

RESOLUTION 2025-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, upon review and discussion, the Personnel Committee, and the Finance and Audit Committee of the Board of Directors recommended revisions to the Policy and Procedures Manual based on advice given by the District's legal counsel; and

WHEREAS, the Board of Directors has reviewed and considered the revisions to the subject policies attached hereto and listed below, finds the new or revised policies relevant and acceptable, and it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District as follows:

The BCVWD Policies and Procedures Manual sections are revised or replaced per the attached exhibits as indicated below:

Table with 2 columns: 'Replace or Revise Policy:' and 'With the New or Revised Policy:'. Rows include Manual Part I (A-C), Manual Part III (D-E), and Manual Part IV (F-G) with specific policy numbers and descriptions.

ADOPTED this 8th day of January, 2025, by the following vote:

- AYES: Slawson, Williams, Ramirez, Hoffman, Covington
NOES:
ABSTAIN:
ABSENT:

Handwritten signature of Daniel Slawson, Director Daniel Slawson, President of the Board of Directors of the Beaumont-Cherry Valley Water District

ATTEST: Handwritten signature of Andy Ramirez, Director Andy Ramirez, Secretary to the Board of Directors of the Beaumont-Cherry Valley Water District

POLICY TITLE: POLICY MANUAL
POLICY NUMBER: 1010

1010.1 **Purpose.** It is the intent of the Board of Directors of the District to maintain a Manual of District Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. A Manual of District policies shall be maintained by the Human Resources Department.

1010.2 The Policy Manual will be available to all employees and members of the public in accordance with the Public Records Act and under applicable law.

1010.3 Adoption / Amendment of Policies

1. Revisions to the Policy Manual are subject to approval by the Board of Directors.
 - a. The Table of Contents, Title Pages, Page Numbering, and Dividers are exempt from Board approval.
 - b. Changes of format, font, spacing, and corrections of typographical (typo) errors are exempt from board approval.
2. Policy. Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Board Director or the General Manager or his/her designee.
3. New Policy Procedure. Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular or special meeting of the Board of Directors.

1010.4 Upon hire, employees will receive a copy of the District's Policy Manual and sign an acknowledgement of receipt. This acknowledgement shall be retained in his/her personnel file.

1010.5 Individual District departments and employees may maintain additional department or desk manuals separately from the Policy Manual. Adoption or revision of these internal documents are not subject to Board approval.

1010.6 The Policy Manual will be written with clarity, precision, and inclusion. The Policy Manual will be written using APA (American Psychological Association) style and grammar guidelines to increase the ease of reading comprehension.

1. The Policy Manual will use a standardized format and numbering system.
2. The Policy Manual will use the serial comma, also known as the Oxford comma.
3. Law, Government Code, etc. will be cited via parenthetical citations.
4. Policies may cite other policies within the text to provide context via parenthetical citations.
5. Abbreviations must be defined upon first use for each individual policy. Terms defined under the Definitions policy (Policy 1000) need not be defined in subsequent policies. For example, "District" is always defined as "Beaumont-Cherry Valley Water District" (Policy 1000.1).
6. Numbers will be listed as numerals only, not spelled alphabetically. For example, "5," "\$5,000," and "120" are all acceptable.

1010.7 **Reservation of Rights.** As circumstances change, the District may revise, supplement, or rescind policies or portions of this Manual. Employees will be notified in writing of such changes as they occur. Only written changes adopted by the Board of Directors are recognized or binding.

1010.8 **Supremacy.** If any policy or portion of a policy contained within the Policy Manual is in conflict with rules, regulations or legislation having authority over District, said rules, regulations or legislation shall prevail.

1010.9 **Severability.** It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses, and phrases of this Policy Manual are severable; and if any phrase, clause, sentence, paragraph, or section of this Policy Manual shall be declared unconstitutional or otherwise invalid by a court, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Policy Manual.

POLICY TITLE: EXECUTIVE OFFICER
POLICY NUMBER: 3045

3045.1 **Executive Officer.** The General Manager shall be the Executive Officer and the Administrative Head of the District, serving at the pleasure of the Board. The General Manager shall serve as the Executive Officer and Administrative Head of the District, reporting directly to and serving at the discretion of the Board. The Executive Officer is responsible for overseeing the District's strategic direction, implementing Board-directed policies and procedures, and ensuring accountability for District performance. Acting as the primary liaison for media relations, public relations, and external communications, the Executive Officer represents the District professionally in interactions with cities, counties, public agencies, private organizations, and other stakeholders in both the public and private sectors, unless otherwise directed by the Board. Additionally, the Executive Officer monitors operations, addresses challenges, and implements solutions to align with the Board's objectives.

3045.2 **Employment Agreement.** The terms and conditions of the General Manager's employment shall be specified in the agreement of employment established between the General Manager and the Board of Directors. Any amendments to the agreement shall be made in writing, voted by the Board and signed by both the General Manager and the President of the Board of Directors

3045.3 **Conflict.** Whenever the agreement of employment established between the General Manager and the Board of Directors is in conflict with any District policy, said agreement of employment shall prevail.

3045.4 **Duties and Responsibilities.** The General Manager shall perform the duties and responsibilities as outlined in the job description and as assigned by the Board of Directors. The General Manager shall adhere to the District's policies and procedures and act in the best interest of the organization. The following is a non-exhaustive list of the General Manager's duties and responsibilities:

- a. Oversees the District's financial planning, rate setting, and cost control measures to ensure fiscal responsibility and sustainability
- b. Has charge and control of the construction, maintenance and operation of the water system and other facilities of the District upon approval of the Board of Directors.
- c. Has power and authority to employ, discipline and discharge employees of all classifications, consistent with the District policy, Memorandum of Understanding (MOU) and other provisions of law,
- d. Establishes performance standards and duties for all employees in alignment with District policies,
- e. Fixes and alters the compensation of employees, subject to approval of the Board, and
- f. Ensures compliance with the District's Personnel Manual and prevents employees from engaging in improper activities

3045.5 **Performance Evaluation.** The General Manager's performance shall be evaluated annually by the Board of Directors.

3045.6 **Nepotism and conflict of Interest.** The General Manager shall avoid any conflict of interest and shall disclose any potential conflicts to the Board of Directors immediately. Please refer to Policy 3180 Nepotism / Employment of Relatives and Fraternization

POLICY TITLE: FAMILY AND MEDICAL LEAVE
POLICY NUMBER: 3090

3090.1 **Policy.** The District complies with the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees. The provisions of an employment agreement or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with FMLA and/or CFRA. In the event of any conflict between policy and the applicable law, employees will be afforded all rights required by law.

3090.2 **Eligibility.** To be eligible for leave under the CFRA, an employee must have:

1. Been employed by the District for at least 12 months (the 12 months of employment do not have to be consecutive); and
2. Worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3090.3 **Leave Benefit.**

1. Eligible employees will be provided with up to 12 weeks of unpaid leave each year for the following reasons:
 - a. The birth of a child or to care for the newborn child within one year of birth.
 - b. The placement of a child with the employee for adoption or foster care, and to care for the newly placed child within one year of employment.
 - c. To care for a spouse or domestic partner, child, grandchild, grandparent, sibling, parent, parent-in-law, or designated person who has a serious health condition.
 - d. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, including leave taken for disability related to pregnancy, childbirth, or related medical conditions.
 - e. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active-duty status.
2. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
3. If both parents of a child are employed by the District, each parent may take 12 weeks of leave (if otherwise eligible) for the birth, adoption, or foster placement of a child. Both parents can file for leave at the same time for CFRA that runs concurrently with FMLA.
4. Employees taking FMLA and/or CFRA will be required to use all available paid time off (e.g. vacation, administrative, floating holidays, etc.) during any FMLA and/or CFRA leave as permitted by law. Sick leave will run concurrently with FMLA and CFRA leave for employee's own serious condition. However, employees are not required to use sick leave to cover FMLA and/or CFRA leave in connection with the birth, adoption, or placement of a foster child, or to care for a sick family member. Vacation and sick time off do not accrue during FMLA and/or CFRA leave of absence. If a holiday falls during a FMLA and/or CFRA leave of absence, the employee will not receive holiday pay (See Policy 3070).
5. Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work. While on paid leave, the District

will continue to make payroll deductions as necessary to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

At the end of the leave the District will reinstate the employee to his/her previous position (unless the position no longer exists due to layoff or reduction in force, or has been eliminated or modified due to reasons unrelated to the employee's FMLA and/or CFRA leave) or to an equivalent job with equivalent pay, benefits, and working conditions. The employee will be reinstated at the same level of seniority as when the leave commenced. For employees who take leave for their own serious health condition, District will also require the employee to obtain medical certification from a health care provider stating that they are able to resume work.

3090.4 Designated Person. All eligible full-time and part-time employees may take up to 12 weeks of unpaid, job-protected leave in a 12-month period to care for a Designated Person with a serious health condition. A Designated Person is defined as any individual related by blood or whose association with the employee is equivalent to a family relationship. No additional proof of the relationship between the employee and the Designated Person is required beyond meeting the statutory definition of a family relationship equivalent. Eligible employees may designate one person per 12-month period when requesting leave, and this person does not need to be a legally recognized family member. Leave taken for a Designated Person under CFRA is distinct and does not run concurrently with FMLA unless the leave is for a family member covered under both laws.

3090.5 Leave Interactions. As a general rule, FMLA leave runs concurrently with CFRA leave when the reason for leave qualifies under both statutes. If an employee is on leave due to a worker's compensation injury, any leave will run concurrently with FMLA and CFRA, if the leave is for a qualifying reason. CFRA can also be taken after Pregnancy Disability Leave (see Policy 3095) providing up to 12 additional weeks of leave for baby bonding with a new child.

30906 Employee Obligations

1. If the event necessitating the leave is foreseeable, the employee must provide his or her supervisor or Human Resources with at least thirty (30) days prior written notice. If 30 days' advance notice for leave is not practicable, the employee must provide his or her supervisor with as much notice as possible.
2. Employees seeking leave on account of a serious health condition must provide Human Resources with a medical certification regarding their need to take leave. If the District has reason to doubt the validity of the medical certification, the General Manager, or his/her designee, may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager or his/her designee may require a third opinion from a mutually agreed upon health care provider.
3. FMLA and/or CFRA may be taken intermittently if required by a medical certification. Leave for a serious illness may be taken intermittently when medically necessary or if the employee is unable to perform his/her job intermittently due to a medical condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.
4. Employees on unpaid leave must make regular and timely payments for the employee-share of insurance premiums. If the employee does not continue these payments, the District may discontinue coverage during the leave, as permitted by law.
5. The District may require an employee on FMLA and/or CFRA leave to report periodically on his/her status and intent to return to work through Human Resources

3090.7 **Designation of FMLA and/or CFRA Leave**

1. Human Resources will complete and provide employees with a Notice of Eligibility within 5 business days of receipt of notice of the need for leave. Human Resources shall request a medical certification or other supporting documentation as necessary.
2. Human Resources will complete and provide the employee with a written response to the employee's request for CFRA leave using the CFRA Designation Notice within 5 business days of receipt of the requested medical certification or other supporting documentation.

3090.8 **Definitions**

1. Serious health condition: an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.
2. Child: a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a child of a person standing *in loco parentis*.
3. Parent: a biological, adoptive, step or foster parent, parent-in-law, or a legal guardian or any individual who stood *in loco parentis* to the employee when the employee was a child.
4. Qualifying exigency: events related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified by Section 3302.2 of the Unemployment Insurance Code.

3090.9 **Retaliation and Discrimination Prohibited.** It is unlawful for the District to interfere with, restrain, or deny the exercise of any right provided under FMLA or CFRA. The District is also prohibited from retaliating against an employee for exercising their rights under FMLA or CFRA. This provision does not prevent the District from denying FMLA or CFRA leave if the employee does not have a legally qualifying reason for leave.

POLICY TITLE: ALTERNATIVE PAYMENT PLANS
POLICY NUMBER: 5050

5050.1 **Purpose.** The purpose of this policy is to uphold Beaumont-Cherry Valley Water District's commitment to balancing fiscal responsibility by ensuring the collection of all incurred charges while providing excellent customer service and supporting customers facing financial hardships. In compliance with SB 998, the District offers payment plan options to customers experiencing financial hardship to ensure continued access to water service while maintaining compliance with the District's fiscal and operational responsibilities.

5050.2 **Policy.** Upon request, the General Manager or his/her designee may grant approval of special arrangements for payment of fees when an extreme hardship exists, in accordance with Part 6-2.14 of the District's Regulations Governing Water Service. These arrangements include regular water service and a payment schedule following receipt of a delinquency "shut-off" notice. Payment plans must align with the terms and conditions established in the District's rules, including maintaining compliance with subsequent billing periods.

5050.3 **Scope.** Monthly payments may be established over a period not to exceed twelve (12) months, as determined by the District under the guidelines of Part 6-2.14. Payments will not be combined with the customer's regular bill, and customers must remain current on charges that accrue in subsequent billing periods. If a payment arrangement is broken, no further payment arrangements will be granted for a period of one year, consistent with the rules outlined in Part 6-2.14.

5050.4 **Term.** Customers must adhere to the terms of their payment plans and remain current on all subsequent charges as they accrue. Noncompliance with the payment plan will result in a ten-day notice of termination, pursuant to Part 6-2.13 of the District's Regulations Governing Water Service.

POLICY TITLE: DISPOSAL OF SURPLUS PROPERTY OR EQUIPMENT
POLICY NUMBER: 5085

5085.1 Sale of Surplus Equipment.

1. For items with a salvage value greater than \$500, the Board of Directors shall take action to declare equipment surplus.
2. Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)
3. Sealed bids are opened at the next regular Board Meeting and action is taken by the Board to accept or reject the highest bid.
4. Bidders are notified of Board's action.
5. Alternatively, the Board may authorize the General Manager to utilize a third party auction service to sell the surplus equipment. The service would take possession of the equipment and subsequently auction said equipment to the highest bidder. The residual value recovered by the service would be returned to the District minus the auction fees.
6. Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

5085.2 Sale of Real Estate.

1. Board takes action, at a regular board meeting, supported by written findings, that the land is either "exempt surplus land" as defined by Government Code Section 54221(f) or "surplus land" as defined by Government Code Section 54221(b) and authorizes District staff to obtain appraisal.
2. Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property prior to advertisement to the general public.)
3. If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.
4. Board takes action at the next regular Board Meeting to accept or reject highest bid.
5. Bidders are notified of the Board's action.

5085.3 Conflicts of Interest.

As required by Government Code section 1090, no officer or employee of the District who plays any role in declaring District property surplus may bid on that property.

POLICY TITLE: CLAIMS AGAINST THE DISTRICT
POLICY NUMBER: 5110

5110.1 Policy. All claims against the District must comply with the California Government Claims Act, Government Code Section 810, et seq. The failure of a claimant to comply with all provisions of the Government Claims Act shall be grounds for denial of the claim. All claims must contain the information required by Government Code Sections 910 and 910.2.

5110.2 Authority. This policy is enacted pursuant to Section 935 of the California Government Code.

5110.3 Claims Required. All claims against the district for money or damages not otherwise governed by the Government Claims Act, or another state law, or a contract, (hereinafter "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

5110.4 Form of Claim. All claims shall be made in writing, on a Claim Form provided by the District, and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this policy. In addition, all claims shall contain the information required by California Government Code Section 910.

5110.5 Delivery of Claims and Administration. All documents setting forth claims or demands against the District must be delivered to the District Administrative Office, located at 560 Magnolia Avenue, Beaumont, CA 92223 to the attention of Human Resources. The General Manager, or designee, shall audit each demand and investigate each claim for damages and determine any recommendation as to any action to be taken. Notwithstanding the foregoing, the General Manager may delegate to a third-party administrator the general administration of claims under the continued supervision of the General Manager.

5110.5.1 Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate.

5110.6 Responsibility. Human Resources has the responsibility to receive claim documentation and respond to the claimant pursuant to the provisions of the law. Claims in excess of the District's insurance deductible shall be forwarded to the insurance company.

- A. Claims of \$5,000 or less. The General Manager may appoint a designee as an authorized representative to investigate and / or settle such a claim, if the action is approved by the General Manager.
- B. Claims of more than \$5,000 but less than \$25,000: As to claims in this amount the General Manager may appoint a designee as an authorized representative to investigate, analyze, consult with District legal counsel and/or insurance carrier, and make a recommendation to the General Manager. The designee may settle the claim after approval of the General Manager. The General Manager shall promptly report to the Board of Directors on each claim that is processed by staff under this policy.
- C. Claims of \$25,000 or more: The General Manager may appoint a designee as an authorized representative to investigate, analyze, consult with District legal counsel and/or insurance carrier, and make a recommendation to the General Manager, who shall cause the same to be promptly presented to the Board of Directors with recommendation as to any action to be taken. The Board of Directors shall have final authority to settle and pay, or to deny any claim in this amount.

5110.7 Claim Prerequisite to Suit. In accordance with California Government Code Section 935(b), all claims shall be presented as provided in this policy and acted upon by the General Manager and/or Board of Directors of the District prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of California Government Code Section 900 et seq.

5110.8 Suit. No civil suit for money or damages may be brought against the District until a claim has been filed and the District has acted on it, or it is deemed to have been denied under operation of law in accordance with this policy. Any action brought against the District upon any claim or demand shall conform to the requirements of Sections 940 through 949 of the California Government Code. Any action brought against any employee of the District shall conform to the requirements of Sections 950 and 951 of the California Government Code.

5110.9 Shorter Statutes of Limitation Apply. Any action brought against the District upon any claim or action governed by a shorter statute of limitations under any laws of the State of California than those prescribed by California Government Code Sections 900 et seq. shall be governed by the shorter statute of limitations that applies to that particular claim or action. All claimants shall be required to satisfy the shorter statute of limitations in pursuing any action against the District.

5110.10 Assistance. District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via postal mail, fax, email, or personal delivery to the District office. Upon receipt, staff will date stamp the document.

5110.11 Account Adjustment Requests. The General Manager is authorized to adjust a customer's water service account when their bill reflects usage that is significantly greater than normal, due to accidental loss of water through broken pipes or when faucets are turned on in the owner's absence, etc. [or other type of abnormal account cost], subject to the following conditions:

- A. No greater than 50% percent of the water bill;
- B. The customer requests the account adjustment in writing;
- C. A similar request has not been made within the past twelve (12) months; and,
- D. The account shows no record of being delinquent for more than sixty (60) days during the past twenty-four (24) months.

5110.12 Employee Claims. Notwithstanding the exceptions contained in Section 905 of the California Government Code, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, sick leave pay, and any other expenses or allowances claimed due from the District, when a procedure for processing such claims is not otherwise provided by state or local laws shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the California Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the Board of Directors.

5110.13 Contract and other claims. In addition to the requirements of this resolution, and notwithstanding the exemptions set forth in Section 905 of the California Government Code, all claims against the District for damages or money, when a procedure for processing such claims is not otherwise provided by state or local laws, or by contract, shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.4 of the California Government Code relating to the prohibition of suit in the absence of presentation of claims and action thereon by the Board of Directors.

POLICY TITLE: PUBLIC COMPLAINTS
POLICY NUMBER: 6015

6015. 1 Definition. A public complaint is

- A. An assertion by a member of the public of a violation or misinterpretation of a District policy, state or federal statute
- B. An assertion by a member of the public that the District has intentionally or unintentionally created a condition where the individual has been adversely affected
- C. An assertion by a member of the public regarding District service, and/or employee misconduct

6015.2 Goal. The Board of Directors desires that public complaints be resolved at the lowest possible administrative level in an informal manner, and that the method for resolution of complaints be logical and systematic.

6015.3 Process.

- A. The individual with a complaint shall first discuss the matter with appropriate supervisory personnel.
 - a. The supervisor will report the complaint to the department head.
 - b. The department head will provide a resolution to the matter if possible; or will discuss the complaint with the General Manager or his/her designee with the objective of resolving the matter informally.
 - c. If the complaint is against the General Manager then the complaint will be heard by the Human Resources Manager, or the Personnel Committee.
- B. The General Manager is under no obligation to meet in person and may choose to communicate via phone, letter, email, or via a designee to attempt to reach a resolution of the matter. At the option of the General Manager, or the Personnel Committee, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager's, his/her designee's or the Personnel Committee's decision shall be memorialized in writing with a copy being provided to the complainant.
- C. If the complaint involves allegations of harassment, discrimination, breach of confidentiality, or other similar issues, the matter shall be escalated to Human Resources, the General Manager, or his/her designee for investigation and potential remedial action. Investigations shall be conducted promptly, objectively and in accordance with applicable policies and legal requirements to ensure fairness, confidentiality, and appropriate resolution
- D. A complaint will be dismissed if:
 - a. It raises a matter that is not properly the subject of or dealt with using the complaints process (i.e., if it is about a Board decision or order)
 - b. The complainant has failed to respond to requests for additional information and there is insufficient information to proceed
 - c. It is frivolous, vexatious, made in bad faith, or an abuse of process
 - d. The department head or Human Resources concludes that no investigation or action is warranted.

6015.4 Board of Directors Consideration. If the complainant is not satisfied with the disposition of the matter by the General Manager or his/her designee, he or she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's or his/her designee's decision. The Board may consider the matter at the next regular meeting, or call a special meeting. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize transcripts or other written documentation. The Board's final decision shall be memorialized in writing with the complainant being provided a copy.

6015.5 Dissatisfaction with the outcome of a Board decision does not constitute a complaint under this policy.

6015.6 No Deterrence. This policy in no way prohibits or is intended to deter a member of the community or staff from appearing before the Board to present verbal testimony, a complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.