
Rim of the World Recreation and Park District

POLICY HANDBOOK

POLICY TITLE: Duties of Board Chair

POLICY NUMBER: 4040

4040.1 The Chair of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

4040.2 In the absence of the Chair, the Vice Chair of the Board of Directors shall serve as chairperson over all meetings of the Board. If the Chair and Vice Chair of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

4040.3 DUTIES Regarding Meetings of the Board

The Chair shall preside over and conduct all meetings of the Board of Directors, and shall carry out the resolution and orders of the Board of Directors and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including the following:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies in relation to the order of business and the conduct of meetings;
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
5. Explain what the effect of a motion would be if it is not clear to every member;
6. Restrict discussion to the question when a motion is before the Board;
7. Rule on parliamentary procedure; and
8. Put motions to a vote, and state clearly the results of the vote.

4040.4 RESPONSIBILITIES

The Chair shall have all the rights to discuss and vote on any issues before the Board, but not to move or second any motion. If the Chair wishes to move or second a motion he/she must pass the gavel to the Vice-Chair and step down as the presiding officer for that particular agenda item. Responsibilities of the President include:

1. Sign all instruments, act, and carry out stated requirements and the will of the Board;
2. Sign the minutes of the Board meeting following their approval;
3. Appoint and disband all committees, subject to Board ratification;
4. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;

5. Coordinate the preparation of meeting agendas with the General Manager;
6. Confer with the General Manager or designee on crucial matters which may occur between Board of Directors meetings;
7. Be responsible for the orderly conduct of all Board meetings;
8. Be the Spokesperson for the Board; and
9. Perform other duties as authorized by the Board.

Rim of the World Recreation and Park District

POLICY HANDBOOK

POLICY TITLE: Board Secretary

POLICY NUMBER: 4045

4045 The position of Secretary of the Board of Directors is required by state law. The Secretary performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

4045.2 If for any reason the Chair and Vice-Chair disqualify themselves from participating in an agenda item or become partisan in the debate on any such item, the Secretary shall perform the duties of the presiding officer.

4045.3 DUTIES of the Secretary

The secretary of the Governing Board shall have the following duties:

1. Certify or attest to actions taken by the Board when required;
2. Sign the minutes of the Board meeting following their approval;
3. Sign the documents as directed by the Board on behalf of the Authority, and sign all other items which require the signature of the Secretary; and
4. Perform any other duties assigned by the Board.

4045.4 RESPONSIBILITIES of the Secretary

It is the responsibility of the Secretary with assistance of the agency Executive Officer to ensure:

1. Minutes of the Board of Directors meetings are recorded. These recordings are for use by the Secretary only for the purpose of preparing minutes for adoption at the next regularly scheduled meeting of the Board. Upon adoption of these minutes the recording media will be reused;
2. Minutes of each Board meeting are prepared and maintained;
3. Board records and other documents & reports are maintained, as required by law; and
4. Board officers receive the correspondence addressed to them.

Rim of the World Recreation and Park District

POLICY HANDBOOK

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4050

4050.1 Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

4050.1.1 Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

4050.1.2 Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.

4050.2 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

4050.3 Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

4050.4 Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

4050.5 Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.

4050.6 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

Rim of the World Recreation and Park District

POLICY HANDBOOK

POLICY TITLE: Basis of Authority

POLICY NUMBER: 4070

4070.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

4070.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

Rim of the World Recreation and Park District

POLICY HANDBOOK

POLICY TITLE: Board Meeting Conduct

POLICY NUMBER: 5030

5030.1 Meetings of the Board of Directors shall be conducted by the Chair in a manner consistent with the policies of the District. Policy No. 5070, "Rules of Order for Board and Committee Meetings", shall be used as a general guideline for meeting protocol.

5030.2 All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

5030.3 The conduct of meetings shall, to the fullest possible extent, enable Directors to:

5030.3.1 Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,

5030.3.2 Receive, consider and take any needed action with respect to reports of accomplishment of District operations.

5030.4 Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:

5030.4.1 Three minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

5030.4.2 No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

5030.5 Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the chair finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.

5030.5.1 After clearing the room of disruptive individuals, the Chair may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

5030.5.2 Duly accredited representatives of the news media, whom the Chair finds not to have participated in the disruption, shall be permitted to remain in the meeting.

Rim of the World Recreation and Park District

POLICY HANDBOOK

POLICY TITLE: Ethics Training
POLICY NUMBER: 4095

4095 All directors and designated executive staff of the Rim of the World Recreation and Park District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.

4095.1 This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

4095.2 All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

4095.3 Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

4095.3.1 District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.

4095.4 District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.

4095.5 Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.

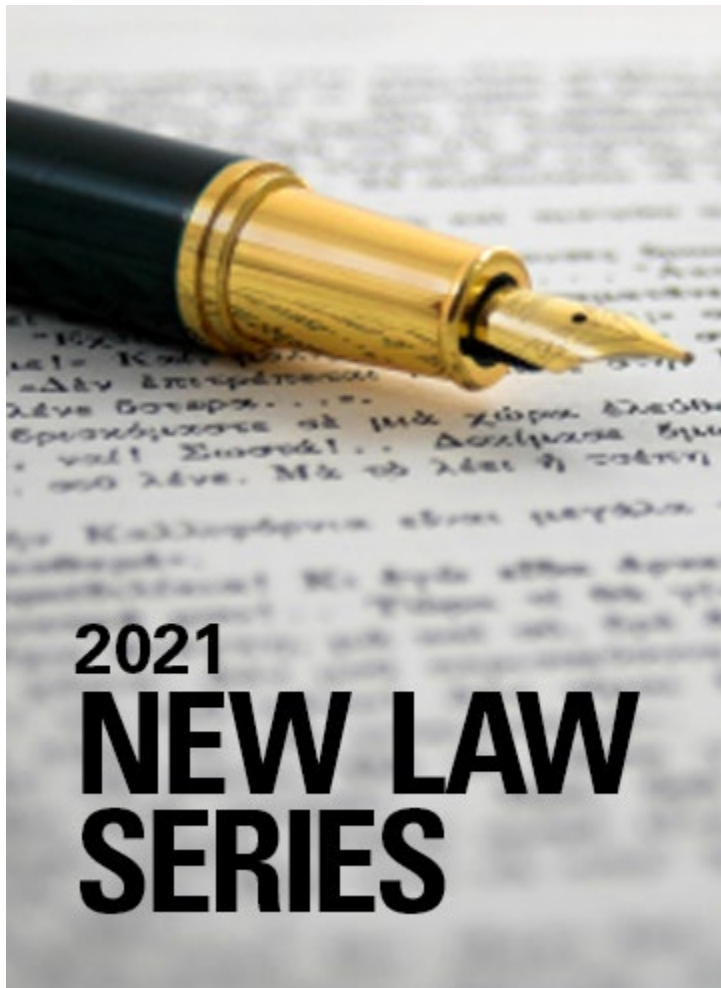
4095.6 Any director of the District that serves on the board of another agency is only required to take the training once every two years.

A. Sexual Harassment Training

- Training required every two years
- Access to the training provided by CSDA via email
- Questions regarding training may be directed to the General Manager

A. Statement of Economic Interest – Form 700

The Fair Political Practices Commission was created by the Political Reform Act in 1974 via Proposition 9 in response to the Watergate Scandal. The Form 700 is required for all elected District officials and some District staff with authority over purchasing decisions. The Form 700 is filled out electronically and is managed through a combination of District and County Staff. Notifications are automatic and sent via email when assuming office and every year thereafter until leaving office. Respondents **MUST RETURN THE FORM ON TIME OR FINES MAY BE LEVIED.** Questions regarding the Form 700 can be directed to the General Manager or Clerk of the Board.



2021 **NEW LAW SERIES**

What Public Officials Can and Cannot Post on Social Media Under the Recently Enacted AB 992

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Public officials must continue to be vigilant if they post on social media sites about agency-related matters. However, recently enacted legislation, AB 992, aimed at updating the Brown Act to meet today’s social media environment, provides greater guidance for public officials.

Prior to AB 992, public officials across the state received mixed messages and conflicting guidance from their various counsels on what could be posted, “liked,” or

shared on Facebook and other social media websites. These conflicting messages sometimes led to paralysis and some public officials avoiding communication on social media. While the public is increasingly receiving their news and community information from social media, some public agency officials have been noticeably absent from that communication medium. AB 992 was drafted and passed in the hopes of providing greater clarity on the actions public officials can and cannot take on social media, thereby encouraging greater communication and transparency with the public.

The Brown Act, a transparency law, generally provides that legislative bodies must have noticed and open meetings to discuss and transact agency business. Until AB 992 was signed into law in September, the Brown Act was silent regarding communications on social media.

AB 992 amends Government Code section 54952.2 and clarifies that a public official may communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the legislative body's subject matter jurisdiction. But those communications are only allowed if members of the same legislative body do not use a social media platform to discuss official business among themselves. "Discuss among themselves" means making posts, commenting, and even using digital icons that express reactions to communications (i.e., emojis) made by other members of the legislative body.

Notably, AB 992 is stricter about social media contacts between public officials than in-person contacts. For example, under the Brown Act, two public officials of the same agency could talk face-to-face about a public agency matter without running afoul of the law. However, AB 992 prohibits a member of a legislative body from responding "directly to any communication on an Internet-based social media platform" regarding an agency matter if the communication is "made, posted, or shared by any other member of the legislative body."

Questions are already arising regarding what social media communications are now allowed under the law. The following includes some questions and answers to unpack AB 992:

Question: To what kinds of social media platforms does AB 992 apply?

Answer: AB 992 applies to Internet-based social media platforms that are “open and accessible to the public.” “Open and accessible to the public” means “that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the Internet-based social media platform determines that an individual violated its protocols or rules.”

Practically, those platforms include, but are not limited to, Snapchat, Instagram, Facebook, Twitter, blogs, TikTok and Reddit. That means AB 992 could affect social media commenting, retweeting, liking, disliking, responding with positive or negative emojis and/or screenshotting (photographing) and reposting.

Question: Does AB 992 prohibit public officials from commenting, sharing, or liking a social media post that was posted by the public agency on its own social media platform?

Answer: No, AB 992 does not prohibit a public official from commenting, sharing, or liking a social media post that was posted by the official’s public agency. For example, if a public official wants to share his or her agency’s post about water conservation, the official could still do that. AB 992 expressly allows a public official to communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the legislative body’s subject matter jurisdiction.

An issue may arise, however, if one director shares his or her agency’s post on water conservation, and another director from the same board gives it a thumbs up. That would likely be a prohibited direct communication on social media.

Question: What if Director A posts about an agency matter, a member of the public then comments on the post, and then Director B replies to the public comment?

Answer: It is unclear whether the above scenario would violate AB 992. On one hand, Director B would likely claim that he or she is directly communicating with a member of the public and not Director A. On the other hand, someone could claim an AB 992 violation since the thread was started by Director A.

An important takeaway here is that whether or not a violation of AB 992 has occurred will likely be driven by the facts. For example, what if Director A started the thread

and there were 10 intervening replies or comments before Director B chimed in? Could Director B's reply still be categorized as a "direct communication" to Director A? A conservative approach is for public officials to avoid posting on threads in which another public official of the same agency has posted, if the issue relates to public business. This is especially true if two directors have already commented on a public agency-related thread, since a third director's input could constitute a serial meeting by a majority.

Question: What if Director B shares or retweets Director A's post without comment?

Answer: Some social media platforms like Facebook and Twitter allow users to "share" someone else's post or "retweet" a post, respectively. Arguably, if one director is taking another director's post about a public agency matter and posting it onto his or her own page — even without comment — that would appear to be a direct response. Typically a share or retweet of another person's post shows support of that post (though that's not always the case).

Similarly, if two other directors (Directors B and C) shared or retweeted Director A's post — even without comment — those directors would appear to be a majority of the body "discussing among themselves" a topic within their agency's purview.

Question: Can public officials use social media to discuss personal matters amongst themselves?

Answer: Yes. Neither the Brown Act nor the new provisions in AB 992 prohibit discussions regarding private matters. For example, there is no issue with one director giving a thumbs up to another director's family photo or a majority of directors congratulating another director for finishing a marathon. The Brown Act only applies to public agency business.

Question: How would AB 992 be enforced?

Answer: AB 992 does not include any new or additional enforcement provisions. The district attorney or any interested person could raise a claim that a public agency violated the Brown Act and follow the enforcement provisions provided in the Government Code.

Question: Does AB 992 affect other methods of communication, such as public officials texting or emailing one another?

Answer: No, AB 992 only applies to communications about agency business on social media accounts that are generally open to the public. It does not regulate other electronic means of communication such as text messaging or emailing. However, the other means of electronic communication could raise other issues, including serial meetings and the California Public Records Act.

Question: How does AB 992 implicate the California Public Records Act?

Answer: In the case *San Jose v. Superior Court* (2017) 2 Cal. 5th 608, the California Supreme Court held that communications on personal electronic accounts could be subject to the Public Records Act. If public officials are using social media to communicate with members of the public (or one another), those posts could be subject to the Public Records Act.

As noted, whether an issue has arisen under AB 992 is highly factual, and this article only gives a sampling of the questions that may come up with public officials' use of social media. For specific issues, public officials should consult with their agency's general counsel.

This article was written by, Hong Dao Nguyen and Albert Maldonado Attorneys, Best Best & Krieger LLP, as part of CSDA's New Laws Series, where experts explain recently enacted laws and how they will impact special districts moving forward. This article is provided for general information only and is not offered or intended as legal advice. Readers should seek the advice of an attorney when confronted with legal issues, and attorneys should perform an independent evaluation of the issues raised in these materials.