

NEWBERRY COMMUNITY SERVICES DISTRICT

Established 1958

A REGULAR MEETING OF THE BOARD OF DIRECTORS WILL BE HELD AT THE
NEWBERRY COMMUNITY CENTER
30884 NEWBERRY ROAD, NEWBERRY SPRINGS, CALIFORNIA ON

September 26, 2023, AT 6:00 P.M.

In compliance with the American with Disabilities Act and Government Code section 54954.2, if you need special assistance to participate in the District Meeting or other services offered by the District, please contact the District Office at 760- 257-3613. Normal office hours are Wednesday, Thursday and Friday noon until 4 p.m.

AGENDA

Call the meeting to order- - Pledge of Allegiance

Roll Call: Director Deel, Director Matson, Director Roberts, Director Springer, Director Unger

1. Approval of Agenda

2. Approval of Minutes

A. Regular Board Meeting Draft Minutes 8/22/2023

3. Public Comments: *Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member may speak on any agenda item at the time the agenda item is discussed by the Board of Directors.*

A. General Public

B. Community Reports-

1. County Supervisor-Elaine Villareal, Representative-
2. Sheriff Captain Ron Markegard-
3. CHP Sargent Carmichael-

3. Reports

A. General Manager – GM Vanek

Scoreboard Cover; Yard Service Update; Secretary Posting; Sign for Fitness Park,

B. Temporary CSD Administrator – Daphne Lanier

C. Fire Department - Chief Lanier

D. Financial Reports – GM Vanek

Balance Sheet, Budget vs Actuals

E. Air Quality Monitors - Director Unger

F. Directors Comments (1 min.)

4. Agenda Items- Discussion/Possible Action

A. Director's Fiduciary Responsibility – Discussion Only – Director Unger

The suggestions in the Institute for Local Self-Government publication "Everyday Ethics for Local Officials – Fiduciary Duties and Public Service" will be reviewed and discussed.

B. Revise Policy 5070 to Incorporate Robert's Rules of Order – Discussion/Possible Action – Director Unger

Robert's Rules of Order is America's foremost guide to parliamentary procedure. The CSD

needs to demonstrate to the public that it intends to conduct orderly and productive meetings.

C. 2012-2013 Grand Jury Report – Discussion and Possible Action – Director Unger

There appear to be numerous items in the 2012-2013 San Bernardino County Grand Jury Final Report that appear to currently be unaddressed. The Directors will begin a discussion leading to addressing these items. Because of the scope of the report, a Special Meeting may be needed to address these items in full.

D. Policy 2300 – General Manager Job Description – Discussion/Possible Action – Director Unger and Director Deel

The proposed revision of Policy 2300 adds a list of required management classes and a bonus reimbursement incentive for completing classes beyond just the required classes.

2300.1.2 Remove "and the Board of Directors" on the 2nd line and 2 other changes in same paragraph. The GM hires and fires staff and volunteers.

E. Solar Projects Inquiry to Supervisor Rowe – Discussion/Possible Action – Director Unger

Local realtors and Newberry residents are receiving solicitations to sell or lease their land within Newberry Springs to solar developers who want to build solar energy projects within Newberry. Should the Board request clarification from Supervisor Rowe regarding whether permitting of these projects by the County is legal?

F. Shall the NCS D write a letter to the California Public Utilities Commission in Support of Frontier Communications' CPC FFA Broadband Grant Application, FTR San Bernardino 2B. Discussion/Possible Action

The Frontier Communications' CPC FFA Broadband Grant Application, FTR San Bernardino 2B, will connect over 1,600 unserved households in the Newberry Springs Area in the Mojave Desert within San Bernardino County. The area includes the communities of Newberry Springs, Daggett, and Yermo.

G. Transformative Climate Communities Grant Report for the Newberry CSD Building and Park for Planning or Project Development Funds. Discussion/Possible Action: Directors Matson and Roberts, Rose Beardshear Report from Committee: Application sent August 1st. Update Shall we move this item to Reports: GM

H. New Policy 2116 or 7008 to Govern the Using of Liaisons to Assist the GM, Discussion/Possible Action, Director Springer

Communication or cooperation which facilitates a close relationship between people or organizations. Being a tiny CSD when we have special projects our staff may have a difficult time taking care of everything. We have been doing this for some time – Directors Matson and Unger working on the park getting the scoreboard up and working for the kickball game; Director Springer helping with the Fire Department; Director Deel helping with financials and Policies etc., Director Roberts advising regarding contracting. We work at the request of the GM and can only do what the GM gives us permission to do.

Park & Rec Liaison – Director Matson

Fire Department Liaison – Director Springer

Office/Financial Liaison – Director Deel

Street Lights & CSD Building Liaison – Director Roberts

Events – Director Unger

I. Policy to Provide Public Wi-Fi in the Community Center Building Discussion/Possible Action, Staff

If the Board decides to have Public Wi-Fi, we need to include a policy to govern it. Staff is to report on cost and procedure.

J. 2023 Pistachio Festival Kickball Tournament Status – Discussion/Possible Action, Director Matson Update

K. MOU for Use of Vacant Lot Across Newberry Rd for Auxiliary Parking for Events Held at the NCSD, Discussion/Possible Action, Staff

L. Pumpkin Patch Sponsorship – Discussion/Possible Action – GM Vanek & Chief Lanier

The Chamber of Commerce has given up sponsorship of the Pumpkin Patch. It is scheduled for October 21st. Do we want to sponsor this event?

5. Approve Bills Paid and Presented; Discussion/Possible Action; GM Vanek
6. Old and New Business
7. CLOSED SESSION GOV. SEC. CODE 54954.5(e) Public Employee Performance Evaluation - General Manager
8. Report from Closed Session
9. Adjournment

I, Paula Deel

Print name



Signature

declare under penalty of perjury that I am a Board member or designated Staff member of the Newberry Community Services District and that this agenda was posted at least 72 hours prior to the meeting on a District office Display Board and on the District's Website at www.NewberryCSD.net.



Everyday Ethics for Local Officials

Fiduciary Duties and Public Service

February 2008

QUESTION

As the chief executive for a local government agency, I have seen elected officials become bogged down in the details of various ethics laws. Instead of examining the proper thing to do in a specific situation, the focus shifts to whether a certain course of action will get an official in trouble with the law.

*It occurs to me that it might be easier if those of us who care about public service ethics started speaking in broader terms. For example, what if we just spoke in terms of public servants owing a **fiduciary duty** to the public they serve? Doesn't that concept underlie most if not all ethics laws? Wouldn't that be a simpler way to look at a public servant's ethical obligations?*

ANSWER

You pose an intriguing question. There are indeed a number of parallels between ethics laws and fiduciary responsibilities. In addition, the notion of having a fiduciary duty also touches on some of the higher obligations of public service above and beyond the minimum requirements of most public service ethics laws. Thinking about the parallels between fiduciary duties and public service ethics offers a good opportunity to think broadly about the obligations of public service.

What Is a Fiduciary?

How might concepts underlying fiduciary duty relate to the public's expectations of public officials? First, let's look at the term "fiduciary." It derives from the Latin terms *fides* or *fiducia*, both of which mean trust and confidence.

Certainly when the public chooses an elected official, the public is putting its trust and confidence in him or her to act in the public's best interests. The same can be said when one becomes an employee of a public agency. The agency trusts everyone on its team to put the public's interests first. Indeed, always putting the public's interests first is the essence of public service ethics.

A fiduciary is also someone who acts for another. That is why trust and confidence are so important.

In a representative democracy, the public elects officials to act in their interests.¹ Elected officials make important decisions on behalf of the public, including how to spend taxpayer and other public monies on infrastructure and services.

Public officials also exercise the power of the collective will when they adopt and enforce regulations. Regulations intrude on individuals' prerogatives. Essentially, in a given situation, what an individual wants to do must yield to the concept of the greater good of the community.

Wielding the power of the public purse as well as the power to regulate are certainly weighty responsibilities.

Duties of a Fiduciary

Because a fiduciary has the power and obligation to act for another, the law imposes on fiduciaries strict standards of diligence, responsibility and honesty.

These are very similar to federal law standards for public officials, which impose on public officials the broad obligation to serve the public honestly. What does that mean? According to federal prosecutors, honest public service means being conscientious, loyal, faithful, disinterested and unbiased. Honest public service is performed free of deceit, undue influence, conflict of interest, self-enrichment, self-dealing, concealment, bribery, fraud and corruption.² As the following discussion of fiduciary duty obligations illustrates, the standards are very similar.

Diligence: The Duty to Do a Good Job

The law speaks in terms of a fiduciary using his or her "best efforts" on behalf of those served. This typically means using all possible skill, care and diligence when acting on behalf of those served. In the case of public servants, the task is for public officials to use their best skills, care and diligence in serving the public.

That means educating oneself about the issues facing the community -- talking to the community, staff and other experts, as well as reading relevant reports and studies. It also means being diligent in preparing for and attending meetings. Ultimately, it means making decisions that reflect one's best judgment on what course of action will produce positive results for the community.

Of course, public officials sometimes face very hard decisions, with difficult trade-offs among what seem to be equally important goals. Determining what the "best" decision is

in terms of the public's interests is easier said than done. However, there are tools to help public officials sort through arduous choices.

Sometimes laws provide guidance in a given situation. For example, in some situations the law states that preserving the environment is of primary importance; in other situations, the priority may be considerations of fairness and fair processes.

Speaking of fairness, your own values provide another source of guidance. Values relevant to public service decision-making include trustworthiness, fairness, responsibility, loyalty, compassion and respect. Sometimes officials translate one or more of these values into decisions that they perceive offer the most benefits for the most people. Sometimes that approach yields when a decision would pose an unfair burden on a particular segment of the community.

Hearing directly from the public about what people believe to be in their best interests is another helpful tool for local officials. The challenge is to make sure an agency uses processes appropriate to the issue and the type of input desired. Officials who emphasize greater inclusiveness and public engagement in public service view themselves as stewards of a decision-making process as much as (or sometimes even more than) the actual decision-makers.

Responsibility and Loyalty: Putting Others' Interests First

A fiduciary is forbidden from acting in any manner adverse or contrary to the interests of those he or she serves. This means not putting one's own financial or political interests ahead of the public's. Put another way, as a public servant, your *loyalty* must be to the entity you serve and the public's interests, not your own interests.

The most egregious way a public official might put his or her own interest ahead of the public's is by engaging in graft -- the misuse of one's position to acquire personal financial gain.³ That can occur when a public official makes a decision because he or she receives a bribe to decide an issue a certain way. Another example is when an official receives payment (sometimes known as a kickback) for steering contracts to certain vendors.

The law prohibits public officials from using public resources for personal gain. The laws against embezzlement and theft are one such example. However, there are even more subtle forms of misusing public resources; for example, using public resources to enhance one's visibility in the community and, hence, chances for re-election. Such uses may well be illegal and certainly conflict with the ethical obligation to spend limited public resources in a way that benefits the public.

In our political culture, we are so sensitive to the *possibility* that decision-makers might put their financial interests ahead of those of the public that some laws are designed to

avoid even the *perception* that personal financial gain motivated a decision. Conflict-of-interest laws are an example of such laws.

The premise underlying conflict-of-interest laws is that when decision-makers are in a position where they might reasonably be *tempted* to put their own interests ahead of the public, the best course of action is for them to step aside from the decision-making process. This avoids any perception that a decision-maker's interests may have influenced his or her decision.

Do the conflict-of-interest laws have a cost? Yes. From time to time, conflict-of-interest laws prevent certain people from participating in the decision-making process. Those individuals may be smart, and they may have constituents who very much want them to participate in that decision. They were also elected to participate on the public's behalf as part of our representative democracy. They may even be motivated solely by the public's interests. Despite all this, they cannot participate. The goal is to have the balance fall so the public can be most assured its interests always come first.

This is because the law determines that the public's trust and confidence in its decision-makers is more important than the decision-makers' participation in every decision. Even the potential *appearance* of impropriety damages the public's trust and confidence enough to justify preventing a decision-maker from participating in important decisions.

Honesty: Being Open and Transparent

A person acting in a fiduciary capacity is held to a high standard of honesty and full disclosure.

When the public places power in the hands of its public officials, the public relies on officials to exercise that power prudently. Indeed, the definition of "trust" is to rely on the integrity, strength and ability of a person or thing.⁴

Former President Ronald Reagan's statement "trust but verify" resonated because, among other things, people feel most confident their trust won't be betrayed if there is a way to ensure that bad things aren't happening. President Reagan used the phrase in the context of foreign relations and weapons monitoring, but the same can be said of transparency in general.

Governmental transparency laws are an example of the public's trust-but-verify attitude toward public institutions. Such transparency laws include open meeting requirements that decision-making must occur in meetings where the public can attend and participate. Another example is the requirement that public records be open and accessible to public review.

Limits of the Fiduciary Duty Concept in Public Service

Although the concept of fiduciary duty can help public servants think through the legal and ethical obligations of public service, it's important to note that this concept has limits in the public service context. For fiduciaries, the courts are the ultimate source of accountability. Although public officials are answerable to the courts in certain situations, they must also answer to the public.

In general, the courts are more likely to second-guess the decisions of true (or formal) fiduciaries when there is a dispute over whether they met their obligations. The courts are also the ultimate enforcer of obligations for more traditional fiduciaries.

The courts play a role in enforcing the obligations of public officials, of course, by making sure public decisions and decision-making processes satisfy the requirements of various laws, including ethics-related laws. As already noted, there are laws related to graft, conflicts of interest, use of public resources, transparency and fair processes. Sometimes the law defines what types of considerations cannot enter into a decision (for example, discrimination against certain groups) or others that must be given certain weight (for example, environmental considerations or the need for affordable housing).

However, the courts will not substitute their judgment about what constitutes the public's best interests when an elected official has made his or her best judgment on what serves the public's interest. In our system of separated powers, the exercise of policy-making discretion ultimately resides with policy-makers when they are acting in a legislative capacity. Activities involved in implementing the law also involve some exercise of discretion with which the courts will not interfere. The theory is that the electorate is the ultimate check upon unwise, less than fully diligent or unethical decision-makers.

However, as federal law related to public officials' obligations to engage in "honest" services indicates, it can be a risky strategy for public officials to focus closely on the fine distinctions under specific state law that divide lawful from unlawful conduct.

Public officials should develop the habit of asking whether their outside interests, duties or affiliations actually detract or appear to detract from their ability to exercise an undivided duty of loyalty to the public's interest and the organization they serve. This standard gets to the core of the issue and prevents nitpicking over close calls or loopholes in imperfectly written laws.

This strategy also goes beyond the minimum requirements of the law by focusing on the public's trust and confidence in the decision-making process, and encourages public officials to avoid conduct that may be, strictly speaking, legal but not ethical.

Conclusion

Does the concept of public officials owing a type of fiduciary duty to the public help simplify what public service ethics is about? Simplification is frequently in the eye of the beholder, so we will let our readers be the judge. Certainly the core concept of acting for the benefit of others as opposed to oneself is equally important to both public service ethics and fiduciary obligations.

Perhaps something like the Marine Corps motto of *Semper Fi* or "Always Faithful" (*Semper Fidelis*) can simplify the way one thinks about public service ethics. Public officials, however, must be faithful to the concept of all actions being about the public's interests. *Semper pro Populus* means "Always for the Public" -- the core message of both a fiduciary approach to public service and the concept underlying public service ethics laws.

Special Cases: Investing Money and Public Pension Boards

In some situations, the nature of public officials' fiduciary obligations is more explicit.

Investing Money: California law⁵ specifically says that local governing bodies are fiduciaries when it comes to investing public money. This means officials have a legal duty to invest according to the "prudent investor" standard, which generally requires public officials to make investment decisions with care, skill, prudence and diligence. The statute goes on to specify that preserving the value of the funds invested must be the primary objective of such investments.⁶ Liquidity and return on investment must be the second and third objectives, respectively.

Public Pension Plans: Pension boards for public pension plans are another variation on the fiduciary duty theme. Such pension board members are fiduciaries, and the duty they owe is to pension plan participants⁷ -- not the public as a whole. This means decisions must be in the plan participants' best interests. Pension board members also have a duty to invest pension plan monies in the interests of plan participants, using care, diligence and skill.

Some public agency counsel also believe that failure to accurately and completely report pension fund obligations under the new General Accounting Board Standards (known as GASB 43 and 45) may also violate fiduciary responsibilities if the plan is underfunded.

Loyalty to the Entity You Serve

When you join an organization's governing board, typically your role includes an obligation to act with the organization's best interests in mind. As noted in the June 2004 "Everyday Ethics" column, this can create conflicting loyalties when you serve on a regional body and your city's or county's interests conflict with what's best for the region.

A variation on that theme occurs when what's best for the city or county as a whole conflicts with what your supporters want you to do or what's best for your district. As an ethical matter, when you become a member of a governing board, you take on the responsibility to do what's generally best for the jurisdiction as a whole. You can argue for measures that mitigate unfair burdens on sub-areas of the city or county or spread burdens more equitably (since fairness is another ethical value), but pursuing parochial interests at the expense of the general welfare of the organization as a whole conflicts with your ethical duties to the organization.

This piece originally ran in *Western City Magazine* and is a service of the Institute for Local Government (ILG) Ethics Project, which offers resources on public service ethics for local officials. For more information, visit www.ca-ilg.org/trust.

ILG thanks the following individuals for their contributions to this article: Buck Delventhal, San Francisco City Attorney's Office; Joe Pannone, Aleshire and Wynder; Richard P. Shanahan, Bartkiewicz, Kronick & Shanahan; and Louis Leone, Stubbs & Leone.

Endnotes:

¹ *U.S. v. Randall Harold Cunningham*, No. 05cr2137 LAB (filed Nov. 28, 2005) page 4 (available at <http://f11.findlaw.com/news.findlaw.com/cnn/docs/crim/uscnghm112805cinf.pdf>).

² graft. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/graft> (accessed: Nov. 11, 2007).

³ trust. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc. <http://dictionary.reference.com/browse/trust> (accessed: Nov. 11, 2007).

⁴ See Cal. Gov't Code §53600.3.

⁵ See Cal. Gov't Code §53600.5.

⁶ See *Hittle v. Santa Barbara County Employees Retirement*, 39 Cal.3d 374, 392-93, 216 Cal. Rptr. 733, 743-44 (1985) (noting the fiduciary relationship between plan boards and participants).

⁷ See, for example, Cal. Corp. Code § 7231(a) (fiduciary obligations of nonprofit mutual benefit corporation directors).

4B

POLICY TITLE: Rules of Order for Board and Committee Meetings
POLICY NUMBER: 5070

5070.1 General.

5070.1.1 Action items shall be brought before and considered by the Board by motion in accordance with this policy. ~~These rules of order are intended to be informal and applied flexibly.~~ The Board ~~prefers a flexible form of meeting and, therefore, does not~~ conducts its meetings under ~~strict formalized rules such as~~ Robert's Rules of Order.

5070.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order

5070.2 Obtaining the Floor.

5070.2.1 Any Director, or Staff member, desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

5070.3 Motions.

5070.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

5070.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

5070.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

5070.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

5070.4 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

5070.4.1 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

5070.4.2 Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

5070.4.3 Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

5070.4.4 Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

5070.4.5 Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.

5070.4.6 Motion to Recess. Any Director may make a motion to recess. The Board President shall then call for a second and a vote.

5070.4.7 Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

5070.5 Decorum.

5070.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

5070.5.2 The President may also declare a short recess during any meeting.

5070.6 Amendment of Rules of Order

5070.6.1 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or c) both.

Revised, Approved and Adopted ~~April 22, 2014~~ September 26, 2023
Revised, Approved and Adopted April 22, 2014

4D

POLICY TITLE: Job Description - General Manager
POLICY NUMBER: 2300

2300.1 Description. The General Manager is the Executive Officer of the District and for the Board of Directors. The General Manager administers the District and has exclusive management and control of the operations and works of the District, subject to approval by the Board of Directors, and provides day-to-day leadership for the District. The General Manager has general charge, responsibility and control over all property of the District.

2300.1.1 The General Manager attends all meetings of the District's Board and such other meetings as the Board specifies from time to time.

2300.1.2 The General Manager employs volunteers and employees as the General Manager ~~and the Board of Directors deems~~ necessary for the proper administration of the District and the proper operation of the works of the District. Compensation shall be set by the Board of Directors. The General Manager shall delegate authority at their discretion and has authority over and directs activities of all employees and volunteers, including ~~termination-terminating for cause or lack of worthwhile work~~. The General Manager's personnel management goal will be to provide a motivating work climate for District employees.

2300.1.3 The General Manager maintains cordial relations with all persons entitled to the services of the District, attempts to resolve all public and employee complaints, and shall encourage citizen participation in the affairs of the District.

2300.1.4 The General Manager seeks to carry into effect the expressed policies of the Board of Directors, including planning the short, medium and long term work program for the District, facilitating constructive and harmonious Board relations and shall translate the goals and objectives of the Board to the community.

2300.1.5 The General Manager shall manage the District budget, conducting studies, and making oral and written presentations.

2300.1.6 The General Manager shall present a written report at each regular Board Meeting. The report shall include the following:

- a) The current status of all ongoing District projects.
- b) Significant information from all off-site meetings that the General Manager attended during the prior month.
- c) List of all non-confidential correspondence sent to and received from other governmental agencies during the prior month.
- d) A summary of the number of hours worked by all District employment during the prior month.
- e) Any other information that the General Manager deems important for the Board and the public to be made aware of.

This report will be included in the official Minutes of each regular Board meeting.

2300.2 Required Qualifications. The General Manager 1) shall have a minimum of five (5) years of experience in an increasingly responsible public agency management position or similar experience; 2) shall possess a valid California driver's license; 3) shall annually complete a minimum of 4 hours (or equivalent) continuing education related to the duties of the position.

2300.3 Desirable Qualifications: The ability to efficiently prepare annual budgets and long-term revenue/outlay plans; the ability to effectively communicate, both written and verbal, with the constituents and other agency personnel; and the ability to meet and serve the public courteously and efficiently.

Revised, Approved and Adopted ~~May 23, 2023~~ September 26, 2023

Revised, Approved and Adopted May 23, 2023

Revised, Approved and Adopted February 22, 2022

Revised, Approved and Adopted April 22, 2014

NEW POLICY 2300 SECTIONS

2300.2 Required Qualifications. The General Manager 1) shall have a minimum of five (5) years of experience in an increasingly responsible public agency management position or similar experience; 2) shall possess a valid California driver's license; 3) shall complete the following California Special District Association (CSDA) training classes within the first six months of employment: a) Ethics AB 1234

Compliance Training; b) Sexual Harassment Prevention Training for Supervisors. The GM shall annually complete a minimum of 4 hours (or equivalent) continuing education related to the duties of the position

2300.2.1. It is the policy of the NCSD to incent the GM to continuously improve her/his management skills. This adds value to the NCSD and also improves the ability of the GM to advance in their career position. The NCSD will pay a \$50 bonus to the GM for each hour of relevant, online course instruction completed. The following classes offered by the California Special District Association (CSDA) are highly recommended. a) "Best Practices (Finance, Brown Act, CA Public Records Act)"; b) "The Brown Act: Come for the Basics, Stay for the Updates"; c) "Customer Service Excellence in the Public Sector"; d) "Records Retention and Management in the Electronic Age". Any other relevant GM skill-building class or classes chosen by the GM are also bonus/reimbursable.

CSDA POLICY TITLE: Overview of the General Manager's Role

POLICY NUMBER: 1050

1050.1 The General Manager is an employee of the District and has an employment agreement which specifies his or her terms of employment. The General Manager is the administrative head of the District under the direction of the Board of Directors. He or she shall be responsible for the efficient administration of all the District's affairs which are under the General Manager's control. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with short and long range goals, policy statements, and directives from the Board.

1050.2 The General Manager's Duties

The District's General Manager shall be responsible for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The planning, direction, and coordination of the day-to-day operations of the District through the appropriate department heads or managers including administration, financing, maintenance, engineering, human resources, and others to effect operational efficiency;
- c) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employment policies established by the Board of Directors;
- d) Attend and participate in District Board meetings, prepare and present reports as necessary, represent the Board before external organizations including other agencies, governmental and regulatory entities, business and community groups;
- e) The supervision of the District's facilities and services; and
- f) The supervision of the District's finances.

1050.3 The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instruction to the General Manager on matters within the authority of the Board during duly-convened board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other District employees. Members of the Board will refrain from making requests directly to District employees (other than the General Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow the District's Request for Public Records Policy.



September 19, 2023

California Public Utilities Commission (CPUC)
Communications Division
Attn: Last Mile Federal Funding Account (FFA) – Broadband Grant Program
505 Van Ness Avenue
San Francisco, CA 94102

RE: Support for Frontier Communications' Last Mile Federal Funding Account (FFA) Broadband Grant Application: FTR San Bernardino 2B (Newberry Springs Area – San Bernardino County)

The Inland Empire Regional Broadband Consortium (IERBC) strongly supports Frontier Communications' CPUC FFA Broadband Grant Application, FTR San Bernardino 2B.

The Frontier Communications FFA Grant Application, FTR San Bernardino 2B, will connect over 1,600 unserved households in the Newberry Springs Area in the Mojave Desert within San Bernardino County. The area includes the communities of Newberry Springs, Daggett, and Yermo.

The Newberry Springs Area is extremely disadvantaged and remote with residents in desperate need of broadband service to help close the digital divide. The residents in the Newberry Springs Area have spent years attending meetings, trying to find ways to get broadband in their community, and advocating everywhere they can for broadband service, and often feel that they are just being left behind. Residents and community leaders from Newberry Springs attended the recent California Department of Technology and CPUC Digital Equity Outreach meeting at Cal State San Bernardino and gave testimony on how awful it is for them to be without broadband. With news of the FFA Account Broadband Funding, the community is supportive and extremely hopeful that Frontier Communications will be awarded FFA funds from the CPUC to finally bring broadband to the unserved in the Newberry Springs Area.

The Newberry Springs Area is listed as a Priority Unserved Area in both the IERBC Inland Empire Broadband Infrastructure and Access Plan and the Inland Empire Preferred Scenario for Unserved Households Report.

Frontier's FTR San Bernardino 2B FFA Grant Application will be built to take advantage of the California Statewide Middle Mile Broadband investment in the Newberry Springs Area.

Frontier Communications has experience successfully deploying CPUC funded broadband infrastructure projects in the Inland Empire. As an established Internet Service Provider (ISP) in San Bernardino County, Frontier Communications has the resources and experience to get this project done within the CPUC FFA Grant time frame.

IERBC fully supports and encourages the CPUC to approve Frontier Communications' FFA Grant Application, FTR San Bernardino 2B. If you would like to discuss, please contact me at 951-845-4391 or martha@iebroadband.com.

Sincerely,

Martha van Rooijen, Executive Director
Inland Empire Regional Broadband Consortium (IERBC)

September 26, 2023

California Public Utilities Commission
Communications Division
Attn: Last Mile Federal Funding Account – Grant Program
505 Van Ness Avenue
San Francisco, CA 94102

Re: Letter of Support for Frontier Communications' FFA Grant Application - FTR San Bernardino 2B - Newberry Springs.

The Newberry Community Services District's Board of Directors strongly urges the California Public Utilities Commission to approve Frontier Communications' FFA Broadband Grant Application that will serve our community of Newberry Springs.

Newberry Springs and the neighboring communities of Daggett and Yermo are disadvantaged, rural communities that desperately need fiber-optic internet. Frontier Communications' FFA grant proposal would be transformative for our community and bring us the digital equity we deserve.

Fiber-optic connectivity will provide our residents with unprecedented access to education, medical assistance, job opportunities, public safety, government participation, and much more. It would also benefit the mental health of residents, especially the elderly, by reducing their isolation.

We commend Frontier Communications for its significant proposal and respectfully request the California Public Utilities Commission's full support of this FFA application for Newberry Springs.

4H

POLICY: CSD: Liaison Assignments: Rules and Regulations Policy
Number: 2116 or 7008

DIRECTOR LIASON ASSIGNMENTS: ADMINISTRATION, FIRE DEPARTMENT, PARK & RECREATION

Definition: Liaison assignment – An agreed upon assignment by Board of Directors vote to assign a director or directors to a liaison roll for a specified area of Board control & oversight. Typically, in the defined areas of Administration, Fire Department, and Park & Recreation.

DESIGNATION OF LIASON:

1. Board of Directors may assign (designate) any director to an oversight (liaison) position related to Administration, Fire Department, and Park & Recreation.
 - a. This is not a delegation of power or control. Directors still must bring all items of concern, cost commitment, and pertinent information back to the entire board via the General Manager.
 - b. Liaison designation is to assist the General Manager, Board, and ultimately the community to assess, manage, and achieve given goals through direct interaction and personal contributions.
 - c. Designated Directors do not have board power to make changes, spending, or direct employees or contractors.
2. Designations are of typical Board responsibility and control. Special events or projects may be of urgent importance and contain very complex elements that a “Liaison” designated Director(s) may be assigned per Board Approval
3. Agenda listings: A standing committee report or specific agenda item may be created, but typically this information should be covered during the General Managers report. Designated directors may offer up additional information / insight during this report area.

CHANGE / DISSOLUTION OF LIASON:

4. The liaison designation may be dissolved or re-assigned at the direction of the Board of Directors.
5. No restrictions will be placed upon any director being designated as a liaison. Directors have the right to recuse or deny a delegation due to conflict of interest if so applies.
6. Liaison designations should be revisited annually, typically November / December time frame to coincide with election cycle.