"In order to comply with legal requirements for posting of agendas, only those items filed with the District Secretary's office by noon, on Wednesday prior to the following Thursday meeting, not requiring departmental investigation, will be considered by the Board of Directors."

OPENING CEREMONIES

Pledge of Allegiance
Opening Prayer
Call to Order
Roll Call of Board Members

ADMINISTER OATH OF OFFICE

Clifford Young
Michael Taylor
Kyle Crowther

ELECTION OF OFFICERS

ADOPT AGENDA

PUBLIC PARTICIPATION

Any person wishing to speak to the Board of Directors on matters listed or not listed on the agenda, within its jurisdiction, is asked to complete a Speaker Card and submit it to the District Clerk. Each speaker is limited to three (3) minutes. Under the State of California Brown Act, the Board of Directors is prohibited from discussing or taking action on any item not listed on the posted agenda. Comments related to noticed Public Hearing(s) and Business Matters will be heard during the occurrence of the item.
CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the Board of Directors, Staff Member, or any member of the public request a specific item(s) be removed for separate action.

Consideration of:


PUBLIC HEARING

BUSINESS MATTERS

Consideration of:

1. Selection of New Legal Counsel Services.


4. Approval of the Notice of Intent to Amend the West Valley Water District Conflict of Interest Code.

5. Adopt Resolution No. 388-70, Rescinding Resolution No. 388-69 Amending the Human Resources Policies.

6. Approval of Payment to Larson O’Brien, LLP for Professional Services rendered through October 31, 2017; Invoice No. 3965; $2,146.96.

REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).

1. Board Members

2. Legal Counsel

3. General Manager

4. Assistant General Manager
5. Chief Financial Officer

6. Operations Manager

7. Engineering Services Manager

8. External Affairs Manager

9. Human Resources/Risk Manager
   • 1,128 Days Without a “Lost Time” Claim.

10. Business Systems Manager

11. Board Secretary

UPCOMING MEETINGS

1. December 11, 2017 - Association of San Bernardino County Special Districts Monthly Membership meeting, Location to be determined, 6:00 p.m.

2. December 12, 2017 - West Valley Water District Board of Directors regular Board meeting, District Headquarters, 6:00 p.m.


FUTURE AGENDA ITEMS

INFORMATION

CLOSED SESSION


2. APPROVAL OF CLOSED SESSION MINUTES (UNRESTRICTED): Special meeting November 29, 2017.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Southern California Edison v. Fontana I Medical Properties, et al; San Bernardino County Superior Court Case No. CIVDS1621129.

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): San Bernardino Valley Municipal Water District, et al., v San Gabriel Valley Company, et al; San Bernardino County Superior Court Case No. CIVDS1311085 / Fourth District Court of Appeal Division Two, Case No. E063180.
5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): FPPC Complaint, Clifford O. Young, Sr. v. West Valley Water District and Linda Gonzalez, Complaint No. COM-06092017-01044.

6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Suzanne Cook v. West Valley Water District & Clifford O. Young; San Bernardino County Superior Court Case No. CIVDS1713213.


ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Agenda at the District Offices on December 4, 2017.

Shanae Smith, Board Secretary

Please Note:

Material related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 855 W. Baseline, Rialto, during normal business hours. Also, such documents are available on the District's website at www.wvwd.org subject to staff's ability to post the documents before the meeting.

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in the above-agendized public meeting should be directed to Shanae Smith, at least 72 hours in advance of the meeting to ensure availability of the requested service or accommodation. Mrs. Smith may be contacted by telephone at (909) 875-1804 ext. 704, or in writing at the West Valley Water District, P.O. Box 920, Rialto, CA 92377-0920.
MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
November 16, 2017
REVISED

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<th>Attendee Name</th>
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<td>Matthew Litchfield, General Manager</td>
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<td><strong>General Legal Counsel</strong></td>
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VISITORS
Scott Olson
Fermin Gonzalez, Resident
Sara Garcia, Resident
Michael and Tracy Taylor, Resident
Robert Tafoya, Tafoya and Garcia, LLP

OPENING CEREMONIES
Pledge of Allegiance – Director Gregory Young
Opening Prayer – Vice President Linda Gonzalez
Call to Order
Roll Call of Board Members

WVWD
Minutes: 11/16/17
ADOPT AGENDA

Following discussion, Vice President Gonzalez made a motion to Adopt the Agenda as presented, seconded by Director Bourland. The motion was defeated. Director G. Young Amended the original motion to Adopt the Agenda to include Tabling Business Matter No. 2, Adopt Resolution No. 388-60, Rescinding Resolution No. 388-69, Amending the Personnel, Policies and Practices Manual and No. 7, Approval of Agreement for General Manager to a future meeting with the new Board, seconded by Director Young, Sr. Director Young, Sr. requested to have the item reviewed and discussed during a Board workshop, with General Legal Counsel. Discussion continued. Following discussion, the motion was defeated by the following vote:

RESULT: DEFEATED [2 TO 3]
MOVER: Gregory Young, Director
SECONDER: Clifford Young, Director
AYES: Clifford Young, Gregory Young
NAYS: Donald Olinger, Linda Gonzalez, Robert Bourland

General Manager, Matthew H. Litchfield requested that Business Matter No. 7 be Tabled. A discussion ensued. Following discussion, Director Bourland moved to Approve Mr. Litchfield's request to remove Business Matter No. 7 and postpone it for a Future Agenda item, seconded by Vice President Gonzalez. The motion carried by the following vote:

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Bourland, Director
SECONDER: Linda Gonzalez, Vice President
AYES: Donald Olinger, Linda Gonzalez, Robert Bourland, Clifford Young, Gregory Young

Following discussion, Vice President Gonzalez moved to Approve the Agenda as amended, seconded by Director Bourland. The motion carried by the following vote:

RESULT: ADOPTED [3 TO 2]
MOVER: Linda Gonzalez, Vice President
SECONDER: Robert Bourland
AYES: Donald Olinger, Linda Gonzalez, Robert Bourland
NAYS: Clifford Young, Gregory Young

PUBLIC PARTICIPATION

Mr. Scott Olson congratulated Director Young, Sr. on his win for an additional four (4) years on the Board and for allowing him to be a part of the campaign. It was a very interesting campaign and he was glad his General Manager, Sean Flynn had an opportunity to walk all of North Rialto and to see the positive nature of the people at the door and how much they appreciated and respected the message that was given, because that will be the District that he will be working on be responsible

WVWD

Minutes: 11/16/17
for in 2018 in the campaign. Mr. Olson expressed his interest in the election campaign process and associated outcomes and thanked everyone involved.

President Olinger announced that Michael Taylor, who was recently elected to the Board was in the audience and invited him to speak to the Board. Director Young, Sr. announced that Mr. Taylor had been affirmed the previous night with the City of Baldwin Park to be their Chief for another year. Director Young, Sr. welcomed Mr. Taylor's wife Tracy, and stated that we're glad to have them here.

Mr. Michael Taylor addressed the Board and commented that he has been a resident of the City of Rialto for thirty years and that he is happy to be here and congratulated Director Young, Sr., and Mr. Kyle Crowther. Mr. Taylor also thanked Director G. Young for his help and his wife, as well as Scott. Mr. Taylor announced that he looked forward to serving on the Board the next four years in conjunction with his job as Chief of Police for the City of Baldwin Park, where he has been now for thirty-six, going on thirty-seven years. Mr. Taylor said it he'd been a long time resident and always wanted to do something like this, as he moves towards the sunset of his other career. He had a lot of fun, it was lot of work and he looks forward to a new beginning here for the water board. There will be a lot of new things coming up, he is sure and he will have a good time putting it together. Mr. Taylor stated he loves the fulfillment of what he calls the civic responsibility for our neighbors and friends in our community and he is really looking forward to that and thanked the Board for the opportunity to speak and to run and be a member of the Board as a new Jr. member. Mr. Taylor stated that he looks forward to the guidance and mentoring of his good friend and neighbor, Director Young, Sr., who was the first person to approach him and ask him to step in to this venture. It is his civic responsibility to pay back to his community, and like he said Director G. Young had also been another big help and he also looks forward to it and thanked the Board for giving him the opportunity to speak.

Ms. Sara Garcia, a resident of the City of Rialto since 1972 welcomed the new Board and that she knew Director Young, Sr. and that she had not had the pleasure of meeting the new directors. Most of all, she wanted to thank Vice President Linda Gonzalez, and that she was unfortunately the only sitting woman on the Board and that it was nice to see that. Nothing against the men, but sometime we would like to see a woman sitting in position of power and that she looked forward to attending the meetings and meeting the new Board. Mrs. Garcia stated there are a lot of things going on in the water district and she hoped that the new Board continues what the old Board was doing. Ms. Garcia concluded by stating that community involvement is very important and thanked the Board for giving her the opportunity to speak.

CONSENT CALENDAR

Director G. Young commented that he had an opportunity to review the Minutes of the regular Board meeting dated October 5, 2017 and that he is satisfied with how they were constructed. There were so many back-to-back motions going back and forth, that he wanted to be sure. Director G. Young thanked the Board for allowing him the opportunity to have more time to review the Minutes. Director Bourland requested an adjustment on Page 28 of the Agenda packet, as he will not be able to attend the 2017 Association of California Water Agencies ("ACWA") Fall Conference. There is not a need and he does not want to waste District money and that he looks forward to the rebate that he will receive from it. Vice President Gonzalez made a motion to
approve the Consent Calendar as amended, seconded by Director Bourland. The motion carried by the following vote:

RESULT: ADOPTED [UNANIMOUS]
MOVER: Linda Gonzalez, Vice President
SECONDER: Gregory Young, Robert Bourland
AYES: Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

PUBLIC HEARING

None.

BUSINESS MATTERS

1. APPROVE A CHANGE ORDER TO CONTRACT WITH ROGERS, ANDERSON, MALODY & SCOTT, LLP (RAMS) IN THE AMOUNT OF $15,750 - Following discussion, a motion was made by Director G. Young to Approve the Change Order to Contract with Rogers, Anderson, Malody & Scott, LLP in the amount of $15,750, seconded by Vice President Gonzalez. The motion carried by the following vote:

RESULT: ADOPTED [UNANIMOUS]
MOVER: Gregory Young, Director
SECONDER: Linda Gonzalez, Vice President
AYES: Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

2. ADOPT RESOLUTION NO. 388-69, APPROVING THE AMENDED HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL - Following discussion, Vice President Gonzalez made a motion to Adopt Resolution No. 388-69, Approving the Amended Human Resources Policies and Procedures Manual, seconded by Director Bourland. Vice President Gonzalez congratulated Human Resources Committee Manager Ms. Karen Logue and her team and that when she was first elected to the Board in 2013, she really wanted to revamp the manual and that Ms. Logue’s work is outstanding and that she read every well-organized page. President Olinger acknowledged that a workshop had been requested and Ms. Logue stated that the document had been reviewed by outside entities other than the District, including the Association of California Water Agencies Joint Power Authority ("ACWA/JPIA"), the District’s insurance carrier and Gresham Savage Nolan Tilden, PC, the District’s employment attorney made recommendations. Those recommendations were approved to be sent to the full Board by the HR Committee in October, 2017 and an additional policy had been approved in November, 2017. There are policies that do directly impact the employees in a positive manner and they are anxious to have the policies approved. Director Young, Sr. led announced he would be making a recommendation to the new Board to rescind the approval of the policy in the first or second meeting in December until we have a thorough workshop with the Board and that if the current Board were to approve this, it is being approved on dangerous grounds and
not in the best interest of this District to adopt the policy without the Board thoroughly understanding what is being adopted. Vice President Gonzalez commented that she and President Olinger are on the HR Committee and they have thoroughly reviewed the manual and that they have done their work and so has Staff. It is very disrespectful for someone to say that they have not done their jobs, as that is why they are here. Discussion continued. Following discussion, the motion carried by the following vote:

**RESULT:** ADOPTED [3 TO 2]
**MOVER:** Linda Gonzalez, Vice President
**SECONDER:** Robert Bourland, Director
**AYES:** Donald Olinger, Linda Gonzalez, Robert Bourland
**NAYS:** Clifford Young, Gregory Young

3. **ADOPT RESOLUTION NO. 2017-28, APPROVING THE DEBT MANAGEMENT POLICY** - Following discussion, a motion was made by Director G. Young to Adopt Resolution No. 2017-28, Approving the Debt Management Policy, seconded by Director Bourland. The motion carried by the following vote:

**RESULT:** ADOPTED [UNANIMOUS]
**MOVER:** Gregory Young, Director
**SECONDER:** Robert Bourland, Director
**AYES:** Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

4. **APPROVAL OF THE SOLE SOURCE PURCHASE OF WATER METERS AND METER TRANSCEIVER UNITS FROM AQUA-METRICS SALES COMPANY IN AN AMOUNT NOT TO EXCEED $250,000** - Director Young, Sr. made a motion to Approve the Sole Source Purchase of Water Meters and Meter Transceiver Units from Aqua-Metrics Sales Company in an amount not to exceed $250,000, seconded by Director Bourland. The motion carried by the following vote:

**RESULT:** APPROVED [UNANIMOUS]
**MOVER:** Clifford Young, Director
**SECONDER:** Robert Bourland, Director
**AYES:** Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland
5. APPROVAL OF AN AGREEMENT WITH MIKE ROQUET CONSTRUCTION INC. FOR DISTRICT HEADQUARTERS PARKING LOT REPAIR, SEALING AND REPAINTING PROJECT - Following discussion, a motion was made by Director Young, Sr. to Approve an Agreement with Mike Roquet Construction Inc. For District Headquarters Parking Lot Repair, Sealing and Repainting Project, seconded by Director Bourland. The motion carried by the following vote:

RESULT: APPROVED [UNANIMOUS]
MOVER: Clifford Young, Director
SECONDER: Robert Bourland, Director
AYES: Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

6. APPROVAL OF AN AGREEMENT WITH BABCOCK LABORATORIES, INC. FOR UNREGULATED CONTAMINANT MONITORING - Following discussion, Director Young, Sr. made a motion to Approve the Agreement with Babcock Laboratories, Inc. For Unregulated Contaminant Monitoring, seconded by Director Bourland. The motion carried by the following vote:

RESULT: APPROVED [UNANIMOUS]
MOVER: Clifford Young, Director
SECONDER: Robert Bourland, Director
AYES: Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

7. APPROVAL OF AGREEMENT FOR GENERAL MANAGER
This item was tabled.

8. APPROVAL OF LARSEN O'BRIEN, LLP FOR PROFESSIONAL SERVICES RENDERED THROUGH SEPTEMBER 30, 2017; INVOICE NO. 3889: $2,231.97 - Following discussion, a motion was made by Director Young, Sr. to Approve the Larsen O'Brien, LLP for Professional Services rendered through September 30, 2017; Invoice No. 3889: $2,231.97, seconded by Director G. Young. The motion carried by the following vote:

RESULT: APPROVED [UNANIMOUS]
MOVER: Clifford Young, Director
SECONDER: Gregory Young, Director
AYES: Donald Olinger, Linda Gonzalez, Clifford Young, Gregory Young, Robert Bourland

WVWD
Minutes: 11/16/17
9. APPROVAL OF PAYMENT TO GRESHAM SAVAGE NOLAN & TILDEN, PC FOR PROFESSIONAL SERVICES RENDERED THROUGH SEPTEMBER 30, 2017; STATEMENT NO. W1582 - ALL MATTERS; TOTAL AMOUNT OF $37,907.68 -

Following discussion, a motion was made by Director Bourland to Approve Payment to Gresham Savage Nolan & Tilden, PC for Professional Services rendered through September 30, 2017; Statement No. W1582 - All Matters; Total Amount of $37,907.68, seconded by Vice President Gonzalez. Director Young, Sr. inquired about how much of the legal bill was allocated directly to Directors asking questions of Legal Counsel. General Legal Counsel Michael Davis commented that outside of the course of Board meetings, he did not believe there were any. A discussion ensued. Following discussion, the motion carried by the following vote:

RESULT: APPROVED [3 TO 2]
MOVER: Robert Bourland, Director
SECONDER: Linda Gonzalez, Vice President
AYES: Donald Olinger, Linda Gonzalez, Robert Bourland
NAYS: Clifford Young, Gregory Young

10. APPROVAL OF PAYMENT TO GRESHAM SAVAGE NOLAN & TILDEN, PC FOR PROFESSIONAL SERVICES RENDERED THROUGH OCTOBER 31, 2017; STATEMENT NO. W1582 - ALL MATTERS; TOTAL AMOUNT OF $31,719.26 -

Following discussion, Director Young, Sr. inquired why the Board is receiving bills for September and October and whether there is a reason the bills are being received, one in the amount of $37,000 and the other in the amount of $31,000. It seems like we are going backward in terms of legal bills, rather than forward. Mr. Davis stated that every single month, the bill has been less than the month before. The reason there are two bills in one cycle, is because he was in the hospital and unable to get the bill in last cycle, so there are two months that are coming before the Board tonight. Director Young, Sr. requested that for a future meeting that legal bills be reviewed and legal counsel be reviewed in Closed Session at our next meeting and asked that the Board Secretary included the request properly in the Minutes and to repeat the request back. Ms. Smith repeated Director Young, Sr.’s request. Director Bourland moved to Approve of Payment to Gresham Savage Nolan & Tilden, PC for Professional Services rendered through October 31, 2017; Statement No. W1582 - All Matters; Total Amount of $31,719.26 and to include Director Young, Sr.’s request, seconded by Vice President Gonzalez. Vice President thanked Mr. Davis and his firm for their services, as this is her last meeting. Thanked him for his honesty and how he corrected a lot of discrepancies on behalf of the community, as well as herself, a ratepayer for twenty-seven years. Director Bourland that Gresham Savage had done an excellent job, and that they have been professional, walking into a hornet's nest and handled it very professionally and fairly and exhibited the highest integrity given the difficult situation they were put into. Director Bourland concluded by thanking Mr. Davis for his service. The motion carried by the following vote:
RESULT: APPROVED [3 TO 2]
MOVER: Robert Bourland, Director
SECONDER: Linda Gonzalez, Vice President
AYES: Donald Olinger, Linda Gonzalez, Robert Bourland
NAYS: Clifford Young, Gregory Young

REPORTS - LIMITED TO 5 MINUTES MAXIMUM (Presentations or handouts must be provided to Board Members in advance of the Board Meeting).

1. Board Members

Director G. Young reported on the following:

a. Addressed parting Board members. It's been a pleasure and wished them all well in their future endeavors. Looks forward to serving with incoming Board members and thanked people in the community who have been very gracious to his family with his mother in the hospital. At approximately 1:30 p.m., she went into surgery at Loma Linda Medical Center and recently had received word that she had made it through surgery well. Thanked everyone in wonderful thoughts and prayers from people in the community.

Director Bourland read the following statement:

“I'm thankful that I've had the opportunity to serve my community on this board. I want to thank the San Bernardino County Supervisors for their support and confidence by appointing me to the West Valley Water District Board earlier this year. As the appointing committee, I especially want to thank Supervisors Gonzales and Rutherford for having confidence in me. During my tenure I did my very best to do the right thing, always. I want to thank the staff of the West Valley Water District of which I've had the pleasure of working with since my appointment. They have continuously demonstrated to me their commitment to the betterment of the district through some very challenging political turmoil within the board that I currently sit on. They have been professional in every way and I believe they are very talented and do their jobs well.

To the staff, I encourage you to continue to strive to do your best in all that you do for our District. I want to congratulate my opponent, Kyle Crowther, for winning and for not running a negative campaign (at least that I'm aware of). I was very impressed with the overwhelming financial support that he garnered to win this election. It is clear to me that as the saying goes "you can buy anything in this world with money". As a ratepayer in this district I'm very much looking forward to receiving the 15% cut in my water rate that he promised in his campaign, along with the rebate the other candidates promised in their campaign literature. It does make me sad to leave this position and not be able to give back to the community I've lived in for over fifty years by serving on this board. I encourage the new board members (as well as the veterans) to not be swayed by aligning yourselves by political party or any other affiliations that would distract from the intent of this non-partisan elected position which is to deliver safe, reliable and affordable water to all. Weigh
each of your decisions on the merits of the arguments put forth using the guidelines of the vision and mission of the district and do not be swayed by the distractions of personal or political gains.

To the voters in our District. Going-forward, I would encourage you to look at the candidates closely, their qualifications and attributes that they bring to the table. Do not be swayed by the number of mailers, nor the size or amount of the signs you see. If you take the time to think about it, the candidates that can afford those signs or mailers are either very wealthy, or have some big money behind them. Big money always expects a return on their investments, think about that the next time you vote in any election.

Lastly, although not pointed in my direction, I'm abhorred by what I saw leading up to this election and ultimately culminating in the material distributed during this election process. Taking truths, half-truths and made-up stories to twist and shape the message to garner votes is despicable. Although I will miss serving on the board, I will not miss, at all, the political mess that has infected this district so deeply. I can confidently say I’ve left this district in a better place than when I first joined the board and I did so without compromising any of my personal values. Thank you again.”

Director Young, Sr. reported on the following:

a. Very appreciative of his wife, his supporters in the last campaign and he promises to serve with the other colleagues who were elected to this Board in the best interest of the ratepayers of this District. We promised not to increase water rates. We also promised a 15% rebate. That is two (2) clear promises we made to benefit the ratepayers for this District. He is grateful, humble about the votes, sad upon some of the negative activities upon the part of some of his opponents. But in 2017, that’s modern day electioneering. Thank you and hope to serve four years very proudly with his future colleagues.

Vice President Gonzalez reported on the following:

a. Wished everyone a good evening and thanked everyone for coming. Jesus and his family.

b. Thanked husband Fermin Gonzalez for his support through this ordeal, as it was an ordeal. Thanked the customers and the ratepayers of West Valley and proud of being a West Valley customer, and will continue to be a West Valley customer so now she will be on the other side. A private citizen again. Thanked Staff, Board members, Don Olinger and Robert Bourland. Humbly thanked the community that seen the rhetoric and all the lies. This was a learning experience; a chapter that she will very happily leave behind. A harsh chapter in her life. Cherish the people that stood behind her, in front of her and the side of her and said to keep going and to focus and don't let it get to you. She will always remember those people and be in debt to those people. A lot of people told her not to say this, but she has to. The things that were said about her, were not true. She has the documentation. Now she has a lot of time, and she will sit down with you and show you. What was said about her is not true and that she also wants to say, the actions of the unethical, spineless and hollow individuals is just a reflection of who they are. That's exactly how she sees it. Happy Holidays, good night and God Bless.
President Olinger commented on the following:

a. He would be meeting with both Vice President Gonzalez and Director Bourland, as they have been quintessential Board members who understand Boardsmanship. They have been a real asset to this Board.

b. Wished everyone a Happy Thanksgiving and welcomed the new Board members. The oldest statesmen and quoted Ronald Reagan, "if you don't denigrate his age, and experiences in life, he won't say anything about them having lack of experience in life.” He looks forward to serving with the new Board members.

2. Legal Counsel

Mr. Mike Davis reported on the following:

a. Referenced the written summary on the dais for each Director and reserved the balance of his time for after Closed Session.

3. General Manager

General Manager Litchfield announced that over the past three weeks, District Staff had donated change and extra dollar bills and whatever they had for disadvantaged families from one of our four high schools in the District's service area. The event is called the "Challenge for Change," including Bloomington High School, Eisenhower High School, Carter High School and Rialto High School. Mr. Litchfield thanked Staff for their efforts to help support the community. Over $700 was raised and each family received the following:

- $100 gift card to Mimi's Cafe
- $10 McDonald's gift card for each child
- Back-packs for each child
- Some kids at their request received lunch bags
- Each child received a package of socks
- One Family received a Fandango gift card for movie night
- Sketchers Baseball Caps for boy

4. Assistant General Manager

Mr. Greg Gage had no report.

5. Chief Financial Officer

Ms. Marie Ricci reported the following:

a. The District received certification for the Investment Policy that was adopted in August, 2017 and the certificate shows the District's due diligence in complying with state regulations when it comes to investments, as well as being transparent.

WVWD
Minutes: 11/16/17
6. **Operations Manager**

Ms. Joanne Chan reported on the following:

   a. The Oliver P. Roemer Water Treatment ("OPRWTP") is producing 6 mgd, down 8%.
   
   b. The State Water Project ("SWP") water is flowing at 5.2 mgd, down 10%.
   
   c. The Afterbay Improvement Project is expected to be complete in two (2) weeks.
   
   d. The FBR Water Treatment Plant is treating 2.9 mgd, its maximum capacity.

7. **Engineering Services Manager**

Ms. Linda Jadeski had no report.

8. **External Affairs Manager**

Ms. Wendy Strack was absent.

9. **Human Resources/Risk Manager**

Ms. Karen Logue reported on the following:

   a. HR Audit Update - As of October 31, 2017, over 74% of all items have been completed. The items recommended by the consultant who completed the audit in 2016, broken out by high priority and priority items. Of the priority items, 80% of those are completed. One in process and now that the HR Policies and Procedures have been approved, this will show additional items completed.

   b. Celebrated over three (3) years without a "loss time claim" and a celebration for employee recognition on October 31st. President Olinger commented that he commented on Ms. Logue's progress at the last HR Committee meeting and thanked her for taking on the gargantuan task of amending the Personnel Policies and Procedures Manual.

10. **Business Systems Manager**

Mr. Stephenson had no report.

11. **Board Secretary**

Ms. Smith had no report.

**FUTURE AGENDA ITEMS**


WVWD

Minutes: 11/16/17
2. Director Young, Sr., requested that the December 7, 2017 regular meeting, due to the installation of our new Board members, requesting that the meeting time be changed from 6:00 p.m. to 5:30 p.m. to accommodate requests he had received.

3. President Olinger stated that the employees have been working since July 1st without any merit consideration and he would like to see it brought back for discussion. Director G. Young stated that the item was tabled until the compensation study is completed. Ms. Logue stated that she is anticipating that the survey would be completed in January, 2018 and that the Employee Recognition Team sent out a survey, as well as her submission of a survey to Staff with regard to the HR Department. The feedback is that employees are overwhelmingly upset that they did not receive merit increases between July and January as the number one topic. Director G. Young clarified that it is not the intent of the Board to completely forgo the merit increases for this year, and that we are undergoing the study at this time.

4. Director Young, Sr. requested to bring the salary issue to the first meeting in December, and to change the December 21st meeting to December 12th to discuss the salary issue. Director Young, Sr. also requested to conduct a mid-year Budget review workshop on January 18th. Director G. Young inquired of Ms. Logue whether preliminary data could be available at that time. Ms. Logue commented that she would inquire of the consultant. CFO Marie Ricci requested that the Mid-Year Budget review be delayed to February, as the books do not close and we are still paying invoices. Director Young, Sr. insisted that we conduct a Mid-Year Budget review and that we will call for January 18, 2018 with whatever data is available at that time. Mr. Litchfield stated that it would be a challenge to get the agendas out in time, however, Staff will give it a try.

5. Vice President Gonzalez requested that Committee meetings be audio tapes and that she voted to have all Board meetings recorded.

INFORMATION
CLOSED SESSION

The Board convened to Closed Session at 7:08 p.m. At 8:10 p.m. Mr. Davis reported on the following:

APPROVAL OF CLOSED SESSION MINUTES (UNRESTRICTED): Regular meeting October 19, 2017 – Unanimously approved.

APPROVAL OF CLOSED SESSION (C. YOUNG RESTRICTED): Regular meeting October 19, 2017 – Approved.

APPROVAL OF CLOSED SESSION MINUTES (C. YOUNG AND L. GONZALEZ RESTRICTED): Regular meeting of October 19, 2017 – Approved.

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): Miguel Rodriguez, Claim Number 18-0260 (WVWD).

CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Natividad Ramirez, Claim Number 18-0095 (WVWD) - Rejected the Claim of Natividad Ramirez, Claim No. 18-0095.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Southern California Edison v. Fontana I Medical Properties, et al; San Bernardino County Superior Court Case No. CIVDS1621129 – No reportable action.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): San Bernardino Valley Municipal Water District, et al., v San Gabriel Valley Company, et al; San Bernardino County Superior Court Case No. CIVDS1311085 / Fourth District Court of Appeal Division Two, Case No. E063180 – No reportable action.


CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(a): FPPC Complaint, Clifford O. Young, Sr. v. West Valley Water District and Linda Gonzalez, Complaint No. COM-06092017-01044 – No reportable action.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Government Code Section 54956.9(a): Suzanne Cook v. West Valley Water District & Clifford O. Young; San Bernardino County Superior Court Case No. CIVDS1713213 – No reportable action.

Following the Closed Session report, Mr. Davis read the following statement:

Gresham Savage has served as General Counsel of the West Valley Water District since May of 2017. During that six (6) months, Gresham Savage’s attorneys have advised and represented the District’s Board and Management on numerous matters, brought current many months of incomplete, and unsigned Open Session Minutes, developed and implemented protocol for Closed Session Minutes, drafted various ordinances and resolutions and developed and submitted numerous WVWD Minutes: 11/16/17
Board policies, guidelines and procedures, including a Conflict of Interest Code, a Code of Ethics Policy, Brown Act Policy, Public Records Act Policy and Political Activities Policy. Developed and submitted a proposed updated replacement for Ordinance No. 84, developed a District standard management and employee agreement, updated the District's Employee Handbook, developed the District's California Environmental Quality Act ("CEQA") practices and guidelines, updated the District's public bidding requirements, negotiated various agreements for the District. Overseeing the production of records responsive to numerous public records act requests, handled numerous claims against the District, represented the District in numerous administrative and judicial proceedings, and overseen special counsel representing the District in various administrative and judicial proceedings. Though most of the assignments given to Gresham Savage have been completed, some are still in progress and others are ongoing in nature. Gresham Savage is pleased to have been of service to the District and proud of our accomplishments over a short period of time. We also trust that the District has appreciated the extent of discounts and fees provided on several occasions as a professional courtesy to the District. Gresham Savage has provided the District with the policies, practices, procedures and protocols the District need only complete the process of accepting and implementing them and if it does it will find itself in a substantially better position. That decision, however, is up to the Board. Gresham Savage has done its part and that time has come for that professional relationship to be concluded. It has been a pleasure providing General Counsel Services to the District. This letter will serve as Gresham Savage's formal notice of its resignation as General Counsel for West Valley Water District, effective upon the close of business on December 6, 2017. The Board should promptly arrange for a successor General Counsel to commence representing the District beginning December 7, 2017. Gresham Savage will deliver the adopted Closed Session Minutes and other files as required by law to the District's new General Counsel and it will take appropriate steps to facilitate a smooth and professional transition. Thank you for having allowed Gresham Savage to serve the West Valley Water District. Mr. Davis said that he had copies of the letter for all members of the Board. President Olinger stated that we are so sorry for losing their services, as they have served nobly and with integrity and helped the District a great deal in our litigation.

ADJOURN

THERE BEING NO FURTHER BUSINESS, DIRECTOR BOURLAND MOVED TO ADJOURN THE MEETING AT 8:20 P.M.

____________________________
Donald Olinger
President of the Board of Directors
of West Valley Water District

ATTEST:

____________________________
Shanae Smith, Board Secretary

WVWD
Minutes: 11/16/17
MINUTES
REGULAR BOARD MEETING
of the
WEST VALLEY WATER DISTRICT
November 29, 2017

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VISITORS
None

OPENING CEREMONIES
Pledge of Allegiance
Opening Prayer
Call to Order
Roll Call of Board Members

ADOPT AGENDA
Director Bourland made a motion to Adopt the Agenda as presented, seconded by Vice President Gonzalez. The motion carried by the following vote:

WVWD
Minutes: 11/29/17
RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Bourland, Director
SECONDER: Linda Gonzalez, Vice President
AYES: Donald Olinger, Linda Gonzalez, Robert Bourland
ABSENT: Clifford Young, Gregory Young

PUBLIC PARTICIPATION

There were public speakers.

BUSINESS MATTERS

1. APPROVAL OF PAYMENT TO GRESHAM SAVAGE NOLAN TILDEN, P.C. FOR PROFESSIONAL SERVICES RENDERED THROUGH NOVEMBER 29, 2017; SUMMARY STATEMENT NO. W1582 ALL MATTERS; TOTAL AMOUNT OF $24,043.99 - Following discussion, General Legal Counsel Michael Davis corrected the date that services were rendered to indicate November 29, 2017 instead of November 30, 2017. Director Bourland requested a moment to review the invoice. A motion was made by Director Bourland to Approve Payment to Gresham Savage Nolan & Tilden for Professional Services rendered through November 29, 2017; Summary Statement No. W1582 All Matters; Total Amount of $24,043.99 as amended, seconded by Vice President Gonzalez. The motion carried by the following vote:

RESULT: APPROVED [UNANIMOUS]
AYES: Donald Olinger, Linda Gonzalez, Robert Bourland
ABSENT: Clifford Young, Gregory Young

CLOSED SESSION

The Board convened to Closed Session at 6:07 p.m. The reconvened to Open Session and Mr. Davis reported on the following:

1. APPROVAL OF CLOSED SESSION MINUTES (UNRESTRICTED): Regular meeting of November 16, 2017 - By a vote of 3-0-2, the Board Approved the Unrestricted Closed Session Minutes for November 16, 2017.

2. APPROVAL OF CLOSED SESSION MINUTES (C. YOUNG RESTRICTED): Regular meeting of November 16, 2017 - By a vote of 3-0-2, the Board Approved the C. Young Unrestricted Closed Session Minutes for November 16, 2017.


WVWD
Minutes: 11/29/17
4. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION - Pursuant to Government Code Section 54956.9(b): Natividad Ramirez, Claim Number 18-0095 (WVWD) – No reportable action.

5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – Matthew Litchfield v. Clifford O. Young, Sr. and West Valley Water District; Pursuant to Government Code Section 54956.9 (b)(1) – Number of Cases: one (1). – No reportable action.

ADJOURN

THERE BEING NO FURTHER BUSINESS, DIRECTOR BOURLAND MOVED TO ADJOURN THE MEETING AT 7:12 P.M.

____________________________
Donald Olinger
President of the Board of Directors of West Valley Water District

ATTEST:

____________________________
Shanae Smith, Board Secretary

WVWD
Minutes: 11/29/17
DATE: December 7, 2017
TO: Board of Directors
FROM: Matthew H. Litchfield, P.E. General Manager
SUBJECT: SELECTION OF NEW LEGAL COUNSEL SERVICES

BACKGROUND:

At the November 16, 2017 regular Board Meeting, Gresham Savage Nolan Tilden, PC terminated its relationship with the District for general legal counsel services effective December 6, 2017. It is necessary for the District to have legal representation and to receive legal advice during Board meetings, in addition to legal review of contracts and general legal advice. An interim general legal counsel is needed until such time that the Board directs staff to formulate and issue a Request for Proposal (RFP) for permanent general counsel services, followed by the Board executing a contract with a selected law firm.

FISCAL IMPACT:

This item is included in the FY 2017/2018 Administration/Legal budget.

STAFF RECOMMENDATION:

Provide direction to Staff.

Respectfully Submitted,

Matthew H. Litchfield, P.E.
General Manager

MHL:ss
DATE: December 7, 2017
TO: Board of Directors
FROM: Matthew H. Litchfield, P.E. General Manager
SUBJECT: ADOPT RESOLUTION NO. 2017-29, COMMENDING LINDA GONZALEZ FOR FOUR YEARS OF PUBLIC SERVICE

BACKGROUND:

Linda Gonzalez was elected to the West Valley Water District (“District”) Board of Directors (“Board”) November, 2013. During her tenure, Mrs. Gonzalez’ dedication to the West Valley Water District and the ratepayers of the community was exemplary. Attached as Exhibit A for the Board’s consideration and approval is Resolution No. 2017-29, commending Mrs. Gonzalez for four years of dedicated public service.

FISCAL IMPACT:

There is no fiscal impact.

STAFF RECOMMENDATION:

Adopt Resolution No. 2017-29, Recognizing, Honoring and Commending Linda Gonzalez for Four Years Dedicated Public Service as a Board Member.

Respectfully Submitted,

Matthew H. Litchfield, P.E.
General Manager

MHL:ss

ATTACHMENT(S):

1. Exhibit A - Resolution No. 2017-29 - Recognizing, Honoring and Commending Linda Gonzalez
RESOLUTION NO. 2017-29
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT RECOGNIZING, HONORING AND COMMENDING LINDA GONZALEZ FOR PUBLIC SERVICE AS A BOARD MEMBER

WHEREAS, On December 9, 2013, Linda Gonzalez was elected to the West Valley Water District as a Director through December 6, 2017; and

WHEREAS, Linda Gonzalez served the communities of Rialto, Bloomington, Fontana, Colton, Roseana Ranch, Lytle Creek and Jurupa Valley; and

WHEREAS, Linda Gonzalez was instrumental in approving all West Valley Water District Board of Directors regular Board Meetings to be held on the first and third Thursday of each month, at 6:00 p.m. to accommodate working families schedules; and

WHEREAS, Linda Gonzalez was instrumental in the Board’s Approval to Rescind the 2016 and 2017 Rate Increase of 15%, Effective on January 1, 2016 and January 1, 2017, and provided a Rebate to ratepayers for a majority of the 15% Rate Increase Effective January 1, 2015, for bills generated from February, 2015 through December, 2015 respectfully; and

WHEREAS, Linda Gonzalez was involved in the District’s transparency efforts, including ensuring the District provide materials to its ratepayers in both Spanish and English; and

WHEREAS, her dedication to the West Valley Water District’s Executive Committee, the External Affairs Committee and Human Resources Committee was exemplary; and

WHEREAS, Linda Gonzalez was contributory in the Board of Directors’ approval of the addition of veterans experience and veterans preference to District’s employment application, recognizing training, skills and leadership accomplishments of veteran applicants; and

WHEREAS, Linda Gonzalez recommended that the District reconstruct the Personnel Policies and Procedures Manual to be compliant with California State employment regulations; and

WHEREAS, Linda Gonzalez completed her fiduciary responsibilities as Vice President of the Board of Directors of the West Valley Water District and was involved with a number of local organizations, including two (2) terms as Chairperson of the San Bernardino County Bloomington Municipal Advisory Council (“MAC”).

NOW THEREFORE, BE IT RESOLVED, that the members of the Board of Directors and Staff of the West Valley Water District, do hereby express their appreciation to Linda Gonzalez for the exemplary public service provided to the West Valley Water District and the benefits provided to the region she served.

BE IT FURTHER RESOVED, that Staff is instructed to present this resolution to Linda Gonzalez.

ADOPTED, SIGNED AND APPROVED THIS 7TH DAY OF DECEMBER, 2017 BY THE FOLLOWING VOTE:
AYES: DIRECTORS:
NOES: DIRECTORS
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

Donald Olinger, President of the Board of Directors of West Valley Water District

ATTEST:

Shanae Smith, Board Secretary
RESOLUTION NO. 2017-30

A RESOLUTION OF THE BOARD OF DIRECTORS OF WEST VALLEY WATER DISTRICT
COMMENDING ROBERT BOURLAND FOR HIS 8 MONTHS OF SERVICE AS A MEMBER OF THE BOARD OF DIRECTORS

WHEREAS, Robert Bourland was first appointed to the Board of Directors of West Valley Water District on March 8, 2017 by the San Bernardino County Board of Supervisors; and

WHEREAS, Robert Bourland possessed the knowledge, skills, and experience to effectively govern as a member of the Board of Directors of the West Valley Water District; and

WHEREAS, Robert Bourland served the communities of Rialto, Bloomington, Fontana, Colton, Roseana Ranch, Lytle Creek and Jurupa Valley; and

WHEREAS, Robert Bourland contributed much time, knowledge, and effort in assuring the District’s future water supply needs were met; and

WHEREAS, Robert Bourland was instrumental in approving important policies such as the Code of Ethics/Board Conduct Policy and the revised Personnel Policies and Practices Manual; and

WHEREAS, Robert Bourland is an outstanding credit to West Valley Water District while representing the District on various committees, such as the Executive Committee, Finance Committee, Engineering and Planning Committee and External Affairs Committee; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of West Valley Water District commends Robert Bourland for his eight months of service as a member of the Board of Directors of the West Valley Water District and the citizens they serve.

BE IT FURTHER RESOVED, that Staff is instructed to present this resolution to Robert Bourland.

ADOPTED, SIGNED AND APPROVED THIS 7TH DAY OF DECEMBER, 2017 BY THE FOLLOWING VOTE:

AYES: DIRECTORS:
NOES: DIRECTORS
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

Donald Olinger, President of the Board of Directors of West Valley Water District

ATTEST:

Shanae Smith, Board Secretary
DATE: December 7, 2017
TO: Board of Directors
FROM: Matthew H. Litchfield, P.E. General Manager
SUBJECT: ADOPT RESOLUTION NO. 2017-30, COMMENDING ROBERT BOURLAND FOR EIGHT MONTHS OF DEDICATED PUBLIC SERVICE

BACKGROUND:

Robert Bourland was appointed to the West Valley Water District (“District”) Board of Directors (“Board”) March 8, 2017. During his tenure, Mr. Bourland’s dedication to the West Valley Water District and the ratepayers of the community was exemplary. Attached as Exhibit A for the Board’s consideration and approval is Resolution No. 2017-30, commending Mr. Bourland for eight months of dedicated public service.

FISCAL IMPACT:

There is no fiscal impact.

STAFF RECOMMENDATION:

Adopt Resolution No. 2017-30, Recognizing, Honoring and Commending Robert Bourland for Eight Months of Dedicated Public Service as a Board Member.

Respectfully Submitted,

Matthew H. Litchfield, P.E.
General Manager

MHL:ss

ATTACHMENT(S):

BOARD OF DIRECTORS
STAFF REPORT

DATE: December 7, 2017
TO: Board of Directors
FROM: Matthew H. Litchfield, P.E. General Manager
SUBJECT: APPROVAL OF THE NOTICE OF INTENT TO AMEND THE WEST VALLEY WATER DISTRICT CONFLICT OF INTEREST CODE

BACKGROUND:

The West Valley Water District (“District”) is required by State law to have a Conflict of Interest Code (“COIC”) that is regularly approved by the California Fair Political Practices Commission (“FPPC”). The existing District COIC is in need of updating and approval by the FPPC. Typically, an agency’s Code of Ethics Policy (“COEP”) either encapsulates or references the COIC. The District approved the COEP on October 2, 2017. Since that time, the FPPC has approved the amended draft COIC and a copy of this along with a redline/strikeout version of the current COIC is attached as Exhibit A. Approval of the Notice of Intent by the Board is required at this time to begin the 45-day public comment period. The Notice of Intent to amend the COIC is attached as Exhibit B and the Declaration of the Chief Executive Officer is attached as Exhibit C.

DISCUSSION:

The FPPC governs the process by which the District’s COIC is amended. After approval by the Board of the Notice of Intent, the next steps to be followed are detailed in Exhibit D which includes the opening of the 45-day public comment period.

At the close of the public comment period, staff will submit via email a summary of any comments received to the FPPC, including copies of all written comments and how they were resolved. If no comments were received, it will be stated as such in the email.

FISCAL IMPACT:

There is no fiscal impact to this action.

STAFF RECOMMENDATION:

Approve the Notice of Intent to Amend the West Valley Water District’s Conflict of Interest Code and submit to the FPPC the signed Declaration by the Chief Executive Officer and instruct staff to begin the 45-day public comment period.
Respectfully Submitted,

Matthew H. Litchfield, P.E.
General Manager

NHL:ss

ATTACHMENT(S):
1. Exhibit A - Amended Draft WVWD Ethics Conflict of Interest Policy
2. Exhibit B - Notice of Intent-Amend COIC
3. Exhibit C - Declaration of Chief Executive Officer
4. Exhibit D - How_to_Amend MC Agency COIC
EXHIBIT A
ETHICS AND CONFLICTS OF INTEREST POLICY

POLICY

The District expects and requires its Board of Directors ("Board"), General Manager, employees and volunteers ("District Officials") to maintain the highest ethical standards. Proper operation of the District requires that decisions and policies must be made with transparency, public office not be used for personal gain, and individuals associated with the District remain impartial and responsible to the public. Accordingly, it is the policy of the District that District Officials will maintain the highest standard of personal honesty and fairness in carrying out their duties. This policy sets forth the minimal ethical standards to be followed by the District Officials. Additional standards to be followed by District employees will be set forth in the District’s Personnel Manual.

The objectives of this policy are to (1) provide continued guidance for dealing with ethical issues, (2) heighten awareness of ethics and values as critical elements of the Board’s policy, and (3) maintain open and ethical decision making and values-based management.

PROCEDURES

Responsibilities of Public Office.

District Officials are obligated to uphold the Constitution of the United States and the Constitution of the State of California. District Officials will comply with applicable laws regulating their conduct, including conflicts of interest, financial disclosure and open government laws. District Officials will work in cooperation with other public officials unless prohibited from so doing by law or officially-recognized confidentiality of their work.

Fair and Equal Treatment.

District Officials will not, in the performance of their official functions, discriminate against any person on the basis of any protected category under federal or state law. A District Official will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

Proper Use and Safeguarding of District Property and Resources.

A District Official shall not use or permit others to use District resources for personal purposes. “Personal purposes” means activities for personal enjoyment, private gain or advantage, or not related to District business. “Personal purposes” does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes. For example, an occasional telephone call will not be considered “personal purposes”.

District Officials will not ask or require a District employee to perform services for the personal convenience or profit of a District Official or another District employee. Each District Official
must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. District Officials will safeguard District property, equipment, funds and assets against unauthorized use or removal, as well as against loss due to criminal act or breach of trust.

District Officials are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District’s behalf, in accordance with the District’s policy for reimbursement of expenses of District Officials.

Use of Confidential Information.

A District Official is not authorized, without advance approval of the Board of Directors, to disclose information that qualifies as confidential information to a person not authorized to receive it. For this purpose, “confidential information” includes information that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit the following: (1) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District an elected official or employee, (2) expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a District Official will first bring the matter to the attention of the Board or General Manager to provide the District the opportunity to cure any alleged violation.

A District Official who willfully and knowingly discloses, for pecuniary gain, confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098. A District Official may also be subject to disciplinary action or be referred to a grand jury for unlawful disclosure of confidential information obtained in a closed session under Government Code section 54936.

Financial Conflicts of Interest.

A District Official will not have a financial interest in a contract with the District, or be purchaser at a sale by the District or a vendor at a purchase made by the District, unless the District Official’s participation is authorized under specific Government Code exemptions.

A District Official 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 financial interest with respect to the matter, as defined in the Political Reform Act at Government Code sections 81000, et seq.
Generally, a District Official 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 (“FPPC”) regulations) that is distinguishable from the effect on the public generally on five specific economic interests:

- A business entity in which the District Official has a direct or indirect investment of $2,000 or more in which the District Official holds a position as director, officer, partner, trustee, employee, or manager;
- Real property in which the District Official has a direct or indirect investment interest worth $2,000 or more;
- A source of income of the District Official amounting to $500 or more within 12 months before the Board decision; or
- A source of gifts to the District Official amounting to the annual gift limit\(^1\) or more within 12 months before the Board decision

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

1. If the District Official becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the District Official will notify the 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;

2. If it is not possible for the District Official to discuss the potential conflict with the General Manager and the District’s legal counsel before the meeting, or if the District Official does not become aware of the potential conflict until during the meeting, the District Official 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; and

3. Upon a determination that there is a disqualifying conflict of interest in accordance with Government Code section 87105, the District Official (1) must publicly identify the financial interest that gives rise to the conflict or potential conflict (2) must 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 (3) must 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. The District Official may speak on the issue during the time the general public speaks on the issue.

\(^1\) See FPPC Reg. 18940.2. The annual gift limit is adjusted biennially every odd-numbered year.
A District Official will not recommend the employment of a relative by the District. In addition, a District Official will not recommend the employment of a relative to any person known by the District Official to be bidding for or negotiating a contract with the District.

Gifts

No District Official may accept any gift from those who have, or are likely to have, business with the District. In determining whether someone is likely to have business with the District Officials and employees are encouraged to err on the side of caution. In addition, all gifts are subject to the prohibitions and limitation as set forth in the District’s Conflict of Interest Code and the Regulations of the Fair Political Practices Commission (“FPPC”).

Soliciting Political Contributions.

District Officials are prohibited from soliciting political funds or contributions at District facilities, or from District employees. (Gov. Code § 3205). A District Official will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) any person or entity who has a financial interest in a contract or other matter while that contract or other matter is pending before the District. A District Official will not use the District’s seal, trademark, stationary or other indicia of the District’s identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law.

Incompatible Offices/Post-Affiliation Activities.

Any District Official appointed or elected to a public office of another public entity, the duties of which may require action contradictory or inconsistent with the interest of the first entity (as determined under applicable law), will resign from the former office.

For a period of one year after leaving office, District Officials may not represent for compensation any other person or entity before the District or make any oral or written communication, if the appearance or communication is made for the purpose of influencing any action or proceeding as prohibited under Government Code section 87406.3.

For purposes of this section, “represent” will mean for compensation to actively support or oppose a particular decision in a proceeding by lobbying in person, orally, or in writing, the officers or employees of the District or otherwise acting to influence the officers of the District.

Nothing in this section is intended or will be applied to prevent a former District Official from participating in meetings of the District in the same manner as other members of the public.

Improper Activities and Reporting; Whistleblower Protections.

The General Manager has primary responsibility for (1) ensuring compliance with the District’s Personnel Manual and ensuring that District employees do not engage in improper activities, (2) investigating allegations of improper activities, and (3) taking appropriate corrective and disciplinary action. The District has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. To the extent not otherwise
prohibited by law, District Officials are encouraged to fulfill their obligation to the public and the
District by disclosing to the General Manager any improper activities of which they are aware. District Officials 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. Nothing in this section affects the responsibility of the Board to oversee the performance of the General Manager.

A District Official will not directly or indirectly use, or attempt to use, the District or the 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 any information that, if true, would constitute: a work-related violation by a District Official or District employee of any law or regulation, gross waste of District funds, gross abuse of the District, violation of District policies, 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 Official or District employee.

A District Official will not use or threaten to use influence to effect any action in reprisal against a District Official who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

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) the General Manager, or (2) a member of the Board of Directors 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.

**Compliance with the Brown Act.**

The members of the Board of Directors, and persons elected but who have not yet assumed office as members of the Board, will fully comply with the provisions of the State’s open meeting law for public agencies (the Brown Act). The Board has adopted Bylaws to guide the Board in ensuring that Board decisions are made during meetings of the Board that are open to the public, in compliance with the Brown Act, Government Code §§ 54950, et seq.

**Compliance with FPPC Statement of Economic Interest (Form 700)**

All officials, employees and consultants are directed to refer to the District’s Conflict of Interest Code for these specific requirements. The Conflict of Interest Code is held in the office of the Secretary to the Board as the District’s Filing Officer/Official.

District Officials and designated employees shall annually file a Statement of Economic Interest as specified in the District’s Code. District Officials and designated employees shall, within
30 days after assuming office/employment or leaving office/employment, file a Statement of Economic Interests as specified in the District’s Code.

**Changes in Compensation.**

Changes in the compensation of the Board or of District employees requires the approval of the Board during an open meeting of the Board held within sixty days prior to the effective date of the change.

**Ethics and Training.**

Directors and designated employees shall receive at least two (2) hours of ethics training every two (2) years as required by Government Code section 53235.

**Violation of Ethics Policy.**

A perceived violation of this policy by a District Official should be referred to the Board of Directors for investigation, and consideration of any appropriate action warranted. 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) adoption of a resolution expressing disapproval of the conduct of the District Official who has violated this policy, (b) injunctive relief, or (c) referral of the violation to the district attorney and/or the grand jury.
CONFlict OF INTEREST CODE
WEST VALLEY WATER DISTRICT
(Amended July 2017)

The Political Reform Act (Gov. Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission adopted a regulation (2 Cal. Code of Regs. § 18730) containing the terms of a standard conflict of interest code. This code can be incorporated by reference in a public agency’s code to satisfy the requirements of Government Code section 87300 regarding adoptions and promulgation of a conflict of interest code. West Valley Water District is required to have its conflict of interest code approved by the Fair Political Practices Commission (“FPPC”) because its geographical area extends into two counties.

After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to its duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the West Valley Water District (“District”).

All officials and designated positions required to submit a statement of economic interests shall file their statements with the Secretary to the Board as the District’s Filing Officer. The Secretary to the Board shall make and retain a copy of all statements filed by members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Bernardino. The Secretary to the Board shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction during regular business hours in accordance with Government Code section 81008.
APPENDIX

CONFLICT OF INTEREST CODE
FOR THE WEST VALLEY WATER DISTRICT
(Amended July 2017)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District’s Conflict of Interest Code, but must file disclosure statements under Government Code section 87200, et seq. The positions listed here are for informational purposes only.

It has been determined that the positions listed below are officials who participate in making investment decisions:

- Members of the Board of Directors
- General Manager
- Finance Director
- Chief Financial Officer
- [INSERT ANY OTHERS]

1 Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.
## DESIGNATED POSITIONS

<table>
<thead>
<tr>
<th>DESIGNATED POSITIONS’ TITLE OR FUNCTION</th>
<th>DISCLOSURE CATEGORIES ASSIGNED²</th>
</tr>
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<tbody>
<tr>
<td>Directors and Candidates for Director</td>
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</tr>
<tr>
<td>General Manager</td>
<td>1, 2, 3, 4, 5</td>
</tr>
<tr>
<td>Assistant General Manager</td>
<td>1, 2, 3, 4, 5</td>
</tr>
<tr>
<td>Superintendent</td>
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</tr>
<tr>
<td>Construction/Engineering Supervisor</td>
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</tr>
<tr>
<td>Outside Engineer</td>
<td>1, 2, 3, 4, 5</td>
</tr>
<tr>
<td>Office Manager</td>
<td>1, 2, 3, 4, 5</td>
</tr>
<tr>
<td>Consultants (incl. Legal Counsel)³</td>
<td></td>
</tr>
</tbody>
</table>

## DISCLOSURE CATEGORIES

[INSERT FROM PRIOR POLICY]

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² The Disclosure Categories are listed at

³ Individuals providing services as a Consultant, defined in 2 Cal. Code of Regs. § 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The General Manager may determine that, due to the range of duties or contractual obligations, it is appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code § 82019; 2 Cal. Code of Regs. §§ 18219, 18734.). The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
ETHICS AND CONFLICTS OF INTEREST POLICY

POLICY

The District expects and requires its Board of Directors (“Board”), General Manager, employees and volunteers (“District Officials”) to maintain the highest ethical standards. Proper operation of the District requires that decisions and policies must be made with transparency, public office not be used for personal gain, and individuals associated with the District remain impartial and responsible to the public. Accordingly, it is the policy of the District that District Officials will maintain the highest standard of personal honesty and fairness in carrying out their duties. This policy sets forth the minimal ethical standards to be followed by the District Officials. Additional standards to be followed by District employees will be set forth in the District’s Personnel Manual.

The objectives of this policy are to (1) provide continued guidance for dealing with ethical issues, (2) heighten awareness of ethics and values as critical elements of the Board’s policy, and (3) maintain open and ethical decision making and values-based management.

PROCEDURES

Responsibilities of Public Office.

District Officials are obligated to uphold the Constitution of the United States and the Constitution of the State of California. District Officials will comply with applicable laws regulating their conduct, including conflicts of interest, financial disclosure and open government laws. District Officials will work in cooperation with other public officials unless prohibited from so doing by law or officially-recognized confidentiality of their work.

Fair and Equal Treatment.

District Officials will not, in the performance of their official functions, discriminate against any person on the basis of any protected category under federal or state law. A District Official will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

Proper Use and Safeguarding of District Property and Resources.

A District Official shall not use or permit others to use District resources for personal purposes. “Personal purposes” means activities for personal enjoyment, private gain or advantage, or not related to District business. “Personal purposes” does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes. For example, an occasional telephone call will not be considered “personal purposes”.

District Officials will not ask or require a District employee to perform services for the personal convenience or profit of a District Official or another District employee. Each District Official
must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. District Officials will safeguard District property, equipment, funds and assets against unauthorized use or removal, as well as against loss due to criminal act or breach of trust.

District Officials are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District’s behalf, in accordance with the District’s policy for reimbursement of expenses of District Officials.

**Use of Confidential Information.**

A District Official is not authorized, without advance approval of the Board of Directors, to disclose information that qualifies as confidential information to a person not authorized to receive it. For this purpose, “confidential information” includes information that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit the following: (1) making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District an elected official or employee, (2) expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or (3) disclosing information acquired by being present in a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (1) or (2), above, however, a District Official will first bring the matter to the attention of the Board or General Manager to provide the District the opportunity to cure any alleged violation.

A District Official who willfully and knowingly discloses, for pecuniary gain, confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code section 1098. A District Official may also be subject to disciplinary action or be referred to a grand jury for unlawful disclosure of confidential information obtained in a closed session under Government Code section 54936.

**Financial Conflicts of Interest.**

A District Official will not have a financial interest in a contract with the District, or be purchaser at a sale by the District or a vendor at a purchase made by the District, unless the District Official’s participation is authorized under specific Government Code exemptions.

A District Official 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 financial interest with respect to the matter, as defined in the Political Reform Act at Government Code sections 81000, et seq.
Generally, a District Official 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 (“FPPC”) regulations) that is distinguishable from the effect on the public generally on five specific economic interests:

- A business entity in which the District Official has a direct or indirect investment of $2,000 or more in which the District Official holds a position as director, officer, partner, trustee, employee, or manager;
- Real property in which the District Official has a direct or indirect investment interest worth $2,000 or more;
- A source of income of the District Official amounting to $500 or more within 12 months before the Board decision; or
- A source of gifts to the District Official amounting to the annual gift limit or more within 12 months before the Board decision

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

1. If the District Official becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the District Official will notify the 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:

2. If it is not possible for the District Official to discuss the potential conflict with the General Manager and the District’s legal counsel before the meeting, or if the District Official does not become aware of the potential conflict until during the meeting, the District Official 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; and

3. Upon a determination that there is a disqualifying conflict of interest in accordance with Government Code section 87105, the District Official (1) must publicly identify the financial interest that gives rise to the conflict or potential conflict (2) must 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 (3) must 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. The District Official may speak on the issue during the time the general public speaks on the issue.

1 See FPPC Reg. 18940.2. The annual gift limit is adjusted biennially every odd-numbered year.
A District Official will not recommend the employment of a relative by the District. In addition, a District Official will not recommend the employment of a relative to any person known by the District Official to be bidding for or negotiating a contract with the District.

**Gifts**

No District Official may accept any gift from those who have, or are likely to have, business with the District. In determining whether someone is likely to have business with the District Officials and employees are encouraged to err on the side of caution. In addition, all gifts are subject to the prohibitions and limitation as set forth in the District’s Conflict of Interest Code and the Regulations of the Fair Political Practices Commission ("FPPC").

**Soliciting Political Contributions.**

District Officials are prohibited from soliciting political funds or contributions at District facilities, or from District employees. (Gov. Code § 3205). A District Official will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) any person or entity who has a financial interest in a contract or other matter while that contract or other matter is pending before the District. A District Official will not use the District’s seal, trademark, stationary or other indicia of the District’s identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law.

**Incompatible Offices/Post-Affiliation Activities.**

Any District Official appointed or elected to a public office of another public entity, the duties of which may require action contradictory or inconsistent with the interest of the first entity (as determined under applicable law), will resign from the former office.

For a period of one year after leaving office, District Officials may not represent for compensation any other person or entity before the District or make any oral or written communication, if the appearance or communication is made for the purpose of influencing any action or proceeding as prohibited under Government Code section 87406.3.

For purposes of this section, “represent” will mean for compensation to actively support or oppose a particular decision in a proceeding by lobbying in person, orally, or in writing, the officers or employees of the District or otherwise acting to influence the officers of the District.

Nothing in this section is intended or will be applied to prevent a former District Official from participating in meetings of the District in the same manner as other members of the public.

**Improper Activities and Reporting; Whistleblower Protections.**

The General Manager has primary responsibility for (1) ensuring compliance with the District’s Personnel Manual and ensuring that District employees do not engage in improper activities, (2) investigating allegations of improper activities, and (3) taking appropriate corrective and disciplinary action. The District has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. To the extent not otherwise
prohibited by law, District Officials are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager any improper activities of which they are aware. District Officials 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. Nothing in this section affects the responsibility of the Board to oversee the performance of the General Manager.

A District Official will not directly or indirectly use, or attempt to use, the District or the 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 any information that, if true, would constitute: a work-related violation by a District Official or District employee of any law or regulation, gross waste of District funds, gross abuse of the District, violation of District policies, 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 Official or District employee.

A District Official will not use or threaten to use influence to effect any action in reprisal against a District Official who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

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) the General Manager, or (2) a member of the Board of Directors 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.

**Compliance with the Brown Act.**

The members of the Board of Directors, and persons elected but who have not yet assumed office as members of the Board, will fully comply with the provisions of the State’s open meeting law for public agencies (the Brown Act). The Board has adopted Bylaws to guide the Board in ensuring that Board decisions are made during meetings of the Board that are open to the public, in compliance with the Brown Act, Government Code §§ 54950, et seq.

**Compliance with FPPC Statement of Economic Interest (Form 700)**

All officials, employees and consultants are directed to refer to the District’s Conflict of Interest Code for these specific requirements. The Conflict of Interest Code is held in the office of the Secretary to the Board as the District’s Filing Officer/Official.

District Officials and designated employees shall annually file a Statement of Economic Interest as specified in the District’s Code. District Officials and designated employees shall, within
30 days after assuming office/employment or leaving office/employment, file a Statement of Economic Interests as specified in the District’s Code.

Changes in Compensation.

Changes in the compensation of the Board or of District employees requires the approval of the Board during an open meeting of the Board held within sixty days prior to the effective date of the change.

Ethics and Training.

Directors and designated employees shall receive at least two (2) hours of ethics training every two (2) years as required by Government Code section 53235.

Violation of Ethics Policy.

A perceived violation of this policy by a District Official should be referred to the Board of Directors for investigation, and consideration of any appropriate action warranted. 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) adoption of a resolution expressing disapproval of the conduct of the District Official who has violated this policy, (b) injunctive relief, or (c) referral of the violation to the district attorney and/or the grand jury.
CONFlict OF INTEREST CODE FOR THE
WEST SAN BERNARDINO COUNTY VALLEY WATER DISTRICT
(Amended July 2017)

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) which contains the terms of a standard conflict of interest code. This code can be incorporated by reference in a public agency’s code to satisfy the requirements of Government Code section 87300 regarding adoptions and promulgation of a conflict of interest code. West Valley Water District is required to have its conflict of interest code approved by the Fair Political Practices Commission (“FPPC”) because its geographical area extends into two counties.

After public notice and hearing Regulation 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to its duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees positions and establishing disclosure categories, shall constitute the conflict of interest code of the West San Bernardino County Valley Water District (“District”).

Designated employees

All officials and designated positions required to submit a statement of economic interests shall file their statements with the West Secretary to the Board as the District’s Filing Officer. The Secretary to the Board shall make and retain a copy of all statements filed by members of the Board of Directors and the General Manager, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Bernardino County Water District who will make the. The Secretary to the Board shall retain the originals of the statements filed by all other officials and designated positions and make all statements available for public inspection and reproduction, during regular business hours in accordance with Government Code Section 81008. Statements for all designated employees will be retained by the agency.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations)

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the
formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions. The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees. The persons holding positions listed in the Appendix are designated employees.
It has been determined that these persons make or participate in
the making of decisions which may foreseeably have a material
effect on financial interests.

(3) Section 3. Disclosure Categories. This code
does not establish any disclosure obligation for those
designated employees who are also specified in Government
Code Section 87200 if they are designated in this code in
that same capacity or if the geographical jurisdiction of
this agency is the same as or is wholly included within the
jurisdiction in which those persons must report their
financial interests pursuant to Article 2 of Chapter 7 of
the Political Reform Act, Government Code Sections 87200, et
al.

In addition, this code does not establish any disclosure
obligation for any designated employees who are designated in a
conflict of interest code for another agency, if all of the
following apply:

A) The geographical jurisdiction of this agency is the
same as or is wholly included within the jurisdiction of the other
agency;

B) The disclosure assigned in the code of the other
agency is the same as that required under Article 2 of Chapter 7
of the Political Reform Act, Government Code Section 87200; and

C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for
disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendi specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing. The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's

1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

(5) Section 5. Statements of Economic Interests: Time of Filing.
(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section S.S. Statements for Persons Who Resign Prior to Assuming Office. Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice

² See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.
provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

1. File a written resignation with the appointing power; and
2. File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements. Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements. Assuming office statements shall disclose any reportable investments,
interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements. Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting. Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure. When an investment or an interest in real property is required to be
For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

The statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars ($1,000), exceeds ten thousand dollars ($10,000), or exceeds one hundred thousand dollars ($100,000).

(B) Personal Income Disclosure. When personal income is required to be reported, the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars ($250) or more in value or fifty dollars ($50) or more in value if the income was a gift, and

Investments and interests in real property which have a fair market value of less than $1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual’s spouse and dependent children as well as a pro rata share of any investment or interest in real property of
any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

2.18730

a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars ($1,000) or less, greater than one thousand dollars ($1,000), or greater than ten thousand dollars ($10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business
entity received payments if the filer’s pro rata share of gross

6. Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer’s spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

8.18730

receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee’s position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.
(A) No member of a state board or commission, and no designated employee of a state agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.
Subdivisions (b), (c), (d), and (e) of Government Code Section 89502 shall apply to the prohibitions in this section.
(B) No member of the governing board of a special
district or designated employee of a local government agency
shall accept any honorarium.

Subdivisions (b), (c), and (e) of Government Code
Section 89502 shall apply to the prohibitions in this section.
This section shall not limit or prohibit payments, advances,
or reimbursements for travel and related lodging and
subsistence authorized by Government Code Section 89506.

(8.1) Section 8.1 Prohibition on Receipt of

Gifts of

$280 or More.

(A) No member of a state board or commission, and no
designated employee of a state agency, shall accept gifts with a
total value of more than two hundred eighty dollars ($280) in a
calendar year from any single source, if the member or employee
would be required to report the receipt of income or gifts from
that source on his or her statement of economic interests. This
section shall not apply to any part-time member of the governing
board of any public institution of higher education, unless the
member is also an elected official.

Subdivisions (b), (c), (d), and (e) of Government Code
Section 89504 shall apply to the prohibitions in this section.

(B) No member of the governing board of a special
district, or designated employee of a local government agency
shall accept any gifts with a total value of more than two hundred
eighty dollars ($280) in a calendar year from any single source. Subdivision (d) of Government Code Section 89504 shall apply to this section.

(9) Section 9, Disqualification. No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars ($1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars ($1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars ($250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management, or
(E) Any donor of, or any intermediary or agent for a
donor of, a gift or gifts aggregating two hundred and eighty
dollars ($280) or more in value provided to, received by, or
promised to the designated employee within 12 months prior to the
time when the decision is made.

(9.3) Section 9.3. Legally Required Participation. No
designated employee shall be prevented from making or
participating in the making of any decision to the extent his or
her participation is legally required for the decision to be made.
The fact that the vote of a designated employee who is on a voting
body is needed to break a tie does not make his or her
participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers
and Employees. In addition to the general disqualification
provisions of Section 9, no state administrative official shall
make, participate in making, or use his or her official position
to influence any governmental decision directly relating to any
contract where the state administrative official knows or has
reason to know that any party to the contract is a person with
whom the state administrative official, or any member of his or
her immediate family has, within 12 months prior to the time when
the official action is to be taken:

(A) Engaged in a business transaction or transactions
on terms not available to members of the public, regarding any
investment or interest in real property; or

(B) Engaged in a business transaction or transactions
on terms not available to members of the public regarding the
rendering of goods or services totaling in value one thousand dollars ($1,000) or more.

(10) Section 10. Manner of Disqualification. When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel. Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations. This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code.
Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: Authority: Section 83112, Gov. Code Reference: Sections 87300-87302, 89501, 89502, 89503, and 89504, Gov. Code

HISTORY

(1) New section filed 4-2-80 as an emergency; effective upon filing. Certificate of Compliance included.
(2) Editorial correction.
(3) Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter.
(4) Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter.
(5) Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter.
(6) Amendment filed 4-13-87; effective thirtieth day thereafter.
(7) Amendment of subsection (b) filed 10-21-88; effective thirtieth day thereafter.
(8) Amendment filed 8-28-90; effective thirtieth day thereafter.
(9) Amendment filed 8-7-92; effective thirtieth day thereafter.
(10) Amendment filed 2-5-93; effective upon filing.
(11) Amendment filed 3-14-95; effective upon filing.

APPENDIX

CONFLICT OF INTEREST CODE
DESIGNATED POSITIONS
AND
FOR THE WEST VALLEY WATER DISTRICT
(Amended July 2017)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS
District Officials who manage public investments, as defined by 2 Cal. Code of Regs., § 18701(b), are NOT subject to the District’s Conflict of Interest Code, but must file disclosure statements under Government Code section 87200, et seq. The positions listed here are for informational purposes only.

It has been determined that the positions listed below are officials who participate in making investment decisions:

- Members of the Board of Directors
- General Manager
- Finance Director
- Chief Financial Officer

Assigned Disclosure Categories

[INSERT ANY OTHERS]

2 Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.
DESIGNATED POSITIONS

bireotore
General Manager/Board Secretary
Assistant General Manager
Superintendent
Consultants*

I, 2, 3, 4, 5

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The General Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

The designated position of consultants includes attorneys as a position subject to the foregoing specialized disclosure category.

Officials Who Manage Public Investments:

DESIGNATED POSITIONS* TITLE OR FUNCTION

Directors and Candidates for Director
General Manager
Assistant General Manager
Superintendent
Construction/Engineering Supervisor
Outside Engineer

DISCLOSURE CATEGORIES ASSIGNED2

1, 2, 3, 4, 5

1, 2, 3, 4, 5

1, 2, 3, 4, 5

1, 2, 3, 4, 5

1, 2, 3, 4, 5

1, 2, 3, 4, 5

3 The Disclosure Categories are listed at

West Valley Water District Conflict of Interest Code_redline
Office Manager

Consultants (incl. Legal Counsel)\(^4\)

**DISCLOSURE CATEGORIES**

\[\text{INSERT FROM PRIOR POLICY}\]

It has been determined that the positions listed below manage public investments and will file a statement of economic interests pursuant to Government Code Section 87200:

*Directors*
*Districts/Board Treasurer*
*Districts/Board Chief Financial Officer*

\(^4\) Individuals providing services as a Consultant, defined in 2 Cal. Code of Regs. § 18701, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The General Manager may determine that, due to the range of duties or contractual obligations, it is appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code § 82019; 2 Cal. Code of Regs. §§ 18219, 18734.) The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
DISCLOSURE CATEGORIES

All designated employees shall disclose: investments in; sources of income from; and business positions in business entities:

Category 1:

Category 2:

Category 3:

Category 4:

Interest in real property within the jurisdiction.

Business Entities which contract with the District to provide services, (including professional, financial, insurance, engineering and consulting) supplies, materials, machinery, products or equipment to the District or a business entity engaged in the same business as any firm contracting with the District.

Business Entities engaged in the business of solid waste disposal, water supply, private water company or public utilities

Business Entities which have received technical financial assistance from the Board.

Category 5:

Business Entities who have filed a claim or have a claim pending against the District.
NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE
OF THE ______________________

NOTICE IS HEREBY GIVEN that the (name of agency/department), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict of interest code. A comment period has been established commencing on (first day of 45-day period) and closing on (last day of 45-day period). All inquiries should be directed to the contact listed below.

The (name of agency/department) proposes to amend its conflict of interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict of interest code include: (provide a concise, clear summary of the amendment here) and also makes other technical changes.

Agencies please choose one option:

The proposed amendment and explanation of the reasons can be obtained from the agency’s contact.

OR

Information on the code amendment is available on the agency’s intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than (insert last day of 45-day period), or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than (insert the date that is 15 days before close of the written comment period).

The (name of agency/department) has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.
All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: (Name, title, telephone and email address)
EXHIBIT B
DECLARATION OF CHIEF EXECUTIVE OFFICER

Multi-County Agency Conflict of Interest Code for

__________________________________________________________
Name of Agency

The proposed conflict of interest code specifically includes each agency position that involves
the making or participation in the making of decisions which may foreseeably have a material financial
effect on an economic interest. Positions that do not make or participate in decisions are not included.

The disclosure categories are written to address the agency’s current programs and require
disclosure of only foreseeable interests that may create a conflict of interest.

The agency has satisfied all of the requirements of Title 2, Division 6 of the California Code of
Regulations Section 18750 preliminary to approval of the proposed code, including providing a comment
period for both employees and the public.

_________________________________________  _____________________________
Signature          Date

_________________________________________  ______________________________
Printed Name       Title
How to Amend a Multi-County Agency’s Conflict of Interest Code

The law requires that every multi-county agency have a conflict of interest code which identifies all agency officials and employees who make or participate in making governmental decisions. Conflict of interest codes are a fundamental tool in ensuring the public’s trust in government officials.

It is essential and legally-required that an agency’s conflict of interest code reflect the current structure of its organization and properly identify officials who should be filing Statements of Economic Interests (Form 700).

One of the FPPC’s primary goals is to streamline the process for amending conflict of interest codes so the process is more efficient.

Elements of a Conflict of Interest Code:

A conflict of interest code must:

- Provide reasonable assurance that all financial interests that pose a foreseeable conflict of interest will be disclosed;
- Provide to each affected person a clear and specific statement of his or her disclosure requirements; and
- Adequately differentiate between designated employees with different powers and responsibilities.

A Conflict of Interest Code Consists of Three Components:

1) Incorporation Page (Terms of the Code)

This section designates where the Form 700s are filed. Generally, statements are maintained at each agency. However, the FPPC receives certain statements from over 150 agencies including those that contract all administrative functions to a private third party.

Each agency’s conflict of interest code references Regulation 18730. This regulation, among other things, provides rules for disqualification procedures, reporting financial interests, and lists the current gift limit.

2) List of Designated Positions

The conflict of interest code must list all agency positions that involve making or participation in making decisions that “may foreseeably have a material effect on any financial interest.” This covers agency members, officers and employees who are in positions where it is reasonably foreseeable that the decisions they make or participate in making will have financial impacts.
A committee of volunteers may need to be included in the conflict of interest code if the committee members make or participate in making governmental decisions. The FPPC may ask for a general description of the committee’s duties and responsibilities, recent committee minutes and the agency’s opinion on whether the committee is solely advisory or should be listed in the conflict of interest code.

Do not include in the list of designated positions those positions that do not have decision-making authority or are solely ministerial, manual or clerical. Each agency is unique and it is important to review job duty statements and organizational charts.

3) Detailed Disclosure Categories

A disclosure category is a description of the types of financial interests officials must disclose on their Form 700. These categories must be tailored to the duties performed that may affect the individual’s financial interests.

A conflict of interest code must strike the appropriate balance between protecting an individual’s right to privacy, while still ensuring the appropriate disclosure to help avoid conflicts of interest. Normally, only the higher-level agency positions with broad duties, as well as those positions that advise them, require full disclosure. Otherwise, the agency must tailor disclosure so filers are not required to disclose private financial information that does not relate to the duties of his or her public position. If an agency’s conflict of interest code requires officials to report all financial interests, the FPPC will request justification for such disclosure.

Depending on the scope of the agency’s decision-making authority and financial interests affected, an agency’s conflict of interest code can have several disclosure categories. The FPPC has developed standardized categories for procurement, grant funding, information technology, regulatory and licensing programs, and others. You can view the standardized categories here.

Determining When a Conflict of Interest Code Must Be Amended:

Over time, the structure of an agency will change because employees’ duties shift, positions are renamed or eliminated, and the organizational structure is modified. When an agency makes these types of changes, the conflict of interest code must be amended accordingly.

Factors to Consider to Determine Whether an Amendment is Required:

- Is the current conflict of interest code more than five years old?
- Have there been any substantial changes to the agency’s organizational structure since the current conflict of interest code was approved by FPPC?
- Have any positions been eliminated or renamed since the current conflict of interest code was approved by FPPC?
- Have any new positions been added since the current conflict of interest code was approved by FPPC?
• Have there been any substantial changes in duties or responsibilities for any positions since the current conflict of interest code was approved by FPPC?

If you answered yes to any of the above questions, your agency’s conflict of interest code will likely need to be amended.

Process for Amending a Multi-County Agency’s Conflict of Interest Code:

There are generally six main steps in amending an agency’s conflict of interest code.

1. Gather the Tools You Will Need and Attend FPPC Training
   - Last approved conflict of interest code from FPPC
   - Current organizational chart
   - Job descriptions
   - Agency information (e.g., website link, annual report, budget, press releases)
   - FPPC’s Multi-County Agency Code Internal Checklist

2. Complete Your Tasks
   - Review the agency’s programs and organizational chart and compare to the current conflict of interest code.
   - Identify necessary changes and create a draft conflict of interest code. Changes include:
     - Deleting positions that have been eliminated since the last conflict of interest code was adopted or amended
     - Adding new positions to the conflict of interest code as needed
     - Reviewing and revising disclosure categories; and
     - Assigning appropriate disclosure categories to designated positions.

3. Submit the Required Documents to FPPC via email to advice@fppc.ca.gov
   - Proposed conflict of interest code in Word in a strikeout/underline format (using last approved conflict of interest code as basis)
   - Current organizational chart
   - Written description of changes
   - Job descriptions/duty statements will be requested on an as-needed basis
   - Brief justification when an official is designated to report all financial interests.

4. Complete Agency and FPPC Review and Discussion
   Once a draft conflict of interest code and the required documents are received, the FPPC will conduct an initial review. FPPC staff will follow up with you on any questions or concerns regarding the draft conflict of interest code, and may meet with you to clarify any questions.

   • This consultation process may result in changes to the draft conflict of interest code. Once the FPPC and the agency agree on the draft conflict of interest code, it is ready for public notice.
   • Note: An agency that requires its board to approve the conflict of interest code should obtain that approval at this stage.
5. **Conduct the Public Comment Period**
   - Agencies must provide a public comment period of at least 45 days. Many multi-county agencies will place the draft code on its public meeting agenda, but there is no requirement to do so.
   - All employees must be notified and provided 45 days to comment. Notification may be completed via e-mail or internet.
   - Agencies provide FPPC with public comments, if any.
   - The FPPC also conducts a 45-day public notice period with the Office of Administrative Law.
   - If suggestions during the public comment period result in changes or modifications to the draft code, no further public notice is required as long as the code is substantially similar to the originally noticed code.

6. **Complete the Final Approval Process - a Conflict of Interest Code is not effective until it is approved by the FPPC**
   - Agency provides Chief Executive Officer Declaration to FPPC.
   - FPPC’s Executive Director or designee approves conflict of interest code.
   - FPPC sends approval letter to agency.
   - The conflict of interest code is effective 30 days from the Executive Director’s approval date.

**Statutory Authority**

*Government Code Sections* 87302, 87302.6, 87303, 87306, 87307, 87309, 87310, and 87311

*Regulations* 18750
BOARD OF DIRECTORS
STAFF REPORT

DATE: December 7, 2017
TO: Board of Directors
FROM: Matthew H. Litchfield, P.E. General Manager
SUBJECT: ADOPT RESOLUTION NO. 388-70, RESCINDING RESOLUTION NO. 388-69 AMENDING THE HUMAN RESOURCES POLICIES

BACKGROUND:

At the November 16, 2017 regular board meeting of the West Valley Water District (“District”), the Board of Directors adopted Resolution No. 388-69, amending the Human Resources Policies and Procedures Manual (“HR Manual”). At the same meeting, a future agenda item request was made by a Board member to rescind Resolution No. 388-69 due to concerns of the content of the amended HR Manual. In order to rescind Resolution No. 388-69, Resolution No. 388-70 has been prepared and is attached as Exhibit A.

FISCAL IMPACT:

There is no fiscal impact regarding this agenda item.

STAFF RECOMMENDATION:


Respectfully Submitted,

Matthew H. Litchfield, P.E.
General Manager

MHL:ss

ATTACHMENT(S):
EXHIBIT D
RESOLUTION NO. 388-70

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT
ESTABLISHING HUMAN RESOURCES PRACTICES AND POLICIES AND RESCINDING ALL PREVIOUS RESOLUTIONS ADOPTED HERETO EXCEPT RESOLUTIONS 388-67 AND 388-68

WHEREAS, the Board of Directors (“Board”) of the West Valley Water District (“District”) previously adopted Resolution No. 388-34, Establishing, Personnel Policies and Practices and rescinding all previous resolutions adopted hereto and;

WHEREAS, the Salary and Job Classification Schedule for Fiscal Year 2017-2018 was adopted by the Board of Directors on July 7, 2017; and

WHEREAS, Resolution No. 388.68 Compensation of Classified Employees was adopted by the Board of Directors on August 17, 2017.

WHEREAS, Resolution No. 388.69 Human Resources Policies and Practices Manual was adopted by the Board of Directors on November 16, 2017.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the West Valley Water District does hereby rescind Resolution 388–69 and all previous resolutions adopted hereto, except Resolutions 388-67 and 388-68.

BE IT FURTHER RESOLVED that said Resolution shall be effective December 7, 2017.

ADOPTED, SIGNED AND APPROVED THIS 7th DAY OF DECEMBER 2017.

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

____________________________________
Donald Olinger
President of the Board of Directors of West Valley Water District

ATTEST:

_______________________________
Shanae Smith, Board Secretary
DATE: December 7, 2017
TO: Board of Directors
FROM: Matthew H. Litchfield, P.E. General Manager
SUBJECT: APPROVAL OF PAYMENT TO LARSON O’BRIEN, LLP FOR PROFESSIONAL SERVICES RENDERED THROUGH OCTOBER 31, 2017; INVOICE NO. 3965; $2,146.96

BACKGROUND:

Attached for the Board of Directors (“Board”) review and consideration is the invoice for of Larson O’Brien, LLP for professional services rendered for the month of June, 2017.

FISCAL IMPACT:

This item is included in the FY 2017/2018 Administration/Legal budget.

STAFF RECOMMENDATION:

Approve Payment to Larson O’Brien, LLP for professional services rendered through October 31, 2017 for the San Bernardino Valley Municipal Water District Matter; Invoice No. 3965; $2,146.96.

Respectfully Submitted,

Matthew H. Litchfield, P.E.
General Manager

MHL:ss