may, in consultation with the Board President, declare a "District Emergency". The Board must ratify the declaration within 14 days at a regular, special or emergency Board meeting.
- 6030.6** Authorization During District Emergencies: The District Manager's Declaration of a District Emergency is a public acknowledgment of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the District Manager, may delegate to the District Manager the authority to suspend competitive bidding and enter into emergency contracts of up to \$250,000, as authorized by Public Contract Code §20567 and §22050.
- 6030.7** Mutual Aid: The California Master Mutual Aid Agreement (Government Code §8561, §8615 and §8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The District Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other local government and public agencies, or commit District resources to other agencies requesting aid. The District Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

- 6030.8** Continuity of Management: The District's emergency plan will list at least two successors to critical staff identified in the plan, including the District Manager. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary staff.
- 6030.9** Status Reports: The District Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within 60 days of the occurrence of a declared District Emergency.

POLICY TITLE: Emergency Response Guideline for Hostile or Violent Incidents
POLICY NUMBER: 6040

6040.1 Purpose of the policy: To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents including possible armed intruders or related threats on District facilities or properties.

6040.2 Background: The potential for hostile or violent incidents on District facilities operational locations always exists. In recent time frames, incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities.

Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at the District or to create a hostile, abusive, or intimidating work environment for one or several District employees. Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on the District premises, regardless of the relationship between the District and the parties involved in the incident.
- All threats or acts of violence occurring off the District premises involving someone who is acting in the capacity of a representative of the District.
- All threats or acts of violence occurring off the District premises involving an employee of the District if the threats or acts affect the legitimate interests of the District.
- Any acts or threats resulting in the conviction of an employee or agent of the District, or of an individual performing services for the District on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the District.
- Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:
 - Hitting or shoving an individual.
 - Threatening an individual or his/her family, friends, associates, or property with harm.
 - The intentional destruction or threat of destruction of District property.
 - Harassing or threatening phone calls.
 - Harassing surveillance or stalking.
 - The suggestion or intimation that violence is appropriate.
 - Unauthorized possession or inappropriate use of firearms or weapons.

The District's prohibition against threats and acts of violence applies to all persons involved in the District's operation, including but not limited to District personnel, contract, and temporary workers and anyone else on District property. Violations of this policy by any individual on District property, by any individual acting as a representative of the District while off District property, or by any individual acting off of District property when his/her actions affect the District's business interests will lead to disciplinary action (up to and including termination) and/or legal action as appropriate.

Threats of these types and risks are to be considered extreme emergencies and the safety and

well being of employees and/or customers is the highest priority.

6040.3 Response to an Incident: Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously for safety purposes. Any Director or staff employee observing or sensing that a violent or hostile situation is occurring should consider taking precautionary and safety actions:

Any event resulting in awareness of a possible violent act including possible gunfire, explosion, fighting, scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises including but not limited to:

1. Attempt to communicate the situation to everyone in the facility by means of telephone, paging, email and/or radio system including basic information that a potential incident is occurring. If a perpetrator(s) is seen or known, information on the person(s) should be provided.
2. Since different types and levels of workplace violence may require various responses, establishing basic information on the type of the event is essential. Examples are:
 - a. Gunfire-awareness of gunfire in the facility should result in evacuation to the extent that is possible. If not possible, securing of rooms or offices and notification of others by phone or email is encouraged. Calling emergency resources via 911 is imperative once safe to call. Remain in the most secure location possible until contacted by public safety personnel or a facility supervisor, etc.
 - b. Explosion- an explosion could occur naturally or by violent intention. Awareness of an explosion or fire in the facility should result in immediate evacuation in accordance with established procedures for fire. Response to a planned location is important to make known who is out of the facility.
 - c. Physical or bomb threat- awareness of a telephone or in person threat to facility or staff should be met with action to evacuate and clear staff from the threatened area. Calling 911 as soon as possible is imperative.
 - d. Situations involving hostages- if a possible hostage incident is known, evacuation of the facility is paramount to safety of persons in the area. Contact 911 immediately.
 - e. Irrate customer/threat at counter or meeting- in cases where any person acts to threaten a staff person or customer at a District facility in a manner causing fear for safety, action to summon public safety personnel by 911 should be taken. In no way should steps be taken to challenge or subdue such a person except in defense of life for self or immediate others at the facility.
 - f. In the event that a volatile situation occurs at a Board of Directors or other public meeting, the

person chairing/hosting the meeting should take steps to control the situation or adjourn the meeting to abate the confrontation, if possible. In event of threatening or hostile situation, call 911 immediately and proceed with evacuation or other appropriate actions.

- 6040.4** Planning for Emergency Incidents: Steps should be taken to plan response capabilities for emergencies in addition to fires, earthquakes, etc. that may involve hostile situations. These include, but are not limited to:
- A. Preparation of a facility evacuation plan from each room. Post the plan at each doorway and hall exit. Have a safe area zone for staging established.
 - B. Lock down procedures to secure the facility in a hostile or violent incident for both exterior and interior doors.
 - C. Develop an emergency notice code for intercom, email and radio to facility and District staff.
 - D. Training of all personnel in dealing with customers, employees and other persons in aggravated situations and how to identify and assess potential threats or volatile situations. All employees assigned or expected to serve at the front desk or counter shall receive such training regularly.

All employees and members of the Board of Directors shall receive training on response to violent or hostile incidents. In the event of a potential incident, notify a supervisor or the District Manager as may be possible or call 911 when an active event is occurring. If assessment of a possible threat is needed, the District Manager or ranking staff person shall be notified for considering validity of the threat or safety risk. Public safety agency shall be contacted by 911 whenever a perceived threat is considered valid.

- 6040.5** Actions for Violent or Armed Threat Situation: The existence or potential for an event involving a violent person or armed intruder at a District facility should be considered an emergency situation. Actions could include up to and all of:
- A. Notify your supervisor or District Manager and other staff immediately if a threat is received but not actively in process. If validated, contact public safety by calling 911 immediately.
 - B. The District Manager or ranking staff member shall evaluate the situation and consider appropriate actions including shutting down operations and evacuation and/or locking down the facility until public safety response abates the threat.
 - C. Initiate notification of other facility staff of active threat by emergency code procedure. Evacuate the other facility wherever possible. Secure money or computer equipment if time allows.
 - D. Activate an alarm for notifying other staff or an alarm company if one is engaged by the District. A call contact would be included in procedure to double check for safety at the facility.
 - E. Upon sighting an armed intruder, an alert to all employees should be made by page, email or radio.
 - F. Secure your work area or evacuate if safely possible. If not able to evacuate, find a safe hiding place and stay put until contacted by public safety personnel.
 - G. Once outdoors after an evacuation, proceed to planned staging area to report in for identification. Inform public safety personnel of any information on the incident.
 - H. Attempt to remain calm and assist others; wait for instructions from public safety or supervisory personnel.

I. Do not attempt to look around to see what is happening. Evacuate whenever possible and with others in areas you see directly. Do not confront or attempt to apprehend a violent perpetrator unless directly attacked for self defense. Do not assume someone has already called 911, call them immediately.

6040.6

Post Event Actions: Following the clear announcement of ending of a violent or hostile person situation, contact public safety or supervisory personnel for instructions. Report any knowledge or first hand observations of the incident. Contact your family and immediate friends so they will not take any actions to respond unnecessarily. Await direction as to return to work or other steps dependant on level of the incident. If not able to do so, consult with your supervisor or notify the ranking person on-site.

An emergency Response Coordinator shall evaluate and debrief any major incident and to take needed steps to abate the conditions after the event and prepare as necessary for continued operations. Planning and actions to address conditions are expected and your input is important via your supervisor. There may be the potential to lock-down or close the facility from operating for some time or corrective steps. If deemed needed, seek direction on what actions you should to assist in procedure.

POLICY TITLE: Environmental, Health & Safety Compliance Program
POLICY NUMBER: 6050

- 6050.1** The Board of Directors of TEAM RCD recognizes the importance of an effective environmental health, and safety compliance program for the well being of each District employee, to the District's customers, to the public at large, to the environment, and to the productivity of District operations. Therefore, it is the firm and continuing policy of the Board of Directors that environmental, health and safety compliance and accident prevention shall be considered of primary importance in all phases of the District's operation and administration, at all levels of the organization.
- 6050.2** Within the District, therefore, the District Manager is authorized to approve programs, standards, rules and procedures to protect and promote the safety and health of District employees, customers, the public at large, the environment, and the productivity of District operations. Under the District Manager's supervision, the Administrative Assistant shall review accidents and compliance issues, and recommend new or revised environmental, health, and/or safety programs, standards, rules, and procedures for approval by the District Manager and implementation within the District.
- 6050.2.1** Each employee shall make environmental, health, and safety compliance an integral part of their regular duties, including the provision of proper training, materials, and equipment so that work can be performed safely and in compliance with regulations and other applicable standards.
- 6050.2.2** It is equally the duty of each employee to accept and follow established programs, standards, rules, and procedures, as well as instructions and directives relating to the efficient performance of their work. Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to do a job safely and correctly, it is their duty to ask a qualified person for assistance. Everyone is responsible for housekeeping duties that pertain to their jobs. Unsafe conditions must be reported.
- 6050.3** By maintaining an effective environmental, health and safety compliance program, the risk of personal injury, operational interruptions, and regulatory fines are reduced, and the mission of the District is manifested. The cooperation of all District employees is required.

POLICY TITLE: Illness and Injury Prevention Program
POLICY NUMBER: 6060

6060.1 The Program Goal and Outline

The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

- 6060.1.1** Providing mechanical and physical safeguards to the maximum extent possible.
- 6060.1.2** Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.
- 6060.1.3** Training of all employees in good safety and health practices.
- 6060.1.4** Providing necessary personal protective equipment, and instructions for use and care.
- 6060.1.5** Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.
- 6060.1.6** Investigation promptly and thoroughly, every accident to determine its cause and correct the problem so that it will not happen again.
- 6060.1.7** Developing a system of recognition and awards for outstanding safety service and/or performance.

6060.2 Program Responsibility

Although the District recognizes that the responsibility for safety and health is shared, the District Manager shall be responsible and have full authority for implementing this policy and the District's Illness and Injury Prevention Program.

- 6060.2.1** The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.
- 6060.2.2** Supervisory personnel are responsible for developing proper attitudes toward safety and health for themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.
- 6060.2.3** No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program- including full compliance with all rules and regulations- and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

6060.3 Injury and Illness Records

The District's record keeping system for its Injury and Illness Prevention shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

- 6060.3.1** A report shall be obtained on every injury or illness requiring

- medical attention.
- 6060.3.2** Each injury or illness shall be recorded on the "Cal/OSHA log and Summary of Occupational Injuries and Illnesses", Cal/OSHA Form 200, according to its instructions.
- 6060.3.3** A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness", with the same information as in the form listed above.
- 6060.3.4** Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.
- 6060.3.5** All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

6060.4 Documentation of Activities.

Records shall be maintained of steps taken to establish and maintain the District's Injury And Illness Prevention Program. They shall include:

- 6060.4.1** Records of scheduled and periodic inspections as required by Cal/OSHA to identify unsafe conditions and work practices. The documentation must also include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three years.
- 6060.4.2** Documentation of safety and health training required by Cal/OSHA for each employee. The documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must be kept for at least three years.

6060.5 Program Communication System.

Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

- 6060.5.1** Written communications to employees shall be in a language that they can understand. If an employee cannot read any language, said communication shall be made orally in a language that he/she can readily understand.
- 6060.5.2** The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's office, and shall be provided to each supervisory employee who shall keep it readily available.
- 6060.5.3** Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the District Manager for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three years.
- 6060.5.4** Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every ten working days to emphasize safety. Documentation of these

meetings shall be maintained for three years.

6060.5.5 General employee meetings shall be conducted (at least one per quarter) at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meetings shall be maintained for three years. Discussions at these meetings should concentrate on:

6060.5.5.1 Occupational accident and injury history within the District; with possible comparisons to other similar agencies.

6060.5.5.2 Feedback from employees.

6060.5.5.3 Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.

6060.5.5.4 Brief audio-visual materials that relate to the District's operations.

6060.5.6 Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

6060.5.6.1 New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training shall be maintained for three years.

6060.5.7 Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's office.

6060.5.8 News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

6060.6 Hazard Assessment and Control

Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

6060.6.1 All Staff will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

6060.6.2 Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of

employees, the changes in equipment or work processes, and the history of workplace injuries and illnesses.

6060.6.3 A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of the same, and measures that can be taken to prevent their occurrence.

6060.6.4 The District Manager will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

6060.7 Accident Investigation.

All accidents shall be thoroughly and properly investigated by the District Manager with the focus of understanding why the accident or near accident occurred and what actions can be taken to preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

6060.7.1 The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; what was involved; was/were the employee(s) qualified to perform the functions of the near miss or accident; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

6060.7.2 The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss.)

6060.7.3 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

6060.7.4 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

6060.7.5 Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

6060.8 Code of Safe Practices

GENERAL

6060.8.1 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the District Manager.

- 6060.8.2** Supervising employees shall insist on employees observing and obeying each rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as necessary to obtain observance.
- 6060.8.3** Anyone known to be under the influence of drugs or intoxicating substances which impair the employees' ability to safely perform the assigned duties shall not be allowed on the job while in that condition and will be subject to discipline.
- 6060.8.4** Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well being of the employees shall be prohibited.
- 6060.8.5** Work shall be planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
- 6060.8.6** No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.
- 6060.8.7** Employees shall not enter manholes, underground vaults, chambers or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.
- 6060.8.8** Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the District Manager.
- 6060.8.9** Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.
- 6060.8.10** Workers shall not handle or tamper with any electrical equipment, machinery or air or water lines in a manner not within the scope of their duties, unless they have received instructions from the District Manager.
- 6060.8.11** All injuries shall be reported promptly to the District Manager so that arrangements can be made for medical or first aid treatment.
- 6060.8.12** When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.
- 6060.8.13** Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.
- 6060.8.14** Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.
- 6060.8.15** Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.
- 6060.8.16** Gasoline shall not be used for cleaning purposes.

- 6160.8.17** No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has been first determined that no possibility of explosion exists, and authority for work is obtained from the District Manager.
- 6060.8.18** Any damage to scaffolds, false work, shoring, or other supporting structures shall be immediately reported to the District Manager.

USE OF TOOLS AND EQUIPMENT

- 6060.8.19** All tools and equipment shall be maintained in good condition
- 6160.8.20** Damaged tools or equipment shall be removed from service and tagged "defective".
- 6060.8.21** Pipe or stillson wrenches shall not be used as substitute for other wrenches.
- 6060.8.22** Only appropriate tools shall be used for the job.
- 6060.8.23** Wrenches shall not be altered by the addition of handle extensions or "cheaters".
- 6060.8.24** Files shall be equipped with handles and not used to punch or pry.
- 6060.8.25** Screwdrivers shall not be used as chisels.
- 6060.8.26** Wheelbarrows shall not be used with handles in an upright position.
- 6060.8.27** Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.
- 6060.8.28** In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.

MACHINERY AND VEHICLES

- 6060.8.29** Only authorized persons shall operate machinery or equipment.
- 6060.8.30** Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.
- 6060.8.31** Machinery shall not be serviced, repaired, or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.
- 6060.8.32** Where appropriate, lock-out procedures shall be used.
- 6060.8.33** Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if

jacks or hoists should fail.

- 6060.8.34** Air hoses shall not be disconnected at compressors until hose line has been bled.
- 6060.8.35** All excavations shall be visually inspected before backfilling, to ensure that it is safe to back fill.
- 6060.8.36** Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.
- 6060.8.37** Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.

POLICY TITLE: Delegation of Signing Authority
POLICY NUMBER: 6065

6065.1 Purpose: The purpose of this policy is to ensure the efficient operation of the Inland Empire Resource Conservation District (the “District”) by providing guidelines for the appropriate signature authority and delegation of authority required for various transactions and activities at the District.

6065.2 Definitions

6065.2.1 Signature authority: As used in this policy, “signature authority” is the permission to execute transactions up to limits established by relevant District policies and permission to approve transactions for execution. This approval attests to the appropriateness of the transaction within the District’s program objectives and budgetary authorizations.

6065.2.2 Delegation of authority: The formal recorded conveyance of authority from the TEAM RCD Board President to the Vice-President or Secretary/Treasurer

6065.2.3 Delegator: The TEAM RCD Board President who has authority to take action on behalf of the District who transfers (“delegates”) his/her authority to the TEAM RCD District Manager (“Delegate”).

6065.2.4 Delegate: The TEAM RCD District Manager who is transferred the authority to act on behalf of the Board President by vote of the Board.

6065.3 Guidelines and Protocols for IERCD Signature Authority

6065.3.1 The TEAM Rcd Board of Directors has provided signature authority to certain individuals based on their level in the organization to approve various forms of typical District documentation.

6065.3.2 Such signature authority implies responsibility for assuring the following:

- An understanding of what is being approved
- The information and supporting documentation is accurate and complete
- The transaction is allowable, reasonable and justified
- There are adequate funds to cover the expense
- The funding source is appropriate for the expenditure

6065.3.3 Current signature authority is summarized on the following table, and has been assigned according to the following level definitions:

6065.3.3.1 Level 1 = TEAM RCD Board President

6065.3.3.2 Level 2 = TEAM RCD-Vice President

Category	Document	Implication of Document	Authority to Execute
Education	Water Use Efficiency Contracts	Termed agreement to perform District programs for compensation significant enough to cover at least the baseline costs of performance of these programs	Level II
Mitigation	Conservation Easements	In-perpetuity legal site management responsibility, financially obligating the District to maintain the site according to the document terms forever.	Level I
	Deposit Agreements	Agreement to begin work on a project, with the IERCD retaining the right to ask for additional deposit monies from developers to cover project-related costs. No implication of consent to legally enter into a long-term binding project contract	Level II
	Mitigation Agreements	Various term agreements legally and financially obligating the District to series of conservation, enhancement, and/or restoration tasks in conjunction with mitigation responsibilities	Level I
	Memorandums of Understanding	Indicate intent of District to enter into a variety of project work with other party to the agreement Not as legally binding as mitigation agreements or easement documents, and most contain provisions for 30-day cancellation.	Level I
	Right of Entry Agreements	The ability of the IERCD and associated partner agencies to enter onto property for the purposes of conducting enhancement and/or restoration tasks No obligation to long-term legal or financial commitments for the District	Level II

6065. 4

Delegation

6065.4.1

For the execution of documents with long-term financial and/or legal implications, delegation of authority to sign will continue to occur on an individual document basis, in the form of a written resolution passed by the majority of the TEAM RCD Board of directors.

6065.4.2

For documents without long-term financial and/or legal obligations, execution will be performed by the party authorized in this policy, unless performance of such execution is excessively difficult due to long-term absence of the authorized party. In these cases, delegation of authority from the Delegator to the Delegate is permitted in the form of written permission

from the Delegator to the Delegate.

POLICY TITLE: **Budget Preparation**

POLICY NUMBER: **6070**

- 6070.1** An annual budget proposal shall be prepared by the Bookkeeper in coordination with either the District Manager or the President of the Board..
- 6070.2** Prior to review by the Board of Directors, the Board's standing Finance Committee shall meet with the District Manager and/or President and review his/her annual budget proposal. It should be noted that the Operating Budget Expenditure Category 6570/Special Projects Fund line item total will be based on calculation of annually anticipated general fund revenues from Operating Budget Revenue Category 4000.
- 6070.3** The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board at its regular meeting in June.
- 6070.4** The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in June

POLICY TITLE: Investment of District Funds
POLICY NUMBER: 6080

6080.1 PREMISE

The Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code (CGC) §53600.6 and §53630.1); and,

Government Code Sections 5900 et seq. and 53601 et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,

The District Manager is required to annually prepare and submit a "Statement of Investment Policy" and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (CGC §53646(a)).

For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the TEAM RCD to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of TEAM RCD funds.

6080.2 SCOPE

This investment policy applies to all financial assets of TEAM RCD. These funds are accounted for in the Independent Annual Financial Report and include:

Demand Account:	Investments:
General Fund	Local Agency Investment Fund
Secretary Revolving Fund	
Operation and Maintenance Fund	
Enterprise Funds	

6080.3 PRUDENCE

Investments shall be made: with the judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (CGC §53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations for expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

6080.4 OBJECTIVES

As specified in CGC 53600.5, when investing, reinvesting, purchasing, acquiring, exchanging,

selling and managing public funds, the primary objectives of the investment activities, in priority order, shall be:

6080.4.1 Safety: Safety of principal is the foremost objective of the investment program. Investments of TEAM RCD shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

6080.4.2 Liquidity: The investment portfolio will remain sufficiently liquid to enable IERCD to meet all operating requirements that might be reasonably anticipated.

6080.4.3 Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

6080.5 DELEGATION OF AUTHORITY

Authority to manage the TEAM RCD investment program is derived from California Government Code Sections 53600, et seq. Management responsibility for the investment program is hereby delegated to the District Manager, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the District Manager. The District Manager shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provisions of California Government Code §53600.3, the District Manager is a trustee and a fiduciary subject to the prudent investor standard. Notwithstanding this paragraph, nothing in this Policy shall be interpreted to preclude the Inland Empire RCD from availing itself of statutes including, but not limited to, Government Code section 65966(m) permitting a third-party to hold, manage and invest endowment funds, nor shall this Policy apply to the investment of funds by that third-party.

6080.6 ETHICS AND CONFLICTS OF INTEREST

Officers, Directors, and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

6080.7 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The District Manager will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness that are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the District Manager shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the District Manager shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for TEAM RCD's account with the firm has reviewed TEAM RCD's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to TEAM RCD that are appropriate under the terms and conditions of the Investment Policy.

6080.8 AUTHORIZED AND SUITABLE INVESTMENTS

The TEAM RCD is empowered by California Government Code §53601, et seq., to invest in the following:

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| 6080.8.1 | Bonds issued by the TEAM RCD. |
| 6080.8.2 | United States Treasury bills, notes, bonds and certificates of indebtedness |
| 6080.8.3 | Registered state warrants or treasury notes or bonds issued by the State of California |
| 6080.8.4 | Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including pooled investment accounts sponsored by the State of California, County Finance Division Managers, other local agencies or Joint Powers Agencies. |
| 6080.8.5 | Registered treasury notes or bonds of any of the other 49 States, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by a state or by a department, board, agency, or authority of any other state. |
| 6080.8.6 | Obligations issued by agencies or instrumentalities of the United States Government. |
| 6080.8.7 | Bankers' acceptances with a term not to exceed 270 days. Not more than 40% of surplus funds can be invested in bankers' acceptances and no more than 30% of surplus funds can be invested in the bankers acceptances of any single commercial bank. |
| 6080.8.8 | Prime commercial paper of U.S. corporations with assets greater than \$500 million with a term not to exceed 180 days and the highest ranking by Moody's Investors Service or Standard & Poor's Corporation. Commercial paper cannot exceed 25% of total surplus funds, and no more than 10 percent of the outstanding commercial paper may be from any single issuer. |
| 6080.8.9 | Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Negotiable certificates of deposit must not exceed 30% of total surplus funds. |
| 6080.8.10 | Repurchase agreements with a final termination date not exceeding one year. The market value of securities that underlie a repurchase agreement shall be valued at 102 percent or greater of the funds borrowed against those securities and the value shall be adjusted no |

less than quarterly.

- 6080.8.11** Reverse repurchase agreements with a term not exceeding 92 days, unless the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity date of the same security. No more than 20% of surplus funds may be invested in reverse repurchase agreements. The security to be sold using a reverse repurchase agreement or securities lending agreement must be owned and fully paid for a minimum of 30 days prior to sale.
- 6080.8.12** Medium-term notes with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment must be rated "A" or better by an NRSRO. Purchases of medium-term notes shall not include other instruments authorized by this Policy and may not exceed 30 percent of the surplus funds.
- 6080.8.13** Designated mutual funds not exceeding 20 percent of surplus funds and no more than 10 percent of the funds may be invested in shares of beneficial interest of any one mutual fund. Designated mutual funds include those issued by diversified management companies that invest in the securities and obligations as authorized by this Policy and section 53601(l) of the Government Code.
- 6080.8.14** Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with this Policy.
- 6080.8.15** Mortgage backed securities and collateralized mortgage obligations not exceeding 20% of surplus funds and issued by an issuer having an "A" or higher rating for the issuer's debt as provided by an NRSRO and rated in a rating category of "AA" or its equivalent or better by an NRSRO.
- 6080.8.16** Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 of the Government Code that invests in the securities and obligations authorized by this Policy and as limited by section 53601(p) of the Government Code.
- 6080.8.17** State of California's Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1. The aggregate investment in LAIF shall not exceed \$50 million or the State-established maximum, whichever is greater.
- 6080.8.18** County Treasurer's Pooled Money Fund, pursuant to California Government Code Section 53684.

Except where otherwise noted, the maximum term or remaining maturity at the time of the investment must not exceed five years unless the

Board of Directors provides express authority within three months prior to the investment.

6080.8.19

As directed by the IERCD Board of Directors, the District Manager invests the District's funds in LAIF, the Local Agency Investment Fund.

POLICY TITLE: Fund Balance Reserve Policy
POLICY NUMBER: 6085

The Temecula-Elsinore-Anza-Murrieta Resource Conservation District (District) has enacted the following policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes. The District's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels due to temporary revenue shortfalls or unpredicted isolated expenditures.

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|--------|------------------|--|
| 6085.1 | Definitions | |
| | 6085.1.1 | Fund Balance
The excess of assets over liabilities in a governmental fund. |
| | 6085.1.2 | Nonspendable Fund Balance
Amounts that are not in a spendable form (such as prepaid expenses), or that are required to be maintained intact (such as the principal portion of an endowment fund). |
| | 6085.1.3 | Restricted Fund Balance
Amounts constrained to specific purposes by their providers (such as developers or grantors) through legal document language or constitutional provisions. |
| | 6085.1.4 | Committed Fund Balance
Amounts constrained to specific purposes by the government itself, using action by the District's Board of Directors; to be reported, as committed, amounts cannot be used for any other purpose unless the Board of Directors removes or changes the constraint. |
| | 6085.1.5 | Assigned Fund Balance
An amount a government intends to use for a specific purpose; intent can be expressed by the District's Board of Directors, or by the District Manager, in the case that such authority to do so is delegated to him/her |
| | 6085.1.6 | Unassigned Fund Balance
Amounts that are available for any purpose; amounts are only reported within the General Fund. |
| 6085.2 | Policy Statement | |
| | 6085.2.1 | The fund balance of the District's General Fund has been accumulated to meet this purpose, to provide stability and flexibility to respond to unexpected adversity and/or opportunities. |
| | 6085.2.2 | The target of this policy is to maintain an unrestricted fund balance of not less than 50% of average annual budgeted operating expenditures for the prior three (3) fiscal years.
The District's basic goal is to limit expenditures to anticipated revenues in order to maintain a balanced budget. The decision to retain an unrestricted fund balance of not less than 50% of average annual budgeted operating expenditures for the prior three (3) fiscal years stems from the following: |

- 6085.2.2.1 This amount provides adequate funding to cover approximately six (6) months of operating expenses.
- 6085.2.2.2 This amount provides the liquidity necessary to accommodate the District's somewhat unpredictable cash flow, due to unpredictability of the receipt of property tax revenues.
- 6085.2.2.3 This amount provides the liquidity to respond to contingent liabilities.
- 6085.2.2.4 The Government Finance Officers Association (GFOA) recommends the minimum General Fund unrestricted fund balance to be maintained should be no less than either two (2) months of regular operating revenues or expenditures.
- 6085.2.3 Beginning June 30th, 2011, unassigned fund balance shall be any remaining amounts.
- 6085.2.4 This policy may be amended as desired, by a majority vote by the District's Board of Directors.
- 6085.2.5 The District will spend the most restricted dollars before less restricted in the following order:
 - 6085.2.5.1 Nonspendable (if funds become spendable)
 - 6085.2.5.2 Restricted
 - 6085.2.5.3 Committed
 - 6085.2.5.4 Assigned
 - 6085.2.5.5 Unassigned

POLICY TITLE: Expense Authorization
POLICY NUMBER: 6090

- 6090.1** All purchases made for the District by staff shall be authorized by the District Manager, and shall be in conformance with the approved District budget.
- 6090.3** A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$300.00.
- 6090.3.1** Petty cash will not be advanced to District staff or Directors, but will be provided to staff and directors after the items or services appropriately relating to District business have been obtained and a receipt submitted to the Administrative Assistant.
- 6090.3.2** No personal checks shall be cashed in the petty cash fund.
- 6090.3.3** The petty cash fund shall be included in the District's annual independent accounting audit.
- 6090.4** Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon request from the District's petty cash fund or by warrant request if needed. These reimbursements include mileage requests for staff and Directors using personal vehicles in the course of District business. In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the District Manager prior to reimbursement.
- 6090.4.1 Whenever employees or Directors of the district incur expenses to be reimbursed by warrant request, a District expense reimbursement sheet must be filled out and signed by the employee or Director to be considered valid. Receipts must accompany the expense reimbursement request form.
- 6090.4.2. Employees may submit their expense and mileage reimbursements bi-weekly, which shall correlate with District pay periods. Reimbursements shall be submitted the Thursday before each pay day and reimbursements will be distributed to staff the following Tuesday on payday.
- 6090.4.3 Director expense and mileage reimbursements shall be submitted and processed monthly, after each Board Meeting.

POLICY TITLE: Guidelines, Application Process for Grant Monies for District Projects
POLICY NUMBER: 6095

Section I: **Scope of Applicability:** These Guidelines apply to all grant applications, proposals, or concept forms that are pursued and/or applied for by the staff of the TEAM RCD.

6095.1 Grant Application Guidelines

- 6095.1.1** The Temecula-Elsinore-Anza-Murrieta Resource Conservation District will primarily apply for grant funding from entities that require a 25% or less funding match by TEAM RCD
- 6095.1.2** TEAM RCD will seek multiple partners for each grant proposal like the Santa Ana Watershed Association (SAWA), non-profits, and other local agencies.
- 6095.1.3** The TEAM RCD will only seek and apply for grants that coincide with and enhance the existing TEAM RCD mission, while also expanding the current scope of work.
- 6095.1.4** TEAM RCD Staff will notify the District Board upon the success of a grant application and/or the ability of the concept proposal to proceed to the next level of funding review.
- 6095.1.5** All grant applications submitted by staff on behalf of the District requiring matching funds shall be approved by the Board of Directors at a regularly scheduled board meeting.

6095.2 Exception Capability

- 6095.2.1** In the event that a grant application requiring Board approval has a deadline that falls prior to the regularly scheduled District Board Meeting, then it is the desire of the Board of Directors to provide the President or the Vice-President with the capability to:
- 6095.2.1.1** Sign documentation on behalf of the entire board related to the grant proposal, such as a Memorandum of Understanding in order for the proposal to move forward.
- 6095.2.1.2** Grant applications and documentation approved by the Board President or Vice-President will be brought to the entire Board for ratification at the next regularly scheduled Board Meeting.

POLICY TITLE: Purchasing/Public Contract Bidding/Professional Consultant Selection

POLICY NUMBER: 6100

6100 Purpose

The purpose of this policy is to ensure that the District obtains services, supplies, material and labor that are of the highest quality at an efficient cost, and to provide a uniform method for procurement of services and supplies. In addition, through proper documentation, conformance to this Policy will enable the District's constituents to know that their public funds are being spent responsibly, and potential vendors and contractors to know that they are being treated equitably.

6100.1 PURCHASING AUTHORITY

There are three levels of authority for purchases: Board Approval, Executive Director Approval and Executive Director Delegated Approval. The maximum purchasing authority amounts refer to the total price of an order, including tax and/or shipping, which may include more than one item and also includes change orders and contract amendments. As used in this Policy, the term "purchasing" refers collectively to contracting or procurement of services, supplies, material or labor.

6100.1.1 Board Approval for Purchases In Excess of \$25,000

If the cost for furnishing services, supplies, materials, labor, or other valuable consideration to the District will exceed twenty-five thousand dollars (25,000), approval from the Board of Directors is required prior to entering into the contract.

Contracts which have been approved by the Board shall be signed according to TEAM RCD Policy 6065/Delegation of Signing Authority unless otherwise directed by the Board of Directors.

6100.2 Executive Director Approval for Purchases Not Exceeding \$25,000

The President or Executive Director may obtain bids without advertisement or published notice inviting bids and may authorize and execute contracts for payment for services, supplies, material, labor, or other valuable consideration for any purpose, including the new construction of any building, structure, or improvement, in an amount not exceeding \$25,000.

6100.3 SOLICITATION OF BIDS

6100.3.1 Solicitation of Formal Advertised Bids for Expenditures Exceeding \$25,000

When any expenditure is expected to exceed \$25,000, the District shall invite bids a minimum of one week prior to the time of receiving bids. Distribution may include digital distribution networks, the District website, a general circulation newspaper, or other means deemed appropriate. This type of formal bidding process typically includes the issuance of written plans or specifications describing the goods or services to be provided and the receipt of written bids from the vendors involved. Solicitation of formal bids from a minimum of three vendors is required. As described in Section III.D below, selection of vendors may be based on a variety of criteria and may include but is not required to involve the lowest cost bidder.

6100.3.2 Expenditures Not Exceeding \$25,000

The District may invite bids for expenditures not expected to exceed \$25,000 at the discretion of the Executive Director or at the Request of the Board of Directors. Staff members shall obtain competitive cost information and consider qualifications of contractors providing services, whenever reasonably feasible, for any District purchase even though formal bids are not required for goods or services costing \$25,000 or less.

6100.4 EXCEPTIONS TO STANDARD PURCHASING PROCEDURES

6100.4.1 Emergency Conditions

An emergency is defined as a the inability of the District to provide services, or a threat to public health, safety, or welfare, including, but not limited to, threatened damage to natural resources. In the case of an emergency requiring an immediate purchase, the Executive Director may authorize his or her designee to secure in the open market any services, supplies, material or labor required to respond to the emergency, regardless of the amount of the expenditure. The Executive Director shall, as soon as possible, provide a full written explanation of the circumstances to the Board for inclusion at a publicly noticed meeting.

In the case of a disaster or for civil defense, nothing contained in this Policy shall limit the authority of the Executive Director to make purchases and take such other emergency steps as are, or may be, authorized by the Board.

6100.4.2 Limited Availability/Sole Source

Occasionally, necessary supplies, material, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a required and specific design or construction, or are specifically necessary for purposes of maintaining cost effective system consistency, so as to be available from only one source. After reasonable efforts to find alternative suppliers, the District may dispense with the requirement of competitive bids and recommend negotiating and making the purchase from the sole source. The basis for the sole source recommendation shall be documented in writing and approved, in advance, by the Board for purchases exceeding \$25,000.

6100.4.3 Cooperative Purchasing

The District shall have the authority to join in cooperative purchasing agreements with other public agencies to purchase goods or services at a price established by that agency through a competitive bidding process. The Executive Director may authorize and execute such cooperative purchasing agreements.

The formal competitive bidding procedures of Section IIA for purchases exceeding \$25,000 are not required when the other public agency has secured a price through a formal, advertised competitive bidding process. Board approval is required prior to purchase.

6100.4.4 Professional Services

Professional consultant services are of a technical and professional nature, and, due to the nature of the services to be provided, do not readily fall within the "low bid" competitive bidding process. In addition, State law requires that selection of professional consultants in the categories of architects, landscape architects, engineers, surveyors, construction managers, and environmental consulting be made on the basis of demonstrated competence and the professional qualifications necessary for the satisfactory performance of the required services. Professional consultants should be individually selected for a specific project or problem with the objective of selecting the most qualified consultant at a price that is fair and reasonable. Professional services agreements shall not be split into smaller units, nor shall contract amendments be used, for the purpose of circumvention of this Policy.

6100.4.5.1 Selection Procedures for Professional Services in Excess of \$25,000

When the cost for professional services is expected to be in excess of \$25,000, the District shall prepare a Request For Proposal (RFP) outlining the professional's qualifications, relevant experience, staffing and support and hourly rates as a basis for negotiating a contract outlining the terms, conditions and specifications of the services required by the District. A minimum of three (3) qualified firms or individuals shall be invited to submit proposals.

District staff and/or District directors and/or partners selected by District staff will review the proposals received, will select the most qualified firms for interviews, and will rank the consultants based upon appropriate criteria developed for the project or required services.

6100.4.6 Renewal of Contracts with Professional Consultants

The District may, at its sole discretion, and after following required consultant selection procedures, enter into consultant agreements which contain provisions authorizing their extension or renewal. However, recommendations to extend or renew an existing contract with a professional consultant should include an annual written evaluation of the work performed by the consultant as well as a determination that the fees being charged are comparable to similar services offered by other consultants at the time of renewal or extension.

6100.4.7 Conflict of Law

These procedures are not applicable where superseded by local, state or federal law, where the terms of grant funding provide for the use of other consultant selection procedures, or where the District is obligated to select consultants through the use of different procedures, such as due to the requirements of an insurance or self-insurance program.

6100.4.8 Special Circumstances

These procedures are not applicable when three (3) qualified firms or individuals are unavailable, or if it is appropriate and in the best interest of the District under the specific circumstances of the project at issue, to limit the number of consultants solicited. The basis for such action shall be documented in writing and approved by the Executive Director. When Board approval is required, the documented basis for such action shall be included in the report to the Board and publicly noticed at the next meeting of the Board.

6100.4.9 Open Purchase Orders for Routine and Repetitive Supplies and Services

Open purchase orders may be entered into with vendors who are expected to supply routine services, supplies, materials or labor to the District on a regular basis throughout the fiscal year. Open purchase orders shall be closed at the conclusion of each fiscal year. Vendors of repetitive supplies and services shall be selected through the competitive bidding procedures set out in Section II, based upon the anticipated or budgeted cumulative cost of the supply or service. Multi-year contracts can be let only when appropriate and necessary to secure the best pricing, best service, or assure continuity of service. An annual review of the services and prices provided shall be documented by District staff to assure that the vendor is meeting the District's needs and expectations and remains at a competitive price. Whenever feasible, multi-year contracts for service or supplies shall provide that the option to renew or extend the contract is at the District's sole discretion.

6100.5 CONFLICT OF INTEREST

No District employee or official shall be financially interested, directly or indirectly, in any purchase, contract, sale, or transaction to which the District is a party and which comes before said official or employee for recommendation or action. No employee or official shall realize any personal gain from any purchase, contract, sale, or transaction involving the District.

POLICY TITLE: Employment of Outside Contractors and Consultants
POLICY NUMBER: 6110

- 6110.1** The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, or for auditing purposes. The District's procedure is as follows:
- 6110.1.1** The District will keep a running list of interested contractors who are interested in the TEAM RCD's bidding process. These contractors will be informed in writing of all new projects and bidding opportunities.
- 6110.2** Consultants will be selected by the District Manager and are subject to approval by the Board of Directors. The District Manager and/or Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering and architectural services shall be evaluated based upon qualification and not on cost of services per state law.

POLICY TITLE: Conservation Easements
POLICY NUMBER: 6120

- 6120.1** The purpose of this policy is to provide guidelines to directors and staff regarding the procedures to evaluate, estimate endowment, and decline or accept conservation easements.
- 6120.1.1** This policy should reflect the TEAM RCD Mitigation Program Report which is included in the manual as policy 6160.
- 6120.2** It is the policy of the TEAM RCD Board to ensure that District has knowledge of significant natural, cultural, and historical resources on the lands in question, in order to make informed decisions regarding acquisition, sale, or lease of land.
- 6120.3** Interested parties must complete a Conservation Easement Application, submit all required documents and an initial deposit prior to staff evaluating and estimating endowment costs for said easement.
- 6120.4** Prior to the District accepting any easements, a Phase I environmental assessment, title search and parcel/plat map request will be conducted.
- 6120.5** Staff will estimate endowment cost for easement management in perpetuity.
- 6120.6** The District will keep an itemized record of staff time and cost incurred on each conservation easement to be reimbursed by the specific endowment.
- 6120.6.1** Each easement or mitigation that is accepted by the district shall be tracked with the use of an assigned code or line item that will enable staff and the District's Accountant to track all deposits, accrued interest and any expenditures made by the district in the course of keeping the easement. This includes mileage, staff time, maintenance any other expenses.
- 6120.7** After all documents listed in 6120.4 have been reviewed and discussed and the application and the deposit have been received, staff and Mitigation Committee members will make a recommendation to the Board relating to the decision to accept or decline the easement. The Board of Directors will decide whether or not the District will accept the easement.
- 6120.8** Acceptance by the District of any interest in public utility easements or other easements dedicated to the District for installation, maintenance, repair, etc., of its facilities, shall require approval of the Board of Directors.
- 6120.9** Commitments to accept easements or assurances that easements will be accepted may be provided by staff only after approval of same by the Board of Directors.
- 6120.9.1** Acceptance of easements shall be accomplished by the Board of Directors by adoption of a resolution. Said resolution shall be in the following format:

RESOLUTION NUMBER

[DISTRICT NAME]

ACCEPTING [SPECIFY TYPE OF SERVICE] EASEMENT

WHEREAS, a permanent easement is needed for the purpose of constructing, maintaining, servicing and/or replacing [specify type of service] facilities for the parcel listed below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of *Temecula-Elsinore-Anza-Murrieta Resource Conservation District* that the District shall accept the easements offered to it by the owners of the parcels hereinafter listed:

Assessor's Parcel No.'s

Property Owner

BE IT FURTHER RESOLVED that the Secretary of the Board cause a copy of this Resolution certified by the Secretary of the Board of Directors to be filed for record in the office of the Recorder of the County of *[Name of County District is in]*, State of California.

POLICY TITLE: District Property
POLICY NUMBER: 6130

6130.1 Preservation of the integrity, use and safety of District facilities and properties is of utmost importance. Use of District properties, whether in fee or easement, by private or other public agency, is subject to the needs and safe keeping of the District. A private or public agency may not make any improvements on district facilities. Improvements consist of trails, etc.

6130.1.1 Plans for any structures may be required by the General Manager to be submitted and approved to ensure that the resulting installation adequately accommodates existing district purposes for said district property

POLICY TITLE: Disposal of Surplus Property or Equipment
POLICY NUMBER: 6140

- 6140.1** Sale of Surplus Equipment.
- 6140.1.1** Board of Directors takes action to declare equipment surplus.
 - 6140.1.2** Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)
 - 6140.1.3** Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.
 - 6140.1.4** Bidders are notified of Board's action.
 - 6140.1.5** Junked Certificates are obtained for vehicles that are sold to protect the District from liability.
- 6140.2** Sale of Real Estate:
- 6140.2.1** Board takes action to declare property surplus and authorizes District staff to obtain appraisal.
 - 6140.2.2** Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property prior to advertisement to the general public.)
 - 6140.2.3** If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.
 - 6140.2.4** Board takes action at the next regular Board Meeting to accept or reject highest bid.
 - 6140.2.5** Bidders are notified of the Board's action.
- 6140.3** This policy is to be used in conjunction with the Fixed Asset and Capitalization Policy, Number 6020.17.

POLICY TITLE: Special Projects Fund
POLICY NUMBER: 6145

6145.1 Purpose: The purpose of this policy is to provide guidelines for the TEAM RCD Special Projects Fund, established in 2015 to enable the methodical planning and implementation of otherwise unfunded TEAM RCD'S mission-focused efforts throughout the District's service area. Guidance will be provided through adoption of this policy for determination of program factors including but not limited to annual funding to be dedicated for special projects; protocols for establishment of an ad-hoc committee when necessary; and project design and selection guidelines, among other elements to create a successful suite of programs beneficial to District residents and in line with TEAM RCD strategic goals and objectives.

6145.2 Project Funding: monies for design and facilitation of short and long-term special projects will be drawn from the TEAM RCD's general, unrestricted funds.

6145.2.1 Each year, the cumulative amount to be spent on all special projects will be determined based on calculation of 10% of anticipated general fund revenues from revenues category 4000.

6145.2.2 Each project budget will contain funding sufficient to perform a cost/benefit analysis on an annual and cumulative project basis, to assist in determination of ongoing implementation or similar project design/implementation, or need for adaptive management

6145.3 Project Evaluation: all projects considered for implementation as part of the special projects fund program will be evaluated and prioritized based on at least the following criteria:

6145.3.1 Consistency with TEAM RCD'S mission, goals, and strategic plan

6145.3.2 Alignment with TEAM RCD'S capacity for staffing and funding

6145.3.3 Potential or demonstrated contribution to TEAM RCD'S longevity/stability

6145.3.4 Ratio of funding requested to District residents reached

6145.3.5 Potential to eventually fund itself or partially fund itself

6145.3.6 Enhances TEAM RCD'S reputation/recognition on a regional and local scale

6145.3.7 Strengthens existing or establishes new critical regional and/or local partnership(s)

6145.4 Final Project Selection: Each of the above evaluation categories will be assigned a ranking between 1-10, with a score of 1 indicating least objective consistency and a score of 10 indicating maximum objective consistency. The final calculation based on individual category scoring will be provided to ad-hoc committee and/or full TEAM RCD board to be compared alongside scores of full list of pending, in-progress, and completed projects for the year in consideration.

6145.5 Board Oversight: all projects will be subject to the approval of the full board of directors, consistent with TEAM RCD established policies for board member review.

6145.5.1 For projects requiring additional consideration, the board may elect to create an ad-hoc Special Projects committee consisting of directors and/or staff members to provide necessary oversight

6145.6 Termination: the Special Projects Fund program may or may not be implemented each year of TEAM RCD operation, and will be determined by the District's board.

ARTICLE I - GENERAL

Section 1. Purposes. These guidelines implement the California Environmental Quality Act of 1970 (CEQA) as amended and ensure that consideration is given to the environmental effects of projects that are subject to CEQA.

- A. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways either to mitigate or avoid the effects. It is an informational document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. The information in an EIR constitutes evidence that the District shall consider along with any other information that may be presented to the District. While CEQA requires that major consideration be given to preventing environmental damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. Economic information may be included in an EIR or may be presented in whatever form the District desires. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long term and short-term costs and benefits of a project in making the decision to approve or disapprove it.
- B. Other environmental documents, such as Negative Declarations or Mitigated Negative Declarations or Addendums, may be appropriate as required by CEQA.

Section 2. General Implementing Procedures. The regulations contained in Title 14, Division 6, Chapter 3 of the California Code of Regulations are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures. (14 Code of Cal. Regs. Section 15022).

Section 3. Definitions.

- A. "District" means the Inland Empire Resource Conservation District.
- B. "Board" means the District's Board of Directors.
- C. "District staff" means the District's General Manager or other delegated District employee.
- D. "Lead Agency" means the public agency that has the principal responsibility for carrying out or approving a project.
- E. "Responsible Agency" means the public agency, other than the lead agency, which has responsibility for carrying out or approving a project.
- F. "Trustee Agency" means the state agency with legal jurisdiction over natural resources held in trust for the people of the state, and which are affected by a project.
- G. "Substantial evidence" means facts, fact-related reasonable assumptions and expert opinion.
- H. "Cumulative Impact" means two or more environmental effects which, when considered together, are considerable or which compound or increase other environmental impacts.
- I. Other definitions as found in Public Resources Code Section 21060 *et seq.* and 14 Code of Cal. Regs. Section 15350, *et seq.*

ARTICLE II - APPLICABILITY

Section 4. Scope of Applicability. These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.

Section 5. Statutory Exemptions. The following activities are exempt from the requirements of CEQA and these Guidelines and consequently no environmental documents are required therefore.

A. Ministerial Projects. Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. Examples of such projects include but are not limited to individual utility service connections and disconnections, agreements to install in-tract utility facilities to subdivisions, development of which has been approved by other appropriate governmental agencies, utility service connections and disconnection's to potential customers within such subdivision and the District's issuance of facility encroachment permits. (14 Code of Cal. Regs. Sections 15268 and 15369).

The decision as to whether or not a proposed project is ministerial in nature, and thus outside the scope of this enactment, shall be made by the District Board on a case-by-case basis or as part of these Guidelines as set forth hereafter.

B. Emergency Projects. The following emergency projects: (14 Code of Cal. Regs. Section 15269).

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

(b) Emergency repairs to public service facilities necessary to maintain service.

(c) Specific actions necessary to prevent or mitigate an emergency.

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

(e) Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code, Section 180 *et seq.*

C. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions that the District has not approved, adopted or funded, does not require the preparation of environmental documentation, but does require consideration of environmental factors. (14 Code of Cal. Regs. Section 15262).

D. Pipelines in Public Right of Ways. A project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline. A pipeline includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. (Public Resources Code, Division 13, Paragraph 21080.21).

E. Other Statutory Exemptions. Any project that falls under any other Statutory Exemption listed in Public Resources Code Section 21080 *et seq.* or 14 Code of Cal. Regs. Section 15260 *et seq.*

Section 6. Categorical Exemptions. The Secretary of Resources, State of California has found that specific classes of projects typically do not have a significant effect on the environment and they are declared to be exempt from the requirement for the preparation of environmental documents unless certain exceptions apply (see Code of Cal. Regs. Section 15300.2). A list of these exemption classes commonly found in District operations, along with the specific activities that the District has found to be within these categorical exemptions follows. The categorical exemptions listed herein are not intended to be, and are not to be construed to be a limitation of the exemption classes set forth in 14 Code of Cal. Regs. Section 15300, *et seq.*

A. Existing Facilities (Code of Cal. Regs § 15301). Operation, repair, maintenance or minor alteration of all existing District facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion or use beyond that previously existing, including, but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) treatment plants;
- (7) recreational facilities;
- (8) buildings; and
- (9) dams.

B. Replacement or Reconstruction (Code of Cal. Regs. § 15302). Replacement or reconstruction of any existing District facilities, structures or other property where the new facility or structure will be located on the same site and have substantially the same purpose and capacity as the replaced or reconstructed facility or structure, including but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) buildings;
- (7) treatments plants;
- (8) recreational facilities; and
- (9) dams and appurtenant structures.

(8)

For the purpose of determining the extent of this class exemption for buried pipelines under the water conveyance facility category, the following shall apply. A replacement of a buried pipeline will be considered as categorically exempt under Class II if the replacement is within 30 feet of the existing pipeline, the nominal inside diameter of the replacement pipe is no larger than the existing pipeline or 8-inch, whichever is greater, and no substantial clearing of mature trees or bushes is necessary.

C. New Construction or Conversion of Small Structures (Code of Cal. Regs. § 15303). Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small

structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to:

- (1) Raw water conveyance facility appurtenances, including control and measuring structures.
- (2) Treated water conveyance facility appurtenances, including meter boxes, fire hydrants, blow offs and air release valves.
- (3) Water conveyance facility appurtenances, including water meters, booster pumps, gate, ball and check made in the interior of the structure. Examples of this exemption include but are not limited to valves, blowoffs, valve boxes, etc.

D. Minor Alterations to Land (Code of Cal. Regs. § 15305). Minor alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees, including but not limited to:

- (1) small water diversion facilities;
- (2) grading on land with a slope of less than ten percent (10%), except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
- (3) new gardening or landscaping but not including tree removal;
- (4) filling of earth into previously excavated land with material compatible with the natural features of the site;
- (5) minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities that result in improvement of habitat for fish and wildlife resources or greater fish production;
- (6) minor temporary uses of land having negligible or no permanent effects on the environment;
- (7) maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

E. : Information Collection (Code of Cal. Regs. § 15306). Basic data collection, research, experimental management and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information-gathering purposes or as part of a study leading toward the undertaking of a project.

F. Inspection (Code of Cal. Regs. § 15309). Inspection activities, including but not limited to inquiries into the performance of an operation and examination of the quality, health or safety of a project.

G. Accessory Structures (Code of Cal. Regs. § 15311). The construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.

H. Surplus Government Property Sales (Code of Cal. Regs. § 15312). Sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in 14 Code Cal. Ergs. Section 15206. However, if the surplus property to be sold is located in any of those areas even its sale is exempt if:

- (1) the property does not have significant values for wildlife habitat or other environmental purposes; and,
- (2) any of the following conditions exist:
 - (a) the property is of such size or shape that it is incapable of independent development or use, or
 - (b) the property to be sold would qualify for an exemption under any other class

- of categorical exemption in Section 6 of these Guidelines, or
- (c) the use of the property and adjacent property has not changed since the time of purchase by the District.

I. Annexations of Existing Facilities and Lots for Exempt Facilities (Code of Cal. Regs. § 15319). The following annexations:

- (1) annexations to the District of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (2) annexations of individual small parcels of the minimum size for facilities exempted by Class III, New Construction or Conversion of Small Structures.

J. Changes in Organization of the District (Code of Cal. Regs. § 15320). Changes in the organization or reorganization of the District where the changes do not modify the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (1) establishment of an improvement district;
- (2) consolidation of two or more districts having identical powers;
- (3) merger with a district lying entirely within the boundaries of the District.

K. Small Hydroelectric Projects at Existing Facilities (Code of Cal. Regs. § 15328). Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (1) the capacity of the generating facilities is 5 megawatts or less;
- (2) operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (a) rate and volume of flow;
 - (b) temperature;
 - (c) amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and;
 - (d) timing of releases.
- (3) new power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- (4) repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (5) there will be no significant upstream or downstream passage of fish affected by the project;
- (6) the discharge from the powerhouse will not be located more than 300 feet from the toe of the diversion structure;
- (7) the project will not cause violations of applicable state or federal water quality standards;
- (8) the project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and,
- (9) construction will not occur in the vicinity of any rare or endangered species.

POLICY TITLE: Guidelines, Review of Environmental Reports Concerning Non-District Projects
POLICY NUMBER: 6155

Section I: **Scope of Applicability:** These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.

6155.1 Report Receipt

- 6155.1.1** The Temecula-Elsinore-Anza-Murrieta Resource Conservation District periodically receives Environmental Impact Reports concerning pending projects slated for development within the District's Service Area.
- 6155.1.2** All Environmental Impact Reports will be opened upon receipt, and entered into TEAM RCD's EIR database. Entry into the database will involve assignment of EIR to individual District staff member.

6155.2 Report Review

- 6155.2.1** TEAM RCD Staff member assigned to each EIR will review document thoroughly, paying particular attention to the following elements:
- 6155.2.1.1** Projected impacts of project; quantifiable dredge and/or fill, and predicted native vegetation and/or wildlife to be affected
 - 6155.2.1.2** Mitigation Plan
 - 6155.2.1.3** Landscaping plan
 - 6155.2.1.4** Stormwater and nuisance flow remediation plan
- 6155.2.2** TEAM RCD staff member will create a table of District concerns using the approved template located in the EIR review folder, on the S drive. The TEAM RCD staff member will also draft an accompanying letter on TEAM RCD letterhead, addressed according to protocol outlined on the EIR title page.
- 6155.2.3** The table of concerns and letter will be submitted for District Manager approval.

6155.3 Board of Director Notification

- 6155.3.1** The District Manager will send proposed EIR review package to the TEAM RCD Board President for review, and will send to appropriate requesting city and/or county department upon written confirmation of his or her approval for submission.
- 6155.3.2** The District Manager will send each regular member of the TEAM RCD Board of Directors a copy of each completed EIR response package. This package will consist of a summary of the original EIR, copy of letter, and copy of table of concerns, and will be included in monthly Board packet mailings.

POLICY TITLE: Mitigation Program Report
POLICY NUMBER: 6160

**Temecula-Elsinore-Anza-Murrieta Resource Conservation District
Mitigation Program Report**

A wide variety of development and construction activities impact land and natural resources, which has prompted the need for a mitigation program within the Temecula-Elsinore-Anza-Murrieta Resource Conservation District (TEAM RCD) service area. Federal, state and local agencies with permitting authority, as well as project proponents, are asking TEAM RCD to consider involvement in preparation, evaluation, implementation, and perpetual management of mitigation projects. The projects can take a wide variety of forms, ranging from TEAM RCD accepting conservation easements or land in fee title, to allowing a restoration project on existing TEAM RCD lands.

TEAM RCD has accepted several mitigation projects. This report describes a comprehensive program that will inform and guide TEAM RCD's activities in relation to mitigation projects. Mitigation projects require careful consideration and specific steps to avoid any adverse impact upon the District's identity, fiscal position, and credibility. The issues are described in the report as well as actions to avoid or minimize problems.

It is to TEAM RCD's advantage to accept mitigation projects that meet its mission, goals and funding requirements. TEAM RCD will not become substantively involved in mitigation projects until after the relevant permitting agency(s) has identified the specific mitigation requirements for the project. TEAM RCD reviewed four types of mitigation and will consider accepting the following:

- Protection – fee title and conservation easements. They are conveyed to TEAM RCD.
- Enhancement – restoration and enhancement projects. The priority projects are those planned on lands that are designated for conservation in perpetuity. TEAM RCD will consider projects that involve the creation of wetlands or habitat but they may require additional evaluation, and it will consider acceptance of creation projects for perpetual management after they have been created and stabilized by other entities.
- Mixed Projects – projects that involved both protection and enhancement elements.
- Mitigation Fees – ad-hoc fees, in-lieu fee programs (through SAWA), legal settlements. Ad-hoc fees are one-time fees for a project; a fee program is an established system for collecting fees in-lieu of specific performance. TEAM RCD will not consider the creation of mitigation banks, but will consider acceptance of sold-out mitigation banks for management in perpetuity.

A dozen criteria encapsulating the overall goals of the TEAM RCD have been identified for evaluation of projects. These include TEAM RCD mission and priorities, funding, expertise, existing plan, consistency with existing requirements, other values, due diligence, project size, contiguity, manageability, surrounding land uses, and landowner relations. Some projects, such as those already held by other entities, have additional criteria.

A three phase decision-making process is proposed with several steps within each.

- The first phase is a screening process to identify those projects that warrant further consideration.
- The second phase is preparation and evaluation of mitigation projects. This phase concludes with a recommendation for final acceptance or rejection of the projects.
- If the project is accepted, the third phase is execution, such as signing and recording of a conservation easement or posting of contingency funds before beginning a restoration project.
- TEAM RCD will reserve the right to reject any project at any point in the process. The board of directors also reserves the right to reject any project at any point in the process.

A critical factor in TEAM RCD's acceptance of mitigation projects is whether the project will have adequate funding. The funding needs of each project will be individually determined, and will include items such as acquisition costs, one-time capital improvements, and management and stewardship costs in perpetuity. These are the minimum costs necessary for the project to be executed and managed. In addition, project proponents will have to cover the cost for TEAM RCD personnel resources to screen, prepare and evaluate the mitigation projects including any necessary consultant or legal review.

Adopting a mitigation program will require a number of actions and organizational changes to TEAM RCD. The Implementation section of the report provides discussion for five different areas:

- Staffing and organizational requirements
- Management of financial resources
- Participation, outreach and education
- Preparation of model easements
- Preparation of enhancement opportunities

Throughout the report, 38 recommendations are made. The majority are concerned with the program itself: types of projects, project evaluation, decision-making process and funding. Twelve recommendations are made in the Implementation section. The nine recommendations identified below are high priority and require immediate action to create TEAM RCD's mitigation program.

- TEAM RCD is creating a mitigation program and will undertake the necessary actions to implement and maintain it. [R1]
- TEAM RCD will establish specific fees and billing rates for the mitigation program. The fees and rates will be regularly reviewed and adjustments made as needed. [R24]
- The TEAM RCD will dedicate a full-time staff or contract position to the mitigation program.[R27]
- The Mitigation Committee will be created as a standing committee of the TEAM RCD board to provide oversight of, and direction to, the mitigation program. A scope of authority and specific duties will be identified. [R29]
- TEAM RCD will evaluate its current financial and accounting system, and establish the appropriate systems for creating and maintaining sufficiently detailed records for each mitigation project. [R30]
- TEAM RCD will deposit mitigation funds into the Local Agency Investment Fund (LAIF). [R31]
- TEAM RCD will prepare and adopt an investment and management policy for mitigation-related funds. [R32]
- Whenever possible, TEAM RCD will participate in all known development or construction project planning that could affect its mitigation program. [R34].
- TEAM RCD will take the initiative in communicating the mitigation program to permitting agencies, project proponents, and TEAM RCD friends, supporters and landowners. [R35]

Many important lands and natural resources with significant conservation values have the potential to become involved in mitigation projects. TEAM RCD is a local public agency with strong expertise in creating conservation projects and managing lands and easements in perpetuity. A strong mitigation program can help TEAM RCD advance its mission and goals. TEAM RCD can also assist permitting agencies, project proponents, partnering conservation agencies and the public by offering high quality professional organization that can assure that mitigation projects within District boundaries are well designed, have adequate financial resources, and are competently managed.

Introduction to Mitigation

TEAM RCD lands and natural resources within TEAM RCD boundaries are being adversely impacted for a variety of reasons. Among these are projects and activities ranging from construction of new housing, business and commercial facilities to new infrastructure.

Some of the changes require mitigation under one or more local, state or federal laws, such as the Clean Water Act or Endangered Species Act.

Mitigation projects often result in land being permanently protected or can result in a variety of habitat enhancement projects on lands that have already been protected. Such projects require competent, long-term managers experienced with conservation lands and projects.

TEAM RCD has accepted a number of mitigation projects and is regularly requested to accept new mitigation projects or funds. The board of directors formed a Mitigation Committee to determine a systematic approach of whether TEAMRCD should accept mitigation projects. This report is the result of its analysis, and it is designed to serve as the “Policies and Procedures” for the IERCD Mitigation Program. The program has been created in response to the mitigation needs in San Bernardino and Riverside Counties and to further TEAM RCD’s mission of resource conservation.

Overview of Project Mitigation

Local governments are increasingly requiring mitigation as a condition of approval for projects when the project results in the loss or degradation of natural resources. Public agencies at regional, state and federal levels also require project mitigation. Many projects proposed by developers, landowners, energy companies, and other types of for-profit companies are compelled to provide real property or partial interest in real property (i.e., conservation easements), fund or implement restoration activities, purchase credits from a mitigation bank, or provide cash in order to proceed. Many project proponents do not want to hold property; neither do some public agencies. When land or conservation easements are created, there is often a search for long-term holders and managers of these real property interests.

Resource Conservation Districts can become a recipient of such properties. If designed properly, the mitigation program may help advance the RCD’s goals. However, mitigation projects raise significant issues, concerns and costs. As research has shown, a RCD should only enter into this area after due consideration and creation of a “program” for determining types of projects that can be accepted, delineation of drafting and management roles and responsibilities, evaluation criteria and decision-making process, and the types of costs it must calculate for each project.

Local Entities

Project mitigation occurs within a dynamic context of many factors. Agencies have their own interest, authority and expertise. The following are agencies that TEAM RCD typically interacts with during the course of the mitigation process.

- Federal and state resource agencies, such as U.S. Fish and Wildlife Service and the California Department of Fish and Game. These agencies have the responsibility to conserve natural resources, and hold authority to impose conditions and regulations under specific statutes, such as the California Endangered Species Act.
- Federal and state agencies concerned with infrastructure, such as the U.S. Army Corp of Engineers, Bureau of Reclamation, and California Department of Transportation. In addition to their executing their own projects that may require mitigation (e.g., a CalTrans freeway widening project), these agencies may also have responsibility for resource protection, such as the U.S. Army Corps of Engineers under the Clean Water Act. Their responsibilities include permitting of projects proposed by other entities.

- Local agencies and entities, such as the Santa Ana Regional Water Quality Control Board, County of San Bernardino and any of its cities. Similar to the distinction made above, local governments can have permitting authority as well as be engaged in their own projects which require mitigation. The most common relationship that IERCD will have with local government is through their authority in the land use approval process.
- Nonprofit organizations
- For-profit corporations
- Private landowners

Rationales for Creating a Mitigation Program

- **Mitigation resources can contribute to TEAM RCD's own goals and capacity.** "The purpose of the Inland Empire Resource Conservation District is to promote the understanding that the quality of the environment determines the quality of life. In cooperation with landowners, local, state and federal agencies, the agricultural community, environmental and community groups, we will promote good stewardship of our soil, water and other natural resources. We will provide strong educational programs that will encourage today's youth to accept the responsibility of conserving our natural resources for tomorrow's generations."
- **Mitigation can provide significant resources to help achieve the RCD goal mentioned above.** The specific nature of the resources will vary - land or easement, restoration or enhancement projects, or cash. TEAM RCD can also ensure that any mitigation projects it accepts include the appropriate level of funding for perpetual management or defense. By building a portfolio of these projects, the RCD will reach the level at which certain economies of scale can be achieved to support staff with certain types of expertise, such as land managers or ecologists.
- **TEAM RCD has the necessary expertise.** TEAM RCD is focused upon the preservation and management of land for conservation purposes. It has the expertise to prepare and evaluate projects at each stage, including project formation, easement drafting, enhancement restoration, and management in perpetuity.
- **TEAM RCD can provide close and frequent monitoring of the project site.** In the past, mitigation projects required by resources agencies were often held by the state and federal agencies that imposed the requirements. The permitting agency offices are typically far from project sites, and their staffs are responsible for vast territories. Their geographical distance tends to preclude close oversight of projects. In contrast, the District's geographical scope is limited to parts of San Bernardino and Riverside counties. TEAM RCD can provide close and frequent oversight of the project site and can be more aware of changes to the project site, adjacent properties, and the area's resources.
- **Mitigation is going to occur and conservation benefits can result.** Regardless of any involvement or action by TEAM RCD, impacts from a wide range of projects will occur. Some projects will negatively impact lands or resources with conservation values, such as agricultural lands or wildlife habitat. Mitigation is required to provide the public benefits being lost or compromised by the project. If TEAM RCD is involved, the project is more likely to secure the conservation values and retain these values over time.
- **Protect the reputation of conservation projects.** The general public doesn't distinguish between protected lands held by varying organizations. For instance, if mitigation requires that a certain amount of vernal pool habitat be protected, the public doesn't distinguish between whether the land is held by TEAM RCD or another entity. If the land is poorly managed, if the proposed restoration project never occurs, or if there is an easement violation, the public and some landowners will view the project negatively. A

view may develop that “restoration doesn’t work” or “conservation easements can be violated with impunity”.

If the District is well known in the area, many may assume that it is a district project. Therefore, TEAM RCD has an interest in ensuring that projects involving land conservation or resource enhancement or management within the district’s boundaries are implemented and managed responsibly.

Issues and Challenges

Mitigation projects are not without a set of issues and challenges that the Mitigation Committee considered carefully. Specific steps can be taken to address these concerns.

a. Organization Identity and Reputation – In accepting mitigation projects, some individuals of the public may view District activities as enabling or facilitating projects that produce negative impacts on lands that have significant conservation values. There may also be misperception that TEAM RCD has regulatory powers. TEAM RCD can take four steps to avoid this:

- Proactively describe its decision to continue accepting mitigation properties. Explain the value of the conservation lands and natural resources, the District’s role, and how it will help advance the District’s mission.
- The District can carefully identify and limit its role. To avoid any actual involvement in facilitating projects, the District will explicitly avoid involvement prior to the permitting agency’s determination of the mitigation requirements.
- Retain the authority to reject projects for any reason (see “b” below).
- TEAM RCD must capture all of the costs for the project to ensure that the District does not subsidize mitigation projects (see “d” below).

b. Avoid Any Compromise of Independence- The district will want to retain independence in determining which projects it will accept as well as requirements for any project element, such as project selection, design or management endowment. This must include the right to reject a project for any reason. For example, TEAM RCD may choose not to accept some projects that involve destruction of irreplaceable resources, those with a very large public opposition, or for other similar reasons that could have an unacceptable negative impact on the District’s identity or community support.

c. Project Viability – Some mitigation projects suffer from characteristics that undermine their long-term viability. The difficulties can be rooted in project design, location, implementation failure, legal creation or inadequate funding. Many restoration and enhancement projects are not completed or do not function in the way they should. TEAM RCD will want to take all steps within its expertise and authority to ensure that well-designed and high quality mitigation projects are created and fully implemented. Such steps include case-by-case reviews of mitigation projects, as well as TEAM RCD involving itself as early as possible in the process of determining project viability.

d. Adequate Funding – TEAM RCD is taking on perpetual responsibilities to manage land and easements, or to execute and manage restoration and enhancement projects. TEAM RCD must take steps needed to fully calculate the short- and long- term costs of the project. These costs should be fully born by the project proponent.

Financial adjustments are very difficult – and usually impossible – to make after the mitigation project has been accepted. However, the District can take three steps to help identify and support adequate funding for mitigation projects:

- First, it can be challenging to calculate all costs, but the district should make its best effort to do so. Every 12 to 18 months the District should review its cost structure and make adjustments as needed. Tracking its real costs on all projects will be an important source of information for the annual review.
- Second, most project proponents will expect fairly detailed explanations and justification of funds they are asked to provide. If approached as a business transaction, the District will educate project proponents about the costs involved, convey its competency as an entity, and communicate the content in a way that the project proponent understands and will find persuasive.
- Third, the District must have a financial management system and other policies necessary for tracking and managing the funds, as well as a system and investment policy to manage the permanent endowment funds. This will require regular tracking and financial summaries by the accountant and/or District Manager.

e. TEAM RCD has considered where it wants to enter the mitigation process. In general, IERCD will begin working with project proponents after the permitting agency has determined the mitigation requirements. This is to protect TEAM RCD's identity and avoid a large time investment before any specifics are known. At the same time, TEAM RCD wants to be open to information exchange and informal communication. For example, before decisions are made by the permitting agency, the District could provide general information to project proponents about TEAM RCD's program and process. The District staff may also seek information about the agency's authorities and process, or to generally discuss available mitigation opportunities.

f. Mission – The District is focused on resource conservation and education. The District will monitor its overall dedication of resources to mitigation projects and the types of projects it is accepting to ensure comfort with the level of mitigation activity and that it is not accepting projects unrelated to its mission. The latter should be accomplished if the projects meet TEAM RCD's evaluation criteria.

g. Time Investment –It may be difficult to consistently and accurately forecast which projects will consume an inordinate amount of time. Mitigation projects can vary considerably in size, complexity, and the individual personalities involved. The time spent by District staff should be funded by the project proponent, and tied to the specific time worked. In some cases, it can be more efficient for project proponents to take the lead in designing a mitigation project, and in other cases, the project and TEAM RCD's long-term stewardship interests are advanced by IERCD's substantive involvement in project preparation. Extensive documentation exchange between IERCD and the project proponent will be required in an effort to avoid complications surfacing long after both parties are heavily invested in the project.

h. Fulfilling Terms of Mitigation – Permitting agencies require proof that the mitigation requirement has been fulfilled. In all categories of mitigation projects except *Mitigation Fees*, this should be the responsibility of the project proponent. The District will readily provide any information or documentation about the project.

i. Funder Relationships – The District receives a percentage of its funding from property tax revenues, grants awarded by private foundations and public agencies. Nearly all of this funding is restricted, and extreme caution has to be exercised if considering any grant funding in relation to a mitigation project. For example, if a grant allowed a land purchase, and mitigation funds were subsequently utilized for a mitigation project on the property it is imperative to have documentation ensuring there is no "double-dipping" occurring. The district needs to make certain funding from two different sources does not pay for one specific task.

j. Building Relationships with Permitting agencies – In entering into a mitigation program, the District will be working closely with the agencies requiring the mitigation. Both need to understand each other's goals and processes. There is also the opportunity to create agreements with permitting agencies that streamline the processes involved for all parties.

k. TEAM RCD's Relationships with Key groups – Beyond possible impacts to the District's identity and reputation (see point "a" above), key groups with whom the District works may have particular concerns about the mitigation and/or District's acceptance of projects

2. Mitigation Program

This section of the report describes the program that will inform and guide TEAM RCD 's engagement with mitigation projects. Throughout the report, specific recommendations are indicated in the following way:

- R0 This is how a recommendation will be depicted.

The final section of the report includes (1) the recommendations that warrant priority or immediate action, and (2) a complete listing of the recommendations.

Program Description

The Temecula-Elsinore-Anza-Murrieta RCD will consider accepting mitigation projects that result from the land use approval process, and from environmental quality, natural resource protection, and other relevant laws and regulations. It will work with permitting agencies and project proponents to consider, prepare, evaluate, execute and perpetually manage mitigation projects. Each project will be evaluated by TEAM RCD to ensure that it meets the District's goals and funding requirements. The District reserves the right to not accept any project.

- R1 TEAM RCD is creating a mitigation program and will undertake the necessary actions to implement and maintain it.
- R2 TEAM RCD will consider and accept mitigation projects that meet its mission, goals and perpetual funding requirements, and which pass screening and evaluation processes.

Goals

In creating a mitigation program, TEAM RCD's goal is to advance its mission to conserve natural resources. Its specific objectives are to:

- Create high-quality projects that preserve important lands and natural resources in compensation for the loss or degradation of land and resources due to project impacts.
- Provide long-term management and stewardship of land and related conservation values with a solid endowment and management plan.
- Create or adopt a management plan from the consultant firm for each property that TEAM RCD holds in fee-title or conservation easement.
- Maintain standards for land conservation projects, tools and organizational operations.
- Provide lasting benefit to the residents within the District boundary through ensuring high-quality mitigation projects, thorough execution, and perpetual management.
- Continue the growth of TEAM RCD's conservation, ecological and management expertise and capacity. This specifically includes training as well.

The types of projects that the District will consider include those reflected in its mission:

- Open space includes lands containing wildlife habitat scenic attributes, recreation, or various types of buffers
- Wetlands include any lands that have hydrology sufficiently persistent at any time of the year (including ephemerally or seasonally) to have any of the plants and animals known to

- be indicative of wetlands. This may include any creeks, rivers, lakes, ponds or bay, as well as the riparian areas surrounding these water bodies even in urban settings.
- Agricultural farm and ranch lands include land that is used to produce any form of crop, such as row crops, orchards, vineyards, grass or wood, to generate income for the farm or ranch

TEAM RCD's Role in the Mitigation Process

The District has no authority to require or impose mitigation, to determine the types or amount of mitigation required, or to approve a project as fulfilling the permitting agency's requirements. All of these factors are solely within the purview of a permitting agency with regulatory authority. The district will have no formal involvement in mitigation projects until the permitting agency determines that mitigation is required and the type and/or amount. Until these decisions are made by the permitting agency, the district's involvement will be limited to providing information to the agency or project proponent about the District's program, goals, process and costs, and general mitigation opportunities.

After the permitting agency has made its decisions, the district will work with the project proponent and agency to prepare, evaluate, and implement, a project. The District's capacity and expertise in the process includes:

- Expertise in land/easement negotiation and preparation, and in executing fee simple and conservation easements.
- Some experience in habitat enhancement and restoration, including project design. Such projects may often require additional expertise depending upon their particular biological, physical, engineering or hydrological requirements.
- Professional expertise and organizational capacity to ensure management and stewardship in perpetuity.
- A local presence, which allows a high level of awareness, responsiveness and cost-effectiveness for project implementation and for management and stewardship activity.

TEAM RCD has a responsibility to ensure that any mitigation it accepts meets its conservation goals and standards, and that it includes adequate resources for long-term management. The District will evaluate each potential project and make a decision regarding its acceptance. It may decline to accept any project.

- R3 TEAM RCD's substantive involvement in mitigation projects will not begin until the permitting agency has determined that mitigation is required and the type and amount of mitigation.
- R4 TEAM RCD will individually evaluate each proposed project according to District evaluation criteria, and will make a decision regarding its acceptance.
- R5 TEAM RCD will identify the project types and the sub-types of which it will consider acceptance in order to guide the screening and evaluation processes.

Types of Mitigation Projects

The types of projects that TEAM RCD will encounter can be organized into four categories. Each of these types has sub-types that will be further delineated below.

- 1. Protection**
- 2. Enhancement**
- 3. Mixed**
- 4. Mitigation fees**

1. Protection Projects

Protection projects are the acquisition of real property interest, typically fee title or a conservation

easement. The protection must occur in perpetuity to qualify for TEAM RCD acceptance. A wide variety of factors will influence the preferred protection tool (e.g., fee title or conservation easement). These factors may include ownership patterns, surrounding land uses, and urban impacts.

Fee Title

The fee title to a property can be secured in several ways:

- Purchase of fee title by the project proponent or District. If the project proponent purchases the land, it will be subsequently assigned to the District.
- Assignment of fee title that is currently owned by the project proponent to the District.

Key concerns with fee title will be to ensure that the deed is properly conveyed, due diligence to examine a variety of factors (e.g., presence of hazardous waste), the size of the property, foreseeable management issues, biologic or agricultural viability and adequate funding for creation of a management plan and land management in perpetuity. Long-term issues about the management of the property will be addressed through in a management plan for each property.

Conservation Easements

For mitigation purposes, a conservation easement can be acquired two ways:

- Purchase of easement by the project proponent or District. If the project proponent purchases, it will subsequently assign to the District.
- Creation and assignment of easement on fee title that is currently owned by the project proponent to the District.

Key concerns with a conservation easement are drafting a document that meets current district practices, landowner understanding of easement and stewardship, potential for productive relationship with landowner, any concerns raised through the due diligence process, and adequate funding for stewardship and defense. The permitting agency and project proponent are likely to be concerned only with the conservation purposes they are seeking to mitigate. However, TEAM RCD may want additional or secondary purposes identified in the easement document so that its ability to retain the easement in future years under changing conditions can be strengthened.

Easement Holding Issues - In some instances, the agency that required the mitigation will want to co-hold the easement or hold a reversionary interest in the easement. Co-holding arrangements can be configured in a range of ways. TEAM RCD will accept a co-holding arrangement if the terms are acceptable to TEAM RCD, particularly with regard to full authority to steward and defend/enforce the easement. TEAM RCD may separately account for stewardship and defense funds on its conservation easements, and may manage the funds or contract with a third party to manage the funds, ordinarily the Local Agency Investment Fund (LAIF).

Another variation that may occur is that the permitting agency (or another agency, such as a city) may accept the fee title lands in mitigation, and ask TEAM RCD to hold a conservation easement. Further, either agency may ask TEAM RCD to manage the land. In this case, TEAM RCD will negotiate the conservation easement. Its costs for the easement (including stewardship and defense) will be determined, as will the costs of managing the property. The management agreement may be long-term and permanent or it may be on a short-term (e.g., five year) contract basis.

Conservation Interests Previously Protected

Other organizations may have accepted fee title or conservation easements that were required for mitigation in the past, or such properties may be accepted in the future. Examples include public agencies, a nonprofit, or a for-profit mitigation bank. These organizations may seek to assign the properties to TEAM RCD for management. As a local manager of land and natural resources for conservation purposes, assignment to TEAM RCD may often make sense.

A number of questions arise for such projects, including:

- If TEAM RCD has limited resources to evaluate and accept projects, is a property that is already protected a high priority in terms of carrying out the district's mission?
- If the property is already protected, does the additional increment of improved protection or management justify the assignment?
- Is there adequate funding that can be transferred to TEAM RCD with the property?
- Is the project advancing a habitat type of concern in the county?
- Does the documentation of the project meet TEAM RCD standards, such as the terms of the conservation easement or the existence of a baseline document?

These projects will be evaluated by the same criteria they would under any other new protection project along with five additional criteria. Projects that enjoy the highest priority are (1) lands adjacent to lands already owned or managed by TEAM RCD, or (2) lands that are part of a landscape identified by the District staff as a high priority.

In conclusion, for each of these types of protection projects, TEAM RCD has an interest in the project design or negotiations that may commence before TEAM RCD can be substantively involved. TEAM RCD will encourage project proponents to not engage in extensive negotiations or trans TEAM RCD actions until TEAM RCD can be involved, particularly in the case of mitigation project design. 's early engagement in such activities will increase the likelihood that the project will meet TEAM RCD 's requirements and be accepted.

- R6: Protection projects are a class of mitigation projects that TEAM RCD will consider accepting. Fee title and conservation easements are eligible. Land or easements already held by another entity will be considered but are subject to additional evaluation criteria.
- R7: Protection projects must be in perpetuity.
- R8: TEAM RCD will identify priority areas based upon its existing goals and plans.

2. Enhancement Projects:

Many mitigation projects involve some form of manipulation of the physical, chemical or biological characteristics on land that may or may not be permanently protected. The different types of projects can be defined and grouped into several categories. For example, a common set of definitions and categories has been articulated by the U.S. Army Corps of Engineers and is excerpted in Table 1 below.

The definitions apply to the Corps' responsibilities to regulate impacts to aquatic resources, but the definitions readily apply to terrestrial projects as well. For ease of discussion herein, unless otherwise noted, the term "enhancement" is used to encompass all the types of mitigation projects that consist of manipulating natural characteristics.

TEAM RCD's chief concerns about enhancement projects include the project design, who performs the work (e.g., consultant, TEAM RCD staff), project oversight, approval of modifications, and interim monitoring.

Figure 1.
U.S. Army Corps of Engineers Definitions (excerpts)

1. **Creation.** The manipulation of the physical, chemical or biological characteristic(s) present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acres.
2. **Restoration.** The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:
 - Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres.
 - Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.
3. **Enhancement.** The manipulation of the physical, chemical or biological characteristics of a wetland (undisturbed or degraded) site to heighten, intensify, or improve specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but it does not result in a gain in wetland acres. The term includes activities commonly associated with enhancement, management, manipulation and directed alteration.

Concerns are rooted in the fact that enhancement activities may occur on lands owned by TEAM RCD; it has a responsibility to ensure that projects are well designed and fully implemented, thus striving to avoid unintended consequences. These projects will meet identified needs on TEAM RCD lands, and not be determined solely by the preferences of the permitting agency. The District wants avoid a “following the dollars” phenomenon and to ensure that unnecessary or duplicative work is not undertaken.

Identification of Enhancement Opportunities. An obvious source for enhancement projects is on land held in fee or conservation easement by TEAM RCD or other conservation organizations. This program includes the recommendation that TEAM RCD adopt a goal to create management plans for its current and future lands. Each management plan will include identification of possible enhancement projects. The management plan should identify specific enhancement needs and opportunities.

Sites other than TEAM RCD 's properties also exist for enhancement projects. One source to be explored fully is enhancement opportunity on land in private ownership over which TEAM RCD holds a conservation easement. *Only with the permission of the landowner and regulatory agencies*, and according to available resources, TEAM RCD will consider working with interested landowners to generate a list of possible projects on easement-protected properties. This process can have considerable brokering costs for TEAM RCD as well as possibly creating a new permanent obligation upon TEAM RCD to monitor the improvement in perpetuity. However, it can be an additional benefit that TEAM RCD can offer to landowners who have previously sold or donated a conservation easement to the District. One cost-efficient strategy may be to include this as part of creating a baseline document.

TEAM RCD can also identify lands that may be suitable for enhancement projects where the landowner is willing to consider both enhancement and permanent protection (e.g., conservation easement). With this list, TEAM RCD would have a ready list of possible sites that can be

matched to the mitigation needs of project proponents. This process would act as an additional vehicle to conserve important conservation lands in the county, and would provide a service to landowners. However, TEAM RCD's labor would have to be supported and it would detract from enhancement projects on TEAM RCD's lands.

Delayed Acceptance of Projects with Enhancement Element. Some projects may have initial periods of 5 or 10 years during which the project proponent is responsible for enhancement or habitat construction. After this period, it may be contemplated that TEAM RCD will assume responsibility for the project. In projects of this type, TEAM RCD may impose conditions, such as:

- The permitting agency must provide final approval of the mitigation project and completion of all requirements associated with it. This is often done through issuance of a final letter of approval.
- TEAM RCD will inspect the property and meet with the landowners (if applicable) as part of its evaluation process.
- During the interim period, and depending upon the project, the project proponent may have to provide TEAM RCD with an annual stipend to support staff to accompany the project proponent (or its consultant) to evaluate the project's progress, identify and discuss problems, and so forth.
- TEAM RCD will reserve the right to decline to accept the project at the end of the interim period in the event that the project is not functional or for other reasons. In such cases, any endowments will be returned and TEAM RCD's relationship to the project will end.

Projects on non-TEAM RCD Lands. The District may also be asked to consider enhancement projects on lands held by organizations other than TEAM RCD. This is a very low priority for TEAM RCD, but it may, on occasion, warrant consideration

Factors in TEA, RCD's consideration will include:

- Is a long-term involvement contemplated for TEAM RCD and/or will the property be assigned to TEA, RCD at a future point?
- Is the property contiguous with TEAM RCD lands?
- Does the property contain critical resources within the county?
- Does the project's conservation value justify diversion from other TEAM RCD projects?

Habitat Creation. These projects seek to create habitat with certain characteristics that do not currently exist (see Figure 1). This can be a controversial area with some types of projects not well-understood and mixed track records of success. Yet, some types of creation projects can be well understood and have good rates of success. The District recognizes some of the controversies in this area, especially in the creation of wetlands.

Even in some cases that TEAM RCD chooses not to be involved in a habitat creation project, other entities in the county will undertake such projects. TEAM RCD will consider accepting such projects for long-term holding and management if they are successful and stabilized. TEAM RCD will evaluate these projects as it would any other protection project.

- R9: Enhancement projects are a class of mitigation projects that TEAM RCD will consider accepting. Enhancement, restoration and rehabilitation projects are eligible.
- R10: Creation projects are also eligible for consideration although complex projects may require additional evaluation time or criteria. TEAM RCD will also consider management and ownership of creation projects after they have been successfully created and stabilized.
- R11: Enhancement or restoration projects on lands held by other organizations are a low priority for TEAM RCD but can be considered.
- R12: Management plans will be prepared for (1) TEAM RCD's existing properties, and (2) any new mitigation properties accepted. New properties must

include funding for a management plan with a supplemental endowment. The consultant firm's Habitat Management and Monitoring Program (HMMP) may also be used.

- R13: Each management plan will include identification of enhancement and restoration opportunities for the property. TEAM RCD will review the plans periodically.
- R14: As resources and priorities allow, TEAM RCD may create a list of enhancement needs on properties on which the District holds a conservation easement. If resources and priorities allow, TEAM RCD may also consider creating a list of non-protected properties where the landowner may be interested in mitigation opportunities.
- R15: Project proponents will be encouraged to propose projects that are consistent with needs identified in management plans.

3. Mixed Projects

Some projects contain both protection and enhancement elements, such as permanently protecting a property through fee title or conservation easement acquisition and undertaking enhancement activities at the same time. This is a common occurrence in mitigation projects, and such projects have already been proposed to the District.

In reviewing these proposed projects, the District will distinguish the protection and enhancement elements and evaluate each according to the criteria for that type of project. Funding for these projects will have to be appropriate to cover the full range of costs for all elements. In summary:

- ❖ R16: Mixed projects are a class of mitigation projects that TEAM RCD will consider accepting.
- ❖ R17: Each component of a mixed project (i.e., protection, enhancement) will be evaluated according to the evaluation criteria for that component.

4. Mitigation Fees

Mitigation fees are a payment of cash (or other liquid assets) by the project proponent. Rather than require specific performance, the project proponent is able to move forward with his/her project after conveying the mitigation fee. The fee is held until a mitigation project is fashioned and executed.

Mitigation fees fall into three categories:

- a. Mitigation fees—ad-hoc and in-lieu fee program
- b. Mitigation banks
- c. Legal settlements

a. Mitigation fees: Ad-hoc fees.

Ad-hoc fees are negotiated for an individual project. The fees are disbursed to TEAM RCD for protection or enhancement types of projects. An ad-hoc agreement will be evaluated as would any project type. Fees can be disbursed to TEAM RCD for protection or enhancement types of projects. Fees can be desirable for several reasons:

- To mitigate “small” impacts that are insufficient for supporting a viable, stand-alone project
- To direct projects to particular areas to assemble large protected areas that offer greater biological viability and management efficiencies.
- To allow a project proponent to move forward when a mitigation project will take some time to identify and execute.

On the other hand, mitigation fees also raise at least two concerns. One concern is whether there are good projects that can be executed if mitigation fees are available. In some built-out areas, there may be no viable alternatives close to the project location. Second, there needs to be the organizational capacity and systems to expend the fees in a timely manner. Otherwise, the fees can languish and not provide the mitigation intended.

A common example of how a fee project works is that the permitting agency collects a fee that is calculated to cover the cost of the mitigation project (e.g., land acquisition), the transaction costs, and the management endowment. Approval is granted for the project proponent to proceed. The District will seek an appropriate opportunity (e.g., suitable fee title or easement to purchase or an enhancement opportunity) in response to the mitigation sought. The District creates the project and the permitting agency approves use of the funds.

Timing. There is always a timing issue in fee projects. The project is allowed to proceed although the mitigation is not in place. Although TEAM RCD will work diligently, it is not TEAM RCD's responsibility to ensure that the mitigation conditions required by the agencies are achieved.

For instance, the permitting agency may have required the purchase of a conservation easement on 20 acres of agricultural lands with prime soils. However, adequate funding for 20 acres may not have been collected or changes in land prices between the fee collection and the easement purchase may reduce the acreage that can be purchased. TEAM RCD cannot forego recovery of its expenses to compensate for inadequate acquisition funds.

Process. Another important issue is the process between the District and the permitting agency in preparation and approval of the projects. The project goals and evaluation criteria need to be clearly understood between the two. This will prevent the District from fashioning projects with little chance of approval. However, circumstances unforeseen by the agency staff can arise, such as political pressure against an acquisition. The question of what occurs if the project is not approved ultimately should be addressed as part of the overall process.

On the funding question, the standard costs associated with assuming property or management responsibility (e.g., management in perpetuity, easement defense, administration) needs to be incorporated as part of the fee schedule. Similarly, the District will incur transaction costs in identifying, negotiating, and executing projects, and these costs must also be an approved expense for TEAM RCD to recover.

Mitigation Minimum Payments

The District recognizes that periodically, the TEAM RCD receives requests for assistance with restoration and/or enhancement of areas that are .10-acres in size or less. While these acreages are rather small, there are a number of standard duties that are still required by the regulatory agencies to be performed; these include but are not limited to monitoring, reporting, and site protection tasks. The cost of these standard duties is typically not in proportion to the size of the mitigation area, which has prompted the TEAM RCD to adopt a minimum price schedule for all mitigations less than or equal to the .10-acre threshold. The District's established minimums for mitigation projects are:

Mitigation Assignment	Size	Minimum Cost
Restoration and/or Enhancement	.10-A or less	\$19,000.00
Invasive Vegetation Removal, Maintenance	.10-A or less	\$15,000.00

These costs are minimums, and in no way represent the exact amount that will be charged for individual mitigation inquiries. The TEAM RCD reserves the right to evaluate projects individually in order to formulate realistic cost structures, which may be significantly higher than these figures depending on language present in corresponding permits issued by participating regulatory agencies.

b. Mitigation fees: In-Lieu Fee Program (Through SAWA)

In contrast to ad-hoc mitigation fee, an in-lieu fee program takes a programmatic approach to fees by creating a process in which a fee option is routinely available to project proponents for certain types of mitigation projects. For example, a certain city may say that the conversion of lands with riparian value will have to be mitigated, and that the project proponent can provide a per-acre fee rather than specific mitigation performance.

The amount of the fee is determined by the mitigation required and some amount per unit, such as 1 acre of mitigation required at a rate of \$50,000/acre (SAWA, 2007). However, the specific mitigation project is not determined at the time the fee is collected. For example, an in-lieu fee program may require a project proponent to contribute a per acre amount for each acre of mitigation required plus a percentage for transaction costs (e.g., negotiation, legal, appraisal) and management costs.

c. Mitigation Banks

A bank can be established by for-profit or non-profit organizations and must be approved by the appropriate state and/or federal agencies. It typically requires a considerable up-front expenditure by the organization. Some mitigation banks also involve the creation of new wetlands or habitat where it did not exist previously. Others purchase land with intact resources. A permitting agency can approve the purchase of “credits” by a project proponent in relation to the mitigation requirements. The mitigation bank sells credit to project proponents to capture the acquisition and management costs of a property. The advantages of mitigation banks are that it allows better conservation planning and will focus upon protection of a large area as opposed to small, scattered mitigation sites.

For TEAM RCD, there are several concerns: the District does not have the up-front expenditure required to establish a bank, banks have been overbuilt and underutilized in some counties, and many mitigation banks are created and operated as a business operation by for-profit corporations which might impact TEAM RCD’s identity as a public agency.

Most of these concerns are insurmountable for the District at the present time. Therefore, TEAM RCD will not anticipate creation of mitigation banks for the foreseeable future. If needs or opportunities change, this idea could be reconsidered.

Even without operating a mitigation bank, TEAM RCD may have a role to play. One or more mitigation banks currently exist within the Inland Empire. If the banks are built, the credits may eventually be exhausted and the owner of the bank will look for a local entity to assume ownership for management purposes. TEAM RCD will consider acceptance of such “sold out bank” that meets the District’s mission. The project would have to be gifted to TEAM RCD with the appropriate funding for management in perpetuity. It would be evaluated as any other protection project. Although it would not then be serving to mitigate a proposed project, it was nevertheless rooted in the mitigation process.

d. Legal Settlements

Legal settlements are sometimes made in cases involving damage to the environment or the breaking of environmental laws. The settlements may include punitive damages. The courts determine the amount and parameters for the use of a settlement. On occasion TEAM RCD may receive legal settlements in the form of funds from the District Attorney’s office or the Santa Ana Regional Water Quality Control Board.

TEAM RCD has no ability to influence court decisions, although the District can be prepared to respond to inquiries. For example, TEAM RCD can have its list of possible mitigation projects available (e.g., enhancement projects identified in TEAMRCD’s management plans). TEAM RCD can also self-identify as an entity for receiving such settlements and provide descriptions of its programs, geographic boundaries, expertise and so forth on its website.

As with the other projects, TEAM RCD will have transaction and administrative costs in utilizing legal settlements, and the resulting projects will have perpetual management obligations. These costs should be identified as with any other project. However, it should be clear in any documentation that IERCD is flexible on these points. A court holds authority to shape legal settlement funds, and it may not wish to allow transaction or management costs. In such cases, the District may choose to raise the transaction and management costs from other sources.

- R18: Mitigation fees are a class of mitigation projects that TEAM RCD will consider accepting. Ad-hoc fees, in-lieu fee programs and legal settlements are all eligible for consideration.
- R19: TEAM RCD is willing to explore creation of in-lieu fee programs with permitting agencies but currently the U.S. Army Corps of Engineers is not issuing any new in-lieu fee programs at this time. Any programmatic agreements will be memorialized.
- R20: TEAM RCD does not anticipate creating mitigation banks in the foreseeable future. It will consider ownership of sold-out mitigation banks, and consideration will follow the standard evaluation process as will any other protection project.

Project Evaluation Criteria

IERCD will evaluate each project independently to determine its suitability and viability for acceptance. The particulars of an individual project may necessitate additional factors of evaluation. IERCD has identified the following factors for evaluating projects:

- **IERCD Mission and Priorities-** Does the project further TEAM RCD's mission and priorities?
- **Funding-** Is there adequate funding for all immediate and perpetual costs of the mitigation project?
- **Expertise-** Does the District have the knowledge to work with the project proponent, evaluate, and manage the property effectively? Does the proposed mitigation project require additional staff and/or specialized knowledge or expertise?
- **Existing Plan-** Does the property fall within an existing District plan or is it an area identified by IERCD as high conservation priority? Is the property in an area identified by another conservation organization as high conservation priority?
- **Consistency with Existing Requirements-** Is the mitigation project consistent with the land requirements, obligations to donors, contract terms, and management regimes for the property. (This is primarily applicable to enhancement projects).
- **Other Values-** Does the project have other conservation values not associated with the mitigation requirements, but which TEAM RCD values, such as increasing public awareness to conservation issues.
- **Due Diligence-** Are any problems discovered during the due diligence process, such as hazardous materials?
- **Project size-** Is the property sufficiently large to achieve its purposes? Does the size impose disproportionate management costs? Small properties can have very significant conservation values, such as riparian corridors or properties that buffer riparian corridors. However, as a general class, small properties are less likely to be biologically or agriculturally viable, and tend to require proportionally greater management expenses.
- **Contiguity-** Is the project adjacent to a property already protected by TEAM RCD or by another conservation entity? Properties that are contiguous with other protected properties are of higher conservation value because they can function as part of a larger protected landscape. Also, projects that have lands adjacent that could potentially be protected by TEAM RCD are also of high value.
- **Manageability-** Will the property require management efficiencies?

- **Surrounding Land Uses-** Are the surrounding land uses compatible with the project's conservation purposes? Are other surrounding land uses foreseeable (e.g., residential subdivision)? Will the current or future land uses negatively impact the property or increase management costs dramatically?
- **Landowner Relations-** Does the current landowner understand and support TEAM RCD's stewardship responsibilities (in the case of a conservation easement)?

Special Criteria. For properties that already have some form of protection, but which the holding entity may seek to assign TEAM RCD, the following factors will also be considered:

- **Priority-** Is the property a high priority in terms of carrying out TEAM RCD's mission?
- **Justification-** Does the additional increment of improved protection or management justify the transfer?
- **Funds for Transfer-** Is there sufficient funding for the costs of management in perpetuity? (In many cases, the other entity may not have secured adequate funds originally).
- **Regional Concern –** Is it advancing protection of a particular habitat type(s) or resource of concern in the county?
- **Existing Documentation-** Does the documentation meet TEAM RCD standards, such as the terms of a conservation easement or the existence of a baseline document?
 - R21: TEAM RCD will evaluate each project individually to determine its suitability and viability for acceptance. TEAM RCD will utilize a set of evaluation criteria and any additional factors necessitated by the particulars of the project. The board of directors has the right to not accept a conservation easement.

Decision Making Process

Mitigation projects will have a wide variety of elements and time frames. Project proponents will also need to know what TEAM RCD's process is for evaluation and decision-making.

TEAM RCD's general process for mitigation projects is for the board of directors to adopt the general process, criteria and routine fees. Relying upon this policy direction, the District staff will (1) evaluate individual projects and make recommendations to the full board, and (2) annually review the mitigation program and fees and make recommendations to the board as needed. Staff will prepare the screening reports and project portfolio, and work with the mitigation committee and board of directors to secure decisions and execute implementation.

The decision-making process consists of three phases with six steps. TEAM RCD will follow the specific steps to consider any proposed mitigation projects. These steps are:

1. **Staff receives initial inquiry and project proponent submits application.** A project proponent will contact TEAM RCD about its willingness and process to accept mitigation projects. Staff will send an application packet to the project proponent. Staff will spend a minimum of time on the phone or in meetings in advance of the project proponent reviewing the packet or submitting an application.

Any entity can submit an application to the District. Projects clearly inconsistent with TEAM RCD's mission and evaluation criteria for mitigation projects may be advised about the low chance of success. For the application to be reviewed, several items must be received by TEAM RCD: a complete application form with appropriate submission of permits, application fee and signed agreement.

2. **Application Review.** TEAM RCD staff will review each application that is submitted, with the required information and application fee. As needed, staff will seek additional information from the project proponent, permitting agency(s) or others. Staff will confirm the project is ripe for consideration, i.e., the mitigation requirements have been

determined by the permitting agency. Staff will prepare a Screening Checklist that includes the information from the project proponents as well any other pertinent information collected by staff.

3. **Screening Decision by District Staff.** Using the information provided and TEAM RCD's criteria for mitigation projects, staff will review the screening checklist. The staff will approve or deny the application.

Approval of the application means the TEAM RCD will work with the project proponent to further consider the project, collect more information, participate in preparation of the project (e.g., easement drafting), and evaluation. A denial of the application means that TEAM RCD is not interested in participating in any further evaluation of the project.

If the project is accepted for further consideration, the project proponent will be notified. Staff will determine whether to classify it as a "major" or a "minor" project based on the definitions from appendix A of this document. A work agreement and estimate will be provided to the project proponent with a request for a deposit to begin the next phase. If the project is denied, the project proponent is notified.

If a project is accepted at this stage, there is a strong likelihood that it will ultimately be accepted by TEAM RCD. However, it is important to understand that TEAM RCD provides no guarantee. A project may appear to meet all of TEAM RCD's criteria at the outset. As it is fashioned by the project proponent and evaluated by TEAM RCD, changes may occur or decisions made that substantively affect the project. For example, if an easement is to be assigned, the easement document may have terms that are unacceptable to TEAM RCD, or sufficient funding for a management endowment is not available. TEAM RCD will work with the project proponent diligently and in good faith to find a way for a mitigation project to be accepted.

4. **Project Portfolio is Prepared.** For projects that pass the screening, the project proponent will demonstrate its willingness to move forward with TEAM RCD by submitting a written agreement and deposit to TEAM RCD. Upon receipt of these two items, TEAM RCD will begin working with the project proponent and permitting agency to create a Project Portfolio.

If it is a protection project, the specific properties will be identified, legal documents drafted, perpetual management costs calculated, and so forth. For enhancement projects, a detailed project design plan will be prepared (usually by the project proponent's consultants), locations and suitable contractors identified, and so forth.

The Project Portfolio will be reviewed by the permitting agency (s) to identify any potential problems and receive their approval. The goal is to complete all the necessary work so that if TEAM RCD accepts the project, implementation can begin immediately.

Staff will prepare the Project Portfolio, although the project proponent or the agency may provide various pieces of it. Staff will seek the information it requires for analysis and preparation of the project. It may consult with the mitigation committee or the board, as needed, as well as contracting for needed professional services (e.g., attorney, ecologist).

5. **Final Decision by Board of Directors.** The Board may accept or reject the recommendation of the mitigation committee and District Staff, it may request additional information before making a decision, it may provisionally approve a project subject to specific directives, or it may undertake a detailed review of the proposed project.

Staff will notify the project proponent of the Board's decision. If more information is needed from the project proponent, it will be collected and conveyed to the Board for a final decision. If the project is provisionally approved, staff will initiate steps to satisfy the board's directives, such as further negotiations. If the project is rejected, TEAM RCD will provide a final accounting of its services along with a refund of any unused amount of the deposit.

6. **Mitigation Project Execution.** Once the project has been approved, the agreement between the project proponent and TEAM RCD will be executed. The project proponent will provide funding to TEAM RCD according to the agreed upon timeline. Property interests can be executed and conveyed to TEAM RCD. If applicable, contractors will be hired. Work can begin on any enhancement projects, and upon capital improvement or management tasks for protection projects. Finally, TEAM RCD will be the last signature on the documents but the TEAM RCD will not sign the conservation easement or mitigation agreement until final dispersal of all funds.

This three phase, six-step process may seem clear and distinct. However, some projects will present unusual circumstances or needs that will require a different process. TEAM RCD reserves the right to vary its process if needed.

TEAM RCD will establish its mitigation program and complete several projects through the regular decision-making process before implementing any expedited processes.

- R22: TEAM RCD will undertake a three-phase decision-making process (1) screening, (2) preparation and evaluation, and (3) execution. Six specific steps are identified in this process and key decision come at the end of steps three and five.
- R23: The Mitigation Committee and District staff can make recommendations to the Board at any point. It is anticipated that in the typical project, the staff will approve or reject projects at the end of step three, and that the staff will make a recommendation on project acceptance for the Board of Director's decision in step five.

Funding

The creation and perpetual management of mitigation projects require funding. The costs of an individual project will vary according to the specifics of each project. Each type of project has a set of costs associated with it. The variation will be considerable between different types of projects.

TEAM RCD will have two basic fees for reviewing and evaluating projects: an application fee and a fee for preparation and evaluation of a project. The fees fund the time and expenses of TEAM RCD to work on the proposed mitigation projects. They will be reviewed regularly by TEAM RCD and revised as needed.

Beyond the fees, a set of costs associated with the execution and perpetual management of mitigation project will be identified. The costs for project implementation and perpetual management of the project will be calculated for each project. Projects will vary considerably, and not all costs can be identified in advance.

The following types of costs will be typical and can be anticipated:

Project Screening. TEAM RCD must screen each project to determine if it appears to be worth further preparation and evaluation, and whether it has a reasonable chance of final acceptance by the district. TEAM RCD will provide an application form and information about TEAM RCD

mitigation program to any interested party. Upon receipt of the application form and fee, TEAM RCD will review the project to determine if it passes the screening.

1. **Preparation and evaluation of mitigation project.** TEAM RCD will work with the project proponent and the permitting agency to prepare a project portfolio for TEAM RCD's evaluation. TEAM RCD final decision about acceptance of the project will be based upon the portfolio. A deposit from the project proponent will be required to begin this phase. TEAM RCD will Charge a billing rate for its work on the project against the deposit. If the project requires more work or additional expertise than the deposit would support additional funds will be requested. If the project is accepted before the initial deposit is exhausted, the balance will be applied to the overall endowment fee.
2. **Acquisition costs.** Protection projects require the purchase, assignment or granting of fee title lands or conservation easements. In cases of purchase and depending upon the project design, the project proponent may provide funds to TEAM RCD for the purchase or buy the land/easement itself. Acquisition costs will often include legal, appraisal, assessment (e.g., baseline documentation) and other expenses. TEAM RCD can provide figures to project proponents of typical land and easement costs for different parts of the county or types of land (e.g., vernal pool).
3. **One time or capital improvement costs.** Protection projects are likely to have certain costs beyond acquisition. These one time costs may be of several types. One, they may be related to assessment and management of the property. Examples may include preparation of baseline documents or management plans, or a one-time acceptance fee for accepting a conservation easement. Two, they may be expenses related to establishing proper management of the property and realization of conservation values, such as signage, removal of structures, construction of fencing or public use facilities. Management may also require specialized equipment or contribution to equipment purchases. Three, one-time expenses may be for enhancement of the property's natural resources, such as erosion control or removal of invasive non-native vegetation. (Depending upon the particulars of the mitigation project, these costs can also be recurring and so may be included in long-term management funds).
4. **Management and stewardship in perpetuity.** TEAM RCD will assume responsibility for the management of land and stewardship of conservation easements in perpetuity. These costs will occur each year in perpetuity. To meet these obligations, TEAM RCD will require funds that can be invested to generate an annual income to support the perpetual management and stewardship of the property. TEAM RCD will calculate the likely annual costs, figure a reasonable rate of return, and include a small amount whose income can be reinvested to maintain the purchasing power of the fund.
5. **Easement defense.** Conservation easements will occasionally require legal proceedings to defend or enforce the terms. When mitigation projects include a conservation easement, funds for easement defense will be required.
6. **Enhancement element.** The focus of an enhancement project is the tasks that are necessary to enhance the natural resources and/or natural functions of the property. The costs will vary widely depending upon the nature of the project. Projects can include planting/seeding, grading, fencing, bank stabilization, vegetation removal, stock pond enlargement, construction and so forth. The scope of the projects may be very sophisticated restoration of habitat that has been substantially degraded or destroyed, or it may be projects more akin to management to ensure the continued viability of a habitat type of species. In many cases, the project proponent may contract with a consulting firm to create an enhancement plan. In all cases, TEAM RCD reserves the right to approve the contractor, the enhancement plan, and to hire, if necessary, professional services to

review the plan. If TEAM RCD does not perform the work itself, it will still require resources to monitor progress and completion of the project.

7. **Short – term management.** It is expected that enhancement projects will be occurring on lands which TEAM RCD holds fee title or a conservation easement.. Enhancement projects will often require additional management for a short period (e.g., five to seven years) to ensure their success. For example, newly planted vegetation may require monitoring until established, monitoring of riparian enhancements through the first few seasons of precipitation to ensure that the enhancements perform as intended, or monitoring of areas where invasive non-native species were removed to eliminate new recruits. Contractors may perform the work, although it may be expected that TEAM RCD will undertake the short-term management.

Some projects may not perform as designed. To assure the necessary resources are available to respond to problems, TEAM RCD may require the project proponent to provide a remediation plan as part of the mitigation project's design or contingency resources. Construction bonds are often used, but they are not readily usable (can be difficult to cash and use). An alternative is for the project proponent to set aside a contingency amount into a Certificate of Deposit that the permitting agency holds authority to release. After the short-term management period ends, the contingency resources are released back to the project proponent.

8. **Other Costs.** TEAM RCD will incur other costs in relation to accepting and managing mitigation projects. For example, TEAM RCD must maintain adequate insurance to cover its liability both for its employees and volunteers, as well as for the general public that may visit the property (legally or not).

It should be noted these costs are only for TEAM RCD. The permitting authority may impose additional costs upon the project proponent in relation to a mitigation project. For example, projects that mitigate for the loss of wildlife may include a component of performing species counts or other tasks to monitor the effectiveness of the project. Depending upon the nature of the requirements, the project proponent may contract with TEAM RCD or a professional firm for such services.

- R24: TEAM RCD will establish specific fees and billing rates for mitigation program. The fees and rates will be regularly reviewed and adjustments made as needed.
- R25: The two primary costs to a project proponent before TEAM RCD makes a final decision on project acceptance is (1) a one-time, non refundable fee that accompanies the application before any screening of the project can occur and (2) a deposit for work to be performed in the preparation and evaluation phase by TEAM RCD and/or its sub-contractors.
- R26: The project proponent will also be required to fund the full costs of the mitigation project. The amount will be determined by the particulars of the project.

3. Program Implementation

There are a number of actions TEAM RCD will need to undertake to implement the program. These can be organized in the following way:

1. Staffing and Organizational Requirements
2. Management of Financial Resources
3. Participation, Outreach and Education
4. Preparation of Model Easements

5. Preparation of Enhancement Opportunities

1. STAFFING AND ORGANIZATIONAL REQUIREMENTS

Undertaking a mitigation program will require increased personnel resources and some organizational changes. Types and levels of personnel resources will grow and change from time-to-time as TEAM RCD's portfolio of mitigation projects grows.

Personnel Resources

To carry out the work of the program, TEAM RCD will need personnel resources to meet at least four types of expertise and knowledge: (1) program management, (2) land management, (3) ecological restoration, and (4) legal. The first can be an TEAM RCD employee or a contractor to manage the program. This person will work with project proponents and agencies, collect information and evaluate projects, identify and supervise any necessary consultants, and coordinate the organization's decision-making (e.g., board of directors and mitigation committee). Based on the level of mitigation inquiries and projects the TEAM RCD is already receiving, a full-time staff person or contractor could be supported now, and the position is expected to quickly grow into a full time position. This position will require considerable knowledge and communication skills. Ideally, the person will be knowledgeable and experienced in ecology and restoration, should have experience in budgeting and forecasting costs, as well as enough knowledge to review and understand policy, regulatory processes and legal agreements. The program manager will need good communication and negotiation skills.

Additional land management staff will inevitably be needed. Land Managers, experienced in land and natural resource management, will likely be necessary. The particular configuration of staffing resources in this area will be determined by regularly reviewing the needs of the mitigation properties.

Third, most projects are likely to require some additional professional expertise, such as restoration ecologists and attorneys. For example, attorneys will be needed to draft and/or review property deeds, conservation easements, contracts, and other legal agreements; restoration ecologists will be needed to either design restoration projects or review the plans prepared by the project proponent's consultants. The program manager would determine the expertise needed for any individual project, and hire the appropriate professionals on a contract basis.

Board and Committee Roles

TEAM RCD will also need to consider the additional workload that the mitigation program will place on the board of directors. The board will have additional matters of policy and programs to consider. For example, the board will identify the policies to guide the implementation and management of the mitigation program, and it will need to review fees and outreach materials for the program, as well as any programmatic agreements with permitting agencies. Additionally, the mitigation program also requires board approval of each project. The board may choose to carefully understand the particulars of each project.

The proposed responsibilities of the mitigation committee would include:

- When needed, working with staff throughout the process of screening, preparing and evaluating mitigation projects.
- Regularly reviewing the overall mitigation program, including fees, personnel resources, and communication strategies and materials. Make recommendations for board action as needed.
- Consider programmatic agreements with agencies, such as in-lieu fee programs or agreement on model conservation easements.

- Design future components of TEAM RCD's mitigation program, such as streamlined decision-making process for some types of projects.

It is useful for staff to have a sounding board to discuss some of the more questionable or controversial projects or project elements. The staff will sometimes be faced with decisions that require a very rapid response to which committee members can respond. On the other hand, a committee can require considerable time and attention by the staff. It is recommended, therefore, that the mitigation committee consists of three board members designated for immediate and ongoing contact by staff.

- R27: TEAM RCD will immediately dedicate a full-time staff or contract position to the mitigation program.
- R28: As TEAM RCD's mitigation program changes, the need for personnel resources will be regularly reviewed and evaluated.
- R29: The Mitigation Committee will be created as a standing committee of the TEAM RCD board to provide oversight of, and direction to, the mitigation program. A scope of authority and specific duties will be identified. It will remain small to minimize staff management time and to provide ready availability to staff.

2. MANAGEMENT OF FINANCIAL RESOURCES

Financial Management

Several issues arise in the area of managing the financial resources that will accompany the mitigation projects. First, the District has evaluated its financial and accounting systems to ensure that distinct and detailed records (including timesheets) can be maintained for each mitigation project. The District uses Microsoft Access to track staff hours and also uses Quickbooks, Job Costing for the accounting records. The one time costs for each project will need to be tracked separately.

It will be critical that TEAM RCD use systems that facilitate the incorporation of all expenses associated with the mitigation programs and the District's billing rate for personnel into project costs. For example, the mitigation program will be using office space, equipment, telephone, fax, internet, supplies, and reception and accounting services.

Considerable time can be required to manage the various consultants to a project. Without careful attention, it will be easy for the organization to slip into a position of providing indirect support for the projects.

Endowment Issues

Another set of issues arises for the funds collected for management and stewardship in perpetuity. These issues are more complex and difficult to resolve. For the properties and easements that come through the mitigation program, TEAM RCD would prefer to create sub-accounts for individual mitigations.

However, difficulties can arise from the permitting agencies. Some agencies want the "endowment" for each mitigation project held and managed separately. More problematically for TEAM RCD, some will want to hold the endowments themselves and reimburse TEAM RCD on a periodic basis for its costs. Unfortunately, this system is not responsive to the realities of land management nor has its implementation for other non-profits worked well. It also implicitly gives the agency final authority about management, stewardship and legal defense long after the mitigation has been implemented- TEAM RCD is left with responsibility for the lands and

easements but without the assured authority to act. TEAM RCD will not accept the mitigation project unless endowment funds are paid up front.

Investment Policy

Finally, TEAM RCD needs to create and/or review its applicable investment policy and strategy for management of the funds. The agencies may want to review the policy(s) and some may want to approve it. Project proponents may be interested as well.

- R30: TEAM RCD will evaluate its current financial and accounting systems, and establish the appropriate systems for creating and maintaining sufficiently detailed records for each mitigation project.
- R31: TEAM RCD will ordinarily deposit mitigation funds into the Local Agency Investment Fund (LAIF).
- R32: TEAM RCD will prepare and adopt an investment and management policy for mitigation-related funds.

3. PARTICIPATION, OUTREACH AND EDUCATION

Participation

The mitigation program requires that TEAM RCD build relationships with organizations with whom it has limited or no contact and to interact in new areas. The obvious example is to begin and maintain relationships with permitting agencies. These agencies exist at a local, regional, state and federal level. TEAM RCD will need to become knowledgeable about the law, regulation and processes of the agencies, and in turn, educate them about TEAM RCD's program and process. From the agency perspective, it wants to see the lands and resources protected or enhanced. TEAM RCD is assuming a responsibility that the agency would often rather not have. The basis exists for cooperative relationships to be built.

Similarly, TEAM RCD will have to participate in deliberations and planning processes that affect how its mitigation is structured and implemented. To the extent practical, TEAM RCD will want to provide information and comment to increase the likelihood that the requirements are informed by TEAM RCD's practices and policies.

Outreach and Education

As noted at the beginning of this report, undertaking a mitigation program can have repercussions for the District's identity. It is important that TEAM RCD take the initiative in communicating its program, role in the process, and rationale for accepting mitigation projects. The audiences include:

- Permitting agencies- At its most basic, the focus is to educate the agencies about TEAM RCD's program: what types of mitigation projects it will consider, its funding requirements, process and timeline, and the point at which TEAM RCD will become involved. At best, the communication with the agency can grow to include programmatic agreements, agency approval of TEAM RCD's model conservation easements, two-way communication about quality and design of projects, and so forth. TEAM RCD will prepare written materials for this group, but should also seek communication opportunities about the program. Note: The TEAM RCD will begin with the U.S. Army Corps of Engineers conservation easement language template when drafting easement language.
- Project proponents- Much like the agencies above, TEAM RCD needs to describe its program in detail. Model agreements, spreadsheets with possible costs, and examples of project design will help the project proponent respond to TEAM RCD's required information and increase the likelihood of acceptable projects. Clear and concise

information will help to reduce the costs of preparing and evaluating projects. Much of this communication will be in written form.

It is not unusual for project proponents to come to TEAM RCD with legal documents already drafted. TEAM RCD will encourage project proponents to consult early in the process with the District. Active outreach and information about TEAM RCD's model documents can also inform project proponents of their existence and increase the likelihood that the model documents will be used.

- District friends, supporters and landowners- The purpose of communication with these audiences is to protect the district's identity and credibility among these key stakeholders. TEAM RCD will want to explain the District's rationale for accepting mitigation projects, its role in the process, and the steps it is taking to assure successful projects.
 - R33: TEAM RCD will build and maintain relationships with permitting agencies.
 - R34: Whenever possible, TEAM RCD will participate in all known development or construction project planning that could affect its mitigation program.
 - R35: TEAM RCD will take the initiative in communicating the mitigation program to permitting agencies, project proponents, and TEAM RCD friends, supporters and landowners.
 - R36: Communication strategies will include written materials (e.g., brochures, newsletter articles) and meetings or presentations. The strategy for each audience will vary; for some audiences, for example, a website posting may be sufficient.

4. PREPARATION OF MODEL EASEMENTS

It will be tremendously advantageous for the District to invest in the creation of model easements for the mitigation program.

The District can consider creation of a model easement for conservation easements whose primary purpose is habitat protection. This is the type of mitigation project for which the District is already experiencing a significant demand. To streamline and expedite the process of creating a model easement, TEAM RCD could begin with an easement from a permitting agency, such as California Department of Fish and Game, and modify it to address TEAM RCD's concerns and preferences. Then it would work with the agency to consider whether it can receive preliminary approval. While the agency will still want to review and approve each easement, it can expedite the process by having pre-approval of the terms and issues that arise with all or nearly all easements. At a minimum, TEAM RCD will inform the permitting agencies and project proponents about the model easement that currently exists.

- R37: TEAM RCD will promote the use of its model easements for mitigation projects.
- R38: TEAM RCD will create a model easement for habitat purposes and employ it several times to refine it. Then IERCD can work with permitting agencies to secure general approval of the model to expedite future projects.

5. PREPARATION OF ENHANCEMENT OPPORTUNITIES

As discussed above in the enhancement section, the District will identify a list of enhancement opportunities on the lands within the District boundaries, including lands that the District holds conservation easements or fee title. This will be done as part of the preparation or update of management plans. The lists will need to be reviewed periodically.

Identifying enhancement opportunities is highly recommended for the District. One, it will help ensure that the District doesn't "chase the dollars" in terms of what project proponents want to do. Two, it will also help TEAM RCD sort through the relative priorities of the various enhancement opportunities that exist, and to direct mitigation projects to those of highest priority and/or best suited.

4. Recommendations

A Series of recommendations have been made throughout the report and they are collected in this section for ease of review. Before the complete list, however, a shorter list is offered of those items that require immediate action for creation of the mitigation program.

PRIORITY ACTIONS

- R1: TEAM RCD is creating a mitigation program and will undertake the necessary actions to implement and maintain it.
- R24: TEAM RCD will establish specific fees and billing rates for the mitigation program. The fees and rates will be regularly reviewed and adjustments made as needed.
- R27: TEAM RCD will immediately dedicate a full-time staff or contract position to the mitigation program.
- R29: The Mitigation Committee will be created as a standing committee of the TEAM RCD board to provide oversight of, and direction to, the mitigation program. A scope of authority and specific duties will be identified. It will remain small to minimize staff management time and to provide ready availability to staff.
- R30: TEAM RCD will evaluate its current financial and accounting systems, and establish the appropriate systems for creating and maintaining sufficiently detailed records for each mitigation project.
- R31: TEAM RCD will deposit mitigation funds Into the Local Agency Investment Fund (LAIF).
- R32: TEAM RCD will prepare and adopt an investment and management policy for mitigation-related funds.
- R34: Whenever possible, TEAM RCD will participate in all known development or construction project planning that could affect its mitigation program.
- R35: TEAM RCD will take the initiative in communicating the mitigation program to permitting agencies, project proponents, and TEAM RCD friends, supporters and landowners.

ALL RECOMMENDATIONS

- R1: TEAM RCD is creating a mitigation program and will undertake the necessary action to implement and maintain it.
- R2: TEAM RCD will consider and accept mitigation projects that meet its mission, goals and perpetual funding requirements, and which pass screening and evaluation processes.
- R3: TEAM RCD substantive involvement in mitigation projects will not begin until the permitting agency has determined that mitigation is required and the type and amount of mitigation.
- R4: TEAM RCD will individually evaluate each proposed project according to TEAM RCD's evaluation criteria, and will make a decision regarding its acceptance.
- R5: TEAM RCD will identify the project types and sub-types of which it will consider acceptance in order to guide the screening and evaluation processes.
- R6: Protection projects are a class of mitigation projects that TEAM RCD will consider accepting. Fee title and conservation easement are eligible. Land or easements already held by another entity will be considered but are subject to additional evaluation criteria.
- R7: Protection projects must be in perpetuity.
- R8: TEAM RCD will identify priority areas based upon its existing goals and plans.
- R9: Enhancement projects are a class of mitigation projects the TEAM RCD will consider accepting. Enhancement, restoration and rehabilitation projects are eligible for consideration.
- R10: Creation projects are also eligible for consideration although complex projects may require additional evaluation time or criteria. TEAM RCD will also consider management and ownership of creation projects after they have been successfully created and stabilized.
- R11: Enhancement or restoration projects on lands held by other organizations are a low priority for TEAM RCD but can be considered.
- R12: Management plans will be prepared for (1) TEAM RCD exiting properties, and (2) any new mitigation properties accepted. New properties must include funding for a management plan.
- R13: Each management plan will include identification of enhancement and restoration opportunities for the property. TEAM RCD will review the plans periodically.
- R14: As resources and priorities allow, TEAM RCD may create a list of enhancement needs on properties on which the district holds a conservation easement. TEAM RCD may also consider creating a list of non-protected properties where the landowner may be interested in mitigation opportunities.
- R15: Project proponents will be encouraged to propose projects that are consistent with needs identified in management plans.

- R16: Mixed projects are a class of migration projects that TEAM RCD will consider accepting.
- R17: Each component of mixed project (i.e., protection, enhancement) will be evaluated according to the evaluation criteria for that component.
- R18: Mitigation fees are a class of mitigation projects that TEAM RCD will consider accepting. Ad-hoc fees, in-lieu, fee programs and legal settlements are all eligible for consideration.
- R19: TEAM RCD is willing to explore creation of in-lieu fee programs with permitting agencies. Any programmatic agreements will be memorialized.
- R20: TEAM RCD does not anticipate creating mitigation banks in the foreseeable future. It will consider ownership of sold-out mitigation banks, and evaluation process as any other protection project.
- R21: TEAM RCD will evaluate each project individually to determine its suitability and viability for acceptance. TEAM RCD will utilize a set of evaluation criteria and any additional factors necessitated by the particulars of the projects.
- R22: TEAM RCD will undertake a three-phase decision-making process of (1) screening, (2) Preparation and evaluation, and (3) execution. Seven specific steps are identified in this process and key decisions come at the end of steps three and five.
- R23: The Mitigation Committee and District staff can make recommendations to the Board at any point. It is anticipated that in the typical project, the staff will approve or reject projects at the end of step three, and that the staff will make a recommendation on project acceptance for the Board of Directors' decision in step six.
- R24: TEAM RCD will establish specific fees and billing rates for the mitigation program. The fees and rates will be regularly reviewed and adjustments made as needed.
- R25: The two primary costs to a project proponent before TEAM RCD makes a final decision on project acceptance are (1) a one-time, non-refundable fee that accompanies the application before any screening of the project can occur, and (2) a deposit for work to be performed in the preparation and evaluation phase by TEAM RCD and/or its sub-contractors.
- R26: The project proponent will also be required to fund the full costs of the mitigation project. The amount will be determined by the particulars of the project.
- R27: TEAM RCD will dedicate a full-time staff or contract position to the mitigation program.
- R28: As TEAM RCD's mitigation program changes, the need for personnel resources will be regularly reviewed and evaluated.
- R29: The Mitigation Committee will be created as a standing committee of the TEAM RCD board to provide oversight of, and direction to, the mitigation program. A scope of authority and specific duties will be identified.
- R30: TEAM RCD will evaluate its current financial and accounting systems, and establish the appropriate system for creating and maintaining sufficiently detailed records for each mitigation project.

- R31: TEA, RCD will deposit mitigation funds into the Local Agency Investment Fund (LAIF).
 - R32: TEAM RCD will prepare and adopt an investment and management policy for mitigation-related funds.
 - R33: TEAM RCD will build and maintain relationships with permitting agencies.
 - R34: Whenever possible, TEAM RCD will participate in all known development or construction project planning that could affect its mitigation program.
 - R35: TEAM RCD will take the initiative in communicating the mitigation program to permitting agencies, project proponents, and TEAM RCD friends, supporters and landowners.
 - R36: Communication strategies will include written materials (e.g., brochures newsletter articles) and meetings or presentations. The strategy for each audience will vary; for some audiences, for example, a website posting may be sufficient.
 - R37: TEAM RCD will promote the use of its model easement for mitigation projects.
- R38: TEAM RCD will create a model easement for habitat purposes and employ it several times to refine it while working with the regulatory agencies.

➤ APPENDIX A GLOSSARY OF TERMS

Baseline document- A document which describes the feature and conditions of property to which a conservation easement has been conveyed. It usually includes written text, maps and photographs. In the event of a violation, it is used to prove the features or conditions that were present at the time the easement was created.

Capital costs- In the context of conservation and land management, capital costs are costs are those expenditures for land or easement acquisition, for the construction of major improvements, such as fencing, interpretive centers, roads, and so forth. They are often, but not necessary, one-time costs.

Conservation easement- Under California state law, a conservation easement “means any limitation in a deed, will or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested or open-space condition.” A conservation easement is described in a record and is perpetual in duration. It can only be acquired and held by a tax-exempt nonprofit organization qualified as a 501(c) 3 by the Internal Revenue Code, or by a public agency. See California Civil Code Section 815.

Although conservation easement is the term most often utilized, in California, a local government entity “cannot condition the issuance of an entitlement for use on the applicant’s granting of a conservation easement pursuant” to Civil code Section 815. An easement created in this condition is an “open space easement” and is governed by California Government Code Section 51070-51097. They are recorded, and can be in perpetuity or for a term of years.

Easement Stewardship- The national standards and practices for districts identify a number of

practices and resources that are necessary for the proper stewardship of conservation easements. This includes the preparation of a baseline document at the time of easement creation, regular monitoring, maintaining contact with landowners, enforcing easement terms when they are violated, and building an adequate source of funds for the perpetual monitoring and enforcement.

Endowment (or stewardship fund)- The perpetual ownership, management and stewardship of land and easements require funding. The only practical way to provide this funding – long past when any particular individuals and companies may exist – is to create an endowment. An endowment is a fund in which a sum is deposited of an amount sufficient which is conservatively invested to produce an annual income that is used to fund the costs of ownership and management and stewardship.

Enforcement – A district will have to enforce its ownership rights from time to time. On fee title lands, it may need to act against a trespasser, for instance. It is expected, however, that enforcement will be more common with conservation easements. A district has to enforce any violations to the purpose and terms of the easement. It may also be sued by a landowner and be forced to defend the easement.

Fee title- The most complete set of rights to a property, including the rights to occupy and to develop or convert it.

Land Management- Like any private landowner, a district assumes the full costs and duties of land ownership when it owns land. All of the responsibilities and activities are commonly referred to as land management. It includes a wide variety of responsibilities and activities, such as maintenance of all improvements (structures, roads, fences), prevention or cure of erosion, care of resources on the property, prescribed burning (if appropriate), removal of exotic invasive vegetation and animals, payment of taxes and insurance, and so forth. A district may also contract to perform land management of property with conservation values that are held by another nonprofit or public agency; in such cases it does not assume all responsibilities of ownership, such as taxes or insurance.

Land trust- A private, nonprofit conservation organization formed to directly protect land through the acquisition of land and interests in land with any variety of conservation and natural resources. The acquisition may occur by purchase, donation, or may be conveyed to satisfy mitigation requirements imposed by permitting agencies.

Major Project: Any mitigation involving the acquisition of a conservation easement, either directly by TEAM RCD or indirectly via another organization, for the purposes of protecting and preserving natural, scenic, historic, and/or cultural resources.

Minor Project: Any mitigation involving the enhancement of habitat, including the reestablishment or restoration of like habitat in exchange for the impact on natural resources as a result of development. Also includes mitigations involving fees paid by the project proponent in the form of ad-hoc fees, in-lieu fees, mitigation banks, or even legal settlements.

Mitigation ratio- Permitting agencies will often identify the ration of mitigation that is required based upon the impacts of a project. It may be based upon acreage or upon replacing the impacted functions. For example, a mitigation ratio may be that three acres of farmland must be preserved to mitigate for every acre of farmland that is converted to a non-agricultural use. The ratio may exceed one-to-one in order to ensure that there is no net loss of the natural resources of concern, that the ecosystem processes will be functional, and to allow an adequate margin of safety to reflect anticipated success. The ratio may also be less than one-to-one where the functions associated with the area being impacted are demonstrably low and the replacement area of higher function. This may also be referred to as “functional replacement”.

Model easement- A model easement is a document that describes the terms and conditions of conveying a conservation easement, but which is in a general form and can be tailored to the particulars of an individual easement. It includes the standard terms acceptable to the District or public agency that created it.

Monitoring- The holder of a conservation easement has a responsibility to regularly inspect the property to identify any violations of the easement purpose and terms that may exist. Easement holders may lose their rights under the easement, in whole or part, if violations are unchallenged. The inspection is often called monitoring, and at least annual monitoring is the recommended practice for Districts. Each monitoring visit is recorded in a written form and often with photo documentation. In addition to identifying violations, another important reason to monitor is to build and maintain communication with the landowner.

Permitting agency- A federal, state, regional, or local public agency with holds authority to grant permits for various activities and can require mitigation to compensate for the loss, degradation or impact of the proposed activity. Examples include the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the County of Solano.

Successor Landowner- Because conservation easements run in perpetuity, the owner of the underlying fee title to a conservation easement will change periodically. The landowner who sells or grants the conservation easement is commonly referred to as the “original landowner” or “original donor” by districts. All subsequent landowners are often referred to as “successor landowners”. The research to date suggests that serious violations are far more likely with successor landowners than with the original landowner.

APPENDIX B

PROCESS FOR PROJECT TYPES

Below are descriptions of general processes that can be expected for different types of projects.

Protection Projects- Fee Title

- TEAM RCD identifies priority areas based upon its existing goals and plans. To the extent feasible, project proponents are encouraged to identify properties in these areas. TEAM RCD will also consider properties in other areas if the project proponent already owns the property or if the permitting agency requires the mitigation to occur in locales other than TEAM RCD's priority areas.
- TEAM RCD will work with the project proponent to gather the necessary information for the District evaluation.
- A decision is made regarding the acceptance of the mitigation project.

Protection Projects – Conservation Easement

- TEAM RCD drafts a model easement(s) for use by project proponents and permitting agency.
- If appropriate, TEAM RCD identifies areas for suitable easements.
- TEAM RCD, project proponent and/or landowner negotiate terms of easement.
- If not included in the previous step, TEAM RCD meets with landowner, discusses easement and explains stewardship elements.

- TEAM RCD reviews easement document.
- All key parties- TEAM RCD, permitting agency, project proponent, and the landowner- agree upon a final draft of the conservation easement.
- TEAM RCD evaluates acceptance of project.

Enhancement Projects

TEAM RCD will review enhancement plans prepared by the project proponent or permitting agency. Depending upon the particulars of the project, TEAM RCD staff may be involved in project design.

- TEAM RCD must approve the design of, and modifications to, the project.
- In many cases, qualified individuals other than TEAM RCD staff will implement enhancement and restoration projects with oversight by TEAM RCD staff, such as consultants. Other qualified individuals or TEAM RCD staff may also carry out management improvements. TEAM RCD must approve any proposed subcontractors.
- Monitoring to meet permitting agency requirements (e.g., species counts for the first five years of the project) will be the responsibility of the project proponent and/or permitting agency. TEAM RCD staff may be involved in conducting the mitigation, but this will vary, of course, based upon the particular features of a project.
- The project proponent must provide funding to cover TEAM RCD's costs for any special expertise to evaluate the project design, monitoring the project during the course of the enhancement actions and contingency funds in the event that problems arise.
- Final approval by the permitting agency of the completed project remains the responsibility of the project proponent.

Mixed Projects

- The District will distinguish the protection and enhancement elements and evaluate each according to the typical process for that type of project.

Ad-Hoc Mitigation Fees

- TEAM RCD prepares and executes agreement with project proponent and/or permitting agency that describes the project.
- The fees are paid directly to the District, to the permitting agency, or to a mutually acceptable third-party depending upon the project and the authority of the permitting agency.
- TEAM RCD proposes a specific project that meets the purposes and criteria for available funds.
- If TEAM RCD received the funds, it expends the funds for the project. If the fee was paid to the permitting agency, then TEAM RCD applies to the agency for use of the fees. If a third-party holds the funds, the agency will approve expenditure of the funds (or whatever other process has been agreed upon).

In-Lieu Fee Program

- Permitting agency and District create an agreement.

- Fees collected by permitting agency.
- TEAM RCD reviews and prepares projects – there is early review (e.g., “screening”) by permitting agency before mitigation project progresses very far.
- TEAM RCD undertakes protection or enhancement project based upon available funding and permitting agency approval.
- Permitting agency gives final approval to project; disburses funding or approves use of the funds.

POLICY TITLE: Easement Enforcement Policy
POLICY NUMBER: 6165

6165.1 INTRODUCTION

TEAM RCD holds conservation easements to ensure the perpetual protection of the conservation values of parcels of property within which mitigation responsibilities are carried out. The durability of a conservation easement is dependent on the easement holder's ability to enforce its terms. Effective enforcement builds public confidence in easements as a land protection tool and in IERCD's ability to protect land in perpetuity.

Occasionally, the terms of a conservation easement are violated by the Grantor/property owner or a third party. When an easement is violated, TEAM RCD's objective is to restore compliance with the terms of the easement and ensure the perpetual protection of the property's conservation values with the greatest degree of cooperation from the property owner and the least expense to both the property owner and the District.

The following guidelines and procedures will help assure that appropriate steps are taken to document the violation and ensure timely Grantor notification, and to help the District develop a strategy to resolve it so that conservation values are preserved and protected.

6165.2 GUIDELINES FOR RESPONDING TO SUSPECTED EASEMENT VIOLATIONS

- Respond quickly to all suspected violations and adhere to the TEAM RCD's enforcement policy and procedure and to its conflict of interest policy.
- Address all potential violations, no matter how minor, but maintain perspective and keep TEAM RCD's response proportional to the severity and circumstances of the violation.
- Comply with all applicable laws.
- Maintain the conservation purpose(s) of the conservation easement and protect the land's conservation values in perpetuity, in keeping with the documented intent of the original grantor.
- Maintain public confidence in TEAM RCD's ability to enforce easement restrictions generally.
- Take no action that would result in private inurement or impermissible private benefit.
- Protect TEAM RCD's legal rights and financial investment (if any) in the conservation easement.
- Maintain a constructive working relationship with the Grantor
- Use litigation as a last resort and only when counsel advises that the District is likely to prevail in court
- Act promptly to resolve the issues. The longer the matter remains unresolved, the more difficult it may be to find a resolution.

6165.3 RESPONDING TO A SUSPECTED VIOLATION

In the event of a suspected conservation easement violation, TEAM RCD will respond as follows:

6165.3.1 Review the easement and documentation of conditions on the property.

After the District receives a report of a suspected violation, the District Manager or his/her designee, reviews the entire easement deed, amendments (if any), baseline documentation report, and monitoring reports to determine whether it is likely that an easement violation has occurred and what specific easement terms may have been violated. If a legal interpretation of easement terms is needed, the District's legal counsel is consulted.

- 6165.3.2** **Inspect and document the suspected violation.** The District Manager or his/her designee visits the property to inspect and document the suspected violation. Details of the suspected violation are recorded, including location, extent of damage to conservation resources, and size of damaged area. When possible, damage should be documented in quantitative terms, e.g. number of trees cut down, length and width of unpermitted construction, etc., and referenced to specific sections of the baseline documentation report and/or reports of monitoring visits conducted before the violation occurred. Photos keyed to a photo point map are taken, signed, and dated by the photographer, and, if possible, compared with photos taken before the violation occurred. Field notes are taken and signed and dated by the person conducting the inspection.
- 6165.3.3** **Determine whether and how severe a violation has occurred.** As soon as possible after discovery of the suspected violation, the Mitigation Committee shall meet with the District Manager and review the information gathered during the inspection against the terms of the easement and other documentation. If the Mitigation Committee determines that the easement has been violated, they shall decide whether it is a major, minor, or technical violation, estimate the effort and resources the District will need to expend to resolve it, and determine what corrective actions the District will require the landowner to take. Corrective actions may consist of restoration, remediation and/or damages or compensation. The Mitigation Committee should also develop a timeline for compliance. Violation types can be categorized into the one of the following:
- Major violation: Any action requiring enforcement that will cost \$5,000 or more to remediate, including human resources and other direct costs incurred by the District, or any action that significantly damages the conservation values protected by the easement. Examples: pollution, large-scale dumping, construction of roads or structures, timber harvesting, destruction of habitat. Regulatory agencies that have issued permits and/or have jurisdiction over areas within which violations have occurred will be notified of major violations and remediation in a timely manner.
 - Minor violation: Any action requiring enforcement that will cost less than \$5,000 to remediate, including human resources and other direct costs incurred by the District, or any action that does NOT have significantly damage the conservation values protected by the easement. Examples: roadside trash, minor tree cutting, failure to comply with mowing requirements.
 - Technical violation: A violation of the terms of the easement that has no discernable impact on conservation values and requires no remediation. Examples: failure to comply with notice requirements when exercising a reserved or permitted right, failure to notify the District when property is sold, failure to provide the District with a management plan as required by the easement. Technical violations can usually be resolved by explaining the terms of the easement to the landowner and reminding the Grantor of the legal requirement to comply with them
- 6165.3.4** **Considerations in evaluating suspected violations.** The Mitigation Committee should consider the following when determining how to respond to a violation:
- Clarity of violation; whether it was directly or indirectly forbidden by conservation easement language
 - Responsibility for the violation
 - Intention behind violation, particularly if it is committed by a repeat offender
 - Mitigating circumstances, including ambiguous easement language or misunderstanding of conservation easement requirements
 - Best method for approaching violation remediation

- Any additional parties that need to be notified of violation
- Potential repercussions of selected method of response to violation

6165.3.5 Contact the Property Owner. The District Manager or his/her designee contacts the landowner and meets in person or virtually to discuss the violation; items to be addressed include type of violation, level of property owner responsibility in remediation, and implementation of remediation plan. Potential responses include:

- *Grantor/property owner agrees to remediate violation::* if the Grantor/property owner agrees to remediate the violation, the District Manager first discusses and documents plans for addressing the violation, and then provides oversight to ensure proper execution of the plan.
- *Grantor/property owner refuses to remediate violation:* in the event that the Grantor/property owner refuses to address impacts to the property as a result of his/her actions or the actions of his/her designee, then the District Manager or his/her designee will discuss enforcement strategy with TEAM RCD legal counsel and the Mitigation Committee; enforcement strategies include:
 - Sending a second certified letter demanding cessation of the violation and the immediate restoration of the affected conservation values.
 - Sending property owner a letter proposing formal arbitration in lieu of litigation
 - Initiating litigation to obtain a court order against the property owner
 - Notifying regulatory agencies of the violation that have jurisdiction over the areas impacted by the violation and/or have issued permits associated with the execution/recordation of the conservation easement within which the violation has taken place.

Judicial enforcement is time-consuming, expensive, and unpredictable, and should be pursued as a last resort; however, legal action may be necessary to defend an easement, prevent or stop damage to the conservation values, and obtain full restoration of the property.

6165.4 POTENTIAL VIOLATION REMEDIES

Ideally, resolution of the violation will result in the restoration of the property to its pre-violation condition. But this is not always possible. In situations where full restoration is not achievable, the District will consult with legal counsel and the Mitigation Committee to develop an appropriate response to the violation, keeping in mind that the TEAM RCD is not regulatory, and that permitting agencies may need to be involved at that point if they have not already been contacted.

6165.5 COVERING THE COSTS OF ENFORCEMENT

When considering property acceptance, the TEAM RCD will review a number of factors with the potential to increase the possibility of violations in the property; these include excessively remote or urban locations that may encourage illegal trespass, or areas that cannot be fenced and will likely pose a challenge to enforcement. After determining violation potential, District staff will include a cost specifically for enforcement within the larger conservation easement endowment requirement. Currently, this cost is typically \$25,000 to \$50,000.

Once collected, this fund is able to be co-mingled with other legal defense and enforcement funds from other properties, as detailed in conservation easement language. In the event that funding needs to be used, any of the pooled monies can be used to defend any of the District's project sites. District staff will work with legal counsel to ensure maximization of reimbursement by violating party in the event that these monies need to be expended, to ensure continual function of this account.

In properties where there is no responsibility assigned for remediating damage by a third party,

the District will work to the greatest extent possible with the Grantor/property owner to assess and minimize such damage on a case-by-case basis. However, for the majority of TEAM RCD conservation easements, responsibility for damage by third parties is clearly assigned to the Grantor or the Grantee, and the District will approach third-party damage with that responsibility in mind.

District staff will work with legal counsel to ensure all future TEAM RCD conservation easements have one party clearly assigned to the task of remediating damage by third parties for ease of enforcement planning and remediation implementation.

6165.8 VIOLATION PREVENTION STRATEGIES

In stewardship of a conservation easement, violation prevention is the best defense. Temecula-Elsinore-Anza- Murrieta Resource Conservation District has adopted the following practices to encourage ongoing landowner compliance with easement restrictions.

- Maintain and cultivate strong relationships with the owners of lands on which the District holds Conservation Easements.
- Perform regular monitoring of the property, which will allow TEAM RCD to potentially spot violations before they occur or identify new violations within a reasonable time after they occur.
- Track changes in ownership.
- Promptly contact new owners to ensure that they understand TEAM RCD's mission, the easement restrictions on their property, and the concept and purpose of conservation easements in general.
- Encourage property owners to ask **Temecula-Elsinore-Anza- Murrieta** Resource Conservation District to review a proposed action and whether or not it is contemplated under the terms of the easement in order to avoid a potential violation.

Policy #	Policy Title	Page Number
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POLICY TITLE: Sustainability Business Goal
POLICY NUMBER: 7000

7000.1 Purpose of the Policy The primary purpose of this policy is to establish Sustainability as a guiding principle for planning and daily operations as well as a framework for long term decisions for the District. The Board of Directors of the Temecula-Elsinore-Anza- Murrieta Resource Conservation District recognizes and accepts its responsibility to support a sustainable community through plans, policies, and procedures that promote clean air and water, reduce energy consumption and air pollution, promote water use efficiency, the use of alternative energy sources, recycling and solid waste management, and to provide awareness in these areas to its employees and the community.

7000.2 Definition - Sustainability is defined as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.” (United Nations, 1987)

7000.3 It shall be the Policy of the District to consider the financial, environmental, and social benefits of business practices, to make decisions that are cost effective and responsive to the environment. To support this policy the District will, when practical and prudent, make best efforts to:

7000.3.1 Encourage and develop connections between environmental quality and operational efficiency.

7000.3.2 Include long term and cumulative impacts in decision making and work to protect environmental quality in our community.

7000.3.3 Ensure commitment to equity so environmental impacts and the costs of protecting the environment does not outweigh the District’s budgetary constraints.

7000.3.4 Ensure environmental quality and understand environmental linkages when decisions are made regarding project development and implementation, District owned facility use, transportation needs, energy use, water conservation, and air quality impacts.

7000.3.5 Use resources efficiently and, when possible, reduce demand for natural resources.

7000.3.6 Use cost effective measures to mitigate additional pollution through planned, proactive measures rather than only corrective action.

7000.3.7 Act locally to reduce adverse global impacts by supporting and implementing innovative programs that maintain and promote the District as a sustainable public agency.

7000.3.8 Purchase products and services based on long term environmental and operating costs and find ways to include environmental and social costs in short term prices. The District will purchase products that are durable, reusable, biodegradable, made of recycled materials, and are non-toxic.

7000.3.9 Educate customers and employees about the District’s sustainable programs. Work with other entities that do not share the District’s mission to implement Best Management Practices if opportunities exist and take advantage of community resources.

7000.4 Policy Review This Policy shall be reviewed at least biennially to incorporate changes in technology and business practices.

POLICY TITLE: Recycling
POLICY NUMBER: 7010

7010.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees should attempt to conserve and recycle whenever possible through the adoption of reasonable and simple practices. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District staff will:

7010.1.1 Position and utilize recycling bins throughout the office and conference rooms for paper, plastic and other recyclable containers. These bins can contain the following:

- All paper that is not contaminated
 - Office Paper
 - Colored Paper
 - Junk mail
 - Catalogs
 - Computer Paper
 - Paper Bags
 - Magazines
 - Paper Egg Cartons
 - Phone Books
 - Newspaper Coupons
 - Cereal Boxes (With Liner Removed)
 - Aseptic packaging (juice boxes)
 - Wrapping Paper (No Foil or Metallic Type)
 - Paper Six-Pack and Twelve-Pack Containers
 - Cardboard Boxes (Cut up to Fit Inside the Container)
- All glass containers
- All Cans (Tin, Steel, Bi-Metal, Aluminum)
- All Plastic Containers (Number 1-7)

7010.1.2 Recycle office equipment, supplies, batteries, and other e-waste through curbside pick ups or by using drop off locations.

7010.1.3 Temecula-Elsinore-Anza- Murrieta Resource Conservation District staff shall use opportunities with members of the public to advocate recycling as part of Temecula-Elsinore-Anza- Murrieta Resource Conservation District and community operations and lifestyle to maximize the efficiency of the community.

POLICY TITLE: Waste Management
POLICY NUMBER: 7020

7020.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees should attempt to conserve and recycle in the office environment whenever possible through the adoption of simple practices. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees will:

7020.1.1 Implement an office “swap closet” for maximizing and exchanging office supplies, particularly during the transition between former and new employees.

7020.1.2 Donate leftover food and beverages to local food banks following large District events.

7020.1.3 Use reusable eating utensils, containers, coffee cups and dishes that are able to be cleaned.

7020.1.4 Use cloth towels instead of paper towels for cleaning and hand drying in the kitchen.

7020.1.5 Use rechargeable batteries to reduce toxic waste disposal.

7020.1.6 Encourage other employees to make suggestions on energy and material conservation.

POLICY TITLE: Water Use
POLICY NUMBER: 7030

7030.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees should make every effort to conserve water on an ongoing basis. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees will:

7030.2 Promote and provide tap or filtered water and minimize the use of bottled water during meetings and events off-site.

7030.3 Temecula-Elsinore-Anza- Murrieta Resource Conservation District will utilize a filtered water machine instead of a bottled water machine for office drinking water.

7030.4 Temecula-Elsinore-Anza- Murrieta Resource Conservation District will implement the use of low flow, or ultra low flow toilets where installed.

7030.5 Temecula-Elsinore-Anza- Murrieta Resource Conservation District will work together with all local and regional agencies to optimize conservation efforts and implementation of use. Inland Empire Resource Conservation District will pursue conservation grants and partnerships to further water conservation education.

POLICY TITLE: Environmental Policy - Paper Use
POLICY NUMBER: 7040

7040.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees are encouraged to conserve and recycle paper whenever possible through the adoption of simple practices. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District staff will:

7040.1.1 Make every effort to use the recycle bins located in the offices, hallways and kitchen.

7040.1.2 Maximize printing and copying options and enable default settings to double-sided printing.

7040.1.3 Edit documents using word processing tools (as opposed to printing and mark ups).

7040.1.4 Post and utilize electronic meeting agendas and avoid printing hard copies of meeting materials for participants unless requested.

7040.1.5 Conserve paper and cut costs by emailing documents in place of sending them via mail.

7040.1.6 Save used one-sided printer paper in designated areas and reuse for notepaper.

7040.1.7 Set all page margins to 0.5 inch.

7040.1.8 Encourage the use of e-mail instead of faxes.

7040.2 Temecula-Elsinore-Anza- Murrieta Resource Conservation District staff shall order printing paper and other supplies from paper suppliers where recycled sources are available and not at an increased cost. Notations of use of recycled paper should be made to advertise and encourage others in its use.

POLICY TITLE: Energy Conservation
POLICY NUMBER: 7050

7050.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District will strive to conserve energy through the adoption of several easy-to-use strategies. Whenever possible, Inland Empire Resource Conservation District will:

7050.1.1 Enable and set to default the eco-friendly options on all copiers, printers and other electronic equipment to enhance hibernate or log off modes.

7050.1.2 Enable timers for office copiers and printers that will automatically turn off unused equipment/use energy saving modes after extended periods of inactivity.

7050.1.3 Continue to use and properly dispose of compact fluorescent light bulbs.

7050.1.4 Have policy of last out person to shut down office lights and non-essential equipment.

Arrange for cleaning staff to turn off lights left on after hours.

7050.1.5 Continue to promote dress codes that allow staff to dress according to indoor temperatures.

7060.1.6 Position workspaces in close proximity to natural light sources for light and heat.

7050.2 Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees should make every effort to conserve energy on a daily basis. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District staff will:

7050.2.1 Turn off unused lights in offices and breakroom.

7050.2.2 Use additional lighting only when necessary.

7050.2.4 Program their computer monitors to turn off automatically after periods of inactivity.

7050.2.5 Minimize use of active screensavers in an attempt to conserve energy and reduce the amount of wear and tear on their computers.

7050.3 Temecula-Elsinore-Anza- Murrieta Resource Conservation District shall train employees in proper use of heating and air conditioning systems to minimize need for added heaters or fans in the office areas. Systems should be inspected at least monthly for proper settings.

POLICY TITLE: Environmentally Preferable Purchases and Practices (EPPP)
POLICY NUMBER: 7060

7060.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District will make every effort to consider environmental protection and conservation when purchasing office supplies and other materials. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District will:

7060.1.1 Establish procurement contracts with companies offering environmentally preferable purchasing options and local outlets.

7060.1.2 Purchase office paper that uses 30% or more recycled post-consumer waste.

7060.1.3 Encourage commitment to purchasing recycled/biodegradable products, including paper plates, napkins, paper towels, and other kitchen and bathroom supplies. Uses at Temecula-Elsinore-Anza- Murrieta Resource Conservation District facilities should include recycled products where proven to be equal to ongoing material and use standards.

7060.1.4 For Temecula-Elsinore-Anza- Murrieta Resource Conservation District uses, purchase organic, locally-grown foods that require minimal energy for transport and production.

POLICY TITLE: Environmental Policy - Meeting Planning
POLICY NUMBER: 7070

7070.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District will make every effort to conduct meetings with minimal environmental impacts and promote environmental conservation. Whenever possible, Temecula-Elsinore-Anza- Murrieta Resource Conservation District will:

7070.1.1 Minimize carbon emissions from travel through taxi, shuttle services and public transportation.

7070.1.2 Eliminate bottled water, in favor of pitchers of tap or filtered water. District will utilize a water filtration system in lieu of a bottled water supplier for office drinking water.

7070.1.3 Minimize disposable products and encourage the use of recycled, biodegradable and reusable products. On tours, field trips and other off-site programs, encourage all members of the public and volunteers to bring a reusable water container for their personal use.

7070.1.4 Make sure recycling bins are easily accessible at meals and breaks if there will be recyclable materials present.

7070.1.5 When selecting a location for a meeting, consider public transportation options, the city or region's conservation projects, "walkability," smoke-free policies, and food purchase policies.

7070.1.6 Consider use of facilities with recycling programs, efficient water use equipment, and other green initiatives.

7070.1.7 Limit hard copy handouts and make programs and itineraries available online or on posted signage.

7070.1.8 Print double sided on any necessary hard copy materials.

7070.1.9 Encourage a badge return process at the end of the meeting.

7070.1.10 Encourage the use of conference calls or tele-computer systems in lieu of travel for routine meetings. Send summaries and/or minutes by email or website directories.

POLICY TITLE: Environmental Policy - Transportation
POLICY NUMBER: 7080

7080.1 Temecula-Elsinore-Anza- Murrieta Resource Conservation District employees should attempt to minimize travel to work and assigned meetings and use low-impact transportation options whenever possible, Temecula-Elsinore-Anza-Murrieta Resource Conservation District staff will:

7080.1.1 Use transportation options with minimal carbon emission impacts. For example, employees with the furthest distance to travel in a day will utilize the Prius, which offers the best gas mileage.

7080.1.2 Contract with environmentally sustainable taxi, shuttle or transit services.

7080.1.3 Provide public transportation options for individuals or groups attending meetings at Temecula-Elsinore-Anza-Murrieta Resource Conservation District or other facilities.

7080.1.4 Where feasible, schedule meetings during off peak traffic hours and at locations minimizing travel of participants.

POLICY TITLE: Indoor Environment
POLICY NUMBER: 7090

7090.1 Temecula-Elsinore-Anza-Murrieta Resource Conservation District will make every effort to promote a healthy indoor environment. Whenever possible, Temecula-Elsinore-Anza-Murrieta Resource Conservation District will:

7090.1.1 Ensure that materials used in products are non-hazardous, and do not emit harmful air emissions or volatile organic compounds, to the extent feasible. Where practicable, products will be biodegradable and non-persistent in the environment after use. Request building and automotive services to use biodegradable cleaners when cleaning office space or equipment.

7090.1.2 Ensure routine indoor air quality assessments are conducted and results reviewed by Temecula-Elsinore-Anza-Murrieta Resource Conservation District.

7090.1.3 Where feasible or beneficial, install live plants to improve indoor air quality.

7090.1.4 The District currently leases its office facilities from an office park and cannot exercise control over building practices or design. However, when the District purchases land for its Environmental Learning Center and new headquarters, all building and renovations will follow the green building practices for design, construction and operation as described in the LEED TM Rating System, where appropriate. Designs that maximize natural light and minimize energy use lighting will be implemented.