

## **ADMINISTRATIVE POLICY AND PROCEDURE**

### **SUBJECT: EXPULSION OF MEMBER AGENCY**

**DATE: October 19, 1990**

**AMENDED DATE: October 11, 2018**

**REVIEWED DATE: July 6, 2022**

### **STATEMENT**

Article XX of the Amended Joint Powers Agreement creating the Authority for California Cities Excess Liability (ACCEL) provides the Authority may expel any member agency, with or without cause, as a participant in any program or as a member of the Authority by a two-thirds vote of all Directors, whether or not present at a Board Meeting, hereinafter defined as the **Full Board**. The purpose of these procedures is to provide an equitable, fair and impartial method for the processing of a recommendation for the expulsion of a member agency from a particular program or programs of the Authority or as a member of the Authority. These procedures shall provide for an expeditious and timely process, the provision of timely and appropriate notice, and the opportunity for any interested party to appear and be heard before the Board.

### **POLICY**

#### **A. INITIATION OF EXPULSIONS PROCESS**

Any member agency or any standing committee of the Board may make a written request to the Board of Directors for the consideration of the expulsion of a member agency. Said written request shall set forth the reasons, if any, for the proposed expulsion, and any facts, and/or arguments in support thereof. The Board of Directors shall review the written request and determine by ballot with a majority vote of the **Full Board** as to whether or not there is a sufficient basis to proceed with an investigation. If it is determined that an investigation should be conducted, the Board of Directors shall notify the party presenting the written request and the member agency in question. A copy of the written request shall be provided to the named member agency. If it is determined that there is no basis to conduct a further investigation, the party filing the request and the named member agency shall be notified in writing and the matter shall be considered closed.

#### **B. PRELIMINARY INVESTIGATION AND DETERMINATION BY THE EXECUTIVE COMMITTEE**

Where the Board of Directors has determined that an investigation is appropriate, the Executive Committee shall conduct a preliminary investigation. If the named member agency serves as a member of the Executive Committee, they shall be excluded from

participating in the preliminary investigation process. The Executive Committee shall provide a copy of the written request for consideration of expulsion to the named member agency. The named member agency shall be provided a reasonable opportunity to review the request and to submit a written response setting forth all facts and/or arguments for its own behalf. The member agency shall respond within 45 days upon receiving a copy of the written request.

The Executive Committee may conduct its own investigation and fact finding gathering as it deems appropriate and necessary under the circumstances.

A copy of the response from the named member agency shall be provided to the member agency or standing committee which filed the initial request. The Executive Committee shall set a date, time and place for conducting an informal review with regard to the request for expulsion. At such review, both parties, as well as all other interested parties, may appear and be heard. Such proceedings shall be informal and shall be designed to provide the Executive Committee with the opportunity to elicit all appropriate and relevant information, facts and arguments to make a decision.

**C. PRELIMINARY DETERMINATION OF THE EXECUTIVE COMMITTEE**

Upon the conclusion of the informal proceedings, the Executive Committee shall take the matter under advisement, retire and deliberate among its members and reach a recommendation. The recommendation of the Executive Committee shall be in writing and a copy will be provided to the named member agency and the member agency or standing committee which initiated the request for expulsion. The recommendation shall set forth the facts, arguments and reasons in support for their recommendation.

**D. REVIEW OF THE RECOMMENDATION OF THE EXECUTIVE COMMITTEE BY THE BOARD**

When the Executive Committee transmits a recommendation to the Board, the matter shall be placed on the agenda of the Board's next regularly scheduled meeting. Each Board member shall be provided with copies of the written materials regarding the request for expulsion and the written response of the named member agency. The Executive Committee shall present its recommendation to the Board and its reasons in support thereof. The named member agency shall be provided with an opportunity to present information and argument to the Board.

**E. DECISION OF THE BOARD**

The Board shall deliberate and vote upon the recommendation of the Executive Committee. A vote by two-thirds of the **Full Board** to uphold the recommendation of the Executive Committee shall result in the expulsion of the named member agency, either from the specific program or programs of the Authority. The decision of the Board shall be transmitted in writing to the named member agency.

The decision of the Board shall be final and binding.

**F. EFFECTIVE DATE OF EXPULSION**

The expulsion of a member agency from one or more programs of the Authority, or from the Authority itself, shall become effective 90 days after the issuance of the written decision of the Board, unless said decision shall otherwise specify a different effective date. Any member agency which has been expelled by the Board shall nonetheless be obligated to the responsibilities set forth in Article XXI of the Amended Joint Powers Agreement.