

Best Practices in Elected Board/Staff Relations

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Best Practices

- “A method or technique that has consistently shown results superior to those achieved with other means, and that is used as a benchmark.”- Businessdictionary.com



Agenda

- Best Practices in the context of:
 - Structural Framework-Division of Roles and Responsibilities
 - Legal Issues
 - Employment and Management Issues
 - Financial Issues

Best Practices: Division of Roles and Responsibilities

Roles of Board Member vs. Roles of Staff

- Board Member:
 - The “What”
 - Represent the Citizens
- Board as a Whole:
 - Debate and Create Policy
 - Set the priorities for the Special District
 - Make rules for the District to live by
 - Select leaders of staff
 - Responsible for fiscal sustainability of organization
 - Create a mission statement and strategic plan
- Staff Member:
 - The “How”
 - Inform and educate the Board
 - Provide an environment that allows Board members to represent the citizens and carry out Board responsibilities
 - Facilitate policy implementation
 - Make priorities into a reality
 - Run the District day-to-day

Role of Board Member vs. Role of Staff

Takeaways

- Board Members and Staff Members have different roles
- Board Members must not micro-manage
- Staff must not overstep and attempt to set policy
- There must be transparency, integrity, and trust for Board and Staff to carry out their roles



Best Practices: Legal Issues

Discretionary Immunity

- Board member not liable for an injury resulting from an act or omission in his or her discretion (Gov. Code § 820.2)
- Two Part test:
 - Decision had to be made at policy or planning level
 - Decision cannot involve actual fraud, corruption, or malice (*Johnson v. State of California* (1968) 69 Cal.2d 782)

Confidentiality

- While there is a need for transparency, there must be confidentiality of information obtained in closed session
 - Board members may not disclose confidential information obtained in closed session
 - Board member could face disciplinary action for a willful violation (Gov. Code § 54963)
 - The Agency could face liability for improper disclosure

Best Practices: Employment and Management Issues



- “Being President is like running a cemetery: you’ve got a lot of people under you and nobody’s listening.”- President Bill Clinton

Hiring the General Manager

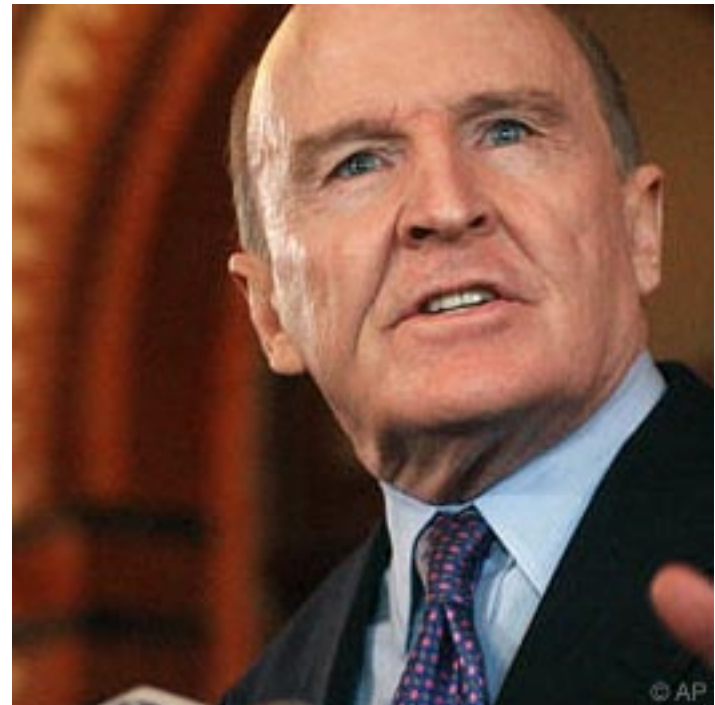
- Best Practices: Must hire well qualified, competent and skilled candidate who can get the job done
- Board members have to answer to voters/rate-payers about their choice



Interacting with the General Manager

- The GM is the gatekeeper between the Board and District Staff
- Keeping a good candidate in place involves respecting his or her management style and giving deference to new or innovative strategies
- Best Practice: Hire a good General Manager and give them room to manage

- “If you pick the right people and give them the opportunity to spread their wings...you almost don’t have to manage them.”-Jack Welch, Former Chairman and CEO of General Electric



Evaluating Performance of GM



- Brown Act Closed Session—
Public Employee
Performance Review (Gov.
Code § 54957)
- Best Practice: Evaluate GM
based on how well he or she
performed in carrying out
objectives of the
organization
- Best Practice: Discuss
management style and
approach of staff members
only within the narrow
context of evaluating GM
performance

Paying the General Manager—Factors to Consider

- Salary should be based on performance and outcomes
- Salary must be set within constraints of the budget in both short-term and long-term projections



Paying the General Manager—Mechanics for Setting Salary and Adjustments

- Brown Act Closed Session exception for labor negotiation with unrepresented public employee (Gov. Code § 54957.6)—time to explain position of Board to Negotiator behind closed doors
- Best negotiator depends on environment of District (Best Practice: Legal Counsel)
- Negotiator’s job is just to be the messenger—carries the Board’s position to the GM
- Approve salary adjustment in open session *at subsequent meeting*

Staff Salaries

- Board can approve salary ranges while not interfering with GM's ability to manage
- Board sets the scale, GM has discretion within that scale
- Best Practice: Formal process for salary oversight



Salary Schedules

Resolved

- Best Practice: Adopt a salary schedule resolution with salary ranges for every position
- Grant GM discretion over setting salaries within range
- Set up annual or bi-annual review of salaries for compliance with schedule

Best Practices: Financial Issues

Budget Oversight



- Budget is a priority-setting document, i.e. it is a management tool
- Budget must have a long-term focus, as well as short-term analysis
- Process should begin 3-6 months prior to adoption
- Best Practice: Public hearing early to discuss short-term and long-term fiscal health
- Lay out budget deficiencies clearly —fewer fights when everyone knows the money is tight
- Budget workshops to educate all stakeholders

Auditing Best Practices



- Audit is the evaluation of organization's fiscal health
- Always have financials audited by an independent organization
- Best Practice: Change auditors every five years

Final Takeaways

- An organization where everyone understands their roles and stays within them is a well-functioning organization
- Board should leave most oversight of staff to General Manager
- Planning the budget in an early, open way ensures the whole organization can be on the same team
- Board evaluation of staff performance should be limited to General Manager and how he or she manages other employees
- Board should rely on staff to help accomplish the organization's goals
- Board can rely on legal counsel to help guide the organization through the legal framework so that goals are achieved

- “Trust, but verify.” -
President Ronald Reagan



Questions?



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