

SPECIAL DISTRICT

Board Member Handbook

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You have been elected or appointed to a special district board by your community. This is a tremendous honor that comes with much responsibility.



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What do You Need to Know as a Special District Board Member?

You have been elected or appointed to a special district board by your community. This is a tremendous honor that comes with much responsibility. The mission of the California Special Districts Association (CSDA) is to provide you and your district with the resources necessary to best meet this responsibility. This handbook will serve as a fundamental guide in this endeavor.

Your special district may refer to its board members as trustees, directors, commissioners, or another similar term. For simplicity and readability, this handbook

will use the term “board member” as a universal term for all special districts. The handbook will focus on the commitments, responsibilities, and resources that are relevant to all board members of every type of special district.

As a board member for a special district, you have committed to represent the best interests of your community, ensure the delivery of essential local services and infrastructure, and faithfully serve the public good while upholding the law. This is a high calling that depends upon mutual trust, support, and collaboration with your fellow board members, your district’s professional staff, and the network of special district leaders you will develop through CSDA.



First steps board members should take after election or appointment include:

- Meet with the district’s general manager and legal counsel
- Ask the general manager and/or finance officer for an overview of the most recently approved budget and audit
- Take a tour of the district facilities
- Read your district’s enabling act found in California’s statutory codes
- Review your district’s most recent municipal services review (MSR) published by the local agency formation commission (LAFCO)
- Register for board member training at csda.net

About Special Districts

As a special district board member, you will often be asked, “What is a special district?” People sometimes do not realize how many of their essential services are provided by special districts, and they often do not understand what a special district is, how it functions, or even why it exists. Here are few answers to some frequently asked questions you’ll encounter as a board member.

What is a “special district”?

An independent special district is a local form of government that is created, funded, and overseen by a community’s residents to provide a new or enhanced level of service and infrastructure to a community. Like counties and cities, special districts are an independent form of local government. Special districts are not school districts, community college districts, joint powers authorities, assessment districts, community facilities districts, “Mello-Roos” districts, or improvement districts.

Why are special districts formed?

Special districts are formed when a community decides a specific type of service is needed and the community wants the service to be maintained with local control. The first special district in California, the Turlock Irrigation District, was established in 1887. Local farmers needed a way to access the local water supply and the Wright Act was passed by the Legislature to provide the legal foundation for water districts, and many other special districts.

The Legislature continued to develop new types of special districts as tools to help local residents come together to solve community problems and needs. Ultimately, special districts are formed by the community for the community. Special districts empower residents to find local solutions to fit the unique needs of their community.

What types of special districts exist?

There are many types of special districts that can be established to fit the specific needs of a community. Some district types include:

- Airport
- Cemetery
- Community Services
- Fire Protection
- Harbor and Port
- Healthcare
- Irrigation
- Library
- Mosquito and Pest Abatement
- Recreation and Park
- Resource Conservation
- Sanitation
- Transit
- Utility
- Veterans Memorial
- Water

How many special districts are there?

There are just over 2,000 independent special districts throughout California. They vary in size and some may serve a community of hundreds of thousands while others serve only a few hundred. Special districts are created to fit the size of the community they serve.

How are special districts governed?

Independent special districts are governed by a board of directors that is elected by the community or appointed to fixed terms by one or more other locally elected governing bodies. Board members are responsible for setting the policies that ensure special districts continue to function and serve the community. It is also important to distinguish independent special districts from dependent special districts. Unlike independent special districts, dependent districts are indirectly governed by other government entities, such as city councils or county boards of supervisors. This is because dependent special district board members include ex-officio members from another legislative body or board members who are appointed to non-fixed terms. Ex-officio board members serve on the special district board only by virtue of their participation on another board. Board members appointed to non-fixed terms serve at the pleasure of another governing body. In other words, they may be replaced at any time and are not entitled to a full four-year term.



To expand your knowledge further, visit csda.net to find the *About Special Districts Guide* and the *Special District Formation Guide* to learn more about special districts and how they are formed.



Special districts and their board members are subject to a number of laws established to ensure special districts remain transparent and accountable to their communities. These laws are discussed in greater detail later in this handbook under the chapter, *Accountability and Transparency*.

How are special districts funded?

Special districts utilize many different funding sources to establish and maintain their services and overall infrastructure. Some districts receive enterprise revenues that are collected as fees for services such as water, sewer, or electricity. Special districts can also receive non-enterprise revenues that include one percent ad valorem property tax, parcel taxes, or benefit assessments that are approved by the community. Frequently, special districts will receive a combination of enterprise and non-enterprise revenues in order to best meet the needs of their community.

What makes special districts so “special”?

As a board member who dedicates time and effort to your local special district, you understand and know from firsthand experience what makes special districts so special. It’s the connection to the community, the focused specialized service, and the commitment of local residents such as yourself that distinguishes special districts from other forms of government.

To raise awareness and understanding of special districts, CSDA established the Districts Make the Difference public outreach campaign. Resources are available at DistrictsMakeTheDifference.org to explain special districts and include:

- Videos
- Fact sheets
- Infographics
- Posters
- Brochures



Good Governance

Special district boards are the voice of the community. Every elected or appointed public official needs to care about governance—it is the essence of what boards do. Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district.

The success of your district, and special districts as a form of government, depends largely upon how well you do your job as a board member. If the board does not respond to the needs of the community and govern its district effectively, it will erode the public trust, jeopardize public support of district services, and may even threaten the existence of the district itself.

Effective Governance Model

The good news is that a lot of work has been done on effective governance. Based upon a model developed by the California School Boards Association and adapted by CSDA for special districts, there are three critical dimensions that interact to determine how a board operates and its effectiveness as an organization:

1. The board as an organizational entity;
2. Individuals who together make up the board; and
3. Specific jobs the board must perform.

These are the core components of effective special district governance: a competency-based group of individual citizens coming together as an effective team to accomplish the specific responsibilities that only governing boards can do on behalf of their community.

The Board as an Organizational Entity

Any board, public or private, nonprofit or corporate, exists as an organizational entity, with its own unique organizational culture, norms, values, and operating style. There are attributes or characteristics that are consistently present in boards that operate in a highly effective way.

Effective boards become known as effective because they operate in an organizational environment of trust, honesty, and openness. These boards exhibit, as a team, the following characteristics:

- Recognize all board members as equally legitimate—no matter how different or difficult an individual may be.
- Strive to maintain a “no secrets, no surprises” operating norm.
- Acknowledge that conflicts and differences are inevitable, not necessarily “bad”, and must be faced and analyzed.
- Immediately turn to solutions rather than playing the “gotcha” game.
- Treat all staff with dignity and respect.
- Treat all community members with dignity and respect, even in the face of criticism and opposition.
- Exhibit creative thinking, know how to handle failure as well as success, encourage risk taking, and create a climate of support for excellence.
- Accept collective responsibility for the conduct, behavior, and effectiveness of the board.

Individuals Who Together Make up the Board

While boards develop unique organizational cultures, they are, after all, composed of individuals. These individuals and their values, skills, and knowledge shape how boards operate at any given time. Individuals also determine whether the board will sustain effective behavior as a group expectation.

Not everyone who serves on a special district board becomes an effective board member or leader. Those who do become effective board members also become highly valued community leaders. When an entire board is composed of truly effective board members, rather than individuals, the board becomes highly effective.

So, how are highly valued community leaders different than individuals who just serve on boards? They think about governance differently by understanding the fundamental role

Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district.



The most effective board members maintain the following priorities:

- Serve the public
- Support the staff as they carry out direction
- Respect fellow board members
- Seek consensus



of effective governance and the citizen leader. Effective board members exhibit the following characteristics:

- Recognize that the board, not the individual board member, governs the special district—the authority of any one board member rests only with the board as a whole.
- Heed caution when someone attempts to impose their own agenda on the district rather than working to build support for an institutional agenda.
- Appreciate that “how” a board member governs is as important as “what” a board member does—that manners make a huge difference.
- Establish trust and treat everyone with the same respect with which the board member expects others to treat them.
- Respect the diversity of perspectives and styles.
- Operate in a transparent fashion, while always keeping confidential information confidential.

Specific Jobs the Board Must Perform

We know that effective boards have strong competency-based cultures and that individual effective board members have strong governance skills, but the next question is: “To do what?” The third dimension of a board addresses the governing body’s specific responsibilities. Special district boards have certain duties that no one else in the organization or the community can perform.

In the next chapter, *Primary Roles and Responsibilities*, we will explore these duties, but first we must acknowledge one of the biggest challenges to special districts—how board members can learn and demonstrate competency.

Training and Development

We all have room to learn the governance skills required to be an effective special district leader. To do so, we must establish a culture of participation in our special district community. Just as we expect our staff to be involved in their profession, to learn and develop new skills, so too must we as effective board members learn to hone our governance skills.

We must lead by example and encourage our colleagues to branch out and learn the skills of governance. We must establish a culture of continuing education in the special district community. This includes both required trainings and recommended trainings.

Required Trainings

Every special district board member is required by law to complete ethics training and sexual harassment prevention training at least once every two years.

Ethics training is mandated by Government Code Section 53235 et. seq., which is popularly referred to by its enacting legislation, AB 1234 (Salinas) of 2005. Special district board members must receive the required two-hour training within

one year of their first day of service, and then every two years thereafter. A board member who serves more than one agency shall satisfy the requirements once every two years, regardless of how many boards they serve on.

All ethics trainings must cover laws related to conflicts of interest, gifts, reimbursements, government transparency, and fair processes, including but not limited to incompatible offices and competitive bidding practices.

Sexual harassment prevention training is mandated by Government Code 53237 et. seq., which was enacted by AB 1661 (McCarty) of 2016. Special district board members must receive the required two-hour training within the first six months of taking office, and then at least once every two years thereafter.

All sexual harassment prevention trainings must include practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims. The training includes practical examples aimed at instructing the board member in the prevention of sexual harassment, discrimination, and retaliation.

CSDA offers various forms of online and in-person ethics and sexual harassment prevention training opportunities. You can register online at csda.net.

Recommended Trainings

It is recommended that every newly elected or appointed special district board member attend CSDA's workshops that introduce the topic of governance. CSDA strives to offer these opportunities in various locations throughout the state annually.

As a longer-term goal, during your first term in office it is also recommended you obtain the Recognition in Special District Governance certificate from the Special District Leadership Foundation (SDLF). This recognition was designed to honor special district board members and is comprised of two distinct parts: the completion of the Special District Leadership Academy and 10 hours of continuing education.

The Special District Leadership Academy consists of four courses: Governance Foundations, Setting Direction/Community Leadership, Board's Role in Human Resources, and Board's Role in Finance and Fiscal Accountability. The four courses are unique from any other courses on special district governance in that they are curriculum that has been created by special districts and agreed upon as what governing officials of special districts should know. SDLF has endorsed the Academy as the core special district governance training in California.

SDLF is a 501(c)(3) organization formed to provide recognition and certification opportunities to special district officials and employees to enhance service to the public. It is dedicated to excellence in local government. You can learn more about SDLF at sdlf.org.



*Learn more
about CSDA's
professional
development
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VISIT CSDA.NET FOR DATES AND LOCATIONS

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Special District
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Primary Roles and Responsibilities

One of the first and most important distinctions to make in your work as a board member is the difference between your responsibilities and those of the general manager and staff. Clearly understanding and respecting these roles, and how they interact, is critical to the long-term success and sustainability of your special district.

Role of a Board Member

One of the most significant responsibilities as a board member is to understand that the board is a team and you need to work together as such. Understanding the dynamics of the group, as well as the individual perspectives and opinions of your fellow board members, is crucial to the success of the team, the district, and community you represent. This united approach will help to strengthen the district and provide the grounds for maintaining a clear vision of the future, a unity of purpose, and a cohesive board.

The specific responsibilities of the board are clustered into five areas:

1. Setting the direction for the district;
2. Establishing and supporting the policies and structure of the district;
3. Overseeing the financial resources necessary to fund the district;
4. Guiding employee relations policy, including the hiring and supervising of the general manager who, in turn, operates the district and hires/manages its staff; and
5. Serving as community leaders who communicate effectively on behalf of the district.

Setting Direction

The board establishes the special district's mission and vision. In building a mission statement, the board must clearly understand the purpose of the district and answer the question of "why?" Why does the district exist? It will also be helpful for the board to identify core values that guide the district in its mission.

When developing a vision statement, the board must answer the question of "what?" What would the district look like should it accomplish its mission to the fullest extent? Doing so requires agreement on the board as to what the future of the district should look like.

With a mission and vision as its foundation, the board sets direction through the district's strategic plan, which may guide the development of more specific objectives for implementation by the general manager and staff. In developing a strategic plan, the board will evaluate the present, anticipate the future, and prioritize goals that must be accomplished to achieve the vision. Strategic plans should be reviewed periodically and adjusted appropriately.

Establishing Policies

Policies are written statements specifying the manner in which the district's business is conducted. The board's job is to develop, maintain, revise, and enforce the district's policies. These policies provide needed direction for the general manager and staff, and for the constituents of the district.

One may view a special district's enabling act in California statute as the framework or "constitution" the district must operate under as a "subdivision of the state." However, independent special districts are not state entities, nor are they entities of a city or county. They are independent local governments, which are separate legal entities similar to other municipalities. Board-approved policies, resolutions, and ordinances are the tools by which boards direct the district in achieving its mission and securing its vision within the boundaries of its enabling act.

Board policies should guide district governance, such as board meetings, agendas, and minutes, board conduct, and rules of order. Policies should also be adopted

concerning district finances, personnel, communications, and other key functions.

While policies are approved by the board and may be requested by the board, they are typically drafted and recommended by staff. Sometimes this is done with review and direction of a board subcommittee.

Overseeing Finances

Boards ensure sound fiscal policy exists and that practices and controls are in place so that the district, board, general manager, and staff have direct accountability to their constituents. Furthermore, the board will approve an annual budget and request and approve periodic reports on the fiscal status of the district.

Commensurate with the board's role in financial oversight and fiduciary responsibilities, it should establish a financial reserve policy and capital improvement plan (CIP). It will also approve contracts of certain size and scope according to State law and board policy. To ensure adequate funding to provide quality services and infrastructure to its community, the board must impose sufficient rates, fees, and taxes.

Guiding Employee Relations

The board's charge is to support and assess the performance of the general manager, approve personnel policies, establish salary structure and benefits packages, approve memorandums of understanding (MOUs) negotiated with labor, approve job descriptions and organizational structure, and establish a

strong communications link between the board and general manager.

One of the most important decisions a board will ever make is the hiring of a general manager. Other than a district's general counsel and some rare additional exceptions for large special districts, the general manager is the only individual the board hires and supervises.

The general manager is responsible for hiring and supervising all other staff, sometimes through senior or mid-level managers in larger districts. Empowering the general manager to successfully carry out this key duty is critical to the success of the district. This should include a fair and constructive annual general manager evaluation process.

Serving as Community Leaders

A district and its board are linked in the eyes of the public and often seen as one and the same. Therefore, the conduct of board members reflects upon the district and the community it serves. This holds true during board meetings and formal district events, as well as during other interactions with community, the media, businesses, and other levels of government. Even the personal lives and behaviors of a board member can impact the perception and effectiveness of the district.

In your role as a board member, your board may designate you to formally represent your board to other organizations or participate in ceremonial events. Boards will often establish policies to guide such situations. It is



To expand your knowledge further, visit csda.net to find CSDA's *Sample Policy Handbook*, *Special District Reserve Guidelines*, and *CSDA's California Public Records Act Compliance Manual* to learn more.

important to distinguish when you are speaking on behalf of the board and when you are speaking as an individual. However, as a public official, you should recognize that people will often construe your speech and actions as representative of your district, its staff, and your fellow board members regardless of the manner, time, and place in which they occur. This reality should lead board members to be thoughtful, intentional, and unified, not to be silent or absent.

It is a mistake for a special district to attempt to “fly under the radar.” Transparency is essential to democracy, and scrutiny is inevitable in government. This will be covered more in the next chapter, *Accountability and Transparency*, but here it is important to note that board members play a key role in a special district’s public outreach and engagement efforts. If a special district and its leaders are not telling the story of the district, somebody else will.

Role of the General Manager and Staff

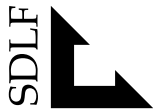
The general manager is the executive staff officer of the district and for the board. This individual administers the district, providing day-to-day leadership, and maintains exclusive management and control of the operations and works of the district within State law and the policies of the board. In some districts, this position may be referred to as the district administrator, chief executive officer, executive director, district director, or another title. For the purposes of this handbook, it will be referred to as general manager.

Overarching best practices for a general manager include:

1. Developing and delivering reports to keep the board of directors and public well-informed of district operations and the status of district goals;
2. Providing recommendations on actions requiring board approval, including policies, resolutions, ordinances, and other matters;
3. Maintaining and advancing the operations of the district and implementing those policies, strategies, and directives approved by the board; and
4. Playing an active role in moving the district forward in serving its mission, carrying out its strategic plan, and attaining its vision.

As noted previously, the general manager has authority over and directs all employees, including hiring, supervision, evaluations, promotions, disciplinary actions, and terminations. All directives for staff should be given by the general manager or designated supervisor within the district. Authority may be delegated to other staff or consultants at the general manager’s discretion.

The general manager should dutifully and faithfully carry into effect the lawfully expressed policies of the board, including planning the short, medium, and long-term work program for the district, facilitating constructive and harmonious board relations, preparing and managing the district budget, conducting studies, and delivering written and oral presentations.



Visit sdlf.org to download the **SDLF High Performing District Checklist to provide special districts with best practices related to the areas of finance and human resources.**



Best practices that make the best board members:

- Do your homework: Read all board packets and materials in advance of meetings.
- Don’t play “gotcha”: Share questions with the general manager in advance of the board meeting.
- Listen first, speak second: Prioritize understanding the perspectives of others.
- Build an expertise: Find an important issue that other board members are not already invested in and become a leader, such as on LAFCO, environmental sustainability, etc.
- Stick to principles, not positions: Develop strong and well-considered principles, rather than digging heels into one position of a false dichotomy.
- Oppose the action, not the implementation: When necessary, vote “No” on a board agenda item, but don’t undermine or obstruct the successful implementation of board-approved decisions. Support and respect the actions of the board as a whole.





Accountability and Transparency

The residents of the district, as voters, owners, constituents, and customers of the district, possess the ultimate responsibility for its oversight and direction. The board is elected or appointed to serve as the voice of these residents. There are a host of legal requirements designed to ensure special districts remain accountable and transparent to its residents.

While special district boards must meet all mandated State laws, they should strive to exceed these requirements and set an example to other governments and organizations.

Legal Requirements

Significant mandates have been placed upon special districts by the State Legislature, which often exceed the standards for the State and some other local agencies. These legal requirements include, but are not limited to:

- Website Maintenance
- Open and Public Meetings under the Ralph M. Brown Act
- Public Records under the California Public Records Act
- Regular Financial Audits
- Finances and Compensation Posted Online
- Ethics Training for Board Members
- Conflict of Interest Compliance under the Political Reform Act

Websites

Beginning January 1, 2020 every special district must maintain a website, per Government Code Section 53087.8. All special district websites must display district contact information, agendas, state-mandated financial transaction and compensation reports, and a report of the district's enterprise systems. An exemption is available for special districts that pass an annual resolution detailing evidence of a hardship.

Open and Public Meetings

Per the Ralph M. Brown Act (Brown Act), special district board meetings must be accessible to the public. To facilitate access and participation, special districts must post their regular meeting agendas at least 72 hours in advance in a publicly accessible location and on their website. The board may only act on issues included in the agenda and the public must be permitted to address the board. The Brown Act includes myriad provisions and exceptions and has been the subject of significant litigation. It is recommended that board members read the Brown Act, found at Government Code Section 54950 et. seq., in its entirety and consult district legal counsel as necessary.

Public Records

As required by the California Public Records Act (CPRA), found in Government Code 6250 et. seq., special district records are subject to public review and scrutiny. The public may request copies of records in the possession of a special district, including records on a board member's personal device or account that are related to district business. Districts may charge a reasonable fee for the cost of printing and paper, but the district may not charge for staff time in producing such copies. As with the Brown Act, the CPRA includes numerous provisions and exceptions and is shaped by countless lawsuits. It is recommended special districts consult legal counsel as necessary in response to specific public records act requests.

Financial Audits

Government Code Section 26909 mandates regular audits of special districts by the county auditor-controller or a certified public accountant. The audit must be filed with the state controller and county auditor-controller.

Online Financial and Compensation Reports

Since 1949, special districts have been required to submit a financial transaction report to the state controller. In 2014, legislation additionally required completion of a compensation report and required that both the compensation report and financial transaction reports be posted or linked to

a conspicuous place on each special district’s website. The state controller now provides all of this information in an open data format at www.bythenumbers.ca.gov and www.publicpay.ca.gov.

Ethics Training

In 2005, the State enacted AB 1234 (Salinas) mandating special district board members complete at least two hours of training in general ethics principles and ethics laws every two years. Board members have an obligation to conduct business in an ethical manner and make decisions that are in the best interests of their constituents. Building and maintaining the public’s trust requires you to avoid any situation where your self-interest may come first.

Conflict of Interest Compliance

Passed by voters via Proposition 9 in 1974, the Political Reform Act (PRA) is designed to ensure elections are fair and government officials serve all citizens equally. The PRA generally governs political campaign spending and contributions, as well as a variety of ethics rules, including conflicts of interest. It prohibits a special district official from making, participating in making, or influencing a decision in which the official knows or has reason to know the decision will have a material financial effect on the official’s economic interests, with limited exceptions.

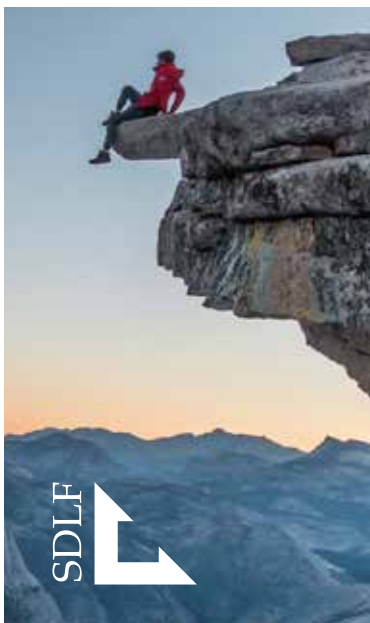
Third Party Oversight, Review, and Regulation

In addition to the legal requirements adhered to by special districts, there are a number of entities and programs, which provide varying levels of oversight, review, or regulation:

- Local Agency Formation Commission
- County Auditor-Controller
- County Civil Grand Jury
- County District Attorney and State Attorney General
- State Controller
- State Auditor
- State Treasurer
- State Fair Political Practices Commission
- Other State Regulators

Best Practices

Many special districts go beyond State mandated legal requirements to promote accountability and transparency. To facilitate and recognize best practices among special districts, the Special District Leadership Foundation (SDLF) has established a District Transparency Certificate of Excellence as well as other programs and scholarships. Visit sdlf.org to review the programs and download an application.



*Learn more
about **SDLF**
Programs &
Scholarships
at sdlf.org.*



Legislative Advocacy, Media Outreach, and Public Engagement

The decisions you make and the actions you take as a board member directly impact your community and the services they receive. It is equally true that districts are affected when board members do not make crucial decisions or fail to take action.

As a board member, you are an advocate for your district and your community. You will have to balance a number of responsibilities throughout your term. However, there are several simple yet influential ways you can take action as a board member.

Engage with the Capitol

Extensive travel to Sacramento is not necessary to effectively engage with the Capitol. Likely the most important way board members can partake in advocacy efforts is to submit letters of support or opposition when CSDA sends out a “Call-to-Action.”

Throughout the legislative session, CSDA closely analyzes and tracks any bill that may impact special districts. When an especially important bill arises, CSDA will issue a “Call-to-Action” and request letters so the Capitol hears the voice of special districts. Make sure your district’s voice is heard and work with others at your district to write support and opposition letters on behalf of your district.

Meeting with your legislators is another valuable way of advocating for your district and engaging with the Capitol. There are times throughout the year when legislators leave the Capitol and return to their legislative districts. During these legislative recesses, do your best to schedule a meeting with your legislator and their staff. Just as you represent your community as a special district board member, your legislator represents you, your special district, and your community. Make sure your legislator knows what issues are important to your district and how your district is impacted by legislation. The more legislators know about the special districts they represent, the more educated they will be when creating legislation that affects all special districts.

Once you’ve met with your legislators, let CSDA know which legislators you have a relationship with so that CSDA can coordinate grassroots activities on key votes in the State Legislature. Do this by completing the Grassroots Mobilization Survey at csda.net/take-action.

Engage with the Media

During your term as a special district board member, you will likely have to interact with the media. Do not be intimidated by the idea of communicating with the press. It is vital that you help inform the media’s narrative regarding your district. You do not want the only media mentions for your district to be one-sided or unfairly skewed against your district. The only way to ensure your district has a voice in what the media covers is for your district to be proactive. Be sure that any media outreach you undertake is in line with your board policies and/or protocols. Every special district should have a media protocol that determines who should serve as a spokesperson for the district under different circumstances. It is important to work as a team and support a clear and consistent message from your district.

Press releases should be utilized as a way to inform the press of particularly significant events. A few opportunities to send out press releases include when your district receives an award, after new board members are elected, or after a major project is successfully completed. Encourage your district to send out timely press releases in accordance with your board policy. You should also be looking for the best opportunities for your district to interact with the media. Not everything will be compelling to the media, but the media cannot acknowledge your district’s positive achievements if they are not informed. Media advisories are another way to engage with the media. If your district is hosting an event, encourage the general manager or district staff to send out an invitation to local reporters. Sometimes allowing the media to see for themselves helps garner positive press for your district. Also, inviting the media to your district allows you and other district representatives to build a working relationship with the



Throughout the year, CSDA maintains multiple resources to ensure you can stay up to date on the latest issues impacting special districts. Explore the following resources:

- **Advocacy News:** Provides real-time notifications or daily summaries of legislative updates directly to your inbox. Join Advocacy News at csda.net/advocate/advocacy-blog.
- **Take Action Page:** Lists the most pressing legislative issues and provides background information and next steps for your district. Visit the Take Action page at csda.net/advocate/take-action.
- **Legal Advocacy Page:** Lists the actions CSDA has taken in important legal cases affecting special districts. You can find these cases and copies of CSDA filings at csda.net/advocate/legal-advocacy.

reporters in your community. You want to serve as a resource to the media so when reporters have questions, they reach out for your district's perspective.

You may also want to suggest your district's media policy and/or protocol includes standard talking points for district representatives to reference when working with the media. Maintaining consistent messaging with the media will lend a level of credibility and reliability that the media will remember when writing about your district. As the media's understanding of your district grows, you should notice more accurate and informed press attention for your district.

Engage with Your Community

Special districts provide essential services to millions of Californians. Yet, many people have not heard of special districts or do not understand what a special district truly is. Polling shows that as soon as people understand the services provided and maintained by special districts, their perceived value of special districts rises exponentially. As a board member, you can help the public understand your district and its important role in your community.

Social Media

There are numerous ways to interact and connect with the community you serve. In today's world, most community members are on some form of social media. Although social media can be time consuming for you and district staff, it is worthwhile. A district policy or protocol should guide who is responsible for posting on behalf of the district. Typically, this is assigned to a member of the staff and board members may engage by liking and/or sharing district posts from their personal accounts.

Social media can provide an instant connection with your community. Instead of forcing local residents to go looking for information, you can make important information immediately available on social media.

Engaging on social media does not require continuous posts to all platforms throughout the day. Instead, post to social media when you have something you need and want to share with the

public. Post about any community events where your district will be represented. Share a quick fact or update about your district that may interest your community.

Even if you do not frequently post to social media, monitor your accounts to see if people make comments, have questions, or provide suggestions. You may choose not to respond to comments on social media but at least you are aware of what your community is saying. People may voice something on social media that they would not ordinarily say in person or in a more formal setting. At times, people may post negative comments but with social media, engagement is ultimately the goal. Social media starts an ongoing conversation with your community.

Community Events

Another effective way to engage with your community is with community events. As a board member, you can encourage your district to host an event where the public is invited to your district. Holding tours during the summer to demonstrate how your district functions or hosting a holiday party as a way for the community to celebrate together are just a few event ideas.

If you are a board member at a smaller district or a district type that does not easily lend itself to visits, collaborate with other districts and businesses in your community. Reach out to other special districts in your area to discuss a possible "district day" where representatives from multiple districts gather together and answer questions about their respective districts. Hosting a booth at the local career fairs or sponsoring a local event are other valuable ways of building a connection with the community you serve.

Join the Public Outreach Campaign

CSDA launched the Districts Make the Difference public outreach campaign to raise awareness and understanding for special districts. Encourage your district to participate in the campaign. Add a link to the DistrictsMakeTheDifference.org on your district's website so people can utilize the campaign resources and learn about the different types of special districts and how they are governed. Raising awareness for special districts helps local residents understand the value of special districts and the significant role they play in the community.



Responses to Tough Questions

As with all forms of government, special districts sometimes face tough questions. Special district board members should be aware of these questions and be prepared to respond to them.

Why are some special districts funded by property taxes, while others are funded by fees or a combination of fees and taxes?

Special district funding is primarily determined by the residents who receive district services and pay for those services. Special districts may receive two types of revenue: enterprise revenue and non-enterprise revenue. Some districts rely exclusively on one type, but most receive a combination of the two.

Enterprise revenue is derived by fees for service. Common forms of enterprise revenue include property-related fees, governed under Proposition 218, such as water, sewer,

or trash rates. However, enterprise revenue may also include smaller charges like registration fees for a soccer league or yoga class. Facility rentals, cemetery interment fees, and medical billing are also forms of enterprise revenues.

Non-enterprise revenue is derived from taxes and assessments paid as a condition of owning property that benefits from the services and infrastructure provided by a special district. The most common form of non-enterprise revenue is the one percent ad valorem local property tax, which is distributed through the county auditor-controller's office. This is dictated by Proposition 13 and is usually what someone is referring to when they mention the "property tax." Non-enterprise revenue may also include special taxes, benefit assessment districts, community facilities districts (also known as CFDs or Mello-Roos districts), and similar funding mechanisms.

It is important to note that most residents have approved at least some level of both enterprise and non-enterprise revenue for their special district. This provides the district

with a diverse and sustainable revenue portfolio that can better withstand economic shifts and secure the highest credit ratings for infrastructure investment. It also ensures that everyone who benefits from a district contributes to the cost of the district. For example, water and sewer services benefit a property's value regardless of whether that property's owner currently uses those services.

Can special districts tax residents without their consent?

No. Proposition 13 limited ad valorem property taxes to one percent of property value for every homeowner. Many special districts, along with cities, counties, and schools, receive a share of this revenue. If a district requires additional revenue it must obtain the approval of its voters or property owners as appropriate.

While cities and counties may impose general taxes with majority voter approval, all special district taxes are considered "special taxes" and require a two-thirds vote. A general obligation bond that raises property taxes temporarily to pay-off the bond must also receive two-thirds voter approval. Certain assessments may be approved with a majority of those who benefit from the service and property related fees must go through what's known as a majority protest proceeding in accordance with Proposition 218.

Why do we have community facilities districts, Mello-Roos districts, and special districts all funding our services?

Community facilities districts (CFDs) and Mello-Roos districts are just two names for the same thing, but neither are a special district with a board that provides a service. CFDs or Mello Roos districts are funding mechanisms that may be established by a special district, city, county, or school district to help fund services and public works for that area. CFDs or Mello-Roos districts are typically approved by property owners in developing areas where there are fewer than 12 residents. In cases where there are 12 or more residents, they must be approved by voters.

Why do special districts have such large reserves?

Special districts need adequate reserves to ensure they can respond to their community's needs in the event of emergencies or disasters, like flooding, earthquakes, wildfires, or even droughts. Prudent reserves are often needed to accumulate the capital to pay for large infrastructure projects, or to secure financing. In addition, reserves provide a safety cushion to stabilize rates and maintain adequate services during economic downturns.

It should be noted that some reports of special district reserve levels have misinterpreted data within the state controller's Financial Transaction Report in a manner that confused districts' fixed assets with cash on hand. CSDA has worked with the State Controller's Office to ensure this report is presented in the most clear and consistent manner possible to avoid such errors in the future.

CSDA has also developed the Special District Reserve Guidelines, a comprehensive guide for accumulation and management of special district reserves. The report lays out policy procedures and high standards for special districts to follow in handling their fiduciary responsibilities.

Don't special districts have board members who are heavily compensated?

Board member compensation is set in statute by the State Legislature. Some special districts have statutory authority to adjust compensation, within strict limits, via a vote of the board during a properly noticed open and public meeting. Unlike city council members and county supervisors, special district board members are not eligible for the California Public Employees' Retirement System (SB 53 of 1993).

While every type of special district must comply with its own statutory parameters, most special district board members receive about \$100 per meeting. It is important to note that the work of a board member does not begin when a meeting commences and end when it adjourns. Board members typically review lengthy meeting packets, study issues thoroughly, and may be in communication with constituents or district staff throughout the month.

Every special district is unique and the demands and qualifications necessary to well-serve different special districts will vary.

Aren't special districts fragmented government?

Special districts provide real-world solutions to meet the needs of residents that otherwise would not be met. In fact, their name and their strength is derived from the way they specialize in a service. Special districts are passionate about providing a service people need. They are not easily distracted from their mission, and they develop an expertise at providing a service in the most efficient, effective, and sustainable manner possible.

While special districts may dot many local landscapes, each one is unique to the needs of its community. Special districts arguably offer the closest, or “most local,” level of service to their community. Residents will likely notice a difference in access and responsiveness when attending a recreation and park district meeting to discuss a playground as opposed to what they may receive on such a specific topic at a general-purpose government meeting. The same could be said in relation to library districts, harbor districts, mosquito abatement districts, water districts, and so on.

Similarly, special districts offer residents a meaningful opportunity to engage with their government and serve their community. The barriers associated with running for Congress, the State Legislature, and even county or city governing bodies are often staggering, with campaigns sometimes costing hundreds of thousands or millions of dollars. And the politics are sometimes highly partisan. Raising that level of campaign money and investing that number of hours away from family and paid employment is out of the reach of most Californians. While serving on a special district board is a significant undertaking, it is far more accessible to the average person.

Do special district services overlap with cities and counties?

No. local agency formation commissions (LAFCOs) oversee the formation, dissolution, and boundaries of special districts and cities. There are 58 LAFCOs, one per county. They ensure that special districts and cities don’t overlap in a way that provides redundant services. LAFCOs also conduct regular municipal services reviews (MSR) on special districts to help ensure they are providing efficient and effective services.

There are just over 2,000 independent special districts compared to 977 school districts, 482 cities and 58 counties.

Why so many and why can’t they be consolidated to save taxpayers money?

What really matters is the quality of services and how well a special district responds to the residents it serves. Consolidation may work in some cases, but it doesn’t work in all cases. Bigger bureaucracies that are further removed from voters are not always more efficient. Even where consolidation may make sense in concept, it may not be economically feasible due to lack of proximity to neighboring infrastructure, such as water or sewer pipes.



An inherent bias for or against consolidation doesn’t improve services. Rather, a thoughtful, case-by-case approach, that includes stakeholders and an objective analysis, will promote the best local government options for each community. Ultimately, the residents who receive and pay for the services should have the final say.

It is also important to keep in mind that there are not 2,000 special districts providing the same service throughout the state. For instance, there are about 346 fire protection districts, 47 mosquito abatement and vector control districts, 95 recreation and park districts, 10 airport districts, and so on.

Who are special districts accountable to?

Special districts are accountable to the residents who elect their boards, approve their funding sources, and use their services. This offers a community local control.

If residents need something or want to see something changed, they may go to their special district and petition their board. When authority is pulled away from local government bodies and centralized further from residents, the community’s ability to influence its government and hold it accountable may become more challenging.

Numerous state laws help residents hold special districts accountable, such as the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act, and more. Additionally, a number of other bodies facilitate oversight and reporting requirements, including the LAFCO, county auditor-controller, county district attorney, state attorney general, and state controller’s office.



Quick Reference for Laws Affecting Special Districts

As subdivisions of the State of California, special districts are governed by state law. Every fall, after the legislative session concludes, CSDA runs a “New Laws” series. At the beginning of each year, CSDA provides its members with a New Laws report, which includes hundreds of enacted bills and court rulings.

CSDA’s publication, *Laws Governing Special Districts*, is a member resource that provides a thorough overview of the most significant long-standing laws affecting the governance of all types of special districts. This resource includes a spreadsheet outlining the enabling act for each type of special district. Following are excerpts of some of the most frequently referenced laws affecting all special districts.



See what’s included in the *Laws Governing Special Districts Guide* at csda.net.

Resources for You and Your Special District

Since 1969, CSDA has been providing special districts with representation at the Capitol, professional development opportunities, and a host of programs and resources designed to help them better serve their communities.

Advocacy and Public Affairs

CSDA is the only association representing the interests of California’s independent special districts, of all types and sizes and from all corners of the state. Our legislative staff reviews and monitors every bill introduced for its potential impact on special districts. Bills requiring action are quickly brought to the attention of the Legislative Committee and Board of Directors to adopt a position on each issue and lobby accordingly.

Our District NetWorks program helps special districts connect and take action on issues of concern, locally or statewide. A CSDA Public Affairs Field Coordinator works with leaders in each Network, providing valuable legislative updates, facilitating communications, and coordinating regional events. Local chapters of CSDA provide more opportunities for collaboration and information sharing.

Professional Development

CSDA offers many unique educational opportunities for special district board members and staff. These range from extensive governance training to specialized conferences and regional workshops.

- Special District Leadership Academy (SDLA)
- Special District Board Secretary/Clerk Conference
- General Manager Leadership Summit
- Annual Conference and Exhibitor Showcase
- Workshops in Ethics, Harassment Prevention, and more
- All webinars FREE for CSDA members

In addition, CSDA webinars, offered live and on-demand, provide affordable and convenient access to education in a wide variety of topics. Find a complete list of trainings at csda.net.

Visit csda.net for online resources available for members, including tools and information crucial to any special district's operational effectiveness.



CSDA is committed to providing solutions to special district needs. That includes discounts and programs especially designed to save districts time and money.

A complete listing of Value Added Benefits is available at csda.net.

Online Resources

At csda.net, members have access to tools and information crucial to any special district's operational effectiveness. Below are a few highlights of what you can find once you've logged in.

CSDA Communities

Our online forum gives CSDA members a fast and easy way to share relevant information and get answers to questions from those most qualified to answer – your peers. Search for and connect with other members through the Member Directory, or find service and product providers through the Buyers Guide.

Knowledge Base

The Knowledge Base is your online go-to for answers to many questions about local governance and policies related to special districts. The Frequently Asked Questions section contains answers to the inquiries we hear most often from special districts. The Sample Document Library is a collection of useful examples contributed by other special districts.

Also included in the Knowledge Base is an array of downloadable publications and reference materials on topics such as:

- Ballot Measure Guidelines
- Brown Act Compliance
- California Public Records Act
- Parliamentary Procedure
- Reserve Guidelines
- And many more

California Special Districts Alliance



California Special Districts Association
Districts Stronger Together



Special District Risk Management Authority



CSDA Finance Corporation

California Special Districts Alliance is a collaborative partnership between CSDA, the CSDA Finance Corporation and the Special District Risk Management Authority (SDRMA). Our three organizations work together to provide the best in resources and education for your special district.

CSDA Finance Corporation has facilitated nearly \$1 billion in financing for capital improvements, land acquisitions, and equipment purchases. Learn more at csdafinance.net.

Special District Risk Management Authority provides full-service risk management programs, including Workers' Compensation, Property/Liability, and Health Coverages. Learn more at sdrma.org.



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Good Governance Checklist: Good and Better Practices



What practices can a local agency put in place to promote public trust and confidence? What practices can minimize the risk of missteps that could undermine or damage this trust and confidence?

The Institute for Local Government (ILG) has created a checklist to help elected officials, county administrative officers, city managers, agency counsel, local agency staff and the community-at-large answer these fundamental questions. Some of the “good practices” are those necessary to comply with California law. Others set the agency’s sights higher and take good practices to a level of “better practices.” Whenever possible, the checklist offers references for further information on a topic.

The checklist is divided into the following areas:

1	Stewardship of Public Resources (Financial Practices, Use of Public Resources, Procurement and Contracting)
2	Transparency (Open Government Practices, Meetings, Decision-Making)
3	Education, Training and Personnel
4	Campaigns

This checklist can be used by elected officials and staff to evaluate the current practices of an agency, identify deficiencies in policy and procedures, set goals and foster communication within the agency about its practices.

The checklist combines legal requirements included in California law as well as practices suggested by the following resources:

- Government Finance Officers Association’s best practices, available at www.gfoa.org/best-practices
- Institute for Local Government’s “Ethics Law Compliance Best Practices,” available at www.ca-ilg.org/ethicsbestpractices
- League of California Cities City Managers Department, “Transparency and Your City Self-Assessment Checklist,” draft version available at www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Managers/Transparency-Subcommittee/Transparency-and-Your-City-checklist
- California Special District Leadership Foundation, “District Transparency Certificate of Excellence Checklist,” available at www.sdlf.org/transparency.htm
- Sunshine Review, “2013 Transparency Report Card,” available at http://ballotpedia.org/Transparency_report_card_%282013%29

In addition, the League of California Cities helped develop an extensive fiscal assessment tool designed to probe more extensively into local agency fiscal conditions. This tool is available at www.californiacityfinance.com/Diagnostic1405.pdf.

ABOUT THE INSTITUTE FOR LOCAL GOVERNMENT

The Institute for Local Government is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on ethics visit www.ca-ilg.org/trust. If you would like to access this resource directly, go to www.ca-ilg.org/goodgovernance.

The Institute welcomes feedback on this resource:

- Email: ethicsmailbox@ca-ilg.org Subject: Good Governance Checklist: Good and Better Practices
- Mail: 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

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HOW TO USE THIS INFORMATION

Although the Institute endeavors to help local officials understand technical and legal concepts that apply to their public service, these materials are not technical or legal advice. Officials are encouraged to consult technical experts, attorneys and/or relevant regulatory authorities for up-to-date information and advice on specific situations.

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | GENERAL

Minimum Standards/Good Practices

- Consistent with generally accepted accounting principles, agency fully and accurately discloses both positive and negative financial information to the public and financial institutions including:
 - Summaries of all municipal funds, fund balances and changes
 - Summaries of all municipal revenues and expenditures
 - Five year financial forecast
 - General status of reserves and any unfunded obligations (for example, pension obligations)
- Agency creates and documents accounting policies and procedures

Resource:

- www.gfoa.org/documenting-accounting-policies-and-procedures

Beyond the Minimum/Better Practices

- Agency discloses budget and financial documents on agency website. See Government Finance Officers Association's (GFOA) Best Practice: Using Websites to Improve Access to Budget Documents and Financial Reports, available at www.gfoa.org/sites/default/files/CCIUsingWebsites.pdf
- Agency prepares five year financial forecasts for both general and other funds, examining issues such as overall economic trends, environmental and regulatory risks, unfunded liabilities, adequacy of fee levels, fund balances, cost deferrals and infrastructure condition
- Agency officials discuss forecasts, comparing actual results to forecasts, accompanied by a broader discussion of risks that could affect core agency service levels and facilities during public meetings
- Agency officials and the public they serve are clear on the financial implications (short and long term) of the policy and other decisions being made; management and decision-makers support a culture of transparency regarding the agency's financial situation
- Agency engages in energy efficiency and conservation measures to save money and natural resources

Resource:

- www.ca-ilg.org/energy-efficiency-conservation

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | INTERNAL AGENCY CONTROLS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency segregates duties among staff to minimize risk of error or misconduct <input type="checkbox"/> Agency has created a system of authorizations, approval and verification for transactions <input type="checkbox"/> Diligent reconciliation process requirements are in place and followed to compare various sets of data to one another; discrepancies are identified and investigated and corrective action is taken when necessary <p>Resource:</p> <ul style="list-style-type: none"> • www.osc.state.ny.us/agencies/ictf/docs/intcontrol_std.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Managers are given information and training to take responsibility for internal controls <input type="checkbox"/> Manager involvement follows GFOA's best practices including: <ul style="list-style-type: none"> • Trainings for all employees • Documentation of internal controls • Practical means for employees to report management override of internal controls that could indicate fraud • Periodic evaluation of internal controls <p>Resource:</p> <ul style="list-style-type: none"> • www.gfoa.org/getting-management-involved-internal-control

FINANCIAL PRACTICES | PERIODIC FINANCIAL REPORTS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> A certified public accountant prepares agency annual financial reports in accordance with generally accepted accounting principles <input type="checkbox"/> Agency officials receive periodic financial reports (mid-year at a minimum) <input type="checkbox"/> Reports provide a clear and complete picture of the agency's assets and liabilities <input type="checkbox"/> Periodic financial investment reporting occurs in open meetings 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency complies with the Government Finance Officers Association, financial reporting best practices. For more information see www.gfoa.org/conforming-governmental-accounting-auditing-and-financial-reporting-standards <input type="checkbox"/> Agency posts and archives periodic reports on the agency website <input type="checkbox"/> Reviewing officials receive training/information on how to evaluate reports <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/FinancialReportingandAccounting

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | BUDGET

Minimum Standards/Good Practices

- Agency makes complete current fiscal year budget available on agency website
- Agency has a clear capital financing and debt management policy that addresses how it selects external consultants such as bond counsel, financial advisors, trustees, engineering consultants and underwriters
- Capital financing and debt management policies address disclosure and relations with rating service agencies

Beyond the Minimum/Better Practices

- Agency complies with Government Finance Officers Association’s, “Best Practices in Public Budgeting” available at www.gfoa.org/services/nacslb/
- Agency makes budgets for the past three years available on agency website
- Agency officials receive training and information of how to review and/or comment on a budget and questions to ask

Resource:

- www.ca-ilg.org/budget-creation-and-monitoring (materials and informational video)

- Agency provides information on the budget to the public through a variety of channels, with an emphasis on presenting the information in plain and understandable terms

Resource:

- www.ca-ilg.org/engaging-public-budgeting

- Agency holds public budget workshops to get community input on perceived needs

FINANCIAL PRACTICES | EXPENSE REIMBURSEMENT POLICY

See Use of Public Resources section below

STEWARDSHIP OF PUBLIC RESOURCES

FINANCIAL PRACTICES | AUDITS

Minimum Standards/Good Practices

- Agency auditing practices meet California State Controller’s requirements
- Resource:**
- www.sco.ca.gov/ard_local_info_resources.html
- Agency secures independent audits of financial reports no later than 180 days after year end
 - Agency fully cooperates with state and federal audits
 - Agency posts most recent audit, including opinions on internal controls and other matters, on agency website as well as making such reports available at libraries
 - Agency periodically changes auditors to provide a fresh view of agency finances (no less than every six years)¹
 - Agency governing body meets with auditor to review results of audit in a full and frank manner during a public meeting; officials treat any issues identified as opportunities to improve agency practices and not as opportunities to blame staff

Beyond the Minimum/Better Practices

- Agency auditing practices exceed State Controller’s requirements
- Resource:**
- www.sco.ca.gov/ard_local_info_resources.html
- Auditors review agency procedures for handling potential conflicts of interests among agency staff
 - Agency posts the past three years’ audits on agency website
 - Agency officials receive information and training on how to review and comment on an audit
- Resource:**
- www.ca-ilg.org/audits

STEWARDSHIP OF PUBLIC RESOURCES

USE OF PUBLIC RESOURCES* | EXPENSE REIMBURSEMENT

*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency has required travel and expense reimbursement policies for elected and appointed officials, ² as well as for staff Resource: <ul style="list-style-type: none"> • www.ca-ilg.org/SampleReimbursementPolicies <input type="checkbox"/> Agency provides the expense reimbursement policy to all new employees and officials <input type="checkbox"/> Staff carefully and consistently reviews compliance with expense reimbursement policy and receives support from top management and governing body in doing so <input type="checkbox"/> Compliance with expense reimbursement policy is subjected to independent verification <input type="checkbox"/> Legislative body members make required brief report of meeting attendance at the agency's expense at the next meeting of the body ³	<input type="checkbox"/> Policy and organizational culture emphasizes the value of being conservative about using public resources Resources: <ul style="list-style-type: none"> • www.ca-ilg.org/reimbursementpolicy • "Buying Meals for Others on the Public's Dime" available at www.ca-ilg.org/dime <input type="checkbox"/> Agency posts the expense reimbursement policy on agency website <input type="checkbox"/> Staff and elected officials receive periodic reminders on the provisions of the policy that most likely apply to them <input type="checkbox"/> Members make a brief report on meetings and conferences attended at agency expense, underscoring the value received

USE OF PUBLIC RESOURCES* | ALLOWANCES

*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Any allowance (for example, a telephone or technology allowance) is backed up by documentation explaining the factual basis for the allowance	<input type="checkbox"/> Officials decline overly generous or duplicative allowances/benefits that could create public perception issues or present ethical concerns

STEWARDSHIP OF PUBLIC RESOURCES

USE OF PUBLIC RESOURCES* | AGENCY RESOURCES AND EQUIPMENT

*AGENCY FUNDS AND ANYTHING PURCHASED WITH THOSE FUNDS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<p><input type="checkbox"/> Agency adopts policy which takes into account proscriptions against:</p> <ul style="list-style-type: none"> • Gifts of public resources • Personal use of public resources • Political use of public resources (see Campaign section below) <p><input type="checkbox"/> Agency policy is consistently applied</p> <p><input type="checkbox"/> Staff and elected officials understand and comply with mass mailing prohibitions⁴</p> <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/massmailing <p><input type="checkbox"/> Those with special access to agency equipment receive training and periodic reminders on prohibitions of use of agency resources for personal or political purposes</p>	<p><input type="checkbox"/> Orientation of newly elected officials, newly appointed officials and newly hired staff address the issue of permissible and impermissible uses of public resources</p> <p><input type="checkbox"/> Agency periodically reminds team members of policies and proscriptions at relevant time points (for example, before election season)</p> <p><input type="checkbox"/> Agency explores opportunities to share limited resources among a network of local agencies (cities, schools, special districts, counties, etc.) to leverage capital and staff resources through joint training programs, sharing services, and joint use of facilities and equipment</p> <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/shared-services-and-joint-use

STEWARDSHIP OF PUBLIC RESOURCES

PROCUREMENT AND CONTRACTING RULES AND POLICIES	
Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency has a transparent and fair process for selecting with whom it will do business <input type="checkbox"/> Agency complies with state competitive bidding requirements for public works projects⁵ <input type="checkbox"/> Agency has clear organization-wide standards and guidelines regarding procurement and contracting <input type="checkbox"/> Agency has policy for advertising contracts open for bidding <input type="checkbox"/> Agency has policies in place for the proper disposal of surplus property – policies are communicated to staff <input type="checkbox"/> Local officials involved in contracting decisions receive information and/or training on the laws prohibiting self-dealing in agency contracts⁶ <input type="checkbox"/> Officials involved in contracting and purchasing decisions must be included in an agency’s conflict of interest code and regularly file a Statement of Economic Interests (Form 700)⁷ <ul style="list-style-type: none"> • Form 700 is available at: www.fppc.ca.gov <input type="checkbox"/> Agency completes Agency Report of Consultants (Form 805)⁸ and ensures that all consultants in designated positions complete and file a Statement of Economic Interests (Form 700) <ul style="list-style-type: none"> • Form 805 is available at: www.fppc.ca.gov/forms/805.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency complies with both the letter and the spirit of procurement laws and policies, that all interested parties are given the opportunity to do business with the agency on an equal basis <input type="checkbox"/> Agency website explains processes for doing business with the agency <input type="checkbox"/> Agency website includes information about contract opportunities and Requests for Proposals (RFPs) <input type="checkbox"/> Vendors receive information about ethics standards for doing business with the agency <input type="checkbox"/> Agency conducts periodic training and outreach to educate prospective and current vendors on the agency contracting process <input type="checkbox"/> Agency engages in climate friendly purchasing practices <ul style="list-style-type: none"> Resource: <ul style="list-style-type: none"> • www.ca-ilg.org/climate-friendly-purchasing <input type="checkbox"/> Agency engages in regional or shared bidding processes among local agencies in a geographic area to reduce costs.

TRANSPARENCY

OPEN GOVERNMENT PRACTICES | PROMOTING TRANSPARENCY

Minimum Standards/Good Practices

- Agency anticipates information the public needs concerning the agency’s activities and makes the information available through a variety of channels including the agency website
- Local officials and designated staff are current in making their Statement of Economic Interests (Form 700) disclosures
 - Form 700 is available at: www.fppc.ca.gov
- Agency institutes a policy for receipt of free tickets/event admissions for officials and ensures reporting compliance on the FPPC Agency Report of Ceremonial Role Events and Ticket/ Admission Distributions (Form 802)⁹
 - Form 802 is available at: www.fppc.ca.gov/forms/802.pdf

Beyond the Minimum/Better Practices

- Agency creates a “transparency portal” on its website that provides anticipated information the public needs from all agency departments in one easy to find location
- Agency makes Statement of Economic Interests (Form 700) disclosures available on the agency website
- Agency makes Ticket/Admission Distribution Report (Form 802) available on the agency website
- Agency makes Payment to Agency Report (Form 801) available on the agency website
 - Form 801 is available at: www.fppc.ca.gov/forms/801.pdf
- Agency uses an electronic filing system to make posting and completion of the required disclosures easier

OPEN GOVERNMENT PRACTICES | PUBLIC RECORDS ACT REQUESTS

Minimum Standards/Good Practices

- Agency adopts policy for handling Public Records Act requests and makes the policy available on website and through other channels
- A designated staff member handles all records requests in order to ensure prompt compliance with records requests
- (Alternative for Larger Agencies) Designated staff members within each department receive training on Public Records Act compliance to enable the department to properly respond to such requests.

Beyond the Minimum/Better Practices

- Agency accepts online records requests
- Agency anticipates commonly requested records and posts them on the agency website, including all Fair Political Practices Commission forms
- Agencies participating in joint use or shared services provide online access to documents and materials about cross-agency relationships

OPEN GOVERNMENT PRACTICES | PUBLIC ENGAGEMENT

Minimum Standards/Good Practices

- Agency has an easy to use website that makes public information readily available
- Agency website uses plain language and minimizes the use of acronyms to ease understanding
- Agency provides information explaining how the decision-making process works and how people can provide input

Resource:

- www.ca-ilg.org/PEOrientations

- Agency engages in regular communications through a variety of channels to keep the public up-to-date on agency activities

Resource:

- www.ca-ilg.org/PEstrategiccommunications

- Communications are translated as needed and distributed to appropriate community groups

Resource:

- www.ca-ilg.org/EthnicMediaInfographic

- Agency officials maintain regular office hours
- Department heads maintain an “open door policy” for the public

Beyond the Minimum/Better Practices

- Residents can subscribe to an e-notification system for meetings, summaries of actions taken at meetings, workshops or other events/information
- Agency uses social media and other digital tools to engage and communicate with the public

Resource:

- www.ca-ilg.org/online-engagement-guide

- Agency uses mobile app for community members to report issues

Resource:

- www.ca-ilg.org/technology-and-public-input

- Agency develops relationships with community based organizations, neighborhood groups, ethnic media and clergy/congregations to distribute information and solicit input on issues of potential interest to those groups

Resource:

- www.ca-ilg.org/partnering-community-based-organizations

- For potentially controversial and/or complex issues, the agency creates additional opportunities for individuals to learn about and have input into decisions on those issues

Resource:

- www.ca-ilg.org/DeeplyHeldConcerns

- Agency has or creates youth commissions as an opportunity to connect with younger generations about public services and needs

Resource:

- www.ca-ilg.org/engaging-youth

- Agency collaborates and partners with other local agencies to engage shared constituencies, through activities such as joint meetings and newsletters

OPEN GOVERNMENT PRACTICES | INFORMATION ABOUT KEY ELECTED AND APPOINTED OFFICIALS AND STAFF

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Contact information, including telephone numbers, mailing addresses, office locations and email addresses are available on agency website and kept current <input type="checkbox"/> Terms of office/appointment and next election date are disclosed <input type="checkbox"/> Agency Report of Appointments (Form 806) is posted on agency website¹⁰ <ul style="list-style-type: none"> • Form 806 is available at: www.fppc.ca.gov/forms/806.pdf 	<ul style="list-style-type: none"> <input type="checkbox"/> Website and other communications explain terms of office and next election/appointment date for elected and appointed officials <input type="checkbox"/> Materials and information on how to seek election and appointment are available on agency website <input type="checkbox"/> Agency website contains a dedicated page for links to other local, state and federal agencies, clarifying the functions and services of each agency and makes referrals to other agencies where appropriate

OPEN GOVERNMENT PRACTICES | BOARDS AND COMMISSIONS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency complies with California law relating to creation of a Local Appointments List (Maddy Act), which is a list of all appointed positions that expire within the next calendar year. The list is made available to members of the public by various means and provided to the local library with the largest service population¹¹ <input type="checkbox"/> Agency posts unexpected vacancies in the agency's clerk's office, the local library with the largest service population and other locations as directed by the legislative body¹² <input type="checkbox"/> Agency posts the Local Appointments List on the agency website on or before January 2 of each year 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency supports leadership program(s) to familiarize potential applicants who are thinking of applying to boards and commissions with relevant roles and responsibilities <input type="checkbox"/> Agency distributes the Local Appointments List broadly through social and print media, ethnic media, community-based organizations, and clergy and congregations <input type="checkbox"/> Agency publicizes unexpected vacancies broadly through press releases, social and print media, ethnic media, community-based organizations, and clergy and congregations <input type="checkbox"/> Agency encourages local officials to engage in widespread outreach through their networks to inform all segments of the community about opportunities to serve on boards and commissions

MEETINGS | POLICIES AND PROCEDURES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<p><input type="checkbox"/> All elected and appointed officials have received information/training related to California’s open meeting laws¹³</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/abc <p><input type="checkbox"/> Chairperson receives training/information about the role of the chairperson</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/chairmeeting <p><input type="checkbox"/> All members of the decision-making body receive training/information about roles, responsibilities and purpose</p> <p><input type="checkbox"/> Agency has adopted rules of procedure to govern meetings that meet the needs of the agency and the public</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/parliamentarysimplified 	<p><input type="checkbox"/> Agency promotes civility in public meetings</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/PromotingCivility <p><input type="checkbox"/> A statement of basic rules and protocol related to public participation is included on meeting agendas and orally stated at the beginning of public comment period</p> <p><input type="checkbox"/> Agency engages in processes to enable the public to understand how to most effectively communicate concerns about issues before the agency</p> <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/publicmeetings

MEETINGS | WEBSITE CONTENT

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<p><input type="checkbox"/> Agency posts regular meeting agendas 72 hours in advance and special meeting agendas 24 hours in advance on agency website¹⁴</p> <p><input type="checkbox"/> Current year meeting minutes and agendas are available on agency website</p> <p><input type="checkbox"/> Community members can sign up for email notices/reminders of public meetings</p> <p><input type="checkbox"/> Calendar of date, time, location of meetings is available on the agency website</p>	<p><input type="checkbox"/> Agency posts meeting agendas for regular meetings earlier than required to enable the public to understand upcoming issues before the agency</p> <p><input type="checkbox"/> Agency makes archives of meeting minutes and agendas for three years or longer</p> <p><input type="checkbox"/> Agency makes available live audio/video streams and archived recordings of meetings available on the agency website</p> <p><input type="checkbox"/> Agency posts video recordings of meetings with relevant accompanying materials</p> <p><input type="checkbox"/> Agency emails meeting agendas to subscribers with information on how to view related materials on the website</p>

DECISION-MAKING | DECISION-MAKERS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> California Fair Political Practices Commission’s Form 700 (Statement of Economic Interests) is distributed and collected in a timely manner on an annual basis (required by law¹⁵) <input type="checkbox"/> Decision-makers know where the 500-foot boundaries are with respect to their various property interests¹⁶ <input type="checkbox"/> Officials are advised of prohibitions against self-dealing in addition to the Political Reform Act¹⁷ 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency staff creates a map of the 500-foot boundaries for each decision-maker to help him or her determine if there is a potential conflict of interest in a decision

DECISION-MAKING | PROCESSES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency has adopted a conflict of interest code as required by the Political Reform Act¹⁸ <input type="checkbox"/> Decision-makers receive training on due process rules applicable to quasi-adjudicatory (administrative) hearings. <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/bias <ul style="list-style-type: none"> <input type="checkbox"/> Decision-makers know the agency’s policies for disclosure of information they receive outside of adjudicatory hearings <input type="checkbox"/> Agency policies are applied consistently to those seeking agency approvals, regardless of personal connections <input type="checkbox"/> Decision-makers listen attentively at public hearings, particularly adjudicatory hearings <input type="checkbox"/> Decision-makers consider potential impacts to the resources of other local, state, federal or tribal agencies when making decisions 	<ul style="list-style-type: none"> <input type="checkbox"/> Decision-makers voluntarily abstain when their ability to make decisions in the public interest (as opposed to personal or political interests) might be reasonably questioned <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/abstentions

EDUCATION, TRAINING & PERSONNEL

EDUCATION/TRAINING | ONBOARDING

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency provides materials on duties and responsibilities for all newly elected and appointed officials and staff Resources: <ul style="list-style-type: none"> • www.ca-ilg.org/new-local-public-service <input type="checkbox"/> Agency provides information on policies, including ethics policy, upon onboarding	<input type="checkbox"/> Orientation on duties and responsibilities is available to all newly elected and appointed officials and staff Resources: <ul style="list-style-type: none"> • www.ca-ilg.org/OrientationMaterials <input type="checkbox"/> When appropriate agency shares training services and costs among neighboring local agencies

EDUCATION/TRAINING | ONGOING EDUCATION

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency supports continuing education activities for staff, appointed and elected officials (including those that are required by law for certain professional license-holders) <input type="checkbox"/> Agency requires attendance at sexual harassment prevention training for elected officials and those in supervisory positions (two hours every two years required for those in supervisory positions) ¹⁹ <input type="checkbox"/> Agency publicizes and makes available resources to help local officials understand ethics laws	<input type="checkbox"/> Agency encourages regular attendance at local and/or statewide continuing education activities <input type="checkbox"/> Agency plans regular training sessions and budgets for attendance at trainings <input type="checkbox"/> Agency provides information and guidance on handling ethical dilemmas in the workplace <input type="checkbox"/> Agency conducts joint education and information sessions among city, county, school and special district elected officials about roles, responsibilities and purpose of each local government agency to clarify and raise awareness among decision-makers <input type="checkbox"/> When appropriate agency shares training services and costs among neighboring local agencies (e.g. computer classes for fundamental software programs)

EDUCATION, TRAINING & PERSONNEL

EDUCATION/TRAINING | PROMOTING ORGANIZATIONAL ETHICS

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Ethics values are included in the agency’s mission statement <input type="checkbox"/> Agency has adopted a value-based code of ethics <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/ethicscodes <input type="checkbox"/> Ethics are part of agency’s hiring practices and interview process <input type="checkbox"/> Agency values collaboration and partnerships with other local agencies and community-based organizations	<input type="checkbox"/> Agency’s leadership leads by example by consistently demonstrating agency’s values through actions <input type="checkbox"/> When collaborating with other agencies, staff and leadership show respect and decorum for the formal and informal processes of partners and the community, developing and formalizing agreements when necessary

EDUCATION/TRAINING | ETHICS TRAINING (AB 1234)²⁰

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Elected and appointed officials receive two hours of ethics training every two years (and basic overview training within one year of assuming position) ²¹ <ul style="list-style-type: none"> • Online training available at: www.fppc.ca.gov <input type="checkbox"/> All local officials who must receive AB 1234 training are current on their training <input type="checkbox"/> Top level staff voluntarily receives training on ethics laws and principles as relevant to their duties within the agency	<input type="checkbox"/> Elected and appointed officials receive basic overview training within two months of assuming position <input type="checkbox"/> Agency takes steps to make AB 1234 training meaningful, understandable and helpful <input type="checkbox"/> AB 1234 training is in-person (as opposed to online) to enable discussion and questions <input type="checkbox"/> Certificates of compliance are easily accessible to the public and media (for example posted on the agency website) <input type="checkbox"/> Agency requires top level staff to participate in training on ethics laws and principles as relevant to their duties within the agency <input type="checkbox"/> Compliance is a condition of continuing appointment (for appointed officials) and reimbursement (elected officials) <input type="checkbox"/> Subsequent trainings are more in depth examinations of required topics ²² <input type="checkbox"/> Agency coordinates with other local agencies to provide AB 1234 training to all local officials and designated staff, including cities, counties, schools and special districts

EDUCATION, TRAINING & PERSONNEL

PERSONNEL | PRACTICES AND POLICIES

Minimum Standards/Good Practices

- Agency has fair and merit based processes in place for hiring and advancing employees
- Agency consistently makes a concerted effort to advertise widely for open positions
- Elected officials generally play a role in selection of chief executive, department heads, agency counsel, and non-elected or appointed staff and provide regular guidance and feedback to those employees

Resources:

- www.ca-ilg.org/Board-Chief-Executive-Relations

- Officials understand and abide by agency's adopted policies relating to who makes hiring and other personnel decisions relating to subordinate staff
- Agency has a non-discrimination policy and abides by its terms
- Agency has adopted and follows an anti-nepotism policy
- Agency has adopted a whistleblower protection policy and posted it on the agency website²³ (see Speaking Truth to Power section below)
- Agency has adopted policies regarding second jobs and other potentially incompatible activities²⁴

Beyond the Minimum/Better Practices

- Agency posts compensation and benefits information for all officials and employees on the agency website
- Agency completes salary comparison/benchmarking for staff positions using a reputable salary survey every five years - agency posts summary of results on agency website

EDUCATION, TRAINING & PERSONNEL

PERSONNEL | INCENTIVES FOR SPEAKING TRUTH TO POWER²⁵

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency has an adopted policy clearly explaining procedures for reporting and investigating allegations of misconduct and protection of those that report misconduct <input type="checkbox"/> Unlawful conduct is dealt with swiftly, firmly and consistently within the agency <input type="checkbox"/> Agency supervisors and staff are familiar with legal protections related to whistle-blowing activities and receive ongoing training <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/whistle 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency supports employees who bring forward truthful, but potentially unwelcome, unsolicited, unpopular or difficult information to the attention of relevant decision- makers <input type="checkbox"/> Governing bodies encourage chief executive and financial staff to regularly analyze financial trends for areas of potential concern/risks so the body can discuss and address them <input type="checkbox"/> Staff participates in professional associations that provide guidance on ethics as it relates to their role in the organization - for a list of local agency professional associations with ethics codes see www.ca-ilg.org/associationethicscodes

PERSONNEL | CHIEF EXECUTIVE

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency chief executive has a college degree in relevant field and a minimum of five years of broad-based management experience <input type="checkbox"/> Chief executive is or is willing to become a member of the International City/County Management Association (ICMA) in good standing and adheres to ICMA's declaration of ideals. For more information see www.icma.org 	<ul style="list-style-type: none"> <input type="checkbox"/> The hiring process includes ethics questions in interviews <p>Resource:</p> <ul style="list-style-type: none"> • "Promoting Personal and Organizational Ethics" available at www.ca-ilg.org/ppoe

PERSONNEL | AGENCY COUNSEL

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Agency counsel is an active member of the California State Bar in good standing with at least five years' experience in municipal law. See www.calbar.ca.gov <input type="checkbox"/> Agency counsel is familiar with and adheres to the California State Bar's Rules of Professional Conduct. See www.calbar.ca.gov/ethics 	<ul style="list-style-type: none"> <input type="checkbox"/> The hiring process includes ethics questions in interviews <input type="checkbox"/> Agency counsel acts in accordance with the ethical principles and values set forth by the agency and other relevant organizations. For example, "Ethical Principles for City Attorneys" available at www.cacities.org/attorneys

EDUCATION, TRAINING & PERSONNEL

PERSONNEL AGENCY CLERK	
Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<input type="checkbox"/> Agency clerk is or is willing to become a member of the International Institute of Municipal Clerks (IIMC) in good standing and adheres to IIMC's code of ethics. For more information see www.iimc.com	<input type="checkbox"/> Agency encourages clerks to engage in education, mentorship and professional development activities through the California Clerk of the Board of Supervisors Association and the California City Clerks Association Resources: <ul style="list-style-type: none">• www.ccbsa.net• www.californiacityclerks.org

CANDIDATES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Candidates for the governing board receive information on how to comply with campaign laws²⁶, including local requirements and restrictions²⁷ <input type="checkbox"/> Agency distributes California’s Code of Fair Campaign Practices to all candidates²⁸ <input type="checkbox"/> Agency provides candidates with information about ethics laws, including conflicts of interest, incompatible offices and governmental transparency requirements that will be relevant to their service if elected <p>Resource:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/CandidatePamphlet 	<ul style="list-style-type: none"> <input type="checkbox"/> A pledge of fair campaign practices is distributed to and signed by all candidates. Available at www.ca-ilg.org/campaigncodes <input type="checkbox"/> Agency supports one or more leadership programs to familiarize potential candidates who are thinking of running for office with local issues and decision-making practices

OFFICIALS AND EMPLOYEES

Minimum Standards/Good Practices	Beyond the Minimum/Better Practices
<ul style="list-style-type: none"> <input type="checkbox"/> Officials and employees are advised of prohibitions relating to campaign fundraising directed at agency staff²⁹ <input type="checkbox"/> Officials and employees are advised of restrictions relating to political activities of public employees³⁰ <input type="checkbox"/> Officials and employees are reminded of the proscriptions against political use of public resources including the use of equipment, photocopying, or mailing of campaign related materials at the public’s expense³¹ <p>Resources:</p> <ul style="list-style-type: none"> • www.ca-ilg.org/massmailing • The Fair Political Practices Commission fact sheet on prohibited mass mailings available at www.fppc.ca.gov 	<ul style="list-style-type: none"> <input type="checkbox"/> Agency provides trainings to officials and employees on prohibitions and restrictions on the political activities of public employees

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

- 1 See Cal. Gov't. Code § 12410.6 (“a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local agency for six consecutive fiscal years.”).
- 2 Cal. Gov't Code § 53232.2.
- 3 Cal. Gov't Code § 53232.3.
- 4 Cal. Gov't Code § 89001; 2 Cal. Code Regs §§ 18901-18901.1.
- 5 See Cal. Pub. Cont. Code §§ 20121-20123, 20162-20163.
- 6 See Cal. Gov't Code § 1090.
- 7 See 2 Cal. Code Regs. § 18730.
- 8 Available at www.fppc.ca.gov/forms/805.pdf.
- 9 See 2 Cal. Code Regs. § 18944.1.
- 10 See 2 Cal. Code Regs. § 18705.5.
- 11 Cal. Gov't Code §§ 54970-54973.
- 12 Cal Gov't Code § 54974.
- 13 Cal. Gov't Code § 54950 and following.
- 14 Cal. Gov't Code § 54954.2.
- 15 2 Cal. Code Regs. § 18723.
- 16 See 2 Cal. Code Regs. § 18705.2(a)(11), (A financial effect in which an official has a financial interest, other than a leasehold interest, is material whenever the governmental decision would consider any decision affecting real property value located within 500 feet of the property line of the official's real property unless the FPPC provides written advice of the determination that there will be no reasonably foreseeable measurable impact on the official's property).
- 17 See Cal. Gov't Code § 1090.
- 18 See Cal. Gov't Code §§ 87300-14.
- 19 Cal. Gov't Code § 12950.1.
- 20 Cal. Gov't Code § 53235 requires ethics training for specified local government officials. For more information see www.ca-ilg.org/ab1234compliance.
- 21 See Cal. Gov't Code § 53235(a), (b).
- 22 See California Attorney General's Guidelines, available at <http://oag.ca.gov/ethics>.
- 23 See Cal. Lab. Code § 1101-06.
- 24 See Cal. Gov't Code § 1126.
- 25 Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston: Little, Brown, 1979).
- 26 See generally Cal. Gov't Code §§ 84100 – 84511.
- 27 See Cal. Gov't Code § 81009.5 (Local government agencies that have adopted campaign finance ordinances must submit a copy to the FPPC). Copies or links to these ordinances are posted on the FPPC website at www.fppc.ca.gov/index.php?id=9.
- 28 Cal. Elect. Code §§ 20440-20444.
- 29 See Cal. Gov't Code § 3205.
- 30 See Cal. Penal Code § 424; Cal. Gov't Code § 8314.
- 31 Cal. Penal Code § 424; Cal. Gov't Code §§ 8314, 89001; 2 Cal. Code Regs. § 18901.1.



POLICY TITLE: Legal Counsel and Auditor
POLICY NUMBER: 1045

1045.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager and department heads. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- a) The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

1045.3 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

- a) The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter for Audit Compliance. The Chief Financial Officer/General Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.