

**RESOLUTION NO. 2015-2027**

**A RESOLUTION AMENDING BOARD POLICIES  
B-120 DUTIES OF BOARD AND BOARD MEMBERS,  
B-180 HARASSMENT PREVENTION POLICY AND COMPLAINT PROCEDURE AND  
F-40 PURCHASING, INCLUDING RETAINING CONSULTANTS**

**THE LAS GALLINAS VALLEY SANITARY DISTRICT**

**WHEREAS**, the Board of Directors has determined that a comprehensive list of Policies and Procedures for the Board of Directors is in the best interest of the District.

**WHEREAS**, the Board of Directors has compiled a comprehensive list of Policies and Procedures to serve as the rules and regulations of the Board of Directors.

**WHEREAS**, the Board of Directors did adopt such comprehensive list of Policies and Procedures on July 9, 2009,

**WHEREAS**, such policies may need to be updated,

**NOW THEREFORE**, the Board of Directors of the Las Gallinas Valley Sanitary District approves the following revised B-120 Duties of Board and Board Members, B-180 Harassment Prevention Policy and Complaint Procedure and F-40 Purchasing, Including Retaining Consultants, copies of which are attached as Exhibits A through C and by reference incorporated herein.

The previously approved policies B-120 Duties of Board and Board Members, B-180 Harassment Prevention Policy and Complaint Procedure and F-40 Purchasing, Including Retaining Consultants are hereby revoked and declared null and void.

If any policy or portion of a policy contained within the Policies and Procedures is in conflict with rules, regulations, or legislation having authority over the Las Gallinas Valley Sanitary District, said rules, regulations or legislation shall prevail.

The Policies and Procedures shall remain in effect until amended by at least a majority vote of the Board of Directors.

\* \* \* \* \*

I hereby certify that the forgoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Las Gallinas Valley Sanitary District, Marin County, California, at a meeting thereof held on the 26<sup>th</sup> day of February 2015, by the following vote of the members thereof:

AYES, and in favor thereof Members: *Clark, Elias, Greenfield, Murray and Schrieblman*  
NOES, Members: *None.*  
ABSENT, Members: *None.*  
ABSTAIN, Members: *None.*

  
Teresa Lerch, District Secretary

APPROVED:

(seal)

  
Rabi Elias, President of Board of Directors



## B-120 DUTIES OF BOARD AND BOARD MEMBERS

### Purpose

This policy establishes the responsibilities, duties and limitations of the Board and individual Board members.

**B-120-10 Policy Role.** The primary responsibility of the Board shall be the formulation and evaluation of policy. Routine operation of the District shall be delegated to the General Manager (B-80-10/20) and to other members of the District staff, as appropriate. The Board and individual Board Members shall have no authority over day-to-day operations of the District.

**B-120-20 Limits on Commitments.** Individual Board Members or a group of Board Members representing less than a quorum of the Board at a legal meeting of the Board shall not imply or express any commitment of the Board or the District.

**B-120-30 Obtaining Information.** Board Members may obtain information from other Board Members in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926), General Manager, District staff (see Policy B-20), or agents of the District. 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 General Manager or legal counsel.

**B-120-40 Personal Conduct.** Board Members shall conduct themselves with dignity, respect the opinions of other Board Members, listen attentively and respond appropriately in a professional manner, give first priority to the needs and best interests of the District, and emphasize the positive. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. 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. Once the Board of Directors takes action, Directors should commit to supporting the collective Board action and not to create barriers to the implementation of said action. Board members should use the Strategic Plan as a general basis for focus planning and future. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists. (see Policy #B-130)

**B-120-50 Focus on Issues.** Board Members shall focus on issues and not personalities, respect differing points of view, disagree without being disagreeable, and once the Board has acted, support the action of the Board.

**B-120-60 Complaints.** The needs of the District's constituents should be the priority of the Board of Directors. Board Members shall refer customer complaints directly to the General Manager, report safety concerns immediately to the General Manager, and seek clarification and information from the General Manager on such issues as policy, personnel, legal action,



land acquisition and development, finances, and other matters related to the operation of the District.

**B-120-70 Interactions with District Personnel.** If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager. The chain of command should be followed.

**B-120-80 Meeting Attendance.** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

**B-120-90 Sexual Harassment Prevention Policy; Complaint Procedure, Policy B-180.** Members of the Board of Directors acknowledge and understand that the District's Harassment Prevention Policy and Complaint Procedure (Policy B-180) prohibits individual Board members from harassing applicants, officers, officials, employees, volunteers, unpaid interns, or contractors. Individual Board members found to have engaged in sexual harassment will receive appropriate sanction. Harassment Prevention Policy and Complaint Procedure B-180 is incorporated by reference herein.

## B-180 HARASSMENT PREVENTION POLICY AND COMPLAINT PROCEDURE

### Purpose

The purpose of this Policy is to establish a strong commitment to prohibit and prevent harassment and retaliation by and against the District's elected officials; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. The District encourages all covered individuals to report—as soon as possible—any conduct that is believed to violate this Policy. Acts of harassment by anyone affiliated with the District, including its elected officials, are strictly prohibited and are subject to sanctions and disciplinary measures.

### Policy

The District has zero tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of law to violate this Policy. Instead a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

Harassment against an applicant or employee by a supervisor, management, employee, elected official, co-worker, member of the public or contractor on the basis of race, religion, sex (including gender, gender identify, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), or any other protected classification will not be tolerated.

This Policy applies to all terms and conditions of service as an elected District official and governs elected officials' conduct with each other, District employees, volunteers, interns, members of the public, and contractors.

Appropriate sanctions will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a good faith complaint or participating in the complaint resolution process in good faith is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate sanctions or disciplinary action up to and including termination.

### B-180-10 Definitions.

**B180-10-1 Protected Classification.** This policy prohibits harassment because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, gender identify, gender expression, transgender, pregnancy, and breastfeeding), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, marital status, pregnancy, age, medical condition, genetic characteristics or information, military and veteran status, and physical or mental disability.

**B180-10-2 Policy Coverage.** This Policy prohibits elected officials from harassing against applicants, officers, officials, employees, contractors, or members of the public because of: 1) an individual's protected classification; 2) the perception that an individual has a protected



classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

**B180-10-3. Harassment.** Harassment may include, but is not limited to, the following types of behavior that is taken because of a person's protected classification. Note that harassment is not limited to conduct that the District's employees take. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, persons providing services under contracts, or even members of the public:

Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.

Physical Acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

**B-180-20 Guidelines for Identifying Harassment.** To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

**B 180-20-1** Harassment includes any conduction which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

**B 180-20-2** It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

**B180-20-3** Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

**B 180-20-4** Even visual, verbal, or physical conduct between two elected officials who appear to welcome the conduct can constitute harassment of a third applicant, officer, official, employee, intern, volunteer, or contractor who observes the conduct or learns about the conduct later.

Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

**B-180-20-5** Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicated a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

**B-180-30 Complaint Process.** An employee, job applicant, volunteer, intern, elected official, or contractor who believes he/she is the victim of harassment may file a formal or informal complaint without fear of reprisal or embarrassment.

**B-180-30-1** An informal complaint is made verbally to District Counsel or the General Manager, or with any supervisory employee.

**B-180-30-2** A formal complaint is made in writing. It is preferred that a written complaint be submitted to the District Counsel or the General Manager, but it may also be submitted to any supervisory employee

**B-180-30-3** Any supervisor who receives a harassment complaint should notify the General Manager immediately. If the harassment complaint is made by or against the General Manager, the supervisor should notify District Counsel.

**B-180-30-4** Within 24 hours of the submitting the complaint to the General Manager, the General Manager shall inform, in a means designed to retain confidentiality, District Counsel.

**B-180-30-5** Upon receiving notification of a harassment complaint, the General Manager or District Counsel shall authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with: 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the allegations in the complaint. Those informed of the investigation shall conduct themselves in a manner that will not compromise the integrity of the investigation. including but not limited to refraining from actions that may intimidate potential witnesses.

**B-180-30-6** The person initiating the complaint and the person accused of the alleged harassment has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said persons shall be advised of this right prior to the commencement of such discussions.

**B-180-30-7** The party responsible for the supervision of the investigation should review the factual information gathered through the investigation to determine whether the alleged conduct constitutes a violation of this Policy and report a summary of the determination as to whether a Policy violation occurred to appropriate persons, including the complainant, the alleged harasser, and the supervisor. If discipline is imposed, the level of discipline will not be communicated to the complainant.



**B-180-40 Disciplinary Procedures and Sanctions.** Upon conclusion of the investigation of an alleged harassment, appropriate action shall be taken against the harasser where a violation of this Policy is found, including legal actions where appropriate.

**B-180-40-1** Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment.

**B-180-40-2** Action taken to remedy a harassment situation shall be done in a manner so as to prevent further violations.

**B-180-40-3** Elected officials and employees complaining of harassment shall be protected thereafter from any form of reprisal and/or retaliation. Any adverse conduct taken because an applicant, employee, elected official or contractor has reported harassment, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment, or real or implied threats of intimidation to prevent an individual from reporting harassment. The following individuals are protected from retaliation: those who make good faith reports of harassment, and those who associate with an individual who is involved in reporting harassment or who participates in the complaint or investigation process.

**B 180-50- Option to Report to Outside Administrative Agencies.** An individual has the option to report harassment to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.



**F-40 PURCHASING, INCLUDING RETAINING CONSULTANTS**

**Purpose**

This policy establishes procedures for preparing and approving purchase orders; and preparing, reviewing, and approving contracts. It also covers legal requirements, petty cash, limits on General Manager purchases, the required “paper trail,” conformance with received orders, and consultant arrangements.

**F-40-10 Vendors for Small Items.** To purchase small items -- such as office supplies, auto parts, and other miscellaneous items costing less than \$1,000 – the General Manager will set policies for selecting vendors. District accounts are awarded to firms at management discretion that provide the best combination of prices, discounts, service, convenience, local business, green/recycled products etc.

**F-40-20 Quotations.** To purchase items costing more than \$1,000, written quotations will be solicited from vendors and received by fax, or mail prior to processing a purchase order. District Staff may approve purchase orders up to the amount of their purchasing authority per F-40-40. For all purchases between \$5,000 and \$15,000 three written quotes will be obtained. However, in cases where the General Manager determines that certain products may provide a better service life, durability, meet a specific need or provide greater efficiency than other products he/she has the authority to order that product or engage the service without multiple quotes. The General Manager also has the authority to utilize specific maintenance and repair vendors as he/she deems appropriate or necessary.

**F-40-30 Large Items.** Purchases over \$15,000 shall be reviewed and approved by the Board.

**F-40-40 Purchasing Authority:**

General Manager	Up to	\$15,000
Plant Manager	Up to	\$ 7,500
District Engineer	Up to	\$ 7,500
Collection and Safety Manager	Up to	\$ 7,500
Administrative Services Manager	Up to	\$ 7,500
District Administrative Assistant	Up to	\$ 5,000
Administrative/Financial Specialist I/II	Up to	\$ 2,000
Environmental Services Director	Up to	\$ 2,000
Plant Operations and Maintenance Supervisor	Up to	\$ 5,000
Buildings and Ground Maintenance Worker	Up to	\$ 1,000

**F-40-45 Purchase Orders.** Purchases over \$1,000 require a purchase order to be issued prior to ordering.

**F-40-50 Consultants.** Consultants will be retained whenever in the judgment of the General Manager that there are not sufficient resources to accomplish a task.

Prospective consultants shall be selected from experienced, competent and reliable firms or individuals to provide the necessary resource

For consulting expenditures below \$15,000, consultants may be selected sole-source on the basis of their qualifications and ability

For consulting procurements exceeding \$15,000, a competitive process will be followed with emphasis on professional capability, availability to complete the task as well as cost.

Professional Services Contracts over \$15,000 shall be submitted to the Board for approval.

Regular reports of consultant's progress shall be reviewed by the General Manager and reported to the Board.

**F-40-60 Internal Audit.** The General Manager is responsible to ensure that purchases and trade agreements adhere to District policy and sound business practice. The General Manager will ensure that files and records of purchase orders and other financial documentation are maintained to provide adequate control and administration, which is subject to audit and Board review.