



**BOARD OF DIRECTORS POLICIES  
AND PROCEDURES MANUAL**

Approved 09/05/2024

## BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL

### VERSION HISTORY

Version #	Revision Date	Approved By	Approval Date	Revisions Approved
1.0		Greg Young Kyle Crowther Clifford Young Michael Taylor Channing Hawkins	10/20/2020	Original adoption
2.0	10/06/2022	Channing Hawkins Greg Young Angela Garcia Dan Jenkins Kelvin Moore	10/06/2022	Revisions to Section 7.4 and 12.4 as approved by the Board at its 10/06/2022 meeting, plus spelling corrections and document format updates.
3.0	08/28/2024	Greg Young Dan Jenkins Kelvin Moore  D4 seat - vacant  Angela Garcia - abstained		Incorporation of compensation and decorum from previous Ordinance 86 and Resolution No. 2018-35, and added Strategic Plan, Mission, and Vision, incorporated government code, labor code, water code, and public employment retirement law.

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## **1. INTRODUCTION**

### **1.1 Purpose Of Board Of Directors Policies And Procedures Manual**

The purpose of the West Valley Water District (District) Board of Directors Policies and Procedures Manual is to describe the policies and procedures approved by the Board of Directors to be used in the conduct of Board business. The intent of these procedures is to:

- Provide for the fair and efficient consideration of board decisions;
- Provide for the protection of board members rights and privileges;
- To ensure that the public is informed of the matters coming before the Board;
- To ensure that the public has an opportunity to witness and comment upon the deliberations of the Board; and
- To encourage proper public involvement in the Board's decision making.

Each Director, upon assuming office, shall be given a copy of this Board Procedures Manual, and shall be asked to comply with the policies and procedures in this Board of Directors Policies and Procedures Manual.

## **2. STRATEGIC PLAN**

The West Valley Water District Board has a Strategic Plan that was built in collaboration with the districts executive team. This plan will provide focus and direction for all the districts efforts moving forward.

### **2.1 Mission Statement**

The West Valley Water District provides our community with high-quality and reliable water service in a cost-effective and sustainable manner.

### **2.2 Vision Statement**

The West Valley Water District will be a model for innovation and sustainability, with a commitment to our growing communities and our employees.

### **2.3 Values**

**Innovation:** West Valley Water District fosters innovation, creativity, and ingenuity as we constantly seek to strengthen our services, programs, and practices.

**Regional Partner:** West Valley Water District is a proactive leader and partner in regional collaboration projects and programs that improve our community and the water supply.

**Preferred Workplace:** West Valley Water District is a proactive leader and partner in regional collaboration projects and programs that improve our community and the water supply.

Public Trust & Integrity: West Valley Water District fosters a culture of openness, transparency, and accountability to our community and stakeholders. Sustainability West Valley Water District is committed to innovative solutions that support the long-term success of our organization.

### **3. AUTHORITY**

The Board of Directors is the governing body of the District. The District operates under authority of Division 12 of the California Water Code for County Water District. The district is governed by an elected Board of Directors who has authority to manage and conduct the business and affairs of the district, including the authority to fix terms and conditions of employment (including compensation) of District employees.

Apart from his/her normal function as a member of the Board, a director has no individual authority. As single individuals, Directors may not commit the district to any policy, act, or expenditure.

The Board shall also appoint the General Manager, Chief Financial Officer, Board Secretary and General Counsel.

### **4. BOARD/GENERAL MANAGER FORM OF GOVERNANCE**

#### **4.1 Board/General Manager Form of Governance**

The District operates in a Board/General Manager form of governance. In a Board/General Manager form of special district leadership, the Board and the General Manager collaborate closely to ensure effective governance and management. The President, Board members, and General Manager work as a team with a common purpose.

Board Members are elected by the rate payers within their respective District and sets policy direction. They represent rate payers and make value judgments on behalf of the community they serve.

The General Manager provides professional expertise to manage the organization. The General Manager implements the Board's policy direction through day-to-day management. This includes overseeing District departments, hiring department heads, and ensuring quality service delivery.

#### **4.2 The Board's Relationship with the General Manager**

The following are guidelines intended to help define the relationship between the Board and the General Manager:

- a. Board members are encouraged to contact the General Manger about any subject related to the operations of the District. Similarly, the General Manger may discuss any District related issue with any member of the Board of Directors.

- b. Concerns regarding overall District operations or specific department issues or department heads are addressed with the General Manager.
- c. Critical information will be provided to all members of the Board by the General Manager, which may be verbal, written, or electronic in nature.
- d. The General Manager handles interdepartmental issues.
- e. The General Manager shall advise the Board of Directors when he/she is out of the office for an extended period of time.

#### **4.3 Request for Staff and Legal Resources**

Individual Board member requests for research by staff or legal counsel must be directed to the General Manager, or the District's legal counsel regarding legal matters. If, in the judgment of the General Manager, a significant amount of time will be required to complete the requested task/project, the item may be agendaized to solicit Board authorization to expend the additional time necessary on the proposed item. Staff responses to Board member requests will be provided to the General Manager and distributed to all Board members. Board member may request direct legal advice from legal counsel for brief legal inquiries.

#### **4.4 Handling of Legal Matters**

The Board appoints the District's legal counsel to provide a wide range of professional legal services, assistance, and legal advice to the Board of Directors, General Manager and all District departments and offices.

- a. The following guidelines shall be employed by Board members when dealing with legal and/or other confidential matters:
  - (i) All written materials and verbal information provided to Board members on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the District's position is not compromised. Closed session information should not be commented on in open session. No disclosure or mention of any information in these materials may be made to anyone other than Board members, the General Manager or the District's legal counsel.
  - (ii) Confidential materials provided in preparation for and during Closed Sessions shall not be retained, and electronic copies must be deleted or documents returned to staff at the conclusion of the Closed Session.
  - (iii) Confidential materials provided to Board members outside of Closed Sessions must be destroyed, deleted, or returned to staff within thirty (30) days of their receipt.



- (iv) Board members may not request confidential written information from staff that has not been provided to all Board members.

## **5. BROWN ACT COMPLIANCE: OPEN MEETING REQUIREMENTS**

### **5.1 Ralph M Brown Act**

The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964. The Brown Act is contained in Government Code § 54950.5 et seq. The Brown Act is broadly construed, and compliance is constitutionally mandated.

The Ralph M. Brown Act provides for three different types of meetings; Regular, Special and Emergency. Accordingly, the District shall satisfy the appropriate notice requirement for each type of meeting and indicate the type of meeting on the notice.

### **5.2 Compliance with the Brown Act**

All meetings of the Board of Directors shall comply with the Brown Act.

- a. A member of the Board includes newly elected and appointed officials prior to assuming office.
- b. All Board meetings shall be open and freely accessible to the public, including those with disabilities.
- c. Meetings through the use of intermediaries, serial communications, or emails are prohibited.
- d. The Board shall only take action during a properly noticed meeting.

### **5.3 Committees**

Standing Committees created by formal action of the Board shall comply with the Brown Act. Ad-Hoc committees do not need to conform to Brown Act noticing protocols.

## **6. PUBLIC INTERACTION**

### **6.1 Customer Concerns and Complaints**

- a. All customer concerns and inquiries should be referred to the General Manager.
- b. The Board will be informed of significant, politically sensitive, and/or urgent telephone or electronic communication inquiries. Staff will research the request as soon as possible and provide the General Manager with the appropriate follow-up and response. The General Manager will review the communication and dissemination to the Board.

- c. Copies of any written or electronic responses to customer concerns provided to a member of the Board shall be provided to the other members of the Board of Directors.
- d. Information that may expose the District to liability will be shared with the Board at a noticed, closed session meeting of the Board of Directors.

## **6.2 Representing an Official District Position**

In order to ensure that they are properly representing their positions as elected officials of the West Valley Water District, Board members should adhere to the following guidelines:

- a. Board members may use their title only when conducting official District business, for information purposes, or as an indication of background and expertise.
- b. Once the Board of Directors has taken a position on an issue, all official District correspondence regarding that issue will reflect the Board's adopted position.
- c. In most instances, the Board will authorize the General Manager to send letters stating the District's official position to appropriate legislators.
- d. Meetings of outside agencies and organizations that are included on the District's list of Representative Assignments are to be attended by the designated Board member and/or alternate. If the designated Board member and/or alternate cannot attend an assigned meeting, a duly appointed substitute may attend on their behalf.
- e. Personal opinions and comments that may be contrary to adopted policy may be expressed only if the Board member clarifies that these statements do not reflect the official position of the Board or the District.
- f. Board members should exercise caution when utilizing the news media, social media or other forms of communications to specifically express views which are in opposition to adopted Board policy.

## **6.3 Public Input on the Agenda**

- a. Agenda items noticed on the agenda for public hearing will follow procedures as outlined by the District's legal counsel.
- b. The Presiding Officer may elect to defer action on an item brought forward by the public until such time as staff can prepare an appropriate response.
- c. The Presiding Officer is responsible for maintaining an orderly progression of the business before the Board, and to the extent possible regulates the

amount and type of input from the public and from members of the Board and staff.

- d. Generally, Board members will not respond to public comments except for the Presiding Officer referring matters to the General Manager for follow-up. Board members may, through the Presiding Officer, ask clarifying questions to ensure that staff provides an appropriate response. Occasionally, a prompt response may be offered by the Presiding Officer or the General Manager when an obvious answer or resolution is available. The Board will not enter into a debate or make decisions in response to public comments that are not on the agenda for consideration.

## **7. CONFLICT OF INTEREST**

### **7.1 Conflict of Interest**

In order to assure their independence and impartiality on behalf of the public good, state law prohibits Board members from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law. In accordance with applicable State laws, the following provisions shall apply to all Board member actions:

- a. A Board member will not have a financial interest in a contract with the District or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Board member's participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law.

A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000, and following, relating to conflicts of interest. Generally, a Board member has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission's ("FPPC") regulations) that is distinguishable from the effect on the public generally. Any potential conflict of interest question should be immediately addressed with the District's legal Counsel.

If a Board member believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- (i) If the Board member becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Board member will notify the District's

General Manager and the District's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest.

(ii) If it is not possible for the Board member to discuss the potential conflict with the General Manager and the District's legal counsel before the meeting, or if the Board member does not become aware of the potential conflict until during the meeting, the Board member will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest.

(iii) Upon a determination that there is a disqualifying conflict of interest, the Board member: (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes; and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (i.e., the consent calendar), in which case the Board member will identify the nature of the conflict and not vote on the specified item on the consent calendar. If the item is agendaized for discussion and possible action, the Board member may speak on his or her personal interests in the matter during the time that the public speaks on the issue but must leave the room during Board discussion and action on that item.

b. A Board member will not recommend the employment of a relative by the District. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the District.

## **7.2 Disclosure of Economic Interest**

a. Directors who have a financial interest in a decision within the meaning of California Government Code § 87100 et seq. shall publicly identify in detail the economic interest that creates the conflict, recuse themselves from discussing and voting on the matter and leave the room until after the discussion, vote, and any other disposition of the matter is concluded.

b. Identification shall occur following the announcement of the agenda item to be discussed or voted upon, but prior to commencement of either the discussion or vote.

c. If the agenda item is to take place during a closed session, identification of the economic interest shall be made during the public meeting prior to the closed session but is limited to a declaration that the Director has a conflict

of interest. The economic interest that is the basis for the conflict need not be disclosed.

- d. Directors are not required to leave the room for an agenda item on the consent calendar provided that the Director recuses him/herself and publicly discloses the economic interest as described above.
- e. Notwithstanding this section, when the conflict is a personal interest as defined by applicable Fair Political Practices Commission regulations, a director may speak as a member of the general public during the time that the general public speaks on the issue, provided the Director has complied with the provision of this section regarding identification of the conflict, recuses his/herself from voting on the matter and, leaves the Board conference table to speak from the same area as the members of the general public. Directors disqualified pursuant to this section shall not be counted toward achieving a quorum while the item is being discussed.

### **7.3 Soliciting Political Contributions**

Board members are prohibited from soliciting political funds or contributions at District facilities or from District employees. A Board member will not accept, solicit or direct a political contribution from:

- a. Vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District.

A Director will not use the District's seal, trademark, stationery or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to State or Federal law. (California Government Code Sections 3204 and 3205).

## **8. BOARD MEETING ACTIONS AND DECISIONS**

### **8.1 A Quorum**

Action can only be taken by the three-vote majority of the five-member Board of Directors representing a quorum for the conduct of business. Until a quorum is present, there can be no meeting of the Board of Directors. The presence of a minimum of three Board members is required to constitute a quorum of the five-member Board of Directors. No ordinance, resolution or motion shall be passed by the Board of Directors without a majority vote of the Board. County Water District Boards cannot pass anything without at least 3 votes in favor. So, if the quorum is three people, then all have to agree to pass anything. "No ordinance, resolution, or motion shall be passes or become without the affirmative votes of at least a majority of the members of the board" Cal. Water Code §30525. A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

- Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast “aye” votes, no action is taken because a “majority of the Board” did not vote in favor of the action.
- Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.
- Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

## 8.2 Board Direction

The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board’s directives and instructions to the General Manager.

- a. The President shall determine, by consensus, a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.
- b. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).
- c. Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.
- d. Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

## 9. TYPE OF BOARD MEETINGS

**9.1 Regular Board Meetings.** The regular meeting of the Board of Directors of West Valley Water District (“Board of Directors”) shall be held at 6:00 p.m. on the first and third Thursday of each month. Business shall be conducted in accordance with Division 12 of the Water Code of the State of California and Section 54954 of the Government Code of the State of California and all other codes pertaining thereto, as well as any proceedings adopted by the Board of Directors not inconsistent therewith.

- 9.2 Special Board Meetings.** Special meetings of the Board of Directors may be called in accordance with Government Code Section 54956 of the State of California.
- 9.3 Emergency Meetings.** Emergency meetings of the Board of Directors may be called in accordance with Government Code Section 54956.5 of the State of California.
- 9.4 Standing Committee Meetings.** To assist the Board of Directors in its deliberations for establishing policies of West Valley Water District (“District”), it is deemed beneficial to have standing committees of the Board of Directors made up of not more than two (2) members of the Board of Directors, who shall develop recommendations to be considered by the Board of Directors for establishing policy by working independently or with staff. The committee chairperson shall be appointed by the President of the Board with the consent of the full Board of Directors.
- 9.5 Organizational Meeting.** The Board of Directors shall hold a bi-annual organizational meeting after certification of the election. At this meeting, the Board will elect a President and Vice President from among its members to serve during the coming calendar year. Additionally, Standing Committee and Subcommittee assignments will be reviewed for possible changes.
- 9.6 Ad-Hoc Committee Meetings.** Ad hoc Committees are temporary committees composed solely of less than a quorum of Board members to advise the Board on matters of importance that are too in-depth for the full board. They are formed for a specific purpose, for a limited time, and disband once their task is complete. Their meetings are not subject to the Brown Act’s normal requirements. No published agenda or public meeting.
- 9.7 Outside Meetings.** Members of the Board of Directors (singularly, “Director” and collectively, “Directors”) may attend outside meetings to educate and inform such Directors regarding issues affecting the District and the water industry and to make others aware of the activities concerning the District. Periodically the Board President and/or the Board of Directors may ask a Director to represent the District at an outside meeting or perform another duty for the District. The term “Outside Meeting(s)” shall mean any meeting, activity, conference, seminar, workshop, facility tour and other like or similar events, including webinars and conference calls, except for the meetings listed above. Except as provided in Section 18.2.b., a Director may attend any Outside Meeting. However, the District shall compensate a Director for only those Outside Meetings approved in Section 18.2.b.

## **10. BOARD MEETING AGENDA**

### **10.1 Regular Meetings**

The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager, Board President, or Board

Secretary to request an item to be placed on the agenda. Board member items should be timely and be submitted prior to 5:00 PM on Tuesday, the week before the next board meeting.

## **10.2 Agenda Posting**

Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. The agenda shall also be accessible in an open location by that date.

Posting of the agenda for all regular meetings of the Board of Directors, as defined within the meaning of the Ralph M. Brown Act, shall be in compliance with California Government Code § 54954.2. Posting of the agenda for all special meetings of the Board of Directors and/or other "legislative bodies", as defined within the meaning of the Ralph M. Brown Act, shall be in compliance with California Government Code § 54956. Posting of the agendas for all "emergency meetings" of the Board of Directors, as defined within the meaning of the Ralph M. Brown Act shall be in compliance with California Government Code § 54956.5(b).

## **10.3 Agenda Packet**

When distributing agenda packet and other materials to members of the Board of Directors, those materials should be provided to all members at the same time.

A copy of the agenda for each regular meeting of the Board of Directors shall be provided to each Board member no later than the Friday of the week prior to of each regular meeting, together with copies of all applicable supporting documentation; minutes to be approved; staff reports; and other available documents pertinent to the meeting. Directors shall review agenda materials before each meeting. Individual Directors may confer directly with the General Manager to request additional information on the agenda items before or at the meeting.

# **11. BOARD MEETING CONDUCT**

## **11.1 Attendance At Meetings**

Members of the Board of Directors are expected to attend, all regular and special meetings of the Board unless there is good cause for absence. Good governance requires Board Members to be present and engaged, however circumstance sometimes arise that may prevent a Board Member from being present for a meeting.

Good cause for absence, including late arrivals or early departures, includes temporary illness, family illnesses, being outside the County or State, or other unavoidable circumstances of which the General Manager or Board Secretary is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity.



A Board Member who will be absent for good cause shall notify the General Manager or Board Secretary prior to the meeting who shall then notify the President of the impending absence. Board members shall make every effort to relay absences as far in advance as possible. In accordance with state law, “a Director who ceases to discharge the duties of his or her office for the period of three consecutive months”, shall have abandoned their seat and their seat will be considered vacant. Except when prevented by sickness, or when absent from the state with the permission required by law. (Gov. Code § 1770(g)).

### **11.2 Adoption Of Agenda**

All Board meetings shall commence at the time stated on the agenda and shall be guided by same. The placement of an item on the agenda shall not be deemed a requirement that the items proceed in any particular order. The Board President, with concurrence of a majority of the Board, may alter the order in which agenda items shall be considered for discussion and/or action by the Board.

### **11.3 Rules Of Order**

The Board of Director’s for West Valley Water District have adopted Rosenberg’s Rules of Order to govern the conduct the business of the Board. A simplified handout regarding Rosenberg’s Rules of Order are provided to each Board member on the dais.

### **11.4 Closed Sessions**

The Board of Directors’ meeting shall be open to the public, except when the Board is convened in Closed Session, as authorized under provisions of the Ralph M. Brown Act (California Government Code § 54950 et seq.).

The Board may conduct a closed session during a noticed meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending/anticipated litigation. Except as required by law, all proceedings in Closed Sessions shall remain confidential.

### **11.5 Adjourned Meetings**

A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or General Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

### **11.6 Decorum**

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 Presiding Officer , or otherwise disrupting the meeting or hearing.

The Presiding Officer of the Board or Committee, with assistance of any designated security personnel, shall be responsible for maintaining order of meetings. The Rules shall be enforced as follows:

The Presiding Officer has the authority to issue a warning to a person or member of the Board violating the Rules. If the person or member of the Board continues to violate the Rules and disrupt the meeting, the Presiding Officer may take whatever lawful action he or she deems necessary to maintain the order of the meeting.

- a. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- b. Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- c. Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item (including, if desired, a position on abstention or dissenting vote).
- d. A member of the public addressing the Board or Committee shall only do so from the podium or designated table and all comments shall be addressed to the Board or Committee as a whole or to the Presiding Officer, and not to any single Board or Committee member, staff or member of the audience. No member of the public, or the Board, or a Committee shall engage in any conduct which disrupts the orderly conduct of any Board or Committee meeting. No member of the Board may yell at, threaten, interrupt or make personal attacks upon members of the public, other Board members or District employees. Furthermore, no member of the Board may yell at, be rude, interrupt, threaten or make personal attacks against or at another member of the Board while the meeting is in session.
- e. No person in the audience at a Board or Committee meeting or a member of the Board from the dais shall engage in conduct that disrupts the orderly conduct of any Board or Committee meeting, including but not limited to, the utterance of loud, threatening, or abusive language, whistling, clapping, stamping of feet, repeated waiving of arms, or other disruptive acts.
- f. All persons attending Board or Committee meetings and all members of the Board shall obey reasonable orders or requests from the Presiding Officer within the authority of the Presiding Officer.

- g. No person shall interrupt Board or Committee members or the Secretary during a Board or Committee meeting. No member of the Board shall interrupt or talk over another member of the Board while that Board member is exercising the right to address the subject matter within the subject matter jurisdiction of the District.

### **11.7 Enforcement of Decorum**

- a. The President may declare a short recess during any meeting.
- b. Warning. The presiding officer shall request that a person or member of the Board who is breaching the rules of decorum be orderly and cease the breach of decorum. If, after receiving a warning from the presiding officer, a person or member of the Board persists in disturbing the meeting, the presiding officer may adjourn the meeting or make a formal record of the breach for further proceedings including, but not limited to, censure.
- c. Removal. Public. Any security personnel or law enforcement officer shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Board meeting. Upon instruction of the presiding officer, it shall be the duty of the security personnel or law enforcement officer to remove from the Board meeting any member of the public who is disturbing the proceedings of the Board.

## **12. BOARD CENSURESHIP POLICY**

In order to deter violations of law and violations of adopted District policies, the Board may take formal action against its members for such misconduct in the form of censure.

### **12.1 Censure Defined**

Censure is a formal Resolution of the Board reprimanding one of its own members for specified conduct, generally a violation of law or of District policy. Censure carries no fine to the elected official. However, censure may include suspension of committee assignments and other restrictions. A censure is a punitive action that serves as a punishment for wrongdoing.

### **12.2 Procedure**

A request for censure of a member of the Board may be submitted to the Secretary to the Board by any member of the Board. The request shall contain the specific charges on which the proposed censure is based. The request for censure shall be considered by the Executive Committee of the Board established by the President of the Board. The Executive Committee shall not include the member making the request or the member who is the subject of the request.

The District Secretary shall deliver a copy of the request for censure and the charges to each member of the Board at least 72 hours prior to the first meeting of the Executive

Committee at which the request will be first considered. The Executive Committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether: (a) further investigation of the charges is required in order to determine if a censure hearing is warranted; or (b) the matter is to be set for censure hearing; or (c) no further action should be taken with respect to the request. The Executive Committee shall present its recommendations to the Board for its consideration and action as provided below.

If the Executive Committee determines no further action should be taken with respect to the request, the Executive Committee shall report that to the Board at its earliest opportunity. If the Executive Committee determines that further investigation is required, the Executive Committee or its designee shall conduct an investigation, arrive at its recommendation, and report its conclusions, findings and a summary of its proceedings to the Board at its earliest opportunity. If the Executive Committee does not report its recommendations and findings to the Board within 30 days of the initial hearing of the Executive Committee and receipt of the request for censure, the matter shall automatically be sent to the Board for its consideration.

Upon receipt of the report of the Executive Committee, or the expiration of the time for the Executive Committee to report, the Board shall place the matter on its agenda to determine whether or not a censure hearing is warranted. If the Board decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not schedule the matter during any previously scheduled excused absence of the subject Board Member. Written notice of the hearing shall be delivered in person to the member of the Board subject to the censure hearing or to a reliable address where the member receives regular First-Class Mail at least ten (10) days in advance of the scheduled hearing.

At the censure hearing, the member of the Board who is the subject of the request for censure shall be given the opportunity to make an opening and closing statement, to call witnesses on his or her behalf and to question his or her accusers. The questioning or cross-questioning of any witness may be reasonably limited by the person presiding the hearing.

Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure in courts of law shall not be applicable to this hearing, and the procedures shall be generally informal.

A Board decision to censure requires the adoption of a Resolution making findings, based on evidence that the member has engaged in conduct that constitutes a violation of law or a violation of an adopted Board policy, ordinance or regulation. The Resolution must be affirmed by at least three affirmative votes of the Board. The accused Board member shall not participate in the District Board's deliberations after the public hearing is closed or in any vote by the District Board on the proposed censure.

### **13. MINUTES OF BOARD AND COMMITTEE MEETINGS**

The Secretary of the Board of Directors shall keep minutes of all regular, special, and committee meetings of the Board.

- a. Copies of a meeting’s minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board or committee meeting, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be scanned and made available for public review.
- b. Unless directed otherwise, an electronic recording of regular and special meetings of the Board of Directors will be made. Members of the public may inspect recordings of Board meetings through the District’s website or by submitting a request to the Board Secretary.
- c. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.
- d. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each calendar year.
- e. In addition to other information that the Board may deem to be of importance, meeting minutes shall be drafted and formatted as outlined in Board’s adopted rules of order.

### **14. COMMITTEES OF THE BOARD RULES AND CONDUCT**

#### **14.1 Purpose And Scope**

Assignment to a Standing Committees shall be made a majority vote of the Board.

A committee of the Board of Directors may qualify as a “legislative body” as that term or its successor terms are defined within the meaning of the Ralph M. Brown Act (California Government Code § 54950 et seq.). All meetings of subsidiary bodies and/or committees of the Board of Directors, which are defined as a “legislative body”, as that term or its successor terms are defined in the Ralph M. Brown Act, shall be open to the public, except when convened in Closed Session, as authorized under provisions of the Ralph M. Brown Act.

Unless authority to perform a duty is expressly delegated by the Board of Directors to a committee, committee motions and recommendations shall be advisory to the Board of Directors and shall not commit the district to any policy, act or expenditure. Nor may any committee direct staff to perform specific duties unless duly authorized by the Board of Directors.

## 14.2 Standing Committees

**Safety & Technology Committee:** The Safety & Technology Committee is responsible for reviewing and approving the District's technology planning and strategy, reviewing significant technology investments and expenditures, and monitoring and evaluating existing and future trends in technology that may affect the District's strategic plans. The committee promotes collaboration and communication amongst

**Human Resources Committee:** The Human Resources Committee ensures that the organization follows local, state, and federal laws and best practices while implementing value-based systems and policies. It monitors practices to treat all employees equally and fairly, creating an attractive work environment for both current and prospective employees. Allows for a forum of detailed discussion, examination, and review of the District's needs and practices in the selection, evaluation, compensation, development and retention of staff.

**Policy Review and Oversight Committee:** The Policy Review and Oversight Committee is responsible for overseeing the development and maintenance of District-wide policies and procedures. Its purpose is to review all district policies regularly, ensure that the organization operates legally and ethically by creating and updating policies that guide the organization's actions, provide ethical oversight, ensure legal compliance and consistency, and seek best practices.

**Finance Committee:** The Finance Committee is responsible for providing financial oversight to the District by developing an annual and/or multi-year Operating and Capital Improvement budgets, setting long-term financial goals, monitoring adherence to the budget and achievement of financial goals, rate setting, investment and reserves management, assuring internal controls are operating as intended, overseeing financial dealings, purchasing, warehousing, and fund expenditures.

**Engineering, Operations, and Planning Committee:** Engineering, Operations, and Planning Committee makes business decisions and provides oversight for the construction, operation, maintenance and rehabilitation of the necessary works for the production, storage, transmission, and distribution of water. The Committee also oversees the long and short-term planning of resilient and sustainable water supplies.

**External Affairs:** External Affairs Committee is responsible for the oversight and implementation of strategies to set and advance the District's legislative platform, community engagement, public and media relations, and legislative affairs.

## 14.3 Ad-Hoc Committee

The purpose of an Ad-Hoc Advisory Committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. Appointments to Ad-Hoc Committees are made at the discretions of the President or the Board. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first. Any recommendations from committees shall be submitted to the Board via a written or oral report.

- a. An ad-hoc committee shall be comprised solely of members of the Board and shall consist of less than a majority of Board Members.
- b. An ad-hoc committee may make recommendations to the Board. The Board may not delegate any decision-making power to a temporary advisory committee.
- c. An ad-hoc committee shall meet on an as needed basis and shall not have a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Board.

## **15. SELECTION OF THE PRESIDENT AND VICE-PRESIDENT**

The members of the Board shall elect its President and Vice President from among the members of the Board for a term of two years. A Bi-Annual Organizational Meeting shall be held to elect the President and Vice-President.

## **16. DUTIES OF THE BOARD PRESIDENT AND VICE PRESIDENT**

### **16.1 Presiding Officer**

The President of the Board of Directors shall serve as the presiding officer at all Board meetings. In the absence, disability or resignation of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. When the President disqualifies himself/herself from participating in an agenda item, the Vice-President shall perform the duties of the presiding officer. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

The presiding officer 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. The presiding officer may move, second, debate, and vote from the chair.

### **16.2 Duties Regarding Meetings**

The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, acting as presiding officer at Board Meetings in Board's adopted rules of order. Restrict discussion to the question when a motion is before the Board.

### **16.3 Responsibilities**

Responsibilities of the President include, but are not limited to, the following:

- a. Sign all instruments, act, and carry out stated requirements and the will of the Board;

- b. Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- c. Coordinate the preparation of meeting agendas with the General Manager;
- d. Confer with the General Manager and Vice President on crucial matters which may occur between Board of Directors meetings;
- e. Be responsible for the orderly conduct of all Board meetings;
- f. Be the spokesperson for the Board; and
- g. Perform other duties as authorized by the Board.

#### **16.4 Executive Committee**

The President and Vice President constitute the Executive Committee and shall advise and give limited direction to the General Manager on issues that arise between board meetings. A majority vote of the Board of Directors shall countermand any direction given by the Executive Committee.

- a. The Executive Committee shall meet with the General Manager bi-monthly to discuss progress towards Board directed activities. Further consultation with the General Manager shall be on as needed basis.
- b. Any urgent advice or direction given by the President alone must be discussed with the Vice President at the first practical opportunity.
- c. The President does not have authority to make decisions or give direction without consultation of the Vice President unless the issue in question is time sensitive and the Vice President is not available for consultation. Likewise, in the absence of the President, the Vice President may act if the President is not available and immediate direction to the General Manager is required.
- d. All financial decisions or direction made or given by the Executive Committee, even if exercised under the General Manager's authority must be reported to the full board at the next scheduled board meeting.
- e. All personnel decisions or direction made or given by the Executive Committee, even if exercised under the General Manager's authority must be reported to the full board at the next scheduled board meeting.
- f. The General Manager shall also share the responsibility to report direction given by the President, Vice President, and or the Executive Committee as a whole to the full Board of Directors at each regular meeting.



- g. Decisions or advise that the General Manager believes can wait until the next meeting of the full Board, must be added as an agenda item for the next meeting for discussion and direction from the full Board.

## **17. DIRECTOR EDUCATION AND CONFERENCES**

### **17.1 Overview**

Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the Board members do not discuss issues related to the District's business, which is a violation of the Ralph Brown Act. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District.

## **18. BOARD MEMBERS RIGHTS AND PRIVILEGES**

### **18.1 Rights And Privileges**

The Board of Directors are comprised of five directors elected by separate divisions and each constitute one-fifth of the board. No one directors' voice is greater than another and to ensure that every director is treated equally, the following rights and privileges shall not be infringed upon.

- a. Every director has a right to pull any item from the consent calendar to be considered as a business item without need of a second nor a vote of the board as a whole.
- b. Every director has a right to be heard and involved in the discussion of an item. Discussion and debate are an important function of public transparency; therefore, the President shall make every effort to allow every board member to participate in the discussion of an item in order to foster a productive debate on the issue under consideration.
- c. Every director has a right to hear the staff report on a business item before motions or discussion shall be considered.
- d. Every director has a right to ask technical questions on a business item before motions or discussion shall be considered.
- e. Every director has a right to make a substitute motion, which must be recognized by the President, and if properly seconded must be taken up immediately.
- f. Every director has a right to be made aware of any or all public records requests being made of the District if they wish.

- g. For District press releases the following process will be followed: The Government & Legislative Affairs Manager (Manager) will prepare press release with approval of the General Manager. Draft will be sent to the Executive Committee for review and approval within twenty-four (24) hours prior to issuance. If Board member is quoted or mentioned, draft will be sent for their review & approval of quote or mention prior to posting & release. Once approvals are received, Manager posts on website and sends press release to media contacts. Press release notification will be sent to all Directors the same day. All press releases are to be included in monthly Directors report.
- h. Every director has a right to review director fees and reimbursements and the District shall provide monthly reports of all director's fees and reimbursements to each director.
- i. Every director has a right to be made aware of any direction or decisions given by the President, Vice President or collectively as the Executive Committee that occurs between meetings of the full board.
- j. Every director has a right to be aware of requests for information from any local, state, or federal law enforcement or judicial agency made of the District.
- k. Every director has a right to be made aware of investigative reports and request for information from local, state, or federal regulatory or oversight agencies.
- l. Every director has a right to be made aware of all professional services contracts exercised under the General Manager's authority.
- m. Every director has a right to request additional information from staff on an agenda item. The information shall be made available to the other boards members as well.
- n. Every director has a right to be made aware of serious complaints received from District ratepayers regarding water quality and customer service.
- o. Every director has a right to be made aware of major water leaks or line breaks that occur in their respective division.

## **18.2 Compensation**

Each Director shall be compensated for attending District related meetings and functions as follows:

- a. **Compensation For Meetings.** Each Director is compensated as of October 15, 2023, Two Hundred and Six Dollars and Thirty Eight Cents (\$206.38) for attending a regular board meeting of the Board of Directors, a special

board meeting of the Board of Directors, an organizational meeting, an emergency meeting of the Board of Directors or an adjourned, regular, emergency, or special meetings of the Board of Directors. Compensation shall be increased 5% every year on October 15th.

Section 20202 of Division 10 of the California Water Code states:

“In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district above the amount of one hundred dollars (\$100.00) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted.

No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of ten (10) days in any calendar month.” There shall be no compensation for attending meetings or performing other duties for the district on the same day as Board of Directors meetings.

The compensation to the governing board of the West Valley Water District shall automatically increase by 5 percent each calendar year on October 15th.

The Board of Directors assigns the Board President or his designee to monitor, review, deny or recommend approval to the Board of Directors, all compensation requests by Directors according to the following criteria:

Each Director may be compensated for attending meetings, as defined in Schedule “A”, Schedule “B” and Schedule “C” and other meetings approved by the Board of Directors.

In addition to (a), each Director may incur or be reimbursed for travel expenses up to but not in excess of actual expenses per fiscal year.

Director fee reports are to be submitted on the first business day of each month for the prior month’s activity. Approvals are to be obtained prior to payroll processing. Any approvals not obtained prior to the submission to the Finance Department are to be ratified by remaining approvers. Any adjustments resulting in a reduction of qualifying meetings would result in a reduction of pay as an adjustment in the following month’s payroll submission.

b. **Outside Meetings.** Directors shall be compensated for Outside Meetings as follows:

(i) Attached hereto as Schedule “A” is a list of Outside Meetings any Director may attend.

- (ii) Attached hereto as Schedule “B” is a list of Standing Committee Meetings of the Board of Directors
  - (iii) Attached hereto as Schedule “C” is a list of Regional Board Assignments of the Board of Directors
  - (iv) Attached hereto as Schedule “D” is a list of Community Events in which any Director may attend with prior approval of the President.
  - (v) Directors shall not represent the Board of Directors at any functions of organizations not listed on Schedule “A”, “B”, “C”, or “D” without the prior approval of the President. Directors should make a good faith effort to receive prior approval.
  - (vi) In the event a Director attends an Outside Meeting pursuant to subsections (i), (ii), or (iii), above, the Director shall be compensated as per the current compensation rate. In addition the Director may be compensated for a reasonable travel time to and from authorized Outside Meetings, a Director may be compensated for up to one (1) day of travel, the day before all Meetings are to occur and up to one (1) day after the Meeting is concluded, provided that the Meeting is greater than sixty (60) miles from the District’s headquarters.
  - (vii) If a Director wishes to attend an Outside Meeting or Conference not listed on Schedule “A”, “B”, “C”, “D”; the Director must receive prior approval from the full Board. The Director shall provide details of the meeting including the dates, agenda, estimated costs, and how attendance will benefit the District to the General Manager who will place the request on the next regular meeting agenda as a business item for consideration.
  - (viii) A Director shall be able to attend meetings with staff, consultants, elected officials from other Districts, or local community events or function and claim it as an “Outside Meeting” as long as they work with Board Secretary on providing an agenda and topic of discussion or flyer for transparency documentation. A meeting claimed under this section follows the same approval and reporting out requirements as in Section 18.2.b.(vii).
- c. Board of Directors will be reimbursed for any expenses incurred during the course of conducting District business with other elected officials, District employees and consultants.

**SCHEDULE “A”  
OUTSIDE MEETINGS**

**ORGANIZATION**

**DESIGNATED  
REPRESENTATIVE**

Association of California Water Agencies	Any Board Member
Association of San Bernardino County Special Districts	Any Board Member
California Special Districts Association	Any Board Member
Building Industry Association	Any Board Member
Water Education Foundation	Any Board Member
Southern California Water Coalition	Any Board Member
American Water Works Association	Any Board Member

**SCHEDULE “B”  
STANDING COMMITTEES**

Executive Committee	Human Resources Committee
Engineering/Planning Committee	Safety and Technology Committee
External Affairs Committee	Policy Review & Oversight Committee
Finance Committee	

**SCHEDULE “C”  
BOARD ASSIGNMENTS**

ACWA/JPIA  
 Bloomington Municipal Advisory Committee (MAC)  
 San Bernardino Valley Municipal Water District  
 Rialto Basin Groundwater Council  
 IEWorks

**SCHEDULE “D”  
COMMUNITY EVENTS**

City of Rialto Events	Fontana Chamber of Commerce Events
City of Fontana Events	City of Colton Events
Rialto Chamber of Commerce Events	County of San Bernardino Events
Community Events within the District’s Sphere of Influence	

**18.3 Lodging, Meals, And Other Expenses.** The District shall reimburse each Director for itemized expenses while conducting District business, including, but not limited to, payment of registration fees for conferences, workshops, seminars, lodging, meals, and other related expenses while attending or traveling to/from District related functions.

The following restrictions shall apply to District paid expenses:

- a. District paid air travel shall be by coach class at the most economical fare available based on the itinerary of the Director. A Director may elect to voluntarily stay longer than necessary to discharge his or her duties as long as there is no additional expense to the District.
- b. In the event a Director is required to rent a vehicle to attend an authorized Outside Meeting, the District shall reimburse the Director for the cost of such rental vehicle, provided that the cost shall not exceed the cost of a mid-sized vehicle, regularly charged by such rental company for same day rentals. Any contractual agreements between the District and car rental agencies shall be considered first for booking of rental vehicles.
- c. Whenever appropriate, lodging and meals will be prepaid by the District or paid for by District staff. When making prepayment of reservations for travel, meals, lodging or other related expenses, it may be beneficial to the District to include payment for spouses. Each Director shall reimburse the District for any prepayment of costs for his/her spouse except as otherwise set forth in this Policy. Directors shall clearly identify expenses for his/her spouse except as otherwise set forth in this Policy. Directors shall clearly identify expenses for his/her spouse, or may choose to pay for expenses for his/her spouse on a separate ticket or sales slip at the time of purchase.
- d. Each Directors shall be responsible for turning in appropriate District related Expenses for the month, including receipts or other documentation, to the Board Secretary's office by the last business day of the month. It is to each Director's benefit, as well as that of the District, that all itemized expenses be turned in to the Board Secretary's office in a timely manner for proper accounting.

**18.4 Non-Reimbursable Expenses.** District funds must only be used for authorized business of the District. Expenses that are deemed unnecessary, unrelated or otherwise excessive, will not be reimbursed or paid. The following list is provided as a guideline of those expenses that will not be reimbursed:

- a. The personal portion of any trip;
- b. Family expenses, including companion expenses when accompanying the Director on District-related business, as well as children-related expenses;
- c. Political or charitable donations or events;

- d. Entertainment expenses, including theater, movies, sporting events, gym/spa fees, golf related expenses, or cultural events;
- e. Alcoholic beverages;
- f. Non-mileage personal automotive expenses including fuel, repairs, traffic citations, insurance, maintenance, taxes, and registration fees;
- g. Personal losses incurred while on District's business;
- h. Personal toiletry/sundry items, laundry or dry cleaning;
- i. Gratuities or tips exceeding twenty percent (20%);
- j. Expenses that are reimbursed by another agency or organization.

**18.5 Mileage.** Whenever a Director uses his/her personal vehicle for transportation on District business or to/from District related functions, the District shall reimburse the Director the same rate per mile as approved by the Internal Revenue Service at the time the mileage is incurred. No mileage reimbursement shall be made for attending Board of Directors meetings held at the District headquarters. For Committee Meetings mileage is computed to and from the Director's main residence or place of employment, whichever is applicable for attendance at any District function.

**18.6 Insurance.** In California, automobile insurance coverage follows the vehicle. Therefore, when a Director attends functions on behalf of the District in his/her personal vehicle, the Director's insurance is primary.

**18.7 Monthly Submittal Of Expense Reports - Payment Requests.** For receiving compensation for attendance at or participating at appropriate meetings, a Board member shall submit to the District Board Secretary a payment request in the form of an expense report for the calendar month, at which time the Board will consider approval, including the President. A report of all expenses, including but not limited to, compensation requested pursuant to Article 300, to the Board Secretary no later than the last business day of the following month. Each submittal shall be signed by the Director. Adequate documentation of actual costs shall include an identification of the official duty, a detailed receipt from the vendor listing the items purchased, and proof that the expense was paid by the Director such as the credit card receipt or cancelled check. In cases where no detailed receipt has been provided a signed written explanation is required of what was purchased, including date, time, and location.

**18.8 Misuse Of Public Resources.** Government Code section 53232.4 provides that the misuse or falsifying expense reports in violation of expense reporting policies, may include, but are not limited to, the following:

- a. The loss of reimbursement privileges.

- b. Restitution to the local agency.
- c. Civil penalties for misuse of public resources pursuant to Civil Code section 8314.

## **19. BENEFITS**

**19.1 Health Plan.** All Directors are eligible to participate in the District's group health plan, along with their spouses and dependent children (as that term is defined in Government Code Section 53205.1 of the California Government Code, "Dependent Children"). If a Director chooses not to participate in the health plan he/she must notify the General Manager in writing of his or her election not to participate.

- a. The District's health plan is administered by the Association of California Water Agencies.
- b. The District shall pay one hundred percent (100%) of the premium for the Director, spouse and Dependent Children.

**19.2 Benefits After Retirement Or Death.** A retired Director and spouse, or the spouse of a deceased Director or retiree may continue his/her medical, dental, life and vision insurance at the District's expense on the basis of the following:

The Director is a minimum of fifty (50) years of age with a minimum of twelve (12) years of total service and was elected prior to January 1, 1995. If the spouse of a deceased Director, or retiree, remarries and becomes eligible for health benefits under his/her spouse's health plan, all District benefits shall be terminated.

**19.3 Vision Care Plan.** Coverage is mandatory for all Directors, their spouse and Dependent Children.

- a. The Vision Service Plan is administered by the Association of California Water Agencies.
- b. The District shall pay one hundred percent (100%) of the premium including Director, spouse and Dependent Children.

**19.4 Dental Plan.** Coverage is mandatory for all Directors, their spouse and Dependent Children.

- a. The Delta Dental Plan is administered by the Association of California Water Agencies.
- b. The District shall pay one hundred percent (100%) of the premium for the Director, spouse, and Dependent Children.



- 19.5 Retirement Plan.** Only the Directors elected or appointed prior to July 1, 1994 are eligible to participate in the District’s retirement plan.
- a. The retirement plan is administered by the California Public Employees Retirement System.
  - b. The District shall pay all costs, which include the District’s and the eligible Director’s share.
- 19.6 Life And Disability Plans.** All Directors are eligible to participate in the District’s standard dependent life insurance, standard insurance long term disability plan and employee assistance program (collectively, “Life and Disability Plans”), along with their spouses and dependent children. If a Director chooses not to participate in the District’s Life and Disability Plans he/she must notify the General Manager in writing of his or her election not to participate. Unless a Director chooses not to participate in the District’s Life and Disability Plans, the District shall pay 100% of the premium for such Life and Disability Plans for the Director, his/her spouse and his/her dependent children.
- 19.7 Deferred Compensation.** A Deferred Compensation Plan is available to Directors that elect to participate . The District offers two service providers to select from. Director contributions are strictly voluntary with no District match.
- 19.8 Flexible Spending Account.** A Flexible Spending Account is available to Directors that wish to contribute to a medical reimbursement account and/or dependent care reimbursement account to pay for unreimbursed medical and/or dependent care expenses with pre-tax dollars. This is strictly voluntary with no District match.

## **20. CODE OF ETHICS**

- 20.1 Ethics Training.** Pursuant to Government Code Sections 53234, et al, of the State of California each Director shall attend at least two (2) hours of ethics training every two (2) years at the expense of the District. Such ethics training must be approved or authorized by the California Attorney General’s Office and the Fair Political Practices Commission. Written proof of such ethics training must be filed by each Director with the District and the District shall retain records of such ethics training for at least five (5) years after the Director receives such training. Any newly elected Director shall receive their initial training required by subdivision (a) of Section 53235 within 30 days of taking office.
- 20.2 Ethics Policy.** Each January, following a regular election cycle, the Board of Directors will approve an Ethics Policy presented by the Human Resources Department. The policy will support the issues covered by the ethics training required in Section 206, as well as any other issues specific to the District.
- 20.3 Other Training.** Each January following an election year, Directors are required to attend Sexual Harassment Training approved and/or administered by the Human

Resources Department. Any newly elected Director shall receive their initial training required by AB 1661, Chapter 816 within the first six month of taking office.

In addition, all Directors shall receive training within 30 days of taking office and every two years thereafter on public meeting laws called The Ralph M. Brown Act, more commonly known as the “Brown Act.”. This is California’s “sunshine” law for local government and is found in California Government Code Section 54950. Written proof of Brown Act training must be filed by each Director with the District and the District shall retain records of training for at least five (5) years after the Director receives such training.

#### **20.4 Prevention Of Sexual Harassment**

The District is committed to creating and maintaining a work environment free of objectionable and disrespectful conduct and/or communication of a sexual nature and prohibits sexual harassment by all employees and the Board of Directors.

Conduct which creates an intimidating, hostile or offensive work environment will not be tolerated. Verbal behavior, physical behavior, gestures and other non-verbal behavior which create said environment will not be tolerated.

To meet the requirements established by AB 1825, 2053 & 1661, each local official (Board Member) shall receive at least two hours of prevention of sexual harassment training and education within the first six months of taking office and every two years thereafter.

#### **20.5 Sexual Harassment Prevention Training**

AB 1661 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to receive at least two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter.

The training must include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment.

#### **20.6 Workplace Violence Prevention Training**

SB 553 requires employers to take steps to prevent and respond to workplace violence. SB 553 requires employers to adopt a comprehensive workplace prevention plan, assess and resolve workplace violence hazards, train all employees, and implement investigation and recordkeeping process.

#### **20.7 Non-Discrimination**

The District shall not unlawfully discriminate against qualified employees or job applicants on the basis of sex, race, color, religion, national origin, ancestry, marital status, sexual

orientation, physical or mental disability, age or war veteran status. Equal opportunity shall be provided to all qualified employees and applicants in every aspect of personnel policy and practice. The District shall not discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential function of the job in question. All employees are expected to carry out their responsibilities in a manner that is free from discriminatory statements or conduct.

## **20.8 Whistle Blower Protection**

The General Manager's primary responsibility is to ensure District employees are in compliance with the District's Personnel Manual and do not engage in improper activities, as well as to investigate allegations of improper activities and take appropriate corrective and disciplinary action. The Board has a duty to ensure that the General Manager is operating the District in accordance with the law and policies approved by the Board. Board members will disclose to the General Manager any improper activities within their knowledge and will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities unless the Board determines that the General manager is not properly carrying out these responsibilities. (California Water Code Sections 30575, 30580 and 30581).

- a. A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or designated employee.
- b. Board members will not use or threaten to use any official authority or influence to effect any action as a reprisal against a District Board member or District employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section. (California Labor Code Section 1102.5 and following; California Government code Sections 53298 and 53298.5).
- c. Any person who believes that he or she has been subjected to any action prohibited by this Section is encouraged to file a confidential complaint with (1) General Manager, or (2) a member of the Board if the complaint involves the conduct of the General Manager. The person receiving the report will refer the matter to the full Board to investigate. Upon the conclusion of the investigation, the scope of which will be governed by the individual circumstances of each complaint, the General Manager (or the

Board in the case of a complaint against the General Manager) will take appropriate action consistent with the District's Personnel Manual and applicable law.

## **20.9 Reasonable Accommodation-Americans With Disabilities Act**

Pursuant to the Americans with Disabilities Act, employers have a duty to reasonably accommodate employees and job applicants with known disabilities. This accommodation is not required for individuals who are not otherwise qualified for the job nor is accommodation generally required until the person with the disability requests it. The following optional regulation includes procedures recommended by the Equal Employment Opportunity Commission for use when determining what accommodation to make.

Requests for reasonable accommodation should be directed to Human Resources.

## **21. ENFORCEMENT**

Any actual or perceived violation of District policies, including the Code of Conduct, by a Board member should be referred to the President of the Board or the full Board of Directors for investigation, and consideration of any appropriate action warranted. Any action or perceived violation of District policies, by the President shall be referred to the full Board of Directors. A violation of this policy may be addressed by the use of such remedies as are available by law to the District, including but not limited to:

- a. Reassignment of committee positions;
- b. Adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy (i.e., censure);
- c. Injunctive relief;
- d. Referral of the violation to the District Attorney.

## **22. STATEMENT OF POLICY SUPREMACY**

The Board of Directors Policy and Procedures Manual shall be amended by a vote of board only and not by any other policy adoption. In areas of dispute between The Board of Directors Policy and Procedures Manual and other policies or action, this manual and the policies contained herein shall take precedence over other policies. The District shall make every effort to revise any conflicting policies to align with this document.