



WEST VALLEY WATER DISTRICT
855 W. Base Line Road, Rialto, CA 92376
PH: (909) 875-1804 FAX: (909) 875-1849

NOTICE OF CALL OF
AND AGENDA FOR
SPECIAL MEETING
(Government Code § 54956(a))

PLEASE TAKE NOTICE that the President of Directors of the West Valley Water District has called a Special Meeting of the Board of Directors for

TUESDAY, SEPTEMBER 22, 2020,
6:00 PM

at District Headquarters located at 855 W. Base Line Road, Rialto, CA 92376. The only items of business to be considered at this Special Meeting are as set so forth in the following agenda:

BOARD OF DIRECTORS

Channing Hawkins, President
Kyle Crowther, Vice President
Dr. Michael Taylor, Director
Greg Young, Director
Dr. Clifford Young, Director

"In order to comply with legal requirements for posting of agendas, only those items listed in this NOTICE OF CALL AND AGENDA FOR SPECIAL MEETING will be considered by the Board of Directors."

Teleconference Notice: In an effort to prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20 and the order of the County of San Bernardino dated March 17, 2020, there will be no public location for attending this Special Board Meeting in person. Members of the public may listen and provide public comment via telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 807-977-6383 or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8079776383>. Public comment may also be submitted via email to administration@wvwd.org. If you require additional assistance, please contact the Executive Assistant at administration@wvwd.org.

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 email **Public Affairs Manager, Naseem Farooqi** at nfarooqi@wvwd.org or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8079776383> or telephone by calling the following number and access code: **Dial: (888) 475-4499, Access Code: 807-977-6383**. 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.*

PRESENTATION

- West Valley Water District's 2020-21 Reform Plan.

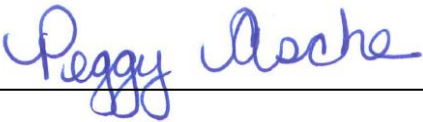
DISCUSSION

1. West Valley Water District Facilities Naming Policy. **(Page 20)**
2. Draft Board of Directors Policies and Procedures Manual. **(Page 23)**
3. Draft Ordinance No. 86 – Amending Ordinance No. 85 with Respect to Compensation and Policies Related to Board Activities. **(Page 44)**

ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing special Agenda at the District Offices on September 21, 2020.



Peggy Asche, Acting 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 Peggy Asche, at least 72 hours in advance of the meeting to ensure availability of the requested service or accommodation. Ms. Asche may be contacted by telephone at (909) 875-1804 ext. 703, or in writing at the West Valley Water District, P.O. Box 920, Rialto, CA 92377-0920.

West Valley Water District

12-point plan for REFORM
and the water agency you deserve.

A bold new plan for:

- ✓ *Accountability*
- ✓ *Transparency*
- ✓ *Sustainability*



West Valley Water District

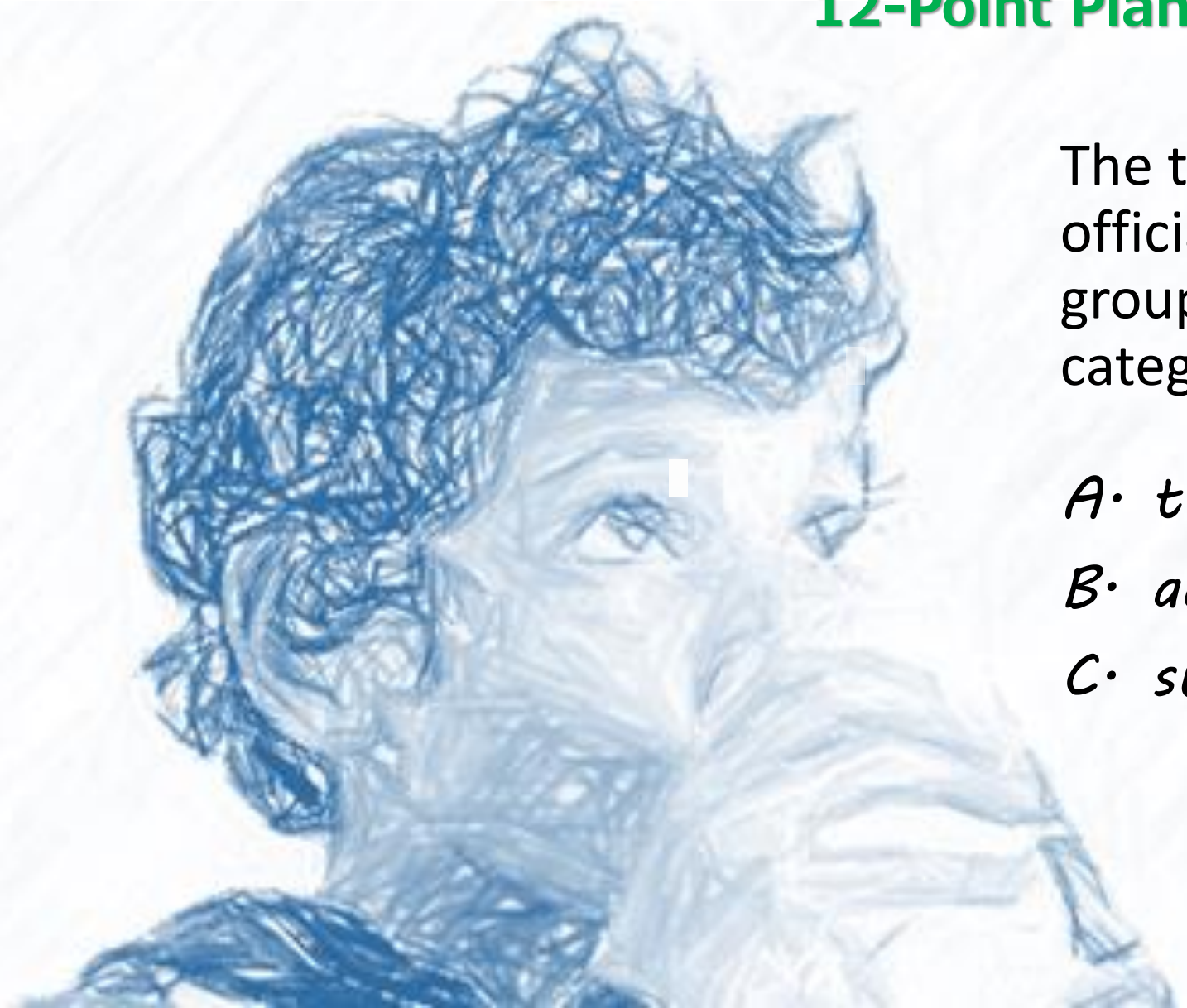
12-Point Plan for REFORM

An Introduction:

Earlier this year, department managers outlined new strategies and tactics to improve the effectiveness and integrity of the agency's operations. Managers worked closely with their staff to develop plans with clearly defined objectives and metrics for success. As a result of this bottom-up process, staff generated a series of reforms that affect nearly every level of WVWD operations.

West Valley Water District

12-Point Plan for REFORM



The twelve reforms are official initiatives grouped into three categories:

- A. transparency*
- B. accountability*
- C. sustainability*



#1: "Get It Done" Initiative

An Accountability REFORM

The *Get It Done* initiative will require WVWD to create and approve a strict budget calendar (or fiscal schedule) with firm dates that will help hold board and staff members accountable to their roles, responsibilities and obligations. By approving this budget calendar, the WVWD board will approve financial issues on an annual basis, rather than review and approve each transaction individually, a system that has prolonged the budget process and lead to missed deadlines.

#2: “New Rules, No Exceptions” Initiative An Accountability REFORM

The lack of an accounting manual was a deficiency outlined in a fiscal year 2018-2019 audit. To counter this issue, the *New Rules, No Exceptions* initiative creates a manual of accounting practices that manages and protects assets, while outlining required controls for all staff who interact with finances. This initiative also requires staff to regularly update the manual and keep it current with industry best practices.

#3: "Controls Against Errors & Abuse" Initiative **An Accountability REFORM**

The Controls Against Errors & Abuse initiative requires annual rigorous reviews of finance department staff roles and responsibilities. Auditors conducting a fiscal year 2018-2019 review found some segregation of duties issues for accounting and contracts; the segregation, or separation, of duties is the assignment of various steps in a process to different people. Segregation of duties is important and serves two key purposes: (1) it ensures that there is oversight to catch errors and (2) helps to prevent fraud by eliminating the possibility of one person having the sole responsibility of two conflicting tasks.

#4: “Election Fairness Reform” Initiative

An Accountability REFORM

Under the Election Fairness Reform initiative, WVWD will further cap individual and household campaign contribution limits to board member campaigns. The limits will comply with state election rules, empower ratepayers and further limit the influence of the wealthy donors, powerful corporations and special interests. This new initiative will ensure greater financial transparency, reduce outsider influence and create a more equitable system for ratepayers.

#5: "Professional Services Opportunity Pool" Initiative An Accountability REFORM

Under the Professional Services Opportunity Pool initiative, WVWD will create a pool of prequalified, pre-negotiated professional service providers. This pool will create a pre-approved group of vendors for services like general maintenance, accounting and legal work (excluding general counsel) etc. A committee of employees will select firms to be available at pre-negotiated rates, which will both result in lower costs for ratepayers and allow WVWD to quickly react to situations.

#6: Board Member Responsibility & Accountability" Policy **An Accountability REFORM**

The new Board Member Responsibility & Accountability policy is an unprecedented policy effort to help ensure board members are held responsible and accountable for their actions. The policy authorizes WVWD to penalize board members found guilty of misconduct by removing them from committees and stripping them from their ability to represent the agency outside of the West Valley. These are the strongest possible penalties WVWD can apply to board members; removal from office is only legally permissible by electoral defeat, death or resignation.

#7: “Financial Reporting” Policy

A Transparency REFORM

Following up on the Get It Done policy, this Financial Reporting policy requires WVWD to share a public, annual budget calendar that lists important financial deadlines with financial reports and audits.

#8: "Financial Integrity Reform Rules" Policy A Transparency REFORM

Under a new set of Financial Integrity Reform Rules, WVWD will issue a new credit card policy that will ensure the responsible use of credit cards for board members, management and staff. These new rules include clear fiscal limits, justifications for travel, training programs and a more stringent, value-focused approval process that requires receipts and expenditure reports. This set of reform rules also involves the implementation of a new purchasing policy that will streamline and centralize paperwork.

#9: "The Twenty-First Century Digitization" Initiative A Transparency REFORM

Under this initiative, WVWD will bring the entire agency into the 21st century by scanning, storing and consolidating digital copies of water supply source information, agreements, purchase records and other documents in a new, digital records management system. This digitization process will help the public, board of directors, senior management and staff members easily access important information about our water supply. It will also protect critical records from being damaged, lost or hidden.

#10: "The Lytle Creek Sustainability Project" Initiative A Sustainability REFORM

In water basins across the state, groundwater withdrawal often exceeds the amount that is replenished. This condition, known as overdraft, leads to higher energy use (to pump from deeper wells), sinking lands, reduced streamflow and reduced water quality. Due to years of regional drought and population growth, the West Valley needs to find ways to replenish its basins. The Lytle Creek Sustainability Project initiative directs WVWD staff to conduct a groundwater study that explores ways to replenish the Lytle Creek Groundwater Basin.

#11: "Save & Sustain Our Water" Initiative

A Sustainability REFORM

In accordance with state requirements, WVWD will draft and enact a water efficiency program that reduces our water usage by 20 percent by the end of 2020. By reducing our water usage from 285 gallons to 232 gallons, WVWD will transform the region's ecological footprint, allow for responsible growth and help replenish basin groundwater.

#12: “WVWD Water Academy” Initiative A Sustainability REFORM

Water use habits are set early in our lives. By encouraging water conservation at an early age, WVWD can promote sustainability, reduce community water resource usage and help ratepayers save money. Under this initiative, the agency will create an educational curriculum for our region’s classrooms and communities. This initiative includes a water education mobile classroom trailer with interactive exhibits and displays to expand conservation program effectiveness in schools and community settings.

West Valley Water District

12-point plan for REFORM and the water agency you deserve.
Accountability · Transparency · Sustainability



West Valley Water District Facilities Naming Policy

1. Purpose:

The purpose of the West Valley Water District Facilities Naming Policy is to establish a consistent and fair process for the consideration of naming a facility at the District after an individual. The Water District maintains a number of facilities but only a few facilities may rise to a level of significance to warrant a naming. The following policy shall establish the process and methods by which one of the Districts significant assets may be named.

2. Criteria for Determining Facilities to be Named

- 2.1. As a water District has many assets, most of which are not large enough to be considered for naming, it is imperative that the Board take long consideration on designating that a facility is significant enough to be named after an individual. Therefore, the following criteria must be considered meet by the District Staff and found to be in concurrence by the Board.
- 2.2. The General Manager along with District Staff shall provide the Board a list of potential sites or facilities that meet the following criteria:
 - a. The site/facility shall be under the full control and ownership of the District;
 - b. The site/facility shall be publicly visible;
 - c. The site/facility may be part of another facility or building;
 - d. The site/facility may be a treatment plant with dedicated staff;
 - e. The site/facility may be a large property complex with multiple smaller assets;
 - f. And the site/facility shall not be an individual well, storage tank, or a booster station.
- 2.3. The General Manager shall present the list of facilities to be considered to the full Board once every Calendar year. The Board shall then debate the list and accept all, part, or none of the facilities for being considered in the future for potential naming.
- 2.4. Once the Board has designated a facility to be eligible for potential naming that facility shall remain eligible until or unless the Board rescinds such designation.

3. Nomination Process

- 3.1. Given the high importance of naming a facility the nomination process must show broad and wide community support. Therefore, in order for a nomination to be considered the following criteria must be met:
 - a. A petition of no less than Thirty (30) individual ratepayer signatures, addresses, and phone numbers must be provided in support of the nominee;
 - b. The petitions shall be on a form provided by the District and available through the Board Secretary and will include a page providing the following information: Name of Individual be considered, rationale for the nomination, and the facility requested;

- c. Of the Thirty (30) individual ratepayers at least Three (3) of the Five (5) District Divisions must be represented by at least Three (3) individual ratepayers;
 - d. The District must contact and verify the ratepayer's agreement with the petition as signed and verify that enough support from Three of Five District Divisions is present.
- 3.2. Once the District has verified a nomination has met the prerequisites, the General Manager shall convene the District Nomination Committee to review the request.
- 3.3. The membership of the District Nomination Committee shall be comprised of the following individuals: The General Manager; a representative of the WVWD employees (self-selected); and one designee from each of the Five (5) Divisions of the District appointed by the respective Board Members. All seven individuals are full voting members of the Committee.
- 3.4. The District Nomination Committee role is to determine and recommend if a candidate meets the high standard of be considered for further consideration by the full board. The committee should consider the following standards and statements when considering a nomination:
- a. The candidate should be widely known within the Water industry and West Valley Water District community.
 - b. The candidate should either worked for or served the District in an official capacity for an extended period of time.
 - c. The candidate should have played a large role in the history of the District or participated in a significant project that greatly shaped the District.
 - d. The candidate's depth of experience and accomplishment should make them stand out over other people of prominence in the community.
- 3.5. The District Nomination Committee shall meet to consider the nomination of a candidate at the District Headquarters at a time in which members can be present.
- 3.6. The Committee shall allow for a brief presentation by the lead organizer of the petition and to answer any questions about the submission Committee members may have.
- 3.7. The Committee shall review the nomination and determine if the candidate meets the criteria sufficiently to send the nomination to a full public hearing.
- 3.8. If the Committee by a vote or consensus agree to move a nomination forward, the General Manager shall place the item on a future agenda as a Public Hearing and ensure all proper notifications are provided according the State law.
- 3.9. If the Committee by a vote or consensus reject the nomination, the General Manager shall notify the petitioners of the Committee's decision. Petitioners are able to appeal the decision to the full board but must show cause as to why the Committee acted in violation of this policy. A majority of the Board may decide to overrule the Committee or ask the Committee to hear the matter again.
4. Public Hearing
- 4.1. If the District Nomination Committee moves a nomination, a Public Hearing shall be noticed and scheduled per State Law requirements for Public Hearings.

- 4.2. The Board shall hold two (2) Public Hearings on the matter in which they will hear from members of the community both for and against the consideration of the naming of the facility for the individual who has been nominated.
- 4.3. After the second Public Hearing, the Board shall debate the matter and vote to name the facility for the proposed individual or not.
- 4.4. As the decision to permanently name an asset is a major decision with long lasting effects, a super-majority or four votes out of five in the affirmative are required in order to name a facility.

West Valley Water District

BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL

Version *1.0*
8/29/2020

VERSION HISTORY

Version #	Revision Date	Approved By	Approval Date	Reason
1.0		<i>Greg Young Kyle Crowther Clifford Young Michael Taylor Channing Hawkins</i>	<mm/dd/yyyy>	<i>Original adoption</i>

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1 INTRODUCTION

1.1 PURPOSE OF BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL

The purpose of this Board of Directors Policies and Procedures Manual is to describe the policies and procedures approved by the Board of Directors to be used in the conduct of Board business. The intent of these procedures is to:

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

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

2 DISTRICT MISSION AND VISION

2.1 MISSION STATEMENT

The West Valley Water District Board of Directors has adopted the following mission statement:

West Valley Water District provides our customers with safe, high quality and reliable water service at a reasonable rate and in a sustainable manner.

2.2 VISION STATEMENT

The West Valley Water District Board of Directors has adopted the following vision statement:

West Valley Water District will continue to be a national model in the water industry for innovation, fiscal responsibility, sound conservation practices, and a relentless commitment to our employees and the communities we serve.

3 AUTHORITY

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

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

4 BROWN ACT COMPLIANCE: OPEN MEETING REQUIREMENTS

4.1 RALPH M. BROWN ACT

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

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

4.2 COMPLIANCE WITH BROWN ACT

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

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

4.3 COMMITTEES

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

5 CONFLICT OF INTEREST

5.1 CONFLICT OF INTEREST: OVERVIEW

Pursuant to provision of California Government Code § 81,000 et. seq., commonly known as the Political Reform Act, the District shall adopt and maintain a Conflict of Interest Code. The Conflict of Interest Code and any amendments thereto shall be adopted by resolution of the Board of Directors.

California Government Code § 87100 states as follows: "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a government decision in which he knows or has reason to know he has a financial interest."

California Government Code § 87101, § 87103 and § 87103.5 provides explicit language explaining the nature of a "conflict of interest" and disclosure relating to Board responsibilities. Directors are required to be in compliance with all District, State and Federal requirements of the Conflict of Interest Codes".

The Board of Directors shall review the adopted Conflict of Interest Code on a biennial basis. At the Board of Directors meeting in September of each even-numbered year, or when practicable, the Board of Directors shall review its Conflict of Interest Code and, if amendments are needed, shall instruct the District Board Secretary to submit amendments to the relevant authority in accordance with applicable deadlines. If no amendments are needed, the Board of Directors shall

submit a written statement saying that its Conflict of Interest Code is still accurate.

5.2 DISCLOSURE OF ECONOMIC INTEREST

- a. Directors who have a financial interest in a decision within the meaning of California Government Code § 87100 et seq. shall publicly identify in detail the economic interest that creates the conflict, recuse themselves from discussing and voting on the matter and leave the room until after the discussion, vote, and any other disposition of the matter is concluded.
- b. Identification shall occur following the announcement of the agenda item to be discussed or voted upon, but prior to commencement of either the discussion or vote.
- c. If the agenda item is to take place during a closed session, identification of the economic interest shall be made during the public meeting prior to the closed session but is limited to a declaration that the Director has a conflict of interest. The economic interest that is the basis for the conflict need not be disclosed.
- d. Directors are not required to leave the room for an agenda item on the consent calendar provided that the Director recuses him/herself and publicly discloses the economic interest as described above.
- e. Notwithstanding this section, when the conflict is a personal interest as defined by applicable Fair Political Practices Commission regulations, a director may speak as a member of the general public during the time that the general public speaks on the issue, provided the Director has complied with the provision of this section regarding identification of the conflict, recuses his/herself from voting on the matter and, leaves the Board conference table to speak from the same area as the members of the general public. Directors disqualified pursuant to this section shall not be counted toward achieving a quorum while the item is being discussed.

6 BOARD ACTIONS AND DECISIONS

6.1 A QUORUM

Action can only be taken by the three-vote majority of the five-member Board of Directors representing a quorum for the conduct of business.

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

- Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL

- Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.
- Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

6.2 DIRECTION

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

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

7 TYPES OF BOARD MEETINGS**7.1 REGULAR MEETINGS**

Regular meetings of the Board of Directors shall be held on the first and third Thursday of each calendar month at 6:00pm in the District Board Room located at 855 W Baseline Rd, Rialto, CA 92376. The date, time and place of regular Board meetings may be reconsidered at such other time as the Board may determine due to a change in District needs and circumstances.

7.2 SPECIAL MEETINGS

Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

- a. All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.
- b. An agenda shall be prepared and posted at least 24 hours before the meeting, as specified in Brown Act and shall be delivered with the notice of the special meeting to the Board of Directors.
- c. Notice of the meeting shall be posted at the District and on the District website in accordance to the requirements of the Brown Act.
- d. Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

7.3 EMERGENCY MEETINGS

In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

- a. When possible, notice shall be provided to the media outlets by telephone at least one hour before the meeting.
- b. Actions taken during an emergency meeting shall be by roll call vote.
- c. The Board may meet in closed session if agreed to by a two-thirds vote of the members present, or if less than two thirds present, by unanimous vote.
- d. Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten days in the District office.

7.4 ANNUAL ORGANIZATIONAL MEETING

The Board of Directors shall hold an annual election at its first regular meeting in December. At this meeting the Board will elect a President and Vice President from among its members to serve during the coming calendar year.

8 BOARD MEETING AGENDA

8.1 REGULAR MEETINGS

The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager, Board President, or Board Secretary to request an item to be placed on the agenda. Board member items should be timely and be submitted prior to 5:00 PM on Tuesday, the week before the next board meeting.

8.2 AGENDA POSTING

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

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

8.3 AGENDA PACKET

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

A copy of the agenda for each regular meeting of the Board of Directors shall be

BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL

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

8.4 PUBLIC REQUEST FOR ADDITIONS TO THE AGENDA

Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

- a. The request must be in writing and be submitted to the General Manager [or other responsible managing employee] together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.
- b. The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."
- c. The General Manager shall determine the timing of when the item will be placed on the agenda.
- d. The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.
- e. No matter, which is legally a proper matter for consideration by the Board in closed session, will be added to an Open Session agenda under this policy.
- f. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting and may limit the time allowed for any one person to speak on the issue at the meeting.

9 BOARD MEETING CONDUCT**9.1 ATTENDANCE AT MEETINGS**

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

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

A Board Member who will be absent for good cause shall notify the General Manager or Board Secretary prior to the meeting who shall then notify the President of the impending absence. Board members shall make every effort to relay absences as far in advance as possible. The President must excuse all absences

for Board members who communicate their absence prior to the board meeting.

9.2 AGENDA TIMING

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

9.3 RULES OF ORDER

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

9.4 CLOSED SESSIONS

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

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

9.5 ADJOURNED MEETINGS

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

9.6 DECORUM

The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

- a. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- b. Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

- c. Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item (including, if desired, a position on abstention or dissenting vote).

9.7 DISRUPTION OF MEETINGS

The President may also declare a short recess during any meeting.

Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

- a. Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.
- b. If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.
- c. In cases of extreme disruption, clear the room of all members of the public, and conduct the Board's business without them present.

10 MINUTES OF BOARD MEETINGS

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

- a. Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be scanned and made available for public review.
- b. Unless directed otherwise, an electronic recording of regular and special meetings of the Board of Directors will be made. Members of the public may inspect recordings of Board meetings through the District's website or by submitting a request to the Board Secretary.
- c. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.
- d. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each calendar year.
- e. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:
 - Date, place and type of each meeting;
 - Directors present and absent by name;
 - Administrative staff present by name;
 - Call to order;
 - Time and name of late arriving Directors;
 - Time and name of early departing Directors;

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- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of public comment regarding matters not on the agenda, including names of commentators;
- Approval of the minutes or modified minutes of preceding meetings;
- Summary record of staff reports;
- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Resolutions and ordinances described as to their substantive content and sequential numbering;
- Record of all contracts and agreements, and their amendment, approved by the Board;
- Approval of the annual budget;
- Approval of all polices, rules and/or regulations;
- Approval of all dispositions of District assets;
- Approval of all purchases of District assets;
- Approval of financial reports;
- Date and time of next meeting; and,
- Time of meeting's adjournment.

11 COMMITTEES OF THE BOARD RULES AND CONDUCT**11.1 PURPOSE AND SCOPE**

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

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

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

11.2 AD-HOC COMMITTEE

The purpose of an Ad-Hoc Advisory Committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. Appointments to Ad-Hoc Committees are made at the discretions of the President or the Board. A temporary advisory committee shall be considered dissolved when its purpose has been

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accomplished or when the timeframe for its existence has expired, whichever occurs first. Any recommendations from committees shall be submitted to the Board via a written or oral report.

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

12 DUTIES OF THE BOARD PRESIDENT AND VICE PRESIDENT

12.1 PRESIDING OFFICER

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

The presiding officer shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The presiding officer may move, second, debate, and vote from the chair.

12.2 DUTIES REGARDING MEETINGS

The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- a. Call the meeting to order at the appointed time;
- b. Announce the business to come before the Board in its proper order;
- c. Enforce the Board's policies in relation to the order of business and the conduct of meetings;
- d. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- e. Explain what the effect of a motion would be if it is not clear to every member;
- f. Restrict discussion to the question when a motion is before the Board;
- g. Rule on parliamentary procedure;
- h. Put motions to a vote, and state clearly the results of the vote; and
- i. Preserve order and decorum.

12.3 RESPONSIBILITIES

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

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

12.4 EXECUTIVE COMMITTEE

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

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

13 DIRECTOR EDUCATION AND CONFERENCES

13.1 OVERVIEW

Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the Board members do not discuss issues related to the District's business, which is a violation of the Ralph Brown Act. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District. Further details involving conferences and educational organizations Directors may participate in shall be found in Ordinance 86: Compensation And Policies Related To Board Activities.

14 BOARD MEMBERS RIGHTS AND PRIVILEGES

14.1 RIGHTS AND PRIVILEGES

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

- a. Every director has a right to pull any item from the consent calendar to be considered as a business item without need of a second nor a vote of the board as a whole.
- b. Every director has a right to be heard and involved in the discussion of an item. Discussion and debate are an important function of public transparency; therefore, the President shall make every effort to allow every board member to participate in the discussion of an item in order to foster a productive debate on the issue under consideration.
- c. Every director has a right to hear the staff report on a business item before motions or discussion shall be considered.
- d. Every director has a right to ask technical questions on a business item before motions or discussion shall be considered.
- e. Every director has a right to make a substitute motion, which must be recognized by the President, and if properly seconded must be taken up immediately.
- f. Every director has a right to be made aware of any or all public records requests being made of the District if they wish.
- g. Every director has a right to review all press releases being prepared by the District prior to them being issued. The District shall share regular press release drafts with directors at least twenty-four (24) hours prior to issuance. Emergency or time sensitive press releases may be issued after providing directors with at least one (1) hour to review. If a majority of the Board has concerns about a press release it shall not be issued.
- h. Every director has a right to review director fees and reimbursements and the District shall provide monthly reports of all director's fees and reimbursements to each director.

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- i. Every director has a right to be made aware of any direction or decisions given by the President, Vice President or collectively as the Executive Committee that occurs between meetings of the full board.
- j. Every director has a right to be aware of requests for information from any local, state, or federal law enforcement or judicial agency made of the District.
- k. Every director has a right to be made aware of investigative reports and request for information from local, state, or federal regulatory or oversight agencies.
- l. Every director has a right to be made aware of all professional services contracts exercised under the General Manager's authority.
- m. Every director has a right to request additional information from staff on an agenda item. The information shall be made available to the other boards members as well.
- n. Every director has a right to be made aware of complaints received from District ratepayers regarding water quality and customer service.
- o. Every director has a right to be made aware of water leaks or line breaks that occur in their respective division.

15 CODE OF ETHICS

15.1 OVERVIEW

The District Board of Directors is committed to providing excellence in legislative leadership that results in providing the highest quality service to its ratepayers. The Board of Directors is expected to maintain the highest ethical standards, to follow District policies and regulations, and to abide by all applicable local, state and federal laws. The Director's conduct should reflect the integrity and goals of the District.

To assist in governing the behavior among members of the Board, the following rules shall be observed:

- a. The dignity, style, values and opinions of each Director shall be respected.
- b. Responsiveness and attentive listening in communications is encouraged.
- c. The needs of the District ratepayers should be the priority of the Board of Directors.
- d. The primary responsibility of the Board of Directors is to formulate and evaluate its policies, which affect the ratepayers and/or the employees of District.
- e. Differing viewpoints are healthy in the decision-making process. Individual Directors have the right to disagree with ideas and opinions, though doing so in a respectful manner.
- f. Once the Board of Directors acts, Directors should commit themselves to supporting the action and not to creating barriers to the implementation of the action.

Directors should practice the following procedures:

- g. In seeking clarification on items, Directors may directly approach the General Manager to obtain information needed to supplement or enhance their

BOARD OF DIRECTORS POLICIES AND PROCEDURES MANUAL

knowledge and improve their legislative decision making.

- h. In handling complaints from residents and property owners of the District, any complaints and/or concerns should be referred to the General Manager and may be followed up by the entire Board of Directors.
- i. In handling items related to safety, concerns regarding safety hazards should be reported to the General Manager. Emergency situations should be dealt with immediately by taking appropriate action.
- j. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finance, and programming, these concerns should be referred to the General Manager directly.

The work of the District is a team effort:

- k. All individuals should work together in a collaborative process, assisting each other in conducting the affairs of the District.
- l. Directors should develop a working relationship with the General Manager so current issues, concerns and District projects can be discussed comfortably and openly.
- m. Directors should function as a part of the whole; issues should be brought to the attention of the Board of Directors rather than to individual members selectively.
- n. When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.
- o. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a professional manner and route their questions through appropriate channels to the General Manager.
- p. Directors are responsible for monitoring the District's progress in attaining its goals in pursuit of its mission.

15.2 ETHICS TRAINING

All Directors, designated staff, and members of all commissions, committees and other bodies that are subject to the Brown Act shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code § 53234 et seq. as may be amended from time to time.

- a. All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- b. Ethics training may consist of either a group training course or a set of self-study materials with tests, and may be taken at home, in person, or online.
- c. Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.
- d. The District shall maintain records indicating the name of the entity that provided the training and the dates ethics training was completed. Records

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shall be maintained for a period of at least five years after the date on which the training was received. These records are public records subject to disclosure under the California Public Records Act.

- e. District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy at least once every year.
- f. A single training course may be used to satisfy the obligation to receive training for multiple agencies or positions.

15.3 PREVENTION OF SEXUAL HARASSMENT

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

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

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

15.4 NON-DISCRIMINATION

The District shall not unlawfully discriminate against qualified employees or job applicants on the basis of sex, race, color, religion, national origin, ancestry, marital status, sexual orientation, physical or mental disability, age or war veteran status.

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

15.5 REASONABLE ACCOMMODATION-AMERICANS WITH DISABILITIES ACT

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

Requests for reasonable accommodation should be directed to Human Resources.

16 LEGAL COUNSEL**16.1 GENERAL DUTIES**

The Board shall employ an individual or firm of attorneys licensed to practice law in the State of California, to advise and represent the District and to assure full compliance with the requirements of the District Enabling Act and applicable laws.

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Legal counsel shall serve at the pleasure and direction of the Board of Directors. The resolution appointing the Legal Counsel shall include terms of an agreed upon fee schedule. Legal Counsel shall be responsible for:

- a. Reviewing, preparing documents as requested by the Board, or by the General Manager pursuant to Water Code Section 30580, and making appropriate comment on matters or recommendations presented in written or oral form;
- b. Reviewing and preparing documents as requested by the Board in advance of meetings. The General Manager will request that Legal Counsel or Special Legal Counsel review and/or prepare notices, agendas, resolutions, ordinances, minutes, agreements, contracts and supporting materials pursuant to Water Code Section 30580;
- c. Attending each meeting of the Board, unless excused, in advance or during a meeting; and attending other meetings as authorized by the Board or directed by the General Manager; and,
- d. Attending Board Committee meetings, upon request of the General Manager or the Board, as well as attending other business meetings of the District as requested by the Board.

16.2 SPECIAL LEGAL COUNSEL

The Board of Directors shall appoint Special Legal Counsel to assist the Board and District when the Board determines that attorneys with specialized legal expertise are needed to represent or advise the Board and District staff. The legal services agreement with each Special Legal Counsel shall specify the scope of legal services to be provided.

16.3 LEGAL COUNSEL REPORTING AND ADVICE

- a. The Legal Counsel and Special Legal Counsels report to the Board as a whole. However, the Legal Counsel is available to each individual director for consultation regarding legal matters particular to that individual director's participation in matters where the individual director may have a conflict of interest. However, no attorney-client relationship shall be established with the individual director as a result of such consultation. An individual director (1) may not give direction to the Legal Counsel or any Special Legal Counsel without prior concurrence of the Board, and (2) may not request a legal opinion of the Legal Counsel or any Special Counsel without the prior concurrence of the Board, except as such requests relate to questions regarding that individual director's participation in board decisions. The Legal Counsel and Special Legal Counsels shall be available to the General Manager and District staff to the extent authorized by the Board, or authorized by the General Manager pursuant to Water Code Section 30580, for consultation on applicable issues and activities within the scope of the applicable legal services agreement approved by the Board.
- b. Legal Counsel and Special Legal Counsels shall report directly to the Board and General Manager all potential legal problems and liabilities they notice or discover during their employment by the District. If the subject of the potential legal problem or liability is a Director or the General Manager, then the report shall be made to other than that Director or General Manager.
- c. Legal Counsel and Special Legal Counsels shall be available to answer

- questions from the Board during closed sessions. The General Manager shall copy all correspondences and communications to and from Legal Counsel and Special Counsels to the Board on all closed session items.
- d. The President or the Board may appoint one or two directors to an Ad Hoc Committee for each legal case. The Board may grant limited authority to the Ad Hoc Committees to direct Legal Counsel and Special Legal Counsels. The limited authority will be assigned and described by the Board in a resolution when any such Ad Hoc Committee is created. The Ad Hoc Committee shall report in closed session (if permitted) to the Board at the next Board meeting following any direction given by the Ad Hoc Committee to Legal Counsel and Special Legal Counsels and any other actions taken.
 - e. Legal Counsel and Special Legal Counsels shall notify the Board and the General Manager about important events, rulings or decisions made regarding the District's case(s). Legal Counsel and Special Legal Counsel shall endeavor to do so within 72 hours of such events, rulings or decisions.
 - f. Legal Counsel and Special Legal Counsels shall email the entire Board and the General Manager, if the General Manager is not subject of the case, copies of all briefs, dockets, applicable court calendars, motions and filings submitted to the Court and all documents and notices received from the Court and opposing parties.
 - g. Legal Counsel and Special Legal Counsels shall only perform work that has been authorized by the Board, or by the General Manager pursuant to Water Code Section 30580.

17 STATEMENT OF POLICY SUPREMACY

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

ORDINANCE NO. ~~8586~~

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE WEST VALLEY WATER DISTRICT AMENDING ORDINANCE NO. 85
WITH RESPECT TO COMPENSATION AND POLICIES RELATED TO BOARD
ACTIVITIES**

Whereas, Section 20202 of Division 10 of the California Water Code states that compensation to be received by members of the governing board of a water district may be increased each calendar year in an amount equal to 5 percent following the operative date of the last adjustment;

Whereas, the governing board of the West Valley Water District (“District”) increased its compensation pursuant to Water Code Section 20200 et seq. on October 1, 2016; and

Whereas, the District held a duly noticed Public Hearing concerning the increase of compensation to One Hundred Sixty-One Dollars and Seventy Cents (\$161.70) on August 2, 2018; and

Whereas, the increase in compensation to the governing board of the District shall increase automatically by 5 percent each calendar year on October 15th of each year.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WEST VALLEY WATER DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Superseding the Previous Enactments.

Ordinance No. 84 and all other previously enacted ordinances providing for Board of Directors compensation are hereby superseded by this Ordinance.

ARTICLE 100. MEETINGS

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

102. SPECIAL BOARD MEETINGS. Special meetings of the Board of Directors may be called in accordance with Government Code Section 54956 of the State of California.

103. EMERGENCY MEETINGS. Emergency meetings of the Board of Directors may be called in accordance with Government Code Section 54956.5 of the State of California.

104. COMMITTEE MEETINGS. To assist the Board of Directors in its deliberations for establishing policies of West Valley Water District (“District”), it is deemed beneficial to have standing committees or ad hoc committees of the Board of Directors made up of not more than two (2) members of the Board of Directors, who shall develop recommendations to be considered by the Board of Directors for establishing policy by working independently or with staff. The

committee chairperson shall be appointed by the President of the Board with the consent of the full Board of Directors.

105. OUTSIDE MEETINGS. Members of the Board of Directors (singularly, "Director" and collectively, "Directors") may attend outside meetings to educate and inform such Directors regarding issues affecting the District and the water industry and to make others aware of the activities concerning the District. Periodically the Board President and/or the Board of Directors may ask a Director to represent the District at an outside meeting or perform another duty for the District. For purposes of this Ordinance, the term "Outside Meeting(s) shall mean any meeting, activity, conference, seminar, workshop, facility tour and other like or similar events, including webinars and conference calls, except for the meetings listed in Sections 101 through 104. Except as provided in Section 106, a Director may attend any Outside Meeting. However, the District shall compensate a Director for only those Outside Meetings approved in Section 203.

106. PRESIDENT OF THE BOARD. It is in the best interests of the District for the President of the Board of Directors to periodically meet with District staff and represent the District at Outside Meetings with other elected officials of other public agencies, as well as other functions pertaining to the District or the water industry. The President is authorized to attend all Outside Meetings pertaining to the water industry that is in the good faith belief of the President of the Board of Directors to be in the best interests or of benefit to the District.

ARTICLE 200. DIRECTOR COMPENSATION

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

201. BOARD MEETINGS. Each Director shall receive One Hundred Sixty-~~One~~ Nine Dollars and Seventy Nine Cents (\$169.79) for attending a regular board meeting of the Board of Directors, a special board meeting of the Board of Directors, an emergency meeting of the Board of Directors or an adjourned regular, emergency or special meeting of the Board of Directors. Compensation shall be increased 5% every year on October 15th.

202. COMMITTEE MEETINGS. In the event a committee is established pursuant to Section I 04, each Director appointed to such committee ("Committee Member") shall receive One Hundred Sixty-~~One~~ Nine Dollars and Seventy Nine Cents (\$169.79) for attending a meeting. For purposes of this Ordinance, "travel time" is computed to and from the Director's main residence or place of employment, whichever is applicable for attendance at any District function.

203. OUTSIDE MEETINGS. Directors shall be compensated for Outside Meetings as follows:

- (a) Attached hereto as Schedule "A" is a list of Outside Meetings any Director may attend. If a Director attends an Outside Meeting listed on Schedule "A" such Director shall be compensated in accordance with subsection (d) below.
- (+)

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- (b) Attached hereto as Schedule "B" is a list of Standing Committee Meetings of the Board of Directors and the designated Directors for each Committee. Attached hereto as Schedule "C" is a list of Outside Meetings of the Board of Directors and the designated Director for each Meeting. Each Outside Meeting listed on Schedule "C" sets forth a primary representative and alternate representative.
- (c) Except as set forth in Section 204, Directors shall not represent the Board of Directors at any functions of organizations not listed on Schedule "A", "B" without the prior approval of the Board ~~President~~.
- (d) In the event a Director attends an Outside Meeting pursuant to subsections (a), (b), or (c), above, the Director shall receive: One Hundred Sixty ~~One~~ Nine Dollars and Seventy Nine Cents (\$1649.709) and in addition to the foregoing, to accommodate a reasonable travel time to and from authorized Outside Meetings, a Director may be compensated for up to one (1) day of travel, the day before all Meetings are to occur and up to one (1) day after the Meeting is concluded, provided that the Meeting is greater than forty (40) miles from the District's headquarters.
~~(e)~~
- (e) If a Director wishes to attend an Outside Meeting or Conference not listed on Schedule "A", "B", or "C" or covered under Section 204 (f); the Director must receive prior approval from the full Board. The Director shall provide details of the meeting including the dates, agenda, estimated costs, and how attendance will benefit the District to the General Manager who will place the request on the next regular meeting agenda as a business item for consideration.
~~(e)~~
- (f) A Director shall be able to attend meetings with staff, consultants, elected officials from other Districts, or local community events or function and claim it as an "Outside Meeting" as long as they work with Board Secretary on providing an agenda and topic of discussion or flyer for transparency documentation.

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204. Board of Directors will be reimbursed for any expenses incurred during the course of conducting District business with other elected officials, District employees and consultants.

205. COMPENSATION LIMITATIONS. Section 20202 of Division 10 of the California Water Code states:

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

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

meetings.

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

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

- (a) Each Director may be compensated for attending meetings, as defined in Sections 201 to Section 204 and Schedule "A", Schedule "B" and Schedule "C" and other meetings approved by the Board of Directors.
- (b) In addition to (a), each Director may incur or be reimbursed for travel expenses as defined in Article 300, Sections 301 and 302, up to but not in excess of actual expenses per fiscal year.

206. ETHICS TRAINING. Pursuant to Government Code Sections 53234, et al, of the State of California each Director shall attend at least two (2) hours of ethics training every two (2) years at the expense of the District. Such ethics training must be approved or authorized by the California Attorney General's Office and the Fair Political Practices Commission. Written proof of such ethics training must be filed by each Director with the District and the District shall retain records of such ethics training for at least five (5) years after the Director receives such training.

207. ETHICS POLICY. Each January, following a regular election cycle, the Board of Directors will approve an Ethics Policy presented by the Human Resources Department. The policy will support the issues covered by the ethics training required in Section 206, as well as any other issues specific to the District.

208. OTHER TRAINING. Each January following an election year, Directors are required to attend Sexual Harassment Training approved and/or administered by the Human Resources Department.

ARTICLE 300. EXPENSES

AUTHORIZATION

- (a) Directors are authorized to incur expenses arising out of and in connection with the meetings set forth in Sections 201, 202, 203 (a) and 203 (b) and Outside Meetings approved pursuant to Section 203 (c), with the approval of the Board of Directors:
- (b) Board of Directors will communicate their interest in attending an event to the Board Secretary to be added to the "Master Calendar of Events," which lists a description of the event, date, location, and Board member(s) who will attend.
- (c) After attending a District event, Board members are required to submit an

Expense Report. Each Board Member shall report on meetings attended at the District's expense.

- (d) Board members will be reimbursed for any expenses incurred during the course of conducting District business with other elected officials, District employees and consultants.
- (e) The District shall reimburse each Director for expenses while conducting District business as outlined below.
- (f) Each Directors shall be responsible for turning in appropriate District related Expenses for the month, including receipts or other documentation, tot the Board Secretary's office by the last business day of the month. It is to each Director's benefit, as well as that of the District, that all itemized expenses be turned in to the Board Secretary's office in a timely manner for proper accounting.

301. LODGING, MEALS, AND OTHER EXPENSES. The District shall reimburse each Director for itemized expenses while conducting District business, including, but not limited to, payment of registration fees for conferences, workshops, seminars, lodging, meals, and other related expenses while attending or traveling to/from District related functions.

The following restrictions shall apply to District paid expenses:

- (a) District paid air travel shall be by coach class at the most economical fare available based on the itinerary of the Director. A Director may elect to voluntarily stay longer than necessary to discharge his or her duties as long as there is no additional expense to the District.
- (b) In the event a Director is required to rent a vehicle to attend an authorized Outside Meeting, the District shall reimburse the Director for the cost of such rental vehicle, provided that the cost shall not exceed the cost of a mid-sized vehicle, regularly charged by such rental company for same day rentals. Any contractual agreements between the District and car rental agencies shall be considered first for booking of rental vehicles.
- (c) The following are not reimbursable expenses: political contributions, alcoholic beverages, tips greater than eighteen (18) percent, parking or traffic violation fines, laundry services, child care, and entertainment expenses such as tickets to sporting events or theaters, in-room movies and access to Wi-Fi for personal use, and first class airfare travel.
- (d) Whenever appropriate, lodging and meals will be prepaid by the District or paid for by District staff. When making prepayment of reservations for travel, meals, lodging or other related expenses, it may be beneficial to the District to include payment for spouses. Each Director shall reimburse the District for any prepayment of costs for his/her spouse except as otherwise set forth in this Ordinance. Directors shall clearly identify expenses for his/her spouse except as otherwise set forth in this Ordinance. Directors shall clearly identify expenses for his/her spouse, or may choose to pay for expenses for his/her spouse on a separate ticket or sales slip at the time of purchase.

302. MILEAGE. Whenever a Director uses his/her personal vehicle for transportation on District business or to/from District related functions, the District shall reimburse the Director the same rate per mile as approved by the Internal Revenue Service at the time the mileage is incurred. No mileage reimbursement shall be made for attending Board of Directors meetings held at the District headquarters.

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

304. MONTHLY SUBMITTAL OF EXPENSE REPORTS - PAYMENT REQUESTS. For receiving compensation for attendance at or participating at appropriate meetings, a Board member shall submit to the District Board Secretary a payment request in the form of an expense report for the calendar month, at which time the Board will consider approval, including the President. A report of all expenses, including but not limited to, compensation requested pursuant to Article 300, to the Board Secretary no later than the last business day of each month. Each submittal shall be signed by the Director. Adequate documentation of actual costs shall include an identification of the official duty, a detailed receipt from the vendor listing the items purchased, and proof that the expense was paid by the Director such as the credit card receipt or cancelled check.

ARTICLE 400. BENEFITS

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

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

402. BENEFITS AFTER RETIREMENT OR DEATH. A retired Director and spouse, or the spouse of a deceased Director or retiree may continue his/her medical, dental, life and vision insurance at the District's expense on the basis of the following:

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

403. VISION CARE PLAN. Coverage is mandatory for all Directors, their spouse and Dependent Children.

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

404. DENTAL PLAN. Coverage is mandatory for all Directors, their spouse and Dependent Children.

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

405. RETIREMENT PLAN. Only the Directors elected or appointed prior to July 1, 1994 are eligible to participate in the District's retirement plan.

- (a) The retirement plan is administered by the California Public Employees Retirement System.
- (b) The District shall pay all costs, which include the District's and the eligible Director's share.

406. LIFE AND DISABILITY PLANS. All Directors are eligible to participate in the District's standard dependent life insurance, standard insurance long term disability plan and employee assistance program (collectively, "Life and Disability Plans"), along with their spouses and dependent children. If a Director chooses not to participate in the District's Life and Disability Plans he/she must notify the General Manager in writing of his or her election not to participate. Unless a Director chooses not to participate in the District's Life and Disability Plans, the District shall pay 100% of the premium for such Life and Disability Plans for the Director, his/her spouse and his/her dependent children.

407. LONG TERM CARE. Coverage is mandatory for all Directors, their spouse and Dependent Children.

- (a) The Long Term Care Plan, administered by the CalPERS Long Term Care (LTC) program, is recommended.
- (b) The District shall pay one hundred percent (100%) of the premium for the District, spouse, and Dependent Children.

Section 2. Amendment of Schedules

Schedules "A", "B" & "C" may be amended from time to time by a duly adopted resolution of the Board.

Section 3. Publication

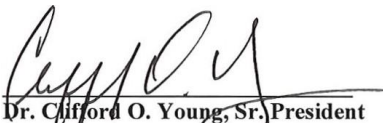
District Board Secretary shall certify to adoption of this Ordinance and cause it, or summary of it, to be published once within fourteen (14) days of adoption and once within seven (7) days of adoption by newspaper of general circulation, printed and published within the West Valley Water District service area, and shall post a copy of this Ordinance, including the vote, for and against the same, in the office of the Board Secretary in accordance with California Water Code Section 20200 *et seq.*

Section 4. Effective Date

This Ordinance shall become effective sixty (60) days from its adoption and Board committee assignments on the adopted schedules shall begin, October 15, 2018.

ADOPTED, SIGNED AND APPROVED THIS 16TH DAY OF AUGUST, 2018.

**AYES: DIRECTORS: Dr. Clifford Young, Don Olinger, Kyle Crowther,
Dr. Michael Taylor**
NOES: DIRECTORS: Greg Young
ABSENT: DIRECTORS
ABSTAIN: DIRECTORS


Dr. Clifford O. Young, Sr. President
of the Board of Directors of the
West Valley Water District

ATTEST:


Crystal L. Escalera

**SCHEDULE "A"
OUTSIDE MEETINGS**

ORGANIZATION

**DESIGNATED
REPRESENTATIVE**

ACWA Fall Conference	Any Board Member
ACWA Washington, D.C. Conference	Any Board Member
ACWA Spring Conference	Any Board Member
Member ACWA Legislative Symposium and Day at the Capitol	Any Board Member
Member Association of San Bernardino County Special Districts	Any Board Member
Board Member California Special Districts Association	Any Board Member
California Special Districts Association Legislative Days	Any Board Member
Water Education Foundation Tours	Any Board Member

**Expenses for conferences listed above are allocated to the Administration Department Conference Budget.*

**SCHEDULE "B"
STANDING COMMITTEES**

ORGANIZATIONS

**DESIGNATED
REPRESENTATIVE**

Executive Committee

Dr. Clifford O. Young, Sr.
Gregory Young

Engineering/Planning Committee

Gregory Young
Kyle Crowther

External Affairs Committee

Dr. Clifford O. Young, Sr.
Gregory Young

Finance Committee

Dr. Clifford O. Young, Sr.
Dr. Michael Taylor

Human Resources Committee

Kyle Crowther
Dr. Michael Taylor

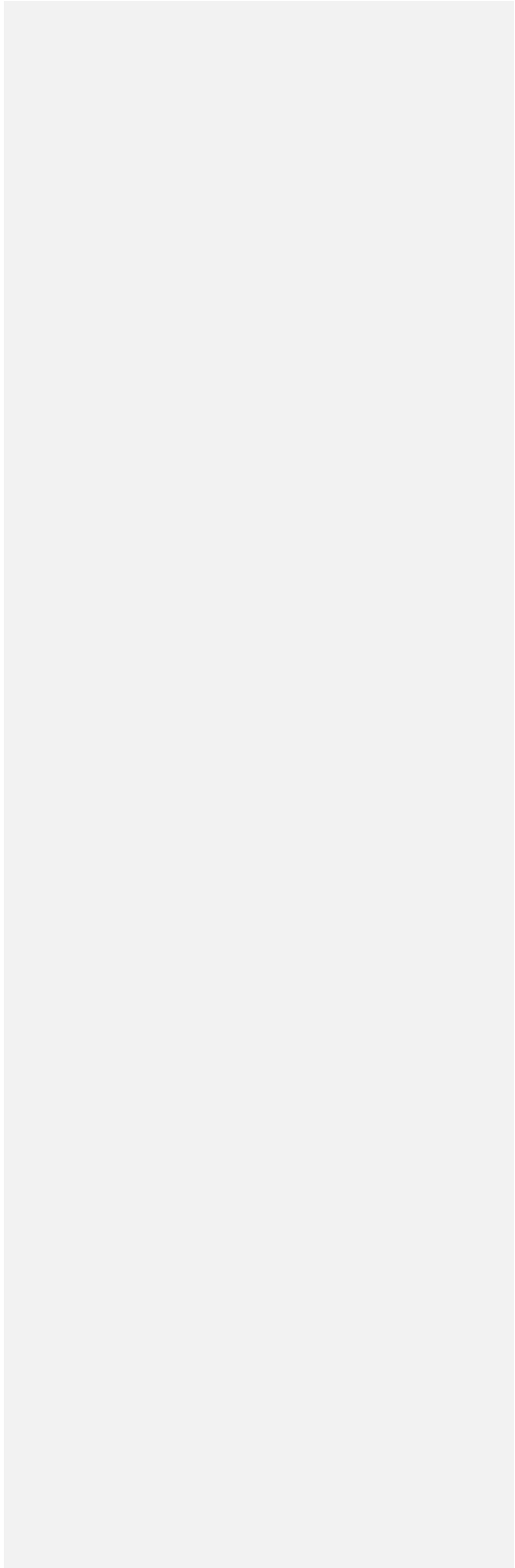
Safety and Technology Committee

Dr. Michael Taylor
Kyle Crowther

Policy Review & Oversight Committee

**SCHEDULE "C"
OUTSIDE MEETINGS**

ACWA/JPIA	Dr. Clifford O. Young, Sr.	Clarence Mansell
Bloomington Municipal Advisory Committee (MAC)	Gregory Young	Kyle Crowther
San Bernardino Valley Municipal Water District	Dr. Clifford O. Young, Sr.	
Western Coalition of Arid States	Dr. Clifford O. Young, Sr.	Gregory Young



CERTIFICATION

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN BERNARDINO)

I, CRYSTAL ESCALERA, Secretary of the Board of Directors of **THE WEST VALLEY WATER DISTRICT**, DO HEREBY CERTIFY that the foregoing ORDINANCE NO. 85 was duly adopted by the Board of Directors of said District at a Regular meeting thereof, held the 16th day of August, 2018, a full quorum present and acting through, by the following vote to wit:

AYES: DIRECTORS: Dr. Clifford Young, Don Olinger, Kyle Crowther, Dr. Michael Taylor
NOES: DIRECTORS: Greg Young
ABSENT: DIRECTORS:
ABSTAIN: DIRECTORS:

DATE: 08/16/18


Crystal L. Escalera

Board Secretary