



# Oceano Community Services District

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October 8, 2008

TO: Board of Directors, OCSD

FROM: Patrick J. O'Reilly, General Manager *PJO*

**SUBJECT: BOARD MEETING PROTOCOL**

1. This is a supplemental staff report.
2. The Ad Hoc Committee on Board Protocol met on Monday, October 6, 2008. The Committee developed amended Rules of Order which are attached. The Committee recommends adoption of the amended Rules of Order.

3. The changes proposed to the existing rules of order include:

Paragraph 2.9: The addition of two sentences which are underlined and italicized on attached.

Paragraph 3: The addition of paragraph 3 and renumbering of the remainder of the paragraphs.

Paragraph 16: The deletion of reference to Robert's Rules of Order.

Paragraph 17: The addition of paragraph 17.

**THE RECOMMENDED ACTION BEFORE YOUR BOARD is to:** by Board discussion, public comment, motion, second, and roll call vote, adopt changes to the Rules of Order recommended by the Ad Hoc Committee.

Agenda Item 10 08 2008 9.b.

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RULES OF ORDER  
PROPOSED BY AD HOC COMMITTEE 10/6/2009**

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**OCEANO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS - RULES OF ORDER**

**1. OFFICERS OF THE BOARD OF DIRECTORS.**

1.1 The officers of the Board of Directors (the "Board") are the President and Vice President.

1.2 The President of the Board shall serve as chairperson at all Board meetings. The chairperson 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. In addition to such duties as are customarily performed by the chairperson of an organization, the chairperson shall conduct all meetings in a manner consistent with the policies of the District and perform the following duties.

- (a) Open the session at the appropriate meeting time.
- (b) Announce the business before the Board in the order in which it is to be acted upon. (Announce agenda items and determine the type of action necessary).
- (c) Recognize Board members and others deserving the floor.
- (d) State and put to vote all questions which arise during the course of a Board meeting and announce the Board's decision on all subjects.
- (e) If reasonable, restrain debate.
- (f) Inform and enforce the Rules of Order as they have been adopted by the Board.
- (g) Authenticate, by signature, all acts, orders, and proceedings of the Board.
- (h) Close debate.
- (i) Make all committee appointments subject to Board approval.

1.3 In the absence of the President, the Vice President of the Board or his/her

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designee shall serve as chairperson over all meetings of the Board. If the President and Vice President the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year as follows.

(a) The determination and seating of the President and Vice President shall be the first order of business after the call to order, roll call, flag salute, and if appropriate, certification of election and seating of new board members.

(b) The call for nominations for President shall be opened by the President and nominations shall be received by voice. No nomination needs to be seconded.

(c) Nominations shall be closed upon an approved motion.

(d) An absent candidate may not be nominated and elected unless such candidate has submitted in writing his/her desire to serve.

(e) Nothing herein shall prohibit a Board member from declining to serve as a Board officer, in which case, the determination of the officer in question shall be made without regard to the declining person.

(f) The elected President takes possession of his/her office immediately and his/her term commences immediately.

(g) After the President is determined, the Vice President shall be determined in the same manner as the President. The elected Vice President takes possession of his/her office immediately and his/her terms commences immediately.

(h) Committee, interagency, and other third party body appointments shall be made by the new President during the first meeting in January or when requested by a majority of the Directors, subject to approval of the Board.

(1) No committee shall include in its membership more than two (2) Board members.

(2) "Core" appointments shall be to the Finance Committee, the Fire Committee, the Personnel Committee and the representative to the South San Luis Obispo County Sanitation District (SSLOCSD).

(3) The President will automatically be assigned as the District representative to the South San Luis Obispo County Sanitation District.

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- (4) At least one "Core" appointment will be made to each Director unless a Director declines the appointment.
- (5) No more than two "Core" appointments will be made to any one Director.
- (6) "Core" appointments will be rotated annually with no Director assigned to the same "Core" committee, except the SSLOCSD, two years in a row unless approved by a majority of the Directors.
- (7) Other appointments will be rotated on an annual basis if a Director requests assignment to a specific committee.
- (8) No more than one Director who has not previously served as a Director will serve on any "Core" committee.
- (9) Assignment to the Fire Oversight Committee will be made to a member of the Fire Committee unless both primary members of the Fire Committee decline appointment.
- (10) The President shall be appointed as an alternate member to all standing committees. The Vice President shall be appointed as an alternate for those meetings where the President serves as a regular member or where the President is unable, due to scheduling or other conflicts, to attend a committee meeting as an alternate.
- (11) The General Manager, or his/her designee, shall be an ex-officio member of all committees.

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1.5 Any member of the Board may request that an agenda item be included on a regular or special meeting for the Board to consider whether the President or Vice President shall be removed and an election be conducted to select a new President or Vice President.

(1) Upon motion and second, the President or Vice President shall be removed from office as such and an election will be held to select a new President or Vice President if a majority of the Board votes affirmatively.

(2) The call for nominations for President and/or Vice President shall be opened by the then acting President and nominations shall be received by voice. No nomination needs to be seconded.

(3) Nominations shall be closed upon an approved motion.

(4) An absent candidate may not be nominated and elected unless such candidate has submitted in writing his/her desire to serve.

(5) Nothing herein shall prohibit a Board member from declining to serve as a Board officer, in which case, the determination of the officer in question shall be made without regard to the declining person.

(6) The elected President or Vice President takes possession of his/her office immediately and his/her term commences immediately.

(7) Committee, interagency, and other third party body appointments shall be made by the new President during the first meeting after his/her election, subject to approval of the Board.

**2. MEETINGS.**

2.1 Regular meetings of the Board shall commence at 6:30 p.m. and adjourn by 10:00 p.m. on the second and fourth Wednesday of each calendar month in the Board room at the District Office currently located at 1655 Front Street, Oceano, CA. It shall be the policy of the Board to complete meetings, including closed sessions, by 10:00 p.m. unless the majority of the Board elects to continue past the adjournment hour. If at the hour of 10:00 p.m. the Board has not concluded its business, the Board will review the balance of the agenda and determine whether to extend the meeting beyond the hour of 10:00 p.m., continue the remaining items, or adjourn the meeting to another date and time.

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

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2.3 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

(a) Board Members may briefly respond to statements or questions from the public; and

(b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and

(c) Board Members or the Board itself may take action to direct staff to place a matter on a future agenda.

2.4 A majority of the Board shall constitute a quorum for the transaction of business. While a majority of the Board is sufficient to do business, motions must be passed unanimously if only three attend. Only those Board members present at a meeting may vote on business conducted at that meeting. Members may not vote when absent or by proxy. If a quorum does not arrive within fifteen (15) minutes of the time the meeting has been scheduled, it shall be determined that a quorum is not present. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting, or, if no Board member is present, the District secretary shall adjourn the meeting.

2.5 A roll call vote shall be taken upon the passage of all ordinances, resolutions, other matters established by Board policy or state law as requiring solicitation of bids and all matters involving more than a five thousand dollars (\$5,000.00) expenditure by the District. The roll call vote shall be entered in the minutes of the Board showing those Board members voting aye, those voting no and those not voting or absent. In calling the roll, the chairman of the meeting's name shall be called last. Upon demand by any Board member, or at the discretion of the President, the vote on any other motion or matter shall be by roll call. Unless a Board member states that he or she is not voting because of a conflict of interest and steps down from the dais prior to the discussion of the item, his or her silence, or vote of abstention shall be recorded as an affirmative vote. Tie votes shall be lost motions.

2.6 A motion to reconsider any action previously taken by the Board must be made by a Board member who voted on the prevailing side or who had no opportunity to vote on the original motion.

2.7 Any person attending a meeting of the Board may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.

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2.8 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room. Artificial illumination and/or flash lighting can be used only during the "Public Comment" period portion of the agenda and during special presentations such as awards at the discretion of the President.

2.9 A block of time shall be set aside to receive general public comment. Comments on agenda items should be held until the appropriate item is called. Public comment will not be received on agenda items that are for reporting only and allows no Board action. Unless otherwise directed by the President, public comment shall be presented from the podium. The person giving public comment shall state his/her name and general place of residence prior to giving his/her comment. Public comment shall be directed to the Board as a whole and not to any member individually or the public. Public comment shall be limited to three minutes unless extended or shortened by the President in his/her discretion. In order to avoid repetitious presentations and delay in the business of the Board, whenever any group of persons wishes to address the Board on the same subject matter, the President may request a spokesperson be chosen by the group to present their position. After public comment has been closed, no member of the public shall address the Board from the audience on the matter under consideration without first securing permission to do so from the President with support of the majority of the Board or a majority of the Board.

**3. BOARD MEETING PROTOCOL.**

- 3.1. *The President of the Board will introduce agenda items by title only.*
- 3.2. *District staff will present information on agenda items to the Board.*
- 3.3. *The President will ask if any Board members have questions to clarify what has been presented by staff. This is not a time for deliberation but for clarification.*
- 3.4. *The President will open the floor for public comment in accordance with paragraph 2.9 above. There will be no immediate response to any public comment and no questions will be answered at this time.*
- 3.5. *The President will open discussion by Board members. Board members will be encouraged to speak no more than once on an item until all other members have had a chance to speak. Nominations do not require a second, but motions do. If a motion is changed, the second must agree with the change or another second must be made. If a motion receives no second, it "dies for the lack of a second." Board members will be encouraged to speak no more than once for or against a motion.*
- 3.6. *No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be ground for summary termination, by the President, of*

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*that person's privilege of address.*

- 3.7. *Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President 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.*
- 3.8. *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.*
- 3.9. *If a Board member believes order is not being maintained or procedures are not being followed, 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.*
- 3.10. *Board members shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.*

**4. AGENDAS.**

4.1 The General Manager, in cooperation with the President, shall prepare an agenda for each regular and special meeting of the Board. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. one week prior to the meeting date.

**5. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES.**

5.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads.

5.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 4.3 below, shall not be required to record any remarks of Board Members or any other person.

5.3 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed.

5.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks



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related, and whether they spoke in support or opposition to such matter.

5.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

5.6 Any tape, film or other electronic record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act.

5.7 Nothing herein shall be deemed to create a requirement that minutes be taken or tape, film or other electronic recordings be made of any closed sessions of the Board.

**6. MEMBERS OF THE BOARD OF DIRECTORS.**

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

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

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

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

**7. AUTHORITY OF DIRECTORS.**

7.1 The Board 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.

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

7.3 The primary responsibility of the Board is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to

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professional staff members of the District.

**8. DIRECTOR GUIDELINES.**

8.1 Board Members, by making a request to the General Manager or Administrative Assistant, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Administrative Assistant cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Administrative Assistant shall inform the individual Board Member why the information is not or cannot be made available.

8.2 In handling complaints from residents, property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.

8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.

8.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Administrative Assistant. The chain of command should be followed.

8.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

8.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Administrative Assistant.

8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

8.8 Resolution 1998-19 is incorporated into these Bylaws and is attached hereto as reference.

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**9. DIRECTOR COMPENSATION.**

9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board attended by him/her and for each day's service rendered as a Director by request of the Board.

9.2 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each meeting other than regular, adjourned or special meetings or other function attended by him/her and each half day's service rendered as a Director at the request of the Board.

9.3 In no event shall Director compensation exceed one hundred dollars (\$100) per day.

9.4 Director compensation shall not exceed six (6) full days in any one (1) calendar month.

9.5 Each Board Member is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board, which reimbursement shall be in strict compliance with the District's adopted travel policy and Government Code Sections 53232.1 and 53232.2, each as amended from time to time.

**10. COMMITTEES.**

**10.1 Ad Hoc Committees.**

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

**10.2 Standing Committees.**

(a) The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District related issues, on a continuing basis, assigned to it by the Board the Directors. Committee members shall be appointed by the President, subject only to Board approval as provided in Section 1.4 (f).

(b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these Rules. Summary notes for each meeting of each committee shall be forwarded to the Board as a public record.

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**11. CORRESPONDENCE DISTRIBUTION POLICY.**

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board on Friday of each week and/or with agenda packet.

(a) All letters approved by Board and/or signed by the President on behalf of the District; and

(b) All letters and other documents received by the District that are of District-wide concern as reasonably determined by District staff.

**12. CONFLICTS AND RELATED POLICY.**

State laws exist which attempt to eliminate any action by a Board Member or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the Fair Political Practices Commission (the "FPPC") at (916) 322-5660, prior to the day of the meeting, if they have a question about a particular agenda item.

12.1 Conflict of Interest.

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making a governmental decision if it is: (1) reasonably foreseeable that the decision will have a (2) material financial effect on the (3) official or a member of his or her immediate family or on an economic interest of the official, and (4) the effect is distinguishable from the effect on the public generally. If real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision. Additionally, FPPC rules generally require a disqualified Board member to leave the room during the discussion of the matter.

12.2 Interest in Contracts, Government Codes Section 1090.

The prohibitions of Government Code Section 1090 provide that the District may not contract with any business in which a Board member has a financial interest.

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12.3 Incompatible Office.

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment of the other public interest, their discharge by one person is incompatible with that interest.

**13. EVALUATION OF CONSULTANTS.**

The District Consultants, including the District Legal Counsel and District Consulting Engineer shall be evaluated annually during months of May and June of each year.

**14. CONTINUING EDUCATION.**

Members of the Board are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Subject to budgetary constraints, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

**15. BOARD RULES OF ORDER REVIEW POLICY.**

These Rules of Order shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

**16. RESTRICTIONS ON RULES.**

16.1 These Rules shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with States and Federal laws.

**17. CODE OF ETHICS.**

*17.1 The Board of Directors of [DISTRICT NAME] is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including AB 1234 (Salinas) approved in 2006.(copy attached as reference)*

*In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed.*

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- 17.1.1 *The dignity, style, values and opinions of each Director shall be respected.*
- 17.1.2 *Responsiveness and attentive listening in communication is encouraged.*
- 17.1.3 *The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists or not.*
- 17.1.4 *The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.*
- 17.1.5 *Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.*
- 17.1.6 *Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.*
- 17.1.7 *Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.*
- 17.1.8 *Directors should practice the following procedures:*
- 17.1.8.1 *In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.*
- 17.1.8.2 *In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.*
- 17.1.8.3 *In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.*
- 17.1.8.4 *In presenting items for discussion at Board meetings, See Policy #5020.*
- 17.1.8.5 *In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager or legal counsel.*

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17.1.9 *If approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor or General Manager. The chain of command should be followed.*

17.1.10 *The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.*

17.1.11 *When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.*

17.1.12 *Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.*

17.1.13 *Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.*

17.1.14 *Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.*