Marina Coast Water District Staff Report

Agenda Item: 9-A Meeting Date: May 24, 2011

Submitted By: Lloyd Lowrey Presented By: Lloyd Lowrey

Subject: Review Board Procedures Manual and Conflict Recusal Procedures

Summary: The purpose of the Board Procedures Manual is to provide a composite of information on procedures approved by the Board of Directors to be used in the conduct of Board business to provide for the fair and efficient consideration of said matters, to ensure that the public is informed of the matters coming before the Board and has an opportunity to witness the deliberations of the members thereof in the conduct of the Board's business, and to encourage proper public involvement in the deliberations of the Board.

<u>Board Procedures Manual</u>: Section 7 outlines the duties of the Directors acting as members of the Board. Generally, directors should be informed and diligent and have sufficient information to make informed and timely decisions and judgments, to assist the General Manager by looking at problems from broader points of view, and to protect confidential information of the District, among other duties. Section 16 provides for directors to deal with the District's administrative services only through the General Manager, except for the purpose of inquiry. The Board needs to discuss and give appropriate guidance on how to balance the need of the directors to be diligent and informed with the District's overall need to maintain a productive working environment. The Board should also discuss how directors relate to and interact with consultants.

<u>Conflict Recusal Procedures</u>: Under the Government Code, Regulations of the Fair Political Practices Commission and common law, directors with conflicts of interest may need to disqualify (recuse) themselves from participating in certain decisions. District Counsel will discuss some of the circumstances requiring disqualification and the procedures to be followed when disqualification is required from making, participating in or influencing a district decision.

- Agency contracts. Disqualify if have <u>remote interest</u>.
- FPPA-FPPC Regulations. Disqualify if have material financial interest different from a significant portion of district constituents.
- Common law. Disqualify if have bias

Procedure: Step down and leave the room, not count for quorum, announce conflict for record

Legally required participation: A quorum may be selected by a random method of selection