



**BEAUMONT-CHERRY VALLEY WATER DISTRICT  
PERSONNEL COMMITTEE MEETING AGENDA  
560 Magnolia Avenue, Beaumont, CA 92223  
Monday, November 25, 2019 - 5:30 p.m.**

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**Call to Order: Director Ramirez**

**Roll Call**

**Public Comment**

**PUBLIC COMMENT:** At this time, any person may address the Personnel Committee on matters within its jurisdiction which are not on the agenda. However, any non-agenda matters that require action will be referred to staff for a report and possible action at a subsequent meeting. To provide comments on specific agenda items, please complete a Request to Address the Committee form and provide the completed form to the Committee President prior to the committee meeting. Please limit your comments to three minutes. Sharing or passing time to another speaker is not permitted.

- 1. Adjustments to the Agenda**
- 2. Approval of Personnel Committee Meeting minutes:**
  - a. September 23, 2019 (pages 3 - 6)

**ACTION ITEMS**

- 3. Proposed BCVWD Policies and Procedures Manual Updates**
  - a. Proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff (pages 7 - 55)
- 4. Employee Benefits**
  - a. Dental Plan options
  - b. Vision Plan options
- 5. Director Benefits**
  - a. Health coverage for Directors (pages 56 - 63)
- 6. Topics Requested by Employee Association**
  - a. Steel Toe and Shank Rubber Boots (page 64)
  - b. Uniform Shorts for Meter Reading Activities (pages 65 - 78)
- 7. Action List for Future Meetings**

- *Employee Association topics*
- *Policy manual updates*
- *District training*

**8. Next Meeting Date: January 27, 2020**

**Adjournment**

**AVAILABILITY OF AGENDA MATERIALS** - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Personnel Committee of the Board of Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Committee Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office.

**REVISIONS TO THE AGENDA** - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Committee Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Committee Meeting.

**REQUIREMENTS RE: DISABLED ACCESS** - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at [info@bcvwd.org](mailto:info@bcvwd.org) or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

**CERTIFICATION OF POSTING  
REGULAR MEETING**

I certify that on or before 5:29 p.m. Nov. 22, 2019, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54956(a)).

  
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Yolanda Rodriguez  
Director of Finance and Administration



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA**  
**DRAFT MINUTES OF THE PERSONNEL COMMITTEE**  
Monday, September 23, 2019 at 5:30 p.m.  
560 Magnolia Avenue, Beaumont, CA 92223

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**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:35 p.m. at 560 Magnolia Avenue, Beaumont, California.*

*Attendance*

<i>Directors present:</i>	<i>Covington, Ramirez</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers; Director of Finance and Administrative Services Yolanda Rodriguez, Assistant Director of Operations James Bean and Administrative Assistant Erica Gonzales</i>
<i>BCVWD Employee Association reps:</i>	<i>Erica Gonzales, Dustin Smith, and Julian Herrera</i>

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

1. Adjustments to the Agenda: None.
2. Approval of the July 22, 2019 Meeting minutes

*The Committee accepted the minutes of the Personnel Committee meeting of July 22, 2019 by the following vote:*

<b>MOVED:</b> Covington	<b>SECONDED:</b> --	<b>APPROVED 2-0</b>
<b>AYES:</b>	Covington, Ramirez	
<b>NOES:</b>	None.	
<b>ABSTAIN:</b>	None.	
<b>ABSENT:</b>	None.	

3. Proposed BCVWD Policies and Procedures Manual Updates

- a. Proposed Sick Leave Donation Policy

General Manager Jagers reminded the Committee of action at previous meetings and asked if there were further comments. Director Ramirez indicated the policy appears to be what was agreed upon. There were no comments from the Employee Association.

The Committee approved Item 3a – Proposed Sick Leave Donation Policy for recommendation to the Board of Directors by the following vote:

MOVED: Covington	SECONDED: Ramirez	APPROVED 2-0
AYES:	Covington, Ramirez	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

b. Proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff

Chair Covington noted the Committee has been working on this policy for several months. He said he compared the redline versions and found them consistent. Director Ramirez pointed to the following sections:

- 6A – Maintain the Vice President as part of the agenda setting team. Mr. Jagers requested the policy read “and / or” Vice President to allow staff flexibility; Covington concurred.
- 6D – Ramirez asked about the deadline of 10 working days in advance for submission of an agenda matter. Mr. Jagers noted the intent is to allow staff to review without last-minute preparations. Ramirez said he agreed with the intent but would like to allow for items that come late to the Board’s attention. Mr. Jagers pointed also to item 6Bi – Public Requests which should be consistent at 10 days. Mr. Ramirez asked for a shorter period for Board members as opposed to items submitted by the public. Chair Covington suggested “at the discretion of the President or Vice President, a Board member may suggest item(s) to be placed on the agenda within five (5) working days of the meeting.” For the public, allow 10 working days to submit, and strike the deadline from 6D. Mr. Jagers noted that the goal is to get the agenda to the Board for weekend review.
- 7Di – Ramirez recommended three minutes “shall” be allotted to each speaker per agenda item, and no 20-minute maximum. Mr. Jagers pointed out that the 20-minute maximum per subject matter allows the President to control the length of the meeting. President Covington supported striking the 20-minute maximum.
- 8Dvi – In response to Director Ramirez, Mr. Jagers indicated staff had left this open for discussion related to a Board member having the opportunity to follow up on something. Chair Covington pointed out that, per policy, no single Board member speaks for the entire Board nor gives direction to staff, so this is a communication and recommendation item. Any director would be looking for clarification of when desired information would be provided, Covington noted. If an item has been approved by the Board, Ramirez said, direct communication is with the general manager, and “there is no need for micromanagement.” After discussion, the Committee settled on: “The General Manager, or assigned staff, shall make every effort to communicate a definitive answer in a timely manner.”
- 10Aii – Director Ramirez asked if meeting recordings would be deleted after 100 days. Mr. Jagers explained that historically, they have been kept on file indefinitely, as they are electronic, and policy does not indicate they would be destroyed after 100 days. Ms. Rodriguez noted the minutes are kept indefinitely.
- 13E – After discussion, Ramirez and Covington suggested deletion of the following from the “non-authorized activities:”

- “Other districts’ Board meetings other than listed under Eligible Matters of District business...”,
  - “Harassment awareness training...”
  - Chamber of Commerce meetings or mixers
- 19E – Ramirez suggested adding that Board members may deal with other staff on ethical matters if necessary. Mr. Jaggars noted ethical issues are covered under in the GM’s contract. Covington concurred.

Mr. Jaggars drew attention to the following:

9B – Mr. Jaggars suggested that a Board member shall be deemed present even if arrival is later than 10 minutes after the start of the meeting. Committee members concurred.

13E1c(1) – Mr. Jaggars suggested that all Board members should be authorized to attend San Gorgonio Pass Water Agency meetings that are of particular interest to District business.

14E i and ii – Mr. Jaggars asked the Committee to read the sections for accuracy. The Committee concurred.

14K – Mr. Jaggars reminded the Committee that the language was amended regarding personal credit card charges.

Chair Covington suggested including the new policy revisions with comments rather than additional strikeouts, and concluding further work via email prior to agendaing for the full Board. He suggested the updated Policy Manual delineate what sections have been changed. Mr. Jaggars suggested a matrix of changes with dates of Board approval. Ms. Rodriguez indicated that other agencies note in a page corner the date the policy was revised.

#### 4. Update on Current and Ongoing Safety Program Activities

Assistant Director of Operations James Bean briefed the Committee on recent activities including development of a customized Injury and Illness Prevention Plan and facility inspections by Safety Compliance Company and the Association of California Water Agencies / Joint Powers Insurance Authority (ACWA/JPIA).

Mr. Bean detailed training activities and safety equipment upgrades. Mr. Jaggars acknowledged new safety shirts and responded to comment from Mr. Smith regarding potential uniform guidelines for supervisors. Mr. Bean answered a question from Chair Covington regarding nighttime safety Personal Protective Equipment (PPE). Mr. Jaggars added that LED flashers and a light tower were procured. Director Ramirez suggested use of delineators.

A confined space retrieval system was purchased this year and Mr. Bean described its use. Mr. Jaggars added that areas requiring new structural designs are being addressed to be brought up to code. Mr. Smith requested additional PPE: steel-toed boots. Mr. Jaggars indicated the boot allowance and the request would be reviewed and brought back to the Personnel Committee. Mr. Smith also shared a pro-con list of the field crew’s request to wear shorts during meter reading activities.

In response to Director Ramirez, Mr. Jaggars explained the current Operations organizational chart and routing of potential policy changes / employee requests. Director Ramirez indicated confidence that the General Manager could address the

concerns. Covington concurred that such items do not need to come to the Personnel Committee unless there is an issue. Ms. Rodriguez added that there will soon be an HR person on board to whom employees can bring concerns. Chair Covington cautioned against supervisory stifling of employee requests and advocated for a positive process to hear concerns. Jagers concurred and explained some steps.

Mr. Herrera commented that safety has improved over the last two years and it has been noticed by both employees and customers. Director Ramirez offered assurance of focus on safety. Assistant Director Bean advised that regular safety meetings have been held and inspections have been done.

Chair Covington suggested a detailed memo to employees regarding the functions of the new HR Coordinator.

#### 5. Topics Requested by Employee Association

Director of Finance and Administrative Services Yolanda Rodriguez reminded the Committee that employees had requested the District look for additional choices for dental and vision coverage. These benefits are voluntary; the District does not contribute toward the premiums, she explained. ACWA / JPIA offers only an “all or nothing” package. The project is ongoing, she said.

The current rates paid by employees are reasonable as they are in a pool with other agencies, Rodriguez continued. Covington clarified that employees would like to have a PPO available. He suggested investigating an EPO.

#### 6. Action List for Future Meetings

- *Employee Association topics*
- *Policy manual updates*

Mr. Jagers noted that work is ongoing on revision of other parts of the Manual. With the rate study activity and work on the budget, the target is to get the next part to the Personnel Committee in November.

Mr. Smith asked about policy for District houses. Mr. Jagers indicated that terms are set by contract, and availability of housing is addressed on an informal basis. Chair Covington suggested a comprehensive policy for all District residential facilities and said he would like clarity on the houses. In response, Mr. Jagers noted this would be appropriate to come to the Personnel Committee. Director Ramirez suggested a Committee field trip to the houses. Covington stated that he anticipates major changes to the housing arrangements.

#### 7. Next Meeting Date: *November 25, 2019 at 5:30 p.m.*

**ADJOURNMENT:** *7:30 p.m.*

Attest:

*DRAFT UNTIL APPROVED*

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John Covington, Chairman  
to the Personnel Committee of the Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
November 25, 2019**

Item 3

STAFF REPORT

**TO:** Personnel Committee

**FROM:** Yolanda Rodriguez, Director of Finance and Administration

**SUBJECT: Proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff**

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**Staff Recommendation**

Direct staff as desired.

**Background**

At the July 23, 2018 Personnel Committee meeting, Committee members directed staff to review, revise and update the District's Policies and Procedures. The project is being addressed by staff in Sections. Part II pertains to the Board of Directors and staff (employees), and sets policies regarding reimbursement, training, meeting dates, and more. It also contains the District's Code of Ethics and Ethics Policy. From November 26, 2018 through September 23, 2019, the Personnel Committee reviewed and revised amendments to Part II. At the meeting of September 23, 2019, the Committee recommended the policy to the Board of Directors for adoption.

At its meeting of November 13, 2019, the Board directed staff to return the proposed Part II to the Personnel Committee for further revision.

Attached is the Policies and Procedures Manual Part II redlined version showing the proposed revisions, and the previous staff report, along with sample policy language collected.

**Summary**

Revisions made over the past 16 months have been incorporated into the proposed Part II policy document. The attached also includes minor revisions recommended by legal counsel, denoted on the redline version in blue.

The Board of Directors requested the Personnel Committee review Section 6C, regarding agenda preparation. Staff has compiled varied samples of verbiage for consideration, herewith as Attachment A.

**Fiscal Impact**

No fiscal impact to the District.

**Attachments**

- Attachment A: Sample policy language
- Attachment B: Proposed Policy – Redline
- Attachment C: Staff Report to Board Nov. 13, 2019

Report prepared by Lynda Kerney, Administrative Assistant

1. California Special Districts Association sample policy (2 pages)
2. Sacramento Municipal Utility District (SMUD) (2 pages)
3. Nevada Irrigation District (2 pages)
4. City of Placer (1 page)
5. Jurupa CSD (1 page)
6. San Lorenzo Valley Water District (1 page)
7. San Ramon Valley Fire Protection District (1 page)
8. Stege Sanitary District (2 pages)
9. Rancho Murietta CSD (1 page)
10. Groveland CSD (2 pages)
11. Big Bear Airport District (1 page)

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# California Special Districts Association

## SAMPLE POLICY HANDBOOK

**POLICY TITLE:** Board Meeting Agenda  
**POLICY NUMBER:** 5020

**5020.1** 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 Ralph M. Brown Act (California Government Code Section 54950). Any Director may contact the General Manager and request any item to be placed on the agenda no later than 5:00 P.M. on the day that is 48 hours prior to the closing of the agenda for the next meeting date (per Section 5020.4).

**5020.2** 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:

**5020.2.1** 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;

**5020.2.2** The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business." 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.

**5020.2.3** No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy;

**5020.2.4** 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.

**5020.3** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

**5020.4** At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). If the District maintains a website, the agenda shall be posted on the website for public information at the same

time. All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.

**5020.4.1** The agenda for a special meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).

## Rule 1.9 Agenda

(a) The Secretary's office, under the direction of the CEO and General Manager, will prepare and issue an agenda for each Board meeting.

(b) Matters not on the agenda for a regular meeting will not be considered by the Board at that meeting except: (1) upon determination by a majority of the Board that an emergency situation exists, severely impairing public health and/or safety; or (2) upon a determination by a two-thirds vote of the Board or by a unanimous vote if less than two-thirds of the members are present, that the need to take action arose subsequent to the agenda being posted; or (3) as otherwise permitted under the Ralph M. Brown Act of the California Government Code.

(c) Matters on the agenda for regular meetings which have not been considered and acted upon at such meetings or continued to a subsequent meeting will be deemed continued to the following regular meeting until they can be relisted as a regular item under paragraph (a) of this rule.

(d) Whenever the Board fails to take action on an item on the Board's agenda, the Board will set a date for reconsideration of the item. If for any reason the Board fails to set such a date, the Board Secretary will list all such items as a "pending item" on the action item section of the next regular agenda for which the Board Secretary is accepting items.

(e) Whenever an item has been approved for consideration by the Board under paragraph (b) of this rule, the Board President will read, upon introducing the item for Board consideration, a brief summary which shall include the subject title, a short explanation of the subject matter, and, if any, the recommendation.

(f) The following persons are authorized to place matters on the regular agenda of the Board:

(1) Members of the Board;

(2) The CEO and General Manager, and his or her designees.

(g) Requests for placement of items on the Board's regular agenda may be placed on the Board's agenda or, if more appropriate, placed on the agenda of a Board Committee meeting (see Rule 1.9(a) and Rule 2.2(a)).

(h) Items for placement on the agenda fall into the following categories:

(1) Items generated by SMUD management;

(2) Presentations by outside persons or agencies that have received approval for placement on an agenda from the Board President;

(3) Items placed on the agenda by a Board member.

(i) It is the policy of the Board that, as a general rule, items scheduled for Board action (including items requested by a Board member) should first be presented to a Board Committee for review.

(j) Board member items for the regular Board meeting agenda will be provided to the Board office, CEO and General Manager's Office, or General Counsel's Office by 5 p.m. on the Wednesday of the week prior to the regular Board meeting.

(k) Board agendas will be placed on the SMUD website in advance of the Board meeting.

### **Rule 1.10 Addressing the Board President and Recognition to Speak**

(a) When any Board member is about to speak, he or she will seek recognition to speak from the Board President; and when two or more members address the Board President at the same time, the Board President will determine the speaking order. Once the Board President has recognized the right of the Board member to speak, the Board President will protect the speaker from disturbance or interference.

(b) The Board President will not recognize a member to speak again, except to answer questions, until all other Board members have had an opportunity to be heard.

(c) All members will have an opportunity to speak before the Board President enters debate on a regular item.

### **Rule 1.11 Procedure Regarding Motions**

(a) **Motions in General:** A resolution, or any other action of the Board, may be proposed by any member including the Board President, by a motion to adopt. Such a motion, if seconded by a member, including the Board President, will be on the floor and must be considered; if not seconded, the motion is lost for lack of a second, and will be so declared by the Board President.

(b) **Amend a Motion:** A motion on the floor (with a second) may be amended at any time before adoption or rejection by an amendatory motion made by any member including the Board President.

An amendatory motion may be in the form of a substitute motion so that it replaces the original motion and can be adopted by a single vote, or it may be phrased so as to amend the original motion; if the substitute motion fails to carry, the original motion will then be voted upon; if the amendment is separately voted

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# Nevada Irrigation District

## POLICY MANUAL

**POLICY TITLE:** Board Meeting Agenda

**POLICY NUMBER:** 5020

- 5020.1** The General Manager, in consultation with the Board President, shall prepare an agenda meeting the requirements of the Ralph M. Brown Act for each regular and special meeting of the Board of Directors. Absent approval of the General Manager, the agenda will be “closed” to the addition of new items at 12:00 PM on the Wednesday preceding the regular meeting of the Board of Directors. Any Director may request that the General Manager place an item on the agenda no later than 5:00 PM on the Tuesday prior to the closing of the Agenda.
- 5020.2** Any member of the public may request that a matter directly related to District business be considered for placement on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:
- 5020.2.1** The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least seven business days prior to the close of the agenda for the meeting where the item is to be considered. If the General Manager decides the request should be placed on a Board agenda, General Manager may exercise his/her discretion in including the item on the next, or a subsequent meeting, agenda depending on the press of other business before the Board.
  - 5020.2.2** The General Manager shall be the sole judge of whether the request is or is not a "matter directly related to District business" in determining whether to place the matter on a meeting agenda. The person requesting the agenda addition may request that the Board of Directors reconsider the General Manager's adverse decision at the next regular meeting of the Board of Directors. Notwithstanding the determination of the General Manager, any Director may request that the item be placed on the agenda of a regularly scheduled Board regular meeting at the earliest feasible date.
  - 5020.2.3** No matter which is authorized for consideration by the Board in closed session will be accepted under this policy;
  - 5020.2.4** 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.

**5020.3** This policy does not prevent the Board from taking public comment at regular meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

**5020.4** At least 72 hours prior to the time of all regular meetings, an agenda, which includes all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. The agenda shall also post the agenda on the District's website for public information. All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review at the time it is made available to the Board.

**5020.4.1** The agenda for a special meeting shall be posted in the same location at least 24 hours before the meeting.

**5020.5** NID Board Agendas for regular meetings shall be in the following format:

**5020.5.1** **STANDING ORDERS:** Standing orders shall include the Call to Order, the Pledge of Allegiance and any introductions.

**5020.5.2** **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:** Members of the public shall be allowed to address the Board of Directors on items which are of interest to the public and which are within the jurisdiction of the Board, but which are not on the posted agenda; however, no action shall be taken on any item not appearing on the agenda unless otherwise authorized by the Board pursuant to Government Code Section 54954.3. The Board may limit public comment time.

**5020.5.3** **CONSENT AGENDA:** The Consent Agenda consists of those items which are routine and/or should not be discussed; i.e., certain claims. The following items, if presented to the Board, would typically appear on the Consent Agenda:

Minutes

Acceptance of Routine Easements

Statement of Investment Policy

Treasurer's Quarterly Report of Investments

Advanced recommendations from the appropriate Committee

Other routine items of a non controversial nature: Annual Disclosure of Reimbursement to Employees and Directors and Declaration Regarding Receipt of Honoraria of Gifts  
Variances recommended for approval by the Variance Committee

The Consent Agenda would be approved by one motion of the Board adopting the Consent Agenda and authorizing the appropriate and necessary actions. Should any member of the Board or public wish to discuss any item appearing thereon, the Board member should request that the item be removed from the Consent Agenda. At the direction of the President, the item will be removed and discussed immediately after the approval of the Consent Agenda, or as soon thereafter as practicable.

**5020.5.4** **SPECIAL ORDERS:** Special Orders are those items of business which are set for consideration at a specific time during the meeting. Special Orders interrupt pending

5020-2

# City Council Meetings

## Meeting Schedule

Regular meetings are held in the Town Hall, 549 Main Street. Meeting time and date are established by ordinance. Regular City Council meetings are scheduled for 7:00 p.m. on the second and fourth Tuesdays of the month. Closed sessions, when scheduled, are generally held before open session as needed. No meeting will be held in the event that a regular meeting of the Council falls on a legal holiday.

## Special Meetings

Special meetings may be called by the Mayor or by three members of the City Council. Written notice must be given to the City Council and to the media 24 hours prior to a special meeting (*Cal. Govt. Code* Section 54956). No business other than that announced may be discussed.

Notice requirements of the Brown Act shall be complied with for all meetings; minutes of the meeting shall be taken by the City Clerk or designee and shall be available for public inspection.

## Placing Items on the Agenda

*City Council:* Any Councilmember may request an item be placed on a future agenda. Agenda items are due to the City Clerk by Tuesday preceding the Council Meeting. In order to research and prepare a staff report for agenda items, requests for adding items to the agenda should be given to staff as early as possible and in no case later than the 5:00 p.m. deadline on Tuesday. This allows staff the time to put the agenda together and distribute to Council in a timely manner. Under normal circumstances, Councilmembers should make a request to add something to the agenda during the “Councilmember Reports/Items Initiated by a Councilmember” portion of a meeting.

*Members of the Public:* A member of the public may request an item be placed on a future agenda during public comment, through other communication with Councilmembers, or through a written request to the City Manager. If there is concern whether or not an item should be on the agenda, it should be brought before the Council for consideration to be placed on a future agenda and upon consensus of a majority of Council, a staff report will be prepared and approved by the City Manager, or his/her designee.

*Emergency and Non-Agenda Items:* Emergency and non-agenda items may be added to an agenda only in accordance with state law. Emergency items are only those matters affecting public health or safety such as work stoppages, disasters and other severe emergencies. Adding an emergency item requires a majority vote. Emergency items are very rare. More likely, an item arises after the agenda is posted that the Council would like to act on. Non-agenda items may be added to the agenda only if the Council makes findings that:

The Mayor or 3 Councilmembers may call a special meeting.

The items from the Council portion of the agenda present an opportunity to gain full support of the Council to place an item on the agenda.

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**SECTION 16: BOARD MEETING AGENDA ITEMS**

Designated administrative staff, in cooperation with the General Manager and Board President, will prepare an agenda for each regular and special meeting of the Board. At least 72 hours before a regular meeting, the legislative body of the District, shall post an agenda. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public (*Brown Act, Section 54954.2*). The agenda for a "Special" meeting shall be posted at least 24 hours before the meeting.

Additions to the agenda require a two-thirds vote of the entire Board, or, if fewer than two-thirds of the members are present, a unanimous vote of those members present, making findings that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the posting of the agenda (*Brown Act, Section 54954.2*).

Subject to the emergency/late breaking exceptions in the Brown Act, any request by a Board Member for any item to be added to the Board meeting agenda must be made either during the previous Board meeting's Board comment portion, or at least three days before the agenda is published. An item requested by a Board Member at a Board meeting shall be added to the agenda for the next available Board meeting. An item requested by a Board Member outside of a Board meeting shall be added to the agenda for the next available Board meeting. Only the Board Members and the General Manager, or his/her delegates, determine the items on the Board meeting agenda.

**SECTION 17: IMPROPER ACTIVITIES AND THE REPORTING OF SUCH ACTIVITIES;  
PROTECTION OF "WHISTLE BLOWERS"**

The General Manager has the primary responsibility for (1) ensuring compliance with the District's Policies and Procedures Manual and Administrative 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 actions. The Board has a duty to ensure that the General Manager is managing the District according to law and the policies approved by the Board. Board Members are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager to the extent not prohibited by law, improper activities within their knowledge. Board Members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the full Board determines that the General Manager is not properly carrying out these responsibilities.

A Board Member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person or for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that, if true, would constitute: a work-related violation by a Board Member or District employee of any law or regulation, waste of District funds, abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a Board Member or a District employee.

H) CLOSED SESSION

Except as provided by law, all proceedings in Closed Sessions shall remain confidential.

I) MEETING AGENDAS

The District Manager, in consultation with the Board President, shall be responsible for the preparation of a written agenda for each regular meeting and/or special meeting of the Board of Directors as those terms or its successor terms are defined by the Ralph M. Brown Act (California Government Code section 54950 et seq.). The District Manager and the Board President shall meet, annually, in January of each calendar year to identify recurring items of business which should be placed on written agendas at appropriate times during the coming year. The District Manager, in consultation with the President, shall be responsible for the preparation of a written agenda for each regular meeting and/or special meeting of "other legislative bodies," of the San Lorenzo Valley Water District, as those terms or its successor terms are defined by the Ralph M. Brown Act. Any Director may request that an item be placed on the agenda for a regular meeting of the Board of Directors. The District Secretary shall be responsible for the posting of the appropriate notice and agenda for all meetings of the Board of Directors and/or "other legislative bodies."

A copy of the agenda for each regular meeting of the Board of Directors shall be forwarded to each Board member, at least three (3) days in advance of each regular meeting, together with copies of all applicable supporting documentation; minutes to be approved; staff report; and other available documents pertinent to the meeting. Directors shall review agenda materials before each meeting. Individual directors may confer directly with the District Manager to request additional information on the agenda items.

J) ORDER OF BUSINESS

As a practice for normal business. The Board President may rearrange this order at any time.

1. Convene Meeting, Roll Call.
2. Additions and Deletions to Agenda.
3. Oral Communications Related to Closed Session
4. Adjournment to Closed Session.
5. Reconvene to Open Session at 6:30 PM (time-certain).
6. Report Actions Taken in Closed Session.
7. Additions and Deletions to Agenda.
8. Oral Communications.
9. Written Communications.
10. Consent Agenda.
11. Unfinished Business.
12. New Business.
13. General Manager Reports.
  - a. Manager Reports.
  - b. Committee/Director Reports.
14. Informational Material.
15. (If applicable) Adjournment to Closed Session.



# San Ramon Valley Fire Protection District

1500 Bollinger Canyon Road, San Ramon, CA 94583

Phone (925) 838-6600 | Fax (925) 838-6629

www.firedepartment.org | info@firedepartment.org

## AGENDA PREPARATION AND BOARD MEETING POLICY

Adopted April 26, 2017

### AGENDAS

The Fire Chief, in cooperation with the San Ramon Valley Fire Protection District (District) Board of Directors (Board) Chair, shall prepare an agenda for each Regular and Special meeting of the Board in accordance with the Ralph M. Brown Act (California Government Code Section 54950 *et seq*). Any Director may request any item to be placed on the agenda by contacting the Fire Chief at least fourteen business days prior to the date of the meeting.

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

1. The request must be in writing and be submitted to the Fire Chief, together with supporting documents and information, if any, at least fourteen business days prior to the date of the meeting;
2. The Fire Chief shall be the sole judge of whether the public request is or is not a "matter directly related to District business." The public member requesting the agenda item may appeal the Fire Chief's decision at the next Regular Board meeting. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.
3. Subjects considered by the Board in closed session are not included in this policy;
4. The Board 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.

This policy does not prevent the Board from receiving public comments at Regular and Special meetings of the Board on matters which are not on the agenda that a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting, other than providing brief general directions to staff regarding the matter, if appropriate.

At least 72 hours prior to the time of all Regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public. (California Government

every five years. The Director who is Vice President will ordinarily be the President the following year. This rotational scheme will be followed unless there are unusual circumstances or a significant change in the composition of the Board.

11. Neither District staff nor District vehicles shall be expected to be used to transport board members to or from regular board meetings.

## SECTION 6

### PROTOCOLS

#### BOARD MEETINGS

In general, District Ordinance Code Section 2.5.2 covers Board meetings.

1. Rules of Order. Ordinarily, meetings of the Board will be conducted informally in the manner determined by the President. However, at the request of any Director, the meeting shall be conducted in accordance with the rules of order and parliamentary procedure as specified in the current edition of The Standard Code of Parliamentary Procedure by Alice F. Sturgis, copyright 1950. A copy of that reference work shall be available at every Board meeting.
2. Board Room Layout/Seating. Board meetings shall be conducted around a rectangular meeting table so Directors, Manager and Counsel face each other. Seats for the public will be available.
3. Agenda Preparation. The Board Secretary shall prepare the agenda in consultation with the Board President, with assistance from District staff. The agenda shall be completed and posted at the District office and website no later than 72 hours prior to the start of the meeting, and agenda packets will be delivered to Directors at least 72 hours prior to the start of the meeting. Some supporting information may be supplied closer to the meeting or at the meeting.
4. Agenda Structure. The basic structure of each regular meeting agenda includes items for Roll Call, Conflict of Interest review, Public Hearings, Public Comment for issues not included on the agenda, Closed Sessions, Approval of Minutes, Communications (both oral and written), reports of Staff and Officers, Business, Monthly Financial Statements, Approval of Checks, Future Agenda Items (generally for the next two meetings), and Adjournment. The first of two meetings of the month is considered a study session and will generally not include any monthly or quarterly reports.
5. Agenda Item Identification. The Manager, as Secretary, will provide specific items for Board meeting agendas. Other agenda items may be identified as part of the Future Agenda Item section of the regular meeting. Items identified after the adjournment of the most recent

Board meeting may be added by request of any Director to the Manager. The President shall be contacted if the Manager discourages inclusion of requested items.

6. Meeting Minutes. The Board Secretary shall record action meeting minutes, including a summary of Public Comment, if any. The meeting minutes will provide an overview of the decisions reached and the actions to be taken and not a verbatim recording of the discussions. The Board will consider approval of the draft minutes at the following meeting.
7. Getting Questions Answered About Agenda Items Before a Meeting. Directors are encouraged to contact the Manager prior to the meeting if they have any questions. Some questions on agenda items may be answered prior to the meeting and this will help to minimize the length of meetings. The Manager will let the Board know if these questions become excessive.
8. Public Participation. All Board meetings are open and public, and all persons are permitted to attend any meeting, except closed sessions of the Board held in accordance with law. Public participation is addressed in Ordinance Code 2.5.2.8. Directors and staff members shall treat members of the public who attend Board meetings with respect. The President will accommodate public members wishing to speak on specific agenda items by moving these items up on the agenda, if the Board determines it is practical. The President may invite members of the public to sit at the table if seating is available.
9. Public Addressing Board. Members of the public will be asked to complete a request slip if they wish to address the Board. The Board President may choose to limit the time allowed for any member of the public to address the Board. In the event there is a large group completing slips, the Board President may ask the public members to refrain from repeating what others have said, and to further limit time allowed to speak.
10. Informal Board Reports at Meetings. Directors may briefly comment on any subject not on the agenda during the Public Comment section of the agenda. There will also be an agenda item titled Oral Communication at each Board meeting that provides an opportunity for informal, verbal reports. Other informal reports should be brief and limited to specific subjects on the agenda.
11. Allow Majority to Set Direction – How We Act When We’re Not in Majority. Directors shall accept decisions of the Board after action is taken. Discussion of an item shall not continue at that meeting after a vote on it has been taken.
12. Bringing Agenda Items Back for Further Discussion – Revisiting Issues. There are times that additional discussion on items may be desirable and necessary. Additional information or analysis may help to clarify questions and it may be appropriate to defer items for future agendas if and when a majority of Directors want this. Tabling should not be used as a mechanism to simply defer decisions.
13. Explanation of Votes. Explanation of a vote after the vote has been taken is discouraged. Director’s viewpoints should be expressed as part of the discussion of an issue prior to the vote.

A majority vote by the Board of Directors may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place.

**5.06 Compliance with Brown Act**

All meetings of the Board of Directors and Committees shall be open and public and all persons shall be permitted to attend any public meeting of the Board of Directors except as provided by law; provided, however, that closed sessions may be held when permitted by law.

**5.07 Secret Ballots**

Secret ballots are not allowed.

**5.08 Meetings**

All public meetings shall be conducted in compliance with the provisions of this Chapter and where not otherwise addressed, in compliance with "Robert's Rules of Order".

**SECTION 6.00 Agendas**

**6.01 Setting of Agenda**

The General Manager, in consultation with the Board President, shall set the agenda. Committee recommendations on topics to be updated on the agenda shall be given to the General Manager. Individual Directors may request items to be placed on the agenda by notifying the General Manager of their request, no later than 2:00 p.m. five (5) business days prior to the meeting date.

**6.02 Consent Calendar**

Agendas of Board meetings shall incorporate a consent calendar listing items of a routine nature not normally requiring discussion.

The following is a listing of consent calendar items, which may be amended from time to time by the direction of the Board of Director or by the General Manager and the District Secretary, as they deem appropriate.

Approval of Minutes

Receive and File or Reference Correspondence

Receive and File:

General Manager's Report

Field Operations Report

Administrative Reports

Security Department Reports

Approval of Bills Paid Listing

Informational Items

#### 4.12 Conflict of Interest

Directors shall abstain from participating in consideration on any item involving a legally prohibited conflict of interest and shall declare the nature of the conflict to the Board.

#### 4.13 Meeting Room Preparation

The Board Secretary shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

### 5 BOARD MEETING AGENDA

The General Manager (or his designated representative(s)), *shall* cooperate with the Board President (or Board designated Board member), to marshal the necessary resources to prepare and agenda for each regular and special meeting of the Board of Directors. All agenda items shall be submitted for approval per Sections 5.3.2 and 5.4.2.

#### 5.1 Board Meeting Agenda

All agenda items and supporting information shall be submitted in writing, available in both standard electronic and paper forms. This information shall be delivered to Board members at least 72 hours prior to a regular Board meeting, and at least 24 hours prior to a special Board meeting. All open session information shall be made available to the public on the same timeline. This requirement is applicable all open session and closed session agenda items for the Board. The General Manager is responsible for all staff originated agenda items, and as well, for providing for, in a timely manner, all GCSD specific information requested to complete the agenda items submitted by others.

#### 5.2 Public Address to Board Members

A portion of each agenda for each regular or regular adjourned meeting shall provide an opportunity for members of the public to directly address the Board members on items of interest to the public that are within the subject matter jurisdiction of the Board of Directors. The public is asked to follow the Guidelines for Public Comment at Board Meetings (Exhibit B) in addressing the Board.

#### 5.3 Agenda Items from Directors

Any Director may call the General Manager, or in the absence of a General Manager the Board President, and request that any item be placed on the draft agenda no later than 4:00 o'clock p.m. ten (10) calendar days prior the next scheduled Board meeting. All agenda requests are subject to approval per Section 5.3.2.

##### 5.3.1 Written Request

The request must be in writing or any other form of written electronic correspondence, and include supporting documents and information, if applicable. All materials relating to the request must be delivered by the deadline specified in Section 5.2.

##### 5.3.2 Agenda Request Acceptance

The Board President (or Board designated Board member) shall be the sole judge of whether an agenda item request is or is not a "matter directly related to District business." This decision may be appealed to the Board at the next regularly scheduled meeting.

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#### 5.4 *Agenda Items (from members of the public)*

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:

##### 5.4.1 *Written Request*

The request must be in writing or any other form of written electronic correspondence and be submitted to the General Manager (or other responsible employee designated by the Board to accept agenda items from the public) together with supporting documents and information, if any. All materials relating to the request must be delivered by the deadline specified in Section 5.2.

##### 5.4.2 *Agendizing Public Requests*

The Board President (or Board designated Board member) shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

Note: Only an elected public official shall have approval authority over agenda items submitted by members of the public.

##### 5.4.3 *Agenda Requests for Closed Session Items*

No matter (or item) which is legally a proper subject for consideration by the Board in open session will be accepted for closed session.

Note: The idea here (above) is to minimize the amount of closed session items

#### 5.4.4 *Time Limit to Consider Agenda Item*

The Board President on his or her own authority, or after considering requests from Board Members, 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.

#### 5.5 *Correspondence to the Board*

To a requested response to correspondence, any Board member or staff may agendize the item and/or propose a written response to be presented to the Board of Directors for consideration at the next regularly scheduled meeting- subject to the scheduling constraints of Section 5.3. A response must be provided.

##### 5.5.1 *Response Copies to Board*

Where a response to correspondence is requested or where the General Manager, or other responsible employee designated by the Board believes a response is needed, the General Manager, or other responsible and designated employee will cause a response to be transmitted to the author with copies to the Board as soon as workloads allow but no later than ten working days following receipt.

##### 5.5.2 *Director Reaction to Correspondence*

Board members may respond individually to correspondence addressed to the whole Board, but must make it explicitly clear in all correspondence that they are speaking for themselves only, and are not representing the whole of the Board.

Secretary shall provide notice to those members of the public requesting such notice and to post notice on the District's website. Only those items listed in the call for the Special Meeting may be considered at the Meeting.

Emergency Special Meeting: In the event of an emergency situation involving a threat to public safety for which prompt action is required by the District (such as the threatened disruption of public facilities), the Board of Directors may hold an Emergency Special Meeting without complying with the 24-hour notice as otherwise provided in the Brown Act.

**The Draft Agenda for Regular Board Meetings prepared by the General Manager and Board Secretary shall be reviewed by the President prior to the 72-hour Public Agenda posting and notifications. The Presiding Officer has the authority to add Agenda items.**

Brief staff reports shall accompany business items. The General Manager will provide this public information at the time of the posting of the Agenda. Staff reports will also make reference to the specific District goal being met with the agenda item.

**B. Delivery of the Agenda:** The Agenda for each Regular Meeting of the Board, and reports and other documentation related thereto, generally shall be made available to Members of the Board (in their mail drawers in the terminal building) and made available to the public at least 72 hours prior to the Wednesday Meeting to which it pertains. Agendas shall be posted on the bulletin board at the administrative offices of the District and at such other places the Board has designated for posting notices of Board meetings. Agendas shall be posted on the website at the same time. Any staff reports or other items for a Regular Meeting not available for distribution with the Agenda shall be made available to the public at the administrative offices of the District as soon as provided to the Board of Directors, or at the Meeting if only available then.

**C. Roll Call:** Before proceeding with the business of the Board, the Board Secretary shall call the roll of the Directors and the names of those present shall be entered into the Minutes. The order of roll call shall be alphabetical with the President called last.

**D. Minutes of the Board:**

1. Unless requested by a majority of the Board of Directors, Minutes of the previous Meeting may be approved without public reading.

The Secretary of the Board, or designated employee, shall keep Minutes of all open Regular, Special, and Emergency Meetings of the Board. The Minutes shall show only actions taken by the Board and are not verbatim Minutes. Recordings of the Regular Board Meeting will be made available on the District Website.

## Attachment B - Original Section 6 with Staff Recommendations

- occur between Board of Directors meetings;
- vii. The orderly conduct of all Board meetings;
- viii. Serve as spokesperson for the Board; and
- ~~A~~.ix. Perform other duties as authorized by the Board.

~~B~~.C. **Absence.** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

### 5. BOARD MEETINGS

~~A~~. **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday ~~and fourth Thursday~~ of each calendar month at ~~6~~7:00 p.m. in the meeting room at 560 Magnolia Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.

~~A~~.B. **Special Meetings and Workshops.** Special Meetings and Workshops of the Board of Directors may be called by the Board President or by a majority of the Board.

- i. All Directors shall be notified of a Special Board Meeting and/or Workshop and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least twenty-four (24) hours prior to the meeting.

~~B~~.C. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in the subparagraph above.

~~C~~.D. **Annual Organizational Meeting.** The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President, ~~and~~ Secretary ~~/ and~~ ~~and~~ Treasurer from among its members to serve during the coming calendar year, and will appoint a staff member recommended by the General Manager as the Board's Recording Secretary.

~~D~~.E. **Agenda Order.** The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

~~E~~.F. **Public Involvement.** The Chairperson and the General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

### 6.

#### BOARD MEETING AGENDAS

A. **Agenda.** The General Manager, in cooperation with the Board President ~~and Vice President~~,

shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.

- B. **Public Requests.** 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:
- i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least ~~ten~~<sup>eight</sup> (~~10~~) business days prior to the date of the meeting;
  - ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and
  - iii. 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.
- C. **Testimony.** This policy does not prevent the Board from taking public testimony at regular and special meetings of the Board on matters which are within the jurisdiction of the Board but not on the agenda\_ which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
- D. **Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.
- i. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.
  - ~~E.~~ The deadline for submission of an agenda matter is the Monday two weekseight working days prior to the (second Wednesday) meeting.

## 7. BOARD MEETING CONDUCT

- A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 "Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol.
- B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
- C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
- i. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems~~exercise sound judgment in the business efforts of the District~~; and,

## Attachment C - Redlined Policy includes all staff recommendations and PC edits

### 1. BASIS OF AUTHORITY

- A. **Authority.** The Board of Directors is the legislative body and unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole. Routine matters concerning the operational aspects of the District are delegated to District staff members.

### 2. MEMBERS OF THE BOARD OF DIRECTORS

- A. **Information.** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
- i. Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.
  - ii. Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.
- B. **Conduct.** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- C. **Comments.** Directors shall defer to the chairperson 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.
- D. **Pertinence.** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).
- E. **Conflict of Interest.** Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.
- F. **Information.** Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

### 3. COMMITTEES OF THE BOARD OF DIRECTORS

- A. **Ad Hoc Committees.** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of

the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

- B. **Standing Committees.** The following shall be standing committees of the Board:
  - i. Personnel Committee; and
  - ii. Finance and Audit Committee.
- C. **Appointment.** The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in December/January.
- D. **Oversight.** The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board in writing.
  - i. All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.
- E. **Personnel.** The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.
- F. **Finance and Audit.** The Board's standing Finance and Audit Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

#### 4. BOARD PRESIDENT

- A. **Rights.** The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she 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.
  - B. **Responsibilities.** Responsibilities of the Board President include:
    - i. Sign all instruments, act, and carry out stated requirements and the will of the Board;
    - ii. Sign the minutes of the Board meeting following their approval;
    - iii. Appoint and disband all committees, subject to Board ratification;
    - iv. Call such meetings of the Board as deemed necessary and giving proper notice;
    - v. Coordinate the preparation of meeting agendas with the General Manager
    - vi. Confer with the General Manager or designee on crucial matters which may occur between Board of Directors meetings;
    - vii. The orderly conduct of all Board meetings;
    - viii. Serve as spokesperson for the Board; and
    - ix. Perform other duties as authorized by the Board.
- ~~A.~~

B.C. **Absence.** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

## 5. BOARD MEETINGS

- A. **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday and fourth Thursday of each calendar month at 6:00 p.m. in the meeting room at 560 Magnolia Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.
- B. **Special Meetings and Workshops.** Special Meetings and Workshops of the Board of Directors may be called by the Board President or by a majority of the Board.
  - i. All Directors shall be notified of a Special Board Meeting and/or Workshop and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least twenty-four (24) hours prior to the meeting.
- C. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in the subparagraph above.
- D. **Annual Organizational Meeting.** The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President, Secretary and Treasurer from among its members to serve during the coming calendar year, and will appoint a staff member recommended by the General Manager as the Board's Recording Secretary.
- E. **Agenda Order.** The President of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.
- F. **Public Involvement.** The President and the General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

## 6. BOARD MEETING AGENDAS

- A. **Agenda.** The General Manager, in cooperation with the Board President **and/or Vice President**, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.
- B. **Public Requests.** 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:

- i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least **ten (10) business days** prior to the date of the meeting;
- ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and
- iii. 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.

**C. Director Requests. Any Director 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:**

- i. **The request must be in writing and submitted to the Board President and General Manager together with supporting documents and information, if any, by noon at least five (5) working days prior to the date of the meeting;**
- ii. **The agenda will be set at the discretion of the President and General Manager per Section 6A, above. Should the President decline to agendize an item requested by an individual Board member, the item may be agendized at a subsequent meeting based on a majority vote of the Board.**

**D. Testimony.** This policy does not prevent the Board from taking public testimony at regular and special meetings of the Board on matters which are within the jurisdiction of the Board but not on the agenda. ~~which a member of the public may wish to bring before the Board.~~ However,

- i. ~~The~~ Board shall not discuss or take action on such matters at that meeting.
- ii. The Board may:
  - a. Respond briefly to statements / questions from the public
  - b. Ask a question for clarification
  - c. Make a brief announcement
  - d. Make a brief report on his / her activities
  - e. Provide a reference to staff or other sources for information
  - f. Request staff report back at a later meeting, or
  - g. Direct staff to place the matter on a future agenda (subject to Section 000)

~~D.~~

**E. Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.

- i. **The posting of agendas and notices will be governed by the provisions of the Brown Act (Government Code 54950 et. seq.)**
- ii. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.

## 7. BOARD MEETING CONDUCT

A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 “Rules of Order for Board and Committee Meetings”, shall be used as a general guideline for meeting protocol.

B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:

i. Consider problems to be solved, weigh evidence related thereto, and exercise sound judgment in the business efforts of the District; and,

ii. Receive, consider and take any needed action with respect to reports of accomplishment of District operations; and

~~iii.~~ -Deal always in an ethical, honest, straightforward, open and above-board manner with the community, the General Manager, and District staff.

D. **Public Comment.** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:

i. Three (3) minutes may be allotted to each speaker. Attendees may not assign their allotted time to another speaker.

Deleted 20  
minute max time.

ii. No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the President, of that person’s privilege of address.

E. **Disruption.** Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board’s business without them present.

After clearing the room of disruptive individuals, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

## 8. BOARD ACTIONS AND DECISIONS

A. **Actions.** Actions by the Board of Directors include but are not limited to the following:

i. Adoption or rejection of regulations or policies;

- ii. Adoption or rejection of a resolution;
  - iii. Adoption or rejection of an ordinance;
  - iv. Approval or rejection of any contract or expenditure;
  - v. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of ~~personnel~~the General Manager, and the classification and compensation plan; and,
  - vi. Approval or disapproval of matters that require or may require the District or its employees to take action and / or provide services-
- B. **Majority.** Action can only be taken by the vote of the majority of the Board of Directors. **Action may be taken by a vote of a majority of a quorum attending a Board meeting, unless a greater number of votes is required to pass the action due to the application of state or federal law.**
- C. **Quorum.** Three (3) Directors represent a quorum for the conduct of business.
- i. Abstention. 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.
    - a. **Example.** If three (3) of five (5) 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 (1) Director abstains on a particular action and the other two (2) cast “aye” votes, no action is taken because a majority of the Board” did not vote in favor of the action.
    - b. **Example.** If an action is proposed requiring a two-thirds (2/3) vote and two (2) Directors abstain, the proposed action cannot be approved because four (4) of the five (5) Directors would have to vote in favor of the action.
    - c. **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three (3) Directors must vote in favor of the appointment for it to be approved. If two (2) of the three (3) Directors present abstain, the appointment is not approved.
- D. **Directions.** 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.
- i. The President shall determine by consensus a Board directive and shall state it for clarification. Should any two (2) Directors challenge the statement of the President, a voice vote may be requested.
  - ii. 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.).
  - iii. Informal action by the Board is still Board action and shall only occur regarding

matters that appear on the agenda.

iv. The Board shall act collectively and not individually become involved in the day-to-day operation of the District.

iii-v. Individual Board members may follow up on direction given to the General Manager.

**vi. The General Manager or assigned staff shall make every effort to communicate a definitive answer in a timely manner.**

## 9. ATTENDANCE AT MEETINGS

A. Attendance. Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is ~~good~~ cause for absence.

B. Punctuality. Each member shall be in his or her respective seat at the hour set for each regular meeting and at the time set for any special or adjourned meeting. ~~Any member not present within 10 minutes of the call to order shall be designated in the minutes as absent.~~ If a member arrives after a meeting convenes, the recording secretary shall note his or her arrival time in the minutes **and the Board member shall be deemed present.**

“Any member not present within 10 minutes...” was deleted to retain consistency with the new language suggested by the Personnel Committee on 9/23.

A.C. Absences. If any member of the Board is unable to attend a meeting, the Board member shall, if possible, notify the Board President or the Board Secretary prior to the meeting.

## 10. MINUTES OF BOARD MEETINGS

A. Minutes. Staff acting in his/her capacity as "Recording Secretary" shall keep minutes of all regular and special meetings of the Board.

- i. 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 kept on archival paper in a fire resistant room.
- ii. Unless directed otherwise, an audio recording of regular and special meetings of the Board of Directors will be made **providing that no such recording shall be made of any closed session of the Board of Directors.** The device upon which the recording is stored shall be kept for a minimum of 100 days in a fireproof vault or in fire-resistant room or locked cabinet. Members of the public may inspect recordings of Board meetings without charge on a playback device that will be made available by the District.
- iii. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the

beginning of each year. 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:

- a. Date, place and type of each meeting;
- b. Directors present and absent by name;
- c. Administrative staff present by name;
- d. Call to order;
- e. Time and name of late arriving Directors;
- f. Time and name of early departing Directors;
- g. Names of Directors absent during any agenda item upon which action was taken;
- h. Summary record of staff reports;
- i. Summary record of public comment regarding matters not on the agenda, including names of commentators;
- j. Approval of the minutes or modified minutes of preceding meetings;
- k. Approval of financial reports;
- l. Complete information as to each subject of the Board's deliberation;
- m. Record of the vote of each Director on every action item;
- n. Resolutions and ordinances described as to their substantive content and sequential numbering;
- o. Record of all contracts and agreements, and their amendment, approved by the Board;
- p. Approval of the annual budget;
- q. Approval of all policies, rules and/or regulations;
- r. Approval of all dispositions of District assets;
- s. Approval of all purchases of District assets; and
- t. Time of meeting's adjournment.

## 11. RULES OF ORDER FOR BOARD AND COMMITTEE MEETINGS

- A. **Policy.** Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules (Robert's Rules of Order).
- B. **Point of Order.** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
- C. **Obtaining the Floor.** Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.
- D. **Motions.** Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:
  - i. A Director makes a motion; another Director seconds the motion; and the President states the motion.

- ii. Once the motion has been stated by the President, it is open to discussion and debate. After the public in attendance has had an opportunity to comment, and after the matter has been fully debated, the President will call for the vote.
  - iii. Any Director may move to immediately bring the question being debated to a vote (following public input), thus suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.
  
- E. **Secondary Motions.** Ordinarily, only one (1) motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.
  - i. **Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.
  - ii. **Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.
  - iii. **Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.
  - iv. **Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.
  - v. **Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.
  - vi. **Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.
  
- F. **Decorum.**
  - i. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.
  - ii. The President may also declare a short recess during any meeting.
  
- G. **Amendment of Rules of Order.** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:
  - a. Temporarily suspend these rules in whole or in part;

- iii. Amend these rules in whole or in part; or,
- iii. Both.

## 12. TRAINING, EDUCATION AND CONFERENCES

A. Policy. The Beaumont-Cherry Valley Water District takes its stewardship over the use of limited public resources seriously. Public resources should only be used when there is a substantial benefit to the District.

- i. Educational conferences and professional meetings are considered to provide substantial benefit. Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. Such benefits include:
  - a. The opportunity to discuss the community's concerns with state and federal officials;
  - b. Participating in regional, state and national organizations whose activities affect the District;
  - c. Attending educational seminars designed to improve officials' skill and information levels;
  - A-d. Promoting public service and morale by recognizing such service.
- ii. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

B. Expenses. It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. ~~Cash advances or use by Directors of District credit cards for these purposes is not permitted unless approved by Article 14E.~~

- i. Staff as assigned by the General Manager is responsible for making arrangements for Directors for conference and registration expenses ~~and may help as requested for per diem.~~
- ii. ~~Per diem, when appropriate~~ Reimbursement shall include ~~reimbursement of~~ expenses for meals, lodging, authorized incidentals (see Section 14H) and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the assigned staff member within 30 days of the incurred expense on a District-supplied Expense Form, together with ~~validated-original, valid~~ receipts in accordance with State law.
- iii. Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

- iv. Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth, if any, by the event sponsor and by:
  - a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.
  - b. Directors traveling together whenever feasible and economically beneficial.
  - c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
- C. Notice. A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.
- D. Reimbursement. Upon returning from seminars, workshops, conferences, etc., where expenses are paid and/or reimbursed by the District, Directors will either prepare a written report for distribution to the Board or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

**13. REMUNERATION / DIRECTOR PER DIEM FEES**

Added by Pres. Covington 11/4/19

- A. Assignment. The Board President may appoint one of the Board members as liaison to attend any meeting on a regular basis.
- B. Remuneration. Members of the Board of Directors shall be eligible to receive a “per diem” for each day of service rendered as an officer of the Board. The “per diem” amount shall be established by the Board and be consistent with applicable state law.
- C. Limit. Per diem compensation is limited to no more than 10 days per month.
- D. Attendance. For purposes of this section, attendance includes:
  - i. Physical presence at the majority of a meeting, event, conference or occurrence listed in subdivision D (below), unless presence for a lesser period is authorized by the Board President, or, for a committee meeting, by the committee chair;
  - ii. Participation by teleconference at the majority of a meeting pursuant to California Government Code 54953;
  - iii. Participation in an approved home study or online Ethics course to meet the requirements of Government Code Sections 53234-53235.5 when participation has been authorized by the Board President.

E. Eligibility. Matters of District Business eligible for per diem shall include, but not be limited to:

1. General Board Member Preapproved Activities/Events. The following activities/events are preapproved for all Board members:

a. Board and Committee Meetings

All regular and special board meetings and committee meetings for appointed members

b. Conferences

(1) ACWA and ACWA-JPIA conferences, trainings and webinars and ACWA Region 9 meetings

(2) CSDA Conferences, trainings and webinars

c. Other Agencies

(1) San Gorgonio Pass Water Agency Board or Committee meetings. ~~The Board may appoint one of its members as liaison to attend any such meetings on a regular basis.~~

(3) Beaumont Basin Watermaster

(4) City of Beaumont

Any official city meeting.

(5) City of Banning

Any official city meeting

(6) LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda

d. Training Seminars

(1) State mandated ethics training

a. The entire two-hour course counts as ONE day of service, even if the coursework is completed over more than one 24-hour period.

(2) State mandated sexual harassment training

a. The entire course counts as ONE day of service, even if the coursework is completed over more than one 24-hour period.

(3) Brown Act training

2. Specific Board Member Authorization

The following activities/events are preapproved for Board members designated to represent the District by the Board President.

- a. ACWA Committees
- a.b. Meetings of a legislative body of another government agency, or an official event sponsored by another government agency, when attendance has been authorized by the President,
- b.c. Meetings with members of the legislative executive or judicial branch of the state or federal government when attendance is directed by the President,
- d. Meetings with the General Manager, District Counsel, or Board President on matters of District business
- e. Other meetings or events for Board members appointed by the President to attend such meeting or event on behalf of the District

3. Other Activities/Events, Authorization

Board members may seek authorization to attend other functions that constitute the performance of official duties, including, but not limited to, tours of Beaumont-Cherry Valley Water District facilities, tours of other agency facilities, dedication ceremonies, open houses, groundbreaking ceremonies, receptions for officials, retirement celebrations for other agency officials, anniversary celebrations, ribbon-cutting ceremonies, legislative roundtables, public hearings, project update meetings, meetings of ACWA Regions 1 through 10, and association dinners and lunches. Board members desiring to attend events of this nature should obtain approval from the Board in order to receive a per diem and expense reimbursement.

4. New Board Members Orientation

New Board members may receive one (1) per diem and expense reimbursement for an orientation program that meets the following criteria:

- a. Is part of a planned orientation schedule
- b. The orientation meeting is at least two (2) hours in duration
- c. The per diems for this purpose must be claimed during the first two (2) ~~six (6)~~ months of service on the Board
- d. New Board members may also attend a formal harassment awareness training seminar for District employees

F. Non-authorized Activities/Events

The following activities/events are not eligible for per diem or expense claims:

- a. Attending other districts' Board meetings other than listed under Eligible Matters

of District Business above, unless authorized by the Board

- b. Retirement receptions for Beaumont-Cherry Valley Water District employees/Board members
- c. Beaumont-Cherry Valley Water District picnics or other social functions
- d. Harassment awareness training for Beaumont-Cherry Valley Water District employees (except the first training for new Board members state-mandated training)
- e. Chamber of Commerce meetings or mixers.

D-G. Travel. Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the Counties of Riverside or San Bernardino as a reimbursable per diem travel day.

E-H. Requests. In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.

F-I. Reports. A Director who requests compensation ("per diem") for attendance at a meeting other than a regular, special, or committee meeting of the Board shall provide a brief report of the meeting to the Board at a regular meeting of the Board of Directors following the meeting that was attended. If multiple Board members attended, a joint report may be made.

G-J. Review. Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.

#### 14. PAYMENT OF EXPENSES INCURRED ON DISTRICT BUSINESS

A. **General.** ~~Whenever a Director or employee is attending any~~Directors may be allowed actual and necessary travel, meals, lodging and other actual and necessary incidental expenses incurred in the performance of official business of the District as approved by the Board. Such business may include: a meeting at which the interest of the District is the major purpose of the meeting, or attending a conference of an organization as authorized in this Manual, or by Board action, or otherwise representing the District at an approved civic or community function. ~~T~~he expenses incurred by reason of attendance at such meeting, conference, or other function shall may be reimbursed by the District in accordance with the rules set forth in this Section. In the event that circumstances prevent an expense reimbursement request from being considered in the manner described herein, a Director or employee may submit an expense reimbursement request to the Board for having attended a meeting or conference with the understanding that the Board may or may not approve the request.

B. **Non-reimbursables.** The following expenses are not reimbursable: alcoholic beverages, tips greater than 15 percent, parking or traffic violation fines, in-room movies, laundry service, and personal telephone calls. Rental car expenses are not reimbursable unless use of a rental

car is authorized prior to travel.

**C. Cost Control.** To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are uncured which exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within the guidelines.

**B-D. Spousal Expenses.** Under no circumstances shall the District prepay or reimburse expenses for a spouse.

**E. Transportation.** The most economical mode of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.

- i. Automobile. If travel is by automobile, a District vehicle shall be used if available. If the General Manager determines that a District vehicle is not available, the rate of reimbursement for mileage shall be the Internal Revenue Service standard mileage for business mileage. Parking, bridge, and road tolls are also reimbursable. If automobile travel is used in lieu of air travel, the transportation expense to be paid by the District will be limited to the total related costs, for duration of travel and ground transportation at the destination, that would have resulted had air travel been used, including, but not limited to, air fare, transportation to and from airports, and airport parking.
- ii. Rental car. Charges for rental vehicles and applicable insurance may be reimbursed when a District elected official or employee attending a conference, business meeting, or other engagement on District business due to a District vehicle not made available, or the use of District vehicle would not be justifiable. If more than one District elected official is attending, the rental vehicle shall be shared if reasonable. Rental vehicle shall only be of adequate size, and proportional to accommodate the immediate need of passengers. Only receipted fuel expenses for rental cars will be reimbursed.
- iii. Taxis, Shuttles, or Ride Share. Taxi, shuttle or ride share (Uber or Lyft) fares may be reimbursed, including a 15 percent gratuity per fare, when such transportation is required for time efficiency.
- iv. Airfare. Airfares booked should be the most economical and reasonable available for purposes of reimbursement under this policy. At the discretion of the General Manager, higher cost (e.g. fully refundable) airfare may be used if staff analysis shows such flexibility in scheduling is warranted and costs can be justified.

**G-F. Lodging.** Whenever required to spend the night away from home When traveling on District business and an overnight stay is reasonably required, District personnel shall engage a room at a good commercial hotel or motel. Government rates should be obtained when available. No suites, oversized rooms, or upgraded rooms will be permitted. If accompanied on the trip by another person who is not District personnel, and the room is shared, the District shall be charged only for that portion of the room charge, which would have been made for single occupancy. A receipted bill stating occupants and length of stay shall be submitted with the claim for expense reimbursement. If a room is occupied by more than

one person, the rate for single occupancy shall be noted on the receipted statement.

**G. Meals.** Reimbursable meal expenses ~~and associated gratuities (not to exceed 15 percent)~~ will not exceed the U.S. Department of General Services per diem rates. Meals included with conferences, seminars and / or business meetings are not reimbursable.

**D.H. ~~and~~ Incidental Expenses.** Expense allowance while attending authorized functions shall include, in addition to transportation, ~~and~~ lodging, ~~and~~ meals; ~~tips at 15 percent, business~~ telephone expense, stenographic expense, auto parking, ~~taxi~~ internet access, ~~baggage fees~~, and other disbursements on behalf of the District. No reimbursement shall be made of expenditures for personal services or needs. ~~District shall not pay for any alcohol expenses incurred.~~ If an automobile is used for transportation when air transportation ~~would be~~ required, expenditures for meals and incidental expenses chargeable to the District shall be those which would have resulted had air transportation been used.

**E.I. Lodging payment.** Lodging expenses for employees or Board members may be reserved and paid in one of the following manners:

- i. By individual director's District-issued credit card or employee's District-issued credit card
- ii. In advance by Finance Department staff using a District credit card
- iii. Via submission of a check request for pre-payment to the hotel
- F.iv. Charges made to an employee's or Director's personal credit card. Such charges shall be reimbursed upon submission of an approved expense report form (See Section 12D) which shall include itemized original receipts and a copy of the applicable credit card statement.

**G.J. Travel Advance.** A travel advance, equal to the estimated expenditures chargeable to the District, may be made upon a written detailed estimate of the amount needed, submitted to and approved by the General Manager and by the Board of Directors.

**H.K. Use of District Credit Cards.** The District shall make credit cards available to Board members and employees as deemed necessary for payment for District-related expenses. Board member credit cards shall be retained by the District until such time as they are needed. All Board member credit cards shall be used primarily for travel expenses. Board member credit cards will have a cap of \$2,500. ~~District credit cards are issued to certain District employees for use in connection with District-related business.~~ The following rules shall apply to the use of District credit cards:

- i. District credit cards will be used only for actual and necessary expenses incurred in performance of work-related duties and District business.
- ii. A District credit card shall not be used for personal expenses. Any personal charges appearing on a District credit card must be immediately reimbursed to the District. The charge of personal expenses by a District employee (staff) to a District credit card may result in revocation of card privileges and disciplinary action up to and including termination.

- iii. District credit cards will be used only by duly authorized Board members and District employees.
- iv. Purchases and expenditures will be charged and reconciled to the proper account on each monthly statement.
- v. ~~Detailed~~ Itemized, original receipts must be presented to the District business office for each expenditure made by credit card. Each expenditure must document the purpose of said expenditure, the person(s) involved and the business conducted.
- ~~v.~~vi. If a Board member or District employee loses a District-issued credit card, or has a District-issued credit card stolen, the employee or Board member must immediately report the loss or theft to the card-issuing bank and to the Finance Department.
- ~~i. — District Expenditures for the Convenience of Others. On occasion, the District may make expenditure or incur a charge in connection with District business, for the convenience of persons other than District personnel. Such expenditures or charges are made with the understanding that the District shall be credited against reimbursable expenses, or~~

~~reimbursed directly as a balance owing the District on the "Report of Expenses", as provided in the next section.~~

J.L. **Report of Expenses for Reimbursement.** District ~~Directors and~~ personnel shall submit a District-provided form, "Record of Expenses / Claim for Reimbursement (Conferences, Meetings, Travels)" ~~of which must include~~ all expenses incurred ~~by them~~ while acting in the interest of the District, to which will be attached the associated vouchers and/ or original, itemized receipts. The form shall be submitted within fifteen (15) days of the conclusion of the transaction. Each expenditure item shall include a detailed description of the function and the nature of the District business conducted. The statement shall also indicate the travel advance, if any, credits for expenses apportioned to personal needs, services, or expenses incurred to the District. Balances owing the District shall be paid on submission of the expenses statement. Amounts due to District personnel shall be paid after the expense statement is reviewed and approved by the General Manager ~~and approved by the Board of Directors.~~

## 15. EXPENDITURE REIMBURSEMENT

- A. **Purpose.** The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.
- B. **Scope.** This policy applies to all employees and members of the Board of Directors and is intended to result in no personal gain or loss to an employee or director.
- C. **Implementation.** Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the General Manager and the Board of Directors respectively. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.
  - i. The Treasurer and/or the General Manager will review and approve reimbursement requests. Reimbursement requests by the Treasurer and General Manager will be reviewed and approved by the Finance and Audit Committee and/or the Board of Directors.
  - ii. All expenses must be reasonable and necessary, and employees and directors are encouraged to exercise prudence in all expenditures.
  - iii. The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.

- iv. Expenditures for food and lodging will be moderate and reasonable.

## 16. MEMBERSHIP IN ASSOCIATIONS

- A. **Policy.** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in- service training.

## 17. ETHICS TRAINING

- A. **Policy.** All directors and designated executive staff of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within six (6) months of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- B. **Application.** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- C. **Provider.** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- D. **Participation.** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.
- E. **Records.** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.
- F. **Training Information.** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.
- G. **Training Options.** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- H. **Requirements.** Any director of the District that serves on the board of another agency is only required to take the training once every two (2) years.

## 18. CODE OF ETHICS

- A. **Policy.** The Board of Directors of the District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including AB 1234 (Salinas) ~~approved in 2006 (copy attached as reference).~~

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed:

- i. The dignity, style, values and opinions of each Director shall be respected.
- ii. Responsiveness and attentive listening in communication is encouraged.
- ~~iii.~~ iii. The needs of the District's constituents should be the priority of the Board of Directors. Directors are accountable to the ratepayers who use the District's services.
- ~~iii-iv.~~ iii-iv. Directors should learn and recognize the various economic interests from which conflict can arise. When a Director believes he/she may have a conflict of interest, the District's legal counsel shall be requested to make a determination if one exists or not.
- ~~iv-v.~~ iv-v. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- ~~v-vi.~~ v-vi. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- ~~vi-vii.~~ vi-vii. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
- ~~vii-viii.~~ vii-viii. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.
- ~~viii-ix.~~ viii-ix. Directors should practice the following procedures:
  - a. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
  - b. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate

assistance.

- c. In presenting items for discussion at Board meetings, see Section 6, Board Meeting Agendas.
- d. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and/or the District's legal counsel.

~~ix-x.~~ If approached by District personnel concerning specific District policy, Directors should direct inquiries to the ~~appropriate staff supervisor or~~ General Manager. The chain of command should be followed.

B. **Team Effort.** The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

- i. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
- ii. Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
- iii. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- iv. Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

## 19. ETHICS POLICY

The policy of the Beaumont-Cherry Valley Water District/Agency is to maintain the highest ethical standards for its Directors and staff. The proper operation of the District requires that decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Directors and staff remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Directors and District staff will maintain the highest standard of personal honesty and fairness in carrying out their duties.

This policy sets forth the basic ethical standards to be followed by the Board of Directors of the Beaumont-Cherry Valley Water District. The objectives of this policy are to (i) provide guidance for dealing with ethical issues, (ii) heighten awareness of ethics and values as critical elements in Directors' conduct, and (iii) improve ethical decision-making and values-based

management.

- A. **Responsibilities of Public Office.** Directors are obligated to uphold the Constitution of the United States and the Constitution of the State of California. Directors will comply with applicable laws regulating their conduct, including conflict of interest, financial disclosure and open government laws. Directors will strive to work in cooperation with other public officials unless prohibited from so doing by law or officially recognized confidentiality of their work. (Cal. Const., art. XX, § 3; Gov. Code, § 1360.)
- B. **Fair and Equal Treatment.** Directors, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Director 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.
- C. **Proper Use and Safeguarding of District Property and Resources.** Except as specifically authorized, the California Constitution prohibits a Director from making a “gift of public funds” by utilizing or permitting the use of District -owned vehicles, equipment, telephones, materials or property for his or her personal benefit or profit of third parties. A Director will not ask or require a District employee to perform services for the personal benefit or profit of a Director. Each Director must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. Directors will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. (Cal. Const., art. XVI, § 6; Gov. Code, §§ 8314 and 53234 et seq.; Pen. Code, § 424; see *People v. Battin* (1978) 77 Cal.App.3d 635.)
- D. **Use of Confidential Information.** A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information to a person not authorized to receive it. Under applicable provisions of law, information qualifies as confidential if it
  - i. Has been received for, or during, a closed session meeting of the Board,
  - ii. Is protected from disclosure under the attorney/client or other evidentiary privilege, or Is not required to be disclosed under the California Public Records Act. This Section does not prohibit a Director from taking any of the following actions:
    - a. 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,
    - b. 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

- c. Disclosing information acquired during a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (i) or (ii), above, however, a Director will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

E. **Conflict of Interest.** The Political Reform Act, Government Code Section 81000, et. seq., requires local government agencies to adopt a Conflict of Interest Code which is hereby incorporated by reference.

- i. Statement of Economic Interests (Form 700). (See District’s Conflict of Interest Policy, a separate document, incorporated herein by reference). A Director will file an annual Statement of Economic Interests as required by the Fair Political Practices Commission (FPPC). A new Director will file an Assuming Office Statement of Economic Interests, and an outgoing Director will file a Leaving Office Statement of Economic Interests before the deadline as set by the FPPC.
- ii. A Director will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District or a vendor ~~at~~of a purchase made by the District, unless the Director’s participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law. A Director will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 et seq., relating to conflicts of interest. Generally, a Director 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 Fair Political Practices Commission [FPPC] regulations found at Cal. Code Regs., tit. 2, §§ 18100 et seq.) that is distinguishable from the effect on the public generally on:
  - a. A business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;
  - b. Real property in which the Director has a direct or indirect investment interest, with a value in the amount specified in FPPC regulations;
  - c. A source of income for the Director in the amount specified in FPPC regulations, within twelve (12) months before the Board decision;
  - d. A source of gifts to the Director in an amount specified in FPPC regulations within twelve (12) months before the Board decision; or
  - e. A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.
- iii. An “indirect interest” means any investment or interest owned by the spouse or

dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent, owns directly, indirectly or beneficially a ten percent (10%) interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Directors will report all gifts, campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC regulations. (Gov. Code, §§ 87100 et seq.)

- iv. If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:
  - v. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District's General Manager and the District's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
  - vi. If it is not possible for the Director to discuss the potential conflict with the General Manager and the District's legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director 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
  - vii. Upon a determination that there is a disqualifying conflict of interest, the Director
    - a. Will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and
    - b. Will 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 or the Director has been advised that specific FPPC exemption applies.
- F. **Nepotism.** A Director will not recommend the employment of a relative by the District. A Director will not recommend the employment of a relative to any person known by the Director to be bidding for or negotiating a contract with the District.
- G. **Soliciting Political Contributions.** Directors are prohibited from soliciting political funds or contributions at District facilities, or from District employees. A Director will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending

before the District. A Director will not use the District's seal, trademark, stationery or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. (Gov. Code, § 3205.)

- H. **Incompatible Offices.** ~~Another aspect of Directors are prohibited conflicts of interest is from simultaneous holding of two incompatible public offices, unless simultaneous holding of the offices is compelled or expressly authorized by law, per Government Code Section 1099. When public offices are incompatible, the public officer forfeits the first office upon taking the second.~~

~~Government Code section 1099 codifies the common law rule against holding incompatible public offices. Under section 1099, offices are incompatible under any of the following circumstances unless the simultaneous holding of the office is compelled or expressly authorized by law:~~

~~Either office may audit, overrule, remove members of, dismiss employees of, or supervise the other office or body;~~

~~Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices;~~

~~Public policy considerations make it improper for one person to hold both offices. The doctrine of incompatible offices does not apply to positions on government bodies that are solely advisory, or to positions of employment. (Gov. Code, § 1099; 83 Ops.Cal.Atty.Gen 153 (2000); 58 Ops.Cal.Atty.Gen. 109 (1975).) However, the Attorney General has repeatedly held that certain positions, such as general manager of a water district and city manager, are public offices. (E.g., 82 Ops.Cal.Atty.Gen. 201 (1999); 67 Ops.Cal.Atty.Gen 409 (1984).) Government Code section 53227 prohibits an employee of a special district from taking office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.~~

- I. **Director-General Manager-Financial Officer Relationship.**

**General Manager.** The Board sets the policy for the District. The General Manager is an employee of the District and is the administrative head under the direction of the Board.  
The General Manager:

- i. Has charge and control of the construction, maintenance and operation of the water system and other facilities of the District upon approval of the Board of Directors,
- ii. Has power and authority to employ and discharge employees and assistants, consistent with District policy and other provisions of law,
- iii. Prescribes the duties of employees and assistants, consistent with District policy, and
- iv. Fixes and alters the compensation of employees and assistants, subject

to approval by the Board.

The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings.

Members of the Board will deal with matters within the authority of the General Manager through the General Manager, and not through other District employees, except as it pertains to the functions of the Financial Officer, **or on ethical issues related to the General Manager.**

Members of the Board will refrain from making requests directly to District employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments.

Members of the Board may request non-confidential, factual information regarding District operations from District employees.

**General Manager Duty.** The General Manager has primary responsibility for:

- i. Ensuring compliance with the District's Personnel Manual, and ensuring that District employees do not engage in improper activities,
- ii. Investigating allegations of improper activities, and
- iii. Taking appropriate corrective and disciplinary actions.

**Board Duty.** The Board has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board.

Directors are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge.

Directors 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.

**Financial Officer.** The Financial Officer will report to the General Manager and will be available to respond to financial questions concerning the District when called upon by board members.

The Financial office will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District in accordance with generally accepted accounting principles and legal requirements.

The Board will retain and periodically review the work of an auditor as an independent

contractor of the District (other than the Financial Officer), who will report to the Board, to conduct an annual audit of the District's books, records and financial affairs.



**Beaumont-Cherry Valley Water District  
Regular Board Meeting  
November 13, 2019**

**ATTACHMENT C**

**STAFF REPORT**

**TO:** Board of Directors  
**FROM:** Dan Jagers, General Manager  
**SUBJECT:** **Resolution 2019-\_\_\_: Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff**

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**Staff Recommendation**

Adopt Resolution 2019-\_\_\_: Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff as presented

or

Direct staff as desired

**Background**

At the July 23, 2018 Personnel Committee meeting, Committee members directed staff to review, revise and update the District's Policies and Procedures. The project is being addressed by staff in Sections. Part II pertains to the Board of Directors and staff (employees), and sets policies regarding reimbursement, training, meeting dates, and more. It also contains the District's Code of Ethics and Ethics Policy. From November 26, 2018 through September 23, 2019, the Personnel Committee reviewed and revised amendments to Part II. At the meeting of September 23, 2019, the Committee recommended the policy to the Board of Directors for adoption.

Attached is the current Policies and Procedures Manual Part II, a redlined version showing the proposed revisions, and a final version without redline.

**Summary**

Staff consulted a number of sources to update the content and verbiage of Part II, including sample policies from the California Special Districts Association, articles published by the California League of Cities and Institute for Local Government, and recently updated manuals of other special districts.

Staff also incorporated changes related to Board member comments and input and included clarification of previously unclear policy statements.

After intense review and discussion, also included are revisions and additions by the Personnel Committee.

Significant substantive changes include:

1. Section 4B – Board President Responsibilities. Responsibilities have been added pursuant to current practices.
2. Section 7C – Board Meeting Conduct. Language regarding decision-making was generalized and a section was added regarding communication.



3. Section 7D – Language was added to reflect the same verbiage on the regular meeting agenda – a speaker may not assign their allowed time to another speaker.
4. Section 8A – Board Action. Revisions were made to reflect Board action best practices and were based on sample policies of other districts.
5. Section 8C – Quorum was added to clarify the constitution of a quorum.
6. Section 9B and 9C – Meeting Attendance. Language was added regarding punctuality and absences to assure proper recordkeeping and procedure.
7. Section 12 – Training, Education and Conferences. This section was thoroughly revised to maintain consistency with other policy areas and eliminate areas of question while allowing flexibility.
8. Section 13 – Remuneration. This section was thoroughly revised to clarify the Board's entitlement to per diems. The revisions are based on other sample policies plus comments made by members of the Board, and address situations encountered by Board and staff over the past year.
9. Section 14 – Payment of Expenses incurred on District Business. This section was thoroughly revised to reflect current best practices, eliminate redundancy, and to better clarify terms.
10. Section 20E – Ethics Policy. Minor revisions were made to reflect current law on filing of Statements of Economic Interests.
11. Section 20H – Incompatible Offices. This section was reduced to eliminate redundant references to existing California law, and instead incorporates law by reference.

Revisions in addition to those listed above have been incorporated into the proposed Part II policy document, and staff recommends thorough consideration by the Board of Directors.

The proposed policy attached also includes minor revisions recommended by legal counsel, denoted on the redline version in blue.

### **Fiscal Impact**

No fiscal impact to the District.

### **Attachments**

Attachment A: Resolution 2019-\_\_: Revising the District's Policies and Procedures Manual Part II

Attachment B: Exhibit A - Beaumont-Cherry Valley Water District Policies and Procedures, Part II Proposed, no redline

Attachment C: Proposed Beaumont-Cherry Valley Water District Policies and Procedures, Part II Redlined

Attachment D: Beaumont-Cherry Valley Water District Policies and Procedures, Part II Current

Report prepared by Lynda Kerney, Administrative Assistant



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
November 25, 2019**

Item 5

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance and Administrative Services  
**SUBJECT:** Health Coverage for Directors

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**Staff Recommendation**

No recommendation.

**Background**

At its meeting of October 9, 2019, the Board reviewed its per diem rates and noted that many other comparable districts offer health insurance coverage to their directors. Beaumont-Cherry Valley Water District (BCVWD) does not currently provide health benefit coverage to its elected directors. The Board directed staff to investigate opportunities and associated costs of providing health insurance to elected directors.

A Staff Report was presented to the Board at the November 13, 2019 meeting and staff was directed to further research the availability of health insurance for elected directors and the potential of a "cash-in-lieu" of benefit (monthly stipend). The Board requested a follow-up report to be presented at the January 8, 2020 Board meeting.

**Summary**

**Cash-in-Lieu of Benefit**

Although this option is available to employees in general, it is not a benefit currently offered at BCVWD. Initial research revealed a legal opinion produced by the Association of California Water Agencies / Joint Powers Insurance Authority (ACWA/JPIA) indicating that a cash-in-lieu of benefit is not an option for elected officials (see Attachment A). Staff has submitted this opinion to BCVWD legal counsel for verification / concurrence.

**Health Benefits**

Currently, the BCVWD contracts for health insurance through CalPERS, which offers a variety of plans. Unfortunately, CalPERS restricts eligibility for these plans to full time employees who are CalPERS members. The 1994 Public Employees Retirement Law now prohibits elected officials of water districts from becoming members of CalPERS, so BCVWD would have to change its insurance provider should the directors vote to add health coverage to their benefits. Preliminary research by staff shows that such a change would require renegotiation with the District's Employee Association, and anticipated impacts could include all staff changing medical providers due to different insurers, and / or potential increase in premiums.

The Board directed staff to research separate policy options for director coverage. This activity is underway. Any new insurance policy option will need to be procured through a broker.



The District pays 100 percent of the health insurance premium for all full-time regular employees. If the Board chooses to institute director health coverage, costs could vary based on any decided benefit; i.e. director coverage could be District-paid 100 percent, 90 percent or other formula as determined by the Board.

### **Fiscal Impact**

Up to +/- \$126,854.40 estimated

Based on the costs of current employee coverage, with all five directors covered and assuming 100 percent District-paid benefit, the annual fiscal impact to the District would range from approximately \$37,195.80 if insurance covered each Director only (no dependents) on the least cost plan, to \$126,854.40 if insurance covered each Director's family on the highest cost plan. These estimates are based on the current CalPERS plans and will vary when/if the District changes its health plan provider in order to provide Director coverage. Staff is working to obtain these specific costs.

### **Attachment(s)**

- A: ACWA/JPIA Memorandum "Cash in lieu of health benefits to Board Members," dated 3/3/14
- B: Staff Report – Board of Directors meeting 11/13/19

Report prepared by Lynda Kerney, Administrative Assistant

# Memorandum



ASSOCIATION OF CALIFORNIA WATER AGENCIES  
**JOINT POWERS**  
INSURANCE AUTHORITY

**To:** Sandra Smith, Employee Benefits Manager  
**From:** Robert H. Greenfield, Esq., Claims Litigation Counsel  
**Date:** March 3, 2014  
**Re:** Cash in lieu of health benefits to Board Members

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**The issue presented is if the member district provides health benefits to its Board of Directors, may a director take the cash value of the benefit rather than the benefit.**

The answer is no.

California Water Code § 20201 states, “the governing board of any water district may by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board in an amount not to exceed one hundred dollars per day for each day’s attendance at meetings of the board, or for each day’s service rendered as a member of the board by request of the board.

Statute also provides that any additions to the compensation may not exceed 5% annually. Also any change requires a public hearing.

Finally, several code sections limit the total number of compensable days to a maximum of 6 per month. See Water Code §§ 34741, 30507, 21166, 50605, & 74208. Similar statutes exist for CSD’s and PUD’s.

Government Code § 35120 provides: “Notwithstanding any statutory limitation upon compensation or statutory restriction relating to interest in contracts entered into by any local agency, any member of a legislative body may participate in any plan of health and welfare benefits permitted by this article.”

The public entity may pay for the health benefits directly as it does with its employees. Alternatively, the entity may reimburse the board member for his/her out of pocket expense for health benefits. It should be noted that if the director receives health coverage from another source, the cost of the health benefit may not be given as cash but may be used to cover any out of pocket costs the director incurs as part of the other plan, such as co-payments or out of plan expenses.

There are two Attorney General Opinions that are frequently cited on the subject of cash in lieu of benefits, which at first blush may seem contradictory. In Opinion 00-111 the public agency requesting an opinion was a school district. The AG opined that cash in lieu of health benefits would be compensation of a public official. *Thorning v Hollister School Dist.* (1992) 11 Cal.App 4<sup>th</sup> 1598, 1606-1607. As such, the compensation would result in excess compensation over the statutory allowable limit.

Often cited for the proposition that cash may be paid to board members Opinion 05-910 does allow cash in lieu of benefits. However, this opinion is very limited to special language contained in the statutes for general law cities to the city council members. It is not a change in the prior opinion.

### **Recommendations if cash has been paid to directors.**

The total payments made in cash to the director in lieu of not receiving health benefits **must** be paid back to the district.

As the AG suggests that the members of the governing board who approved the payments may be subjected to criminal prosecution. Government Code §1222 states that every willful omission to perform any duty enjoined by law is punishable as a misdemeanor. The statutes provide a limit on compensation. Exceeding these limits may be viewed as a willful omission to comply with the law. The District attorney of the county would be the appropriate public official responsible for investigating and prosecuting such an action.

In addition to criminal proceedings, there may be various civil remedies available. Public officials who authorize improper expenditures may incur personal liability and be order to make restitution. *Stanson v Mott* (1976) 17 Cal.3d 206. Furthermore the district may be subject to a taxpayer suit under the Code of Civil Procedure §526a. In *TRIM, Inc. v County of Monterey* (1978) 86 Cal.App.3d 539 the Court held, "Taxpayers clearly have standing to challenge illegal expenditures of funds by county officials under section 526a and may also sue to enjoin wasteful expenditures."



**Beaumont-Cherry Valley Water District  
Regular Board Meeting  
November 13, 2019**

**ATTACHMENT B**

STAFF REPORT

**TO:** Board of Directors  
**FROM:** Dan Jagers, General Manager  
**SUBJECT:** **Review and Consideration of Adjustment of Director Per Diem Fees and Provision of Health Benefits for Directors**

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**Staff Recommendation**

Review and consider adjustment of Director Per Diem fees and provision of health insurance benefits for directors and direct staff as follows:

- Option 1: Per Diem Rate: Staff shall prepare an amendment to Ordinance 2007-01 and set a date for the required public hearing to amend the per diem rate  
AND / OR
- Option 2: Health Benefits: Staff shall do all things necessary to begin provision of health insurance and / or other fringe benefits to directors, as desired  
OR
- Option 3: Staff shall do nothing. The per diem rate will remain at \$200 and no health insurance benefits will be offered to elected directors.

**Background**

At its meeting of October 9, 2019, the Board reviewed its per diem rates per the attached October 9, 2019 Staff Report and noted that many other comparable districts offer health insurance coverage to their directors. Beaumont-Cherry Valley Water District (BCVWD) does not currently provide health benefit coverage to its elected directors. The Board directed staff to investigate opportunities and associated costs of providing health insurance to elected directors.

In addition, the Board directed staff to produce an average compensation figure when given the costs of health coverage (see Table B). California Government Code Section 53201 and 53205.1 allows a special district to provide benefits to its board members and their dependents, including health (medical), dental, vision and life insurance. Director health benefits are considered a beneficial use of public funds, as it is in the best interest of the district to assure its directors and their families are healthy and not burdened by excessive healthcare costs and illnesses.

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**Summary**

**Option 1 – Per Diem Rate**

BCVWD’s current director per diem rate is \$200. The average per diem of comparable agencies<sup>1</sup> is \$176.22; however 83 percent of the comparable agencies surveyed offer health insurance benefits to their elected directors, where BCWVD does not. The Board may increase its per diem rate in any amount up to the maximum of \$320. Using an example of attendance at three (3) meetings per month, the BCVWD monthly per diem cost per director would be \$960.

TABLE A - PER DIEM (COST PER "DAY OF SERVICE")			
	Current per diem rate	Mtgs per month	Monthly cost of per diem
BCVWD current	\$ 200.00	3	\$ 600.00
Maximum increase	\$ 320.00	3	\$ 960.00

**Option 2 – Health Benefits**

A survey of comparable agencies revealed that 15 out of 18 offer health insurance benefits to their directors. One agency instead offered a Medical Reimbursement Plan valued at \$2,000 per year. Benefits may be extended to the Board of Directors by revising the BCVWD Policies and Procedures Manual, Part II, Section 13 to add desired benefits.

Currently, the BCVWD contracts for health insurance through CalPERS, which offers a variety of plans. Unfortunately, CalPERS restricts eligibility for these plans to full time employees who are CalPERS members. The 1994 Public Employees Retirement Law now prohibits elected officials of water districts from becoming members of CalPERS, so BCVWD would have to change its insurance provider should the directors vote to add health coverage to their benefits. Preliminary research by staff shows that such a change would require renegotiation with the District’s Employee Association, and anticipated impacts could include all staff changing medical providers due to different insurers, and / or potential increase in premiums.

Using the average family health plan cost for local governments as published in a 2019 report by the Kaiser Family Foundation (\$1,818 per month), or the actual value of the benefit (see Exhibit A) the average monthly value of health benefits provided to directors of the comparable agencies surveyed is \$1,170.77. This is a benefit NOT currently provided to BCVWD directors, but appears to be a common practice of other agencies.

Table B (below) shows a comparison of staff-estimated average monthly director costs of per diems plus health insurance. If BCVWD were to offer health insurance, the monthly director cost would likely be very similar to other agencies’ benefit costs. Without the health insurance benefit, BCWVD’s director costs are currently approximately 25 percent of other agencies’ costs.

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<sup>1</sup> A comparable agency was determined by examining number of water connections, number of employees, annual operating budget, and proximity to BCVWD.



	Current per diem	Mtgs per month	Total monthly per diem cost	Est. cost of health benefit	Note	Est. cost of total director package
BCVWD electeds	\$ 200.00	3	\$ 600.00	\$ 1,797.80	(2)	<b>\$ 2,397.80</b>
Average of Comparator Districts	\$ 176.22	3	\$ 528.66	\$ 1,818.00	(3)	<b>\$ 2,346.66</b>

Note (2) : Cost of benefit based on BCVWD's current health plan, family coverage

Note (3): Estimated cost of benefit based on Kaiser Family Foundation 2019 Employer Health Benefits Survey

### **Fiscal Impact**

#### **Option 1: Per Diem Rate**

The fiscal impact of an increase in the director per diem rate is provided in Table C below and further detailed in the October 9, 2019 staff report, attached herewith as Exhibit B. If the director per diem is increased to the maximum level of \$320, the total annual maximum fiscal impact if all directors attend all meetings is \$ \$70,720, an increase of approximately \$21,720 per year.

TABLE C – Director Per Diem Increase

	Monthly Meetings	Per Diem per meeting All Directors attend		# of mtgs	Annual total All Directors, All Mtgs	
		\$200	\$320			
5 directors	Regular Board Mtg	\$1,000	\$1,600	12	\$12,000	\$19,200
5 directors	Engineering Workshop	\$1,000	\$1,600	11	\$11,000	\$17,600
2 directors	Standing Committees (2)	\$800	\$1,280	16	\$12,800	\$20,480
5 directors	Special Meeting	\$1,000	\$1,600	2	\$2,000	\$3,200
2 directors	Ad Hoc Committees (2)	\$400	\$640	16	\$11,200	\$10,240
	<b>Annual Totals</b>				<b>\$49,000</b>	<b>\$70,720</b>

The above Table C assumed 12 regular monthly Board meetings, 11 Engineering Workshops (historically the Workshop in November is cancelled due to the Thanksgiving Holiday), two standing committees each with two members: Finance and Audit Committee meeting monthly, Personnel Committee meeting bi-monthly, and two as-needed special meetings. It also assumed the current 2x2 Recycled Water Ad Hoc committee meeting once per month through 2020 and the Communications Ad Hoc Committee meeting four times in the 2020 calendar year.

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## Option 2: Health Benefits

Currently, BCVWD offers four HMO health plans to its employees. Table D below shows the 2020 monthly costs of each plan level – Employee Only, Employee plus One Dependent, and Family (Employee plus Two or more Dependents):

**TABLE D - BCVWD 2020 Monthly Health Insurance Rates**

	EE ONLY	EE +1 DEP	FAMILY
Anthem HMO	\$ 619.93	\$ 1,239.86	\$ 1,611.82
Blue Shield	\$ 813.17	\$ 1,626.34	\$ 2,114.24
Kaiser Permanente	\$ 664.39	\$ 1,328.78	\$ 1,727.41
United Healthcare	\$ 668.31	\$ 1,336.62	\$ 1,737.61

Based on the costs of current coverage, with all five directors covered, the annual fiscal impact to the District would range from approximately \$37,195.80 if insurance covered each Director only on the least cost plan, to \$126,854.40 if insurance covered each Director's family on the highest cost plan. These estimates are based on the current CalPERS plans and will vary when/if the District changes its health plan provider in order to provide Director coverage.

## Attachments

- Exhibit A – Director Health Benefits and Per Diem Comparison – Spreadsheet
- Exhibit B - October 19, 2019 Staff Report: Review and Consideration of Adjustment of Director Per Diem Fees

Staff Report prepared by Lynda J. Kerney, Administrative Assistant

# ITEM 6a

DUNLOP

## 16"H Men's Knee Boots, Steel Toe Type, Polyblend® Upper Material, Black, Size 11

Item # 9ACY7 Mfr. Model # 868021133 Catalog Page # 1744 Catalog Group # E7181 UNSPSC # 46181604



Web Price ⓘ  
**\$62.17** / pair

One Time Delivery

Shipping  Pickup

1

Expected to arrive **Tue, Sep 24.**

Add to Cart

Ship To **92223 (Change)**

+ Add to List |

★ ★ ☆ ☆ ☆ | 2.0 of 5 | 1 review | [Write a Review](#)

Shipping Weight **6.37 lbs.**

Country of Origin USA | *Country of Origin is subject to change.*

*Note: Product availability is real-time updated and adjusted continuously. The product will be reserved for you when you complete your order. More*



How can we improve our Product Images?

Compare

### Product Details

[View More](#) ▾

#### Technical Specs

Item	Knee Boots	Boot Height	16"
Rubber Boot Style	Knee	Footwear Closure Type	Pull On
Toe Type	Steel	For Outdoor Traction	Yes
Color	Black	Insulation Type	None
Footwear Sole Pattern	Ultragrip Sipe	Metatarsal Guard	No
Insulated	No	Standards	ASTM F2413-11, CSA Z195
Size	11	Waterproof	Yes
Footwear Width	D	Typical Rubber Boot Application	High Chemical Resistant
Style Number	86802		
Gender	Men's		

## ITEM 6b

- Blue button down shirt or High Vis T-shirt
- Navy Blue Pants or Shorts
- Class 2 or 3 reflective vest in lieu of High Vis T-shirt
- Athletic shoes or Boots

### Pros

- Zero additional cost to the district.
- Help prevent heat stress and heat related injuries.
- Increase morale.

### Cons

- Less professional appearance.
- Time loss when changing out of meter reading attire to normal field uniform.
- Potential for disciplinary actions for not bring pants and boots to work.

### Personnel and Procedures Manual (Uniform Policy Examples)

- Eastern Municipal Water District
- Rancho California Water District



Home / Products / Pants / Shorts / Men's Plain Front Side Elastic Shorts



SHORTS

MEN'S PLAIN FRONT SIDE ELASTIC SHORTS

\$21.00

★★★★★ (0.0)

COLOR Navy

Style #: 883248445099

WAIST

30 32 34 36 38 40 42 44

INBEAM

10

QTY - 1 +

AVAILABILITY: In Stock

ADD TO CART

FIND A DISTRIBUTOR

CONTACT SALES

DESCRIPTION

FEATURES

SIZE & FIT

Maintain a professional look while working comfortably in these shorts. They have a 10" inseam, cotton twill fabric, and side elastic waistband for a little extra breathing room.

Share:

Need Help? [FAQ](#)

MEN'S PLAIN FRONT SIDE ELASTIC SHORT

DESCRIPTION

You'll have plenty of range of motion while wearing these shorts. They come with a side elastic waistband for added flexibility along with comfortable twill fabric that resist wrinkles and color fade while releasing stains and soil in the wash. All of those easy-care properties mean you can spend more time concentrating on the task at hand and less time worrying about your shorts.

FABRIC TECHNOLOGY



TOUCHEX PRO™  
Fabric is soft with superior color retention



DURABLE PRESS  
With a wrinkle-resistant finish, minimum pressing or ironing required

FABRIC 7.5 oz. Twill

BLEND 65% Polyester / 35% Cotton

CARE

FINISH Wrinkle Resistant

CLOSURE Heavy-duty brass ratcheting zipper, button closure

POCKET Two slack-style front pockets, two set-in hip pockets, left has button closure, darts over hip pockets for better fit

COUNTRY Imported  
ORIGIN



WRITE THE FIRST REVIEW



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Search our database of over 5,000 partners to find the ideal distributor or rental laundry in your area.

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SIGN ME UP



- i. When safety hazards are corrected, the action taken will be indicated on the Hazard Checklist, which will then be signed and dated by the individual making the corrections.
  - ii. Priorities for correction will be determined by the severity of the hazard(s) identified. Employees will be protected from imminent hazards by the use of lockouts or other means of adequately preventing employees from exposure.
  - iii. Hazard checklist forms will be kept as a record of the company's ongoing safety effort.
- H. **Recordkeeping.** Inspection records, accident investigations, and training records, shall be kept for a minimum of three (3) years.

## 32. **UNIFORMS AND PROTECTIVE CLOTHING**

- A. **Employee Appearance and Dress.** Employees are expected to maintain a neat, clean and well-groomed appearance.
- i. Hair, beard and mustaches must be of style and length to avoid coming into contact with moving equipment. Loose clothing is not to be worn when operating equipment.
  - ii. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. The wearing of suggestive attire or of dungarees, jeans, shorts, sandals, tennis shoes, western boots, T-Shirts and similar items of casual attire is not permitted as they do not present a businesslike appearance.
  - iii. The exception occurs when prior approval has been given by a manager to wear non-professional clothing to complete a specific duty or special function or on days designated by the General Manager as "casual days."
  - iv. No facial piercing or gauges shall be worn while on duty
  - v. Any visible tattoos should be covered while on duty
  - vi. Any work time missed because of failure to comply with the dress policy will not be compensated, and repeated (3) violations of this policy will be cause for disciplinary action.
- B. **Uniforms.** The District supplies all field employees with uniforms.
- i. The cost of uniforms and/or protective clothing, boots, etc., that employees are required to wear shall be borne by the District.
  - ii. All field employees are required to wear steel toed safety shoes or boots. The District will reimburse each field employee up to one hundred thirty dollars (\$130) per year on or after the employee's hire date then on or after the employee's anniversary date, thereafter, for said shoes or boots upon proof of purchase.
  - iii. When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated or resigns for any reason prior to completing three continuous months of service after said purchase, a portion of the cost of said items shall be retained from his/her final payment. That portion retained shall be a percentage of the total cost of said items equal to one-hundred percent (100%) less the ratio of the amount of time worked to three continuous months of regular work.

- C. **Compliance.** Any field employee not wearing the complete uniform, while performing District functions, is subject to disciplinary action.
  - i. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises.
  - ii. Uniforms are not to be worn for personal use.

### 33. **CONFERENCES**

- A. It is the policy of the District to encourage employee development and excellence of performance by authorizing employees to attend conferences associated with the interests of the District. Attendance to such conferences must be approved by the Board.
- B. **Expenses.** Expenses for professional conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the General Manager and by:
  - i. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or a nearby hotel offering discount rates.
  - ii. Employees traveling together whenever feasible and economically beneficial.
  - iii. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
  - iv. Not utilizing air travel at a rate or class higher than coach.
  - v. When reimbursing travel expenses, the District will pay the lesser expense between air and auto travel.
  - vi. Expenses must not exceed those in current Reimbursement Policy
- D. **Guests/ Spouse.** The District will only pay for and/or reimburse employees for that portion of expenses that relate to the employee.
- E. **Alcohol.** The District will not reimburse expenses for alcoholic beverages of any kind or for any reason.
- F. **Report.** Upon returning from seminars, workshops, conferences, etc., where expenses are paid for and/or reimbursed by the District, employees shall make a verbal report at their next staff meeting. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of staff.

### 34. **OCCUPATIONAL CERTIFICATION ASSISTANCE**

The District will pay for and/or reimburse employees for state, federal or county recognized certificate and registration programs. The District will also pay for and/or reimburse employees for any continuing education courses or renewal fees associated with these certificates or registration programs.

Some examples of Certificates/Licenses that may be compensated for upon approval of the employee's Department Head and the General Manager are listed below.

- a. Water Treatment Operator - Department of Public Health



<b>Policy</b>	Uniform	
<b>Date:</b> July 23, 1997	<b>Revision Date:</b> June 21, 2016	<b>Approved by:</b> Human Resources

**I. PURPOSE AND SCOPE**

The purpose of this policy is to establish uniform guidelines for Eastern Municipal Water District employees in order to maintain consistency throughout all departments in regards to dress, as well as to clearly and professionally identify employees to the public and fellow employees.

**II. POLICY STATEMENTS**

All employees (regular and probationary) who are provided with a uniform are required to wear the uniform, which has been designated for those departments during duty hours.

All District employees who work in the field and have public contact must at all times wear the assigned uniform which has Eastern Municipal Water District’s logo and their name (where applicable) in plain sight with their District provided employee badge.

All designated District employees are **required** to wear the uniform that is provided as per the District’s Administrative Code and current Memorandum of Understanding (Uniforms and Grooming). Uniforms generally will consist of a shirt, pants, shorts, jackets and lab coats. The supervisor of each department will be required to enforce this policy if an employee fails to wear a proper uniform on a regular work day.

**III. EXPLANATION OF AUTHORIZED UNIFORMS**

**A. Uniform Pants**

All pants and shorts will be one color, dark navy blue, for all departments - with no exceptions. All uniform pants and shorts will be solely provided by the District’s designated uniform supplier. All uniform pants and shorts will be of the industrial type in either poly/cotton, cotton, or jeans when authorized. Shorts may be worn (by authorized departments ONLY) and must match the poly/cotton or cotton uniform pants. No jeans type shorts are permitted. Employees who desire to wear shorts must have permission from their Department Director and the Director of Safety, Risk and Emergency Management. Shorts will not be provided to those employees in positions where short apparel would be hazardous to the employee’s health and/or safety.

**B. Uniform Shirts**

All standard uniform shirts will be provided by the District’s uniform supplier and must have the District logo and the employees name on the front of the shirt. District

EASTERN MUNICIPAL WATER DISTRICT  
UNIFORM POLICY

provided polo or t-shirts issued to eligible employees may be offered for wear without the employee name.

**IV. LAUNDERING SERVICE**

Any staff with the potential for exposure to pathogens, as determined by the department head or required by regulations must have uniforms laundered by the District's provided uniform laundering service.

Employees wearing District provided uniforms who work in the following areas are required to use the District provided uniform laundering service:

- Maintenance/Collections
- Maintenance/Lift Stations
- Laboratory
- Source Control
- Regional Water Reclamation
- Flame-retardant uniforms
- Any other specialized uniform

Employees wearing District provided uniforms who work in the following areas may choose whether or not to utilize the District provided uniform laundering service:

- Fleet services
- Mechanical Services
- Field Services (Construction)

All other employees are responsible for laundering their assigned uniforms and for ensuring a professional appearance to the public and fellow employees. The District's uniform service will provide all necessary repairs and replacements for employees laundering their issued uniforms.

Any functional work group that is exempt from laundering services may request with justification to opt back in to the laundry service at the next election period. Such requests will be evaluated on the basis employee safety and cost effectiveness and may be authorized by the work group's Assistant General Manager.

**V. POLO SHIRTS, T-SHIRTS AND OTHER ITEMS**

- A. Employees required to wear uniforms, with the exception of those noted in Section III a, may select a quantity of eleven (11) District provided t-shirts or polos
- B. Employees provided flame retardant items may opt to select t-shirts or polos with the understanding that they are to wear the appropriate flame retardant apparel when the work being performed requires the use of such apparel.

EASTERN MUNICIPAL WATER DISTRICT  
UNIFORM POLICY

- C. T-shirts or polos will be furnished by the District and are to be submitted to the District's Warehouse for exchange when damaged, worn, or in such condition as to not provide a clean and professional appearance. Employees receiving such shirts are encouraged, but not required, to return any anticipated, unused, standard uniform shirts to the District's Warehouse.
- D. In departments where the employee is not required to wear a uniform, the use of polo shirts which have been provided by the District during employee events, provided to employees performing public functions or contact, or purchased directly from the District may be worn with Department Director approval (e.g. Public and Governmental Affairs, Conservation, and Executive).
- E. All polo shirts and t-shirts must be provided by or purchased through the District in order to insure brand consistency and professionalism. All such garments shall be laundered by the employee and will remain clean, un-faded, and in good condition (i.e., no stains, holes, tears, etc.).

**VI. OTHER ITEMS**

A. Lab Jackets

All lab jackets will be provided by the District uniform supplier and must have the District logo and the employee's name on the front of the jacket. Lab jackets will be available to all lab personnel upon the Department Manager's approval. All lab jackets will be white in color.

B. Coveralls

When applicable to the job, and upon Department Manager's approval, coveralls and disposable coveralls are acceptable and are available by ordering through the Purchasing Division.

C. Headgear

All District employees who work in the field will be furnished with District provided protective headgear. Where protective headgear is not required, employees are eligible to receive headwear (available in the warehouse). Any headwear worn by employees that is not supplied by the District shall be plain and free of any labels, emblems, logos, patches, and markings.

D. Cold Weather Clothing

All employees who work in the field will be provided with a work jacket as part of the uniform. No other emblems or logos are to be added to this garment at any time unless issued by the District. Jackets are to be replaced when it is determined by a manager of the department that it is in a worn condition or not presentable to the public. A replacement jacket is to be the same style as the one being replaced. To receive a replacement jacket, the old jacket must be turned in to the District Uniform Representative. Lost jacket replacement will be at the employee's expense. With the

EASTERN MUNICIPAL WATER DISTRICT  
UNIFORM POLICY

exception of those required to utilize the District provided laundry service, if an employee chooses to wear his/her own jacket, sweatshirt, vest, or other appropriate cold weather clothing, this clothing shall be free of any emblems or logos. If requested, the District will provide the District logo patches and name patches for an employee to affix to their cold weather clothing.

E. Safety Shoes

All employees who work the specific classifications and departments as identified in I.D. Memo No. 5572.8, dated July 18, 1997, must wear protective footwear.

VII. EXCUSED SITUATIONS

Employees excused by a physician with proper medical causes may be excused from wearing the District uniform which has been assigned to him/her. The manager shall insure that the employee is not assigned a task that requires a uniform or shall provide an acceptable alternative suitable for the work environment.

**AUTHORIZED SIGNATURE ON FILE**

	<b>RANCHO CALIFORNIA WATER DISTRICT</b> Employee Policy & Procedure Manual	Policy 41
		Effective Date 6/11/15
Title: DRESS CODE, UNIFORMS, & APPEARANCE		Revision # 3

## 1.0 POLICY

A high standard of personal cleanliness and appearance (including hair and clothing) appropriate to the position is required of all employees. Employees who report to work in worn, torn, dirty, or inappropriate attire/uniform may be required to return home to correct the problem. The time spent away from work is chargeable to the employee's vacation accrual. For the first offense, the employee will be counseled by his or her supervisor and/or department manager and sent home to correct the problem and time will not be charged to the employees' vacation accrual. For the second offense, the employee will be sent home and his or her vacation accrual will be charged. In the event vacation hours are not available, non-exempt employees will not be paid for the time away from work. A written reprimand will be issued in accordance with policy #28, Standards of Conduct & Disciplinary Procedures.

## 2.0 OFFICE PERSONNEL

Department managers and supervisors are responsible for enforcing appropriate attire for office personnel. Office staff is required to maintain an appearance that is in good taste, projects a good public image, and is appropriate for the assigned work area.

Inappropriate dress may include, but is not limited to, clothing that is too tight, too short, too low-cut, dirty, worn, torn, or otherwise inappropriate for the position. T-shirts or hats with logos are not acceptable.

All employees may wear jeans on Fridays. It is expected that employees will use good judgment and dress appropriately for the business casual atmosphere. Jeans that have holes in them, are torn, or significantly worn will not be permitted. Supervisors will continue to have the right to restrict any Friday casual dress that they feel is inappropriate in the workplace.

## 3.0 FIELD PERSONNEL

Supervisors, department managers, foremen, and superintendents are responsible for the enforcement of this policy for field personnel. It is mandatory for all regular field personnel to wear the designated District provided uniform. Certain supervisory personnel may also be required to wear this uniform. District provided uniforms include the following:

### 3.1 Uniform Shirt

- a. Employees must decide if he or she wants a button up rental or District issued t-shirts as his or her primary shirt. Rental shirts are a three (3) year commitment to the uniform service company, and the District will enforce this commitment.
- b. If the employee chooses rental shirts, he or she will receive ten (10) rentals and if desired, three (3) t-shirts. These employees will then receive an additional three (3) replacement t-shirts each fiscal year. Rental shirts will be replaced as needed by the uniform service company. Typically, five (5) rental shirts are at the laundry and five (5) shirts are available for the employee to wear each workweek.
- c. If the employee chooses the t-shirt purchase, he or she will receive ten (10) new t-shirts

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and up to two (2) free replacements each fiscal year. Employees will need to justify to his or her supervisor that the shirt is damaged or stained while performing job related activities in order to have shirts replaced.

- d. Part-time employees and temporary employees may receive a quantity of shirts at the discretion of the supervisor, department manager, or superintendent.
- e. Uniform eligible employees may purchase additional t-shirts for cost, plus a 10% administrative fee. Cost is price paid, tax, and shipping fee. Employees shall contact District warehouse workers to receive direction on payment and required paperwork. Approval by the employee's department manager is required.
- f. Supervisor and superintendent shirts are polo shirts. Each field supervisor is authorized six (6) shirts, which may be replaced annually based on the procurement schedule. These shirts, or light blue oxford shirts, may also be purchased for team meetings and paid for out of the requesting department's budget. The District's purchasing department can provide current pricing information.

### 3.2 Denim Jeans, Work Pants, and Shorts Provided by the District

Each field employee, inspector, or warehouse worker is allowed five (5) pairs of denim jeans or work pants (brands, models and colors as specified by the purchasing department), which may be replaced annually based on the procurement schedule. Water Reclamation Department employees are allowed ten (10) pairs of jeans or work pants annually.

The District will allow personnel to wear shorts in lieu of jeans or work pants subject to the following conditions:

1. Shorts may not be allowed for certain job functions or positions due to safety considerations.
2. Shorts shall be of the brands, models and colors specified by the purchasing department. Length of shorts shall be no shorter than top of knee nor longer than bottom of knee.
3. Each manager will compile and maintain a current list of regular work duties for their department/work centers that qualify for wearing shorts in lieu of jeans or work pants, subject to the approval of the division director.
4. The safety officer and safety committee will periodically review experience and incidents and make recommendations from time to time on appropriate modification of the list of work duties that qualify for wearing shorts. The intent of this provision is to allow the District to accommodate the wearing of shorts in certain job functions without undue compromise to safety and risk management for the benefit of its employees.
5. Each employee who opts to wear shorts for approved job functions will be responsible for having long pants or coveralls readily available to them at the worksite in the event that they are reassigned to a job function not authorized to wear shorts. Upon reassignment of a job function, employees will be given the appropriate opportunity to change clothing to accommodate the new job function. Failure on the part of the employee to keep a set of long pants or coveralls available in the event of job reassignment will be considered to have inappropriate attire/uniform under the provisions of section 1.0 of this policy.

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For those employees allowed to wear shorts, substitution of any number of the annually allotted pairs of jeans or work pants for the approved shorts style will be authorized.

### 3.3 Pant Rental

Employees may opt to wear District provided uniform pants through the uniform rental company. The same maximum number of pants allowed is ten (10) pairs of jeans or work pants annually. These pants will be laundered by the uniform rental company.

### 3.4 Coveralls

Coveralls may also be provided to employees with his or her supervisor's approval. A maximum of two (2) pair of coveralls will be provided through the uniform rental company.

### 3.5 Other Uniforms Issued

- a. One (1) vest is provided to field employees. Rain jackets are also available to field employees for use in inclement weather. In cold weather, heavier jackets not provided by the District may be acceptable to wear during the course of District business.
- b. One (1) Type III Cal OSHA approved safety jacket is provided for employees who work in traffic.

### 3.6 Hats

Baseball caps with the District logo are provided to field employees on an as needed basis. These caps are available from the District warehouse. In cold weather, blue stretch beanies with the District logo are also acceptable and available from the employee's department.

### 3.7 Wastewater Treatment Plant Employees

Each wastewater plant employee and supervisor is allowed any combination of ten (10) pair of shorts or pants/jeans. Shorts may be disallowed for certain positions due to safety reasons. Shorts must be approved by the employee's department manager. If the employee opts for shorts/jeans, they may be replaced annually based on the procurement schedule. Section 3.1 a. – c. applies to wastewater plant employees regarding rental shirts/t-shirts. The District offers laundry service for pants, shorts, jeans, and shirts/t-shirts for certain positions at the treatment plant. Those employees will be allowed 15 minutes to change out of their uniform at the end of his or her shift.

### 3.8 Loss, Damage, and Termination of Employment

Employees are responsible for any loss or damage of uniforms caused by negligence or misuse of uniforms. Personal use (unrelated to District business) of uniforms is prohibited. Loss or damage shall be covered through pre-authorized payroll deductions. Upon termination or separation, all uniforms must be returned to the District.

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### 3.9 Safety Boots

The District will provide safety boots to field employees designated below:

Construction Inspection	Warehouse Workers
Corrosion Control Technicians	Wastewater Operators
Customer Service Field Workers	Plant Maintenance Technicians
Electrical Services	Collections Department
Engineering (Field)	Water Quality Operators
Field Services	Water Systems Operators
Safety Officer	

A maximum dollar amount of \$175.00 every 12 months has been established for the safety boot allowance. The pair limit will be set by the department requirements and approved by the department head. Safety boots purchased over the maximum will be the responsibility of the employee to make up the difference between the actual cost and the maximum amount established in this policy. Type and style of safety boots will be determined by the duties of the employee and in accordance with the Safety Footwear Selection Guide (policy #3-01A of the District Health and Safety Manual). Boots may be replaced sooner with the authorization of the supervisor and or manager, depending on the condition of the boots and will be handled on an as needed, case-by-case basis.

### 3.10 Grooming

All uniform shirts should be kept tucked in and buttoned during working hours. Employees are not allowed to remove their shirts in hot weather, even at remote job sites where the public is not present. All employees must remain in his or her full uniform during working hours.

### 3.11 Uniforms and Stand-By

Employees who are on stand-by duty must report to work in his or her full uniform, including any required safety equipment.

### 3.12 Other Rules for Employees Required to Wear District Uniform

Employees are not allowed to wear articles of clothing, including shorts, t-shirts, jackets, or hats that are not provided by the District. (Except in cold weather personal jackets may be worn (see section 3.5 of this policy).) Inappropriate clothing includes, but is not limited to, denim shorts, t-shirts, or hats with non-District logos. Certain clothing for medical/physical conditions, religious clothing or other unusual situations will be handled on a case-by-case basis.

## 4.0 IRS RULES

As required by IRS rules, the cost of certain attire that is either provided by the District, or purchased by the employee and reimbursed by the District, may be treated as taxable income

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to the employee unless it is a uniform/clothing required as a condition of employment and is not worn or adaptable to general usage as ordinary clothing. Safety equipment (e.g. safety glasses, hard hats, work gloves, etc.) used to help the employee perform his or her job in a safer environment is excludable from taxable income. For example, coveralls worn for safety reasons are considered safety gear and will not be considered taxable clothing or uniforms.

The cost of any District designated clothing or uniforms that are adaptable to normal wear (polo shirts with District logo, hats, etc.) may be considered as taxable income to the employee even though the District's Uniform Policy prohibits the personal use of such clothing. The District recognizes jeans, shorts, and jackets without the District logo and laundered uniforms (with the exception of those exposed to harmful chemicals and sludge, such as those worn by wastewater treatment plant employees) as taxable income.

**5.0 OSHA/CALTRANS APPROVED APPAREL**

- 5.1 Employees exposed to the hazard of vehicular traffic shall wear OSHA/Caltrans approved warning garments such as vests, jackets, or shirts.
- 5.2 During rainy weather, employees exposed to the hazard of vehicular traffic may wear OSHA/Caltrans approved rainwear.
- 5.3 It is the responsibility of the employee to launder the blue t-shirts except at the wastewater treatment plant.

**6.0 FACIAL HAIR**

In certain positions, at management's discretion, facial hair will not be allowed due to safety reasons.