



**REGULAR MEETING OF THE BOARD OF DIRECTORS
2:00 pm Tuesday, December 5, 2023**

In Person:

380 East Vanderbilt Way
San Bernardino, CA 92408

Online via Zoom:

<https://sbvmwd.zoom.us/j/684456030>

Meeting ID: 684 456 030

PASSCODE: 3802020

By Telephone:

Dial-in Info: (877) 853 5247 US Toll-free

Meeting ID: 684 456 030

PASSCODE: 3802020

If you are unable to participate online or by telephone, you may also submit your comments and questions in writing for the District's consideration by sending them to comments@sbvmwd.com with the subject line "Public Comment Item #" (insert the agenda item number relevant to your comment) or "Public Comment Non-Agenda Item". Submit your written comments by **6:00 p.m. on Monday, December 4, 2023**. All public comments will be provided to the Board President and may be read into the record or compiled as part of the record.

IMPORTANT PRIVACY NOTE: Online participants **MUST** log in with a Zoom account. The Zoom app is a free download. Please keep in mind: (1) This is a public meeting; as such, the virtual meeting information is published on the World Wide Web and available to everyone. (2) Should you participate remotely via telephone, your telephone number will be your "identifier" during the meeting and available to all meeting participants; there is no way to protect your privacy if you elect to call in to the meeting.



SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
380 E. Vanderbilt Way, San Bernardino, CA 92408

REGULAR MEETING OF THE BOARD OF DIRECTORS
2:00 PM Tuesday, December 5, 2023

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

1) PUBLIC COMMENT

Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items except as authorized by law. Each speaker is limited to a maximum of three (3) minutes.

2) CONSENT CALENDAR

- 2.1 Approve Minutes of the Board of Directors' Workshop - Policy/Administration - November 2, 2023 (2 min) - Page 3
[Staff Recommendation - Approve Minutes of the Board of Directors Workshop - Policy/Administration 110223](#)
- 2.2 Approve Minutes of the Regular Board of Directors' Meeting - November 7, 2023 (2 min) - Page 8
[Staff Recommendation - Approve Minutes of the Regular Board of Directors' Meeting - November 7, 2023](#)
- 2.3 Approve Minutes of the Board of Directors' Workshop - Resources-Engineering - November 14, 2023 (2 min) - Page 15
[Staff Recommendation - Approve Minutes of the Board of Directors' Workshop - Resources/Engineering 111423](#)

3) DISCUSSION AND POSSIBLE ACTION ITEMS

- 3.1 Review Board Approved Investment Policy (30 min) - Page 22
[Staff Memo - Review Board Approved Investment Policy](#)
[SBVMWD Investment Policy - Reviewed May 2023](#)
- 3.2 Consider Board Member Teleconference Policy (20 min) - Page 37
[Staff Memo - Consider Board Member Teleconference Policy](#)
[Draft Board Member Teleconferencing Policy](#)
- 3.3 Review of BOD Handbook Final Draft Revisions (30 min) - Page 44
[Staff Memo - Review of BOD Handbook Final Draft Revisions](#)
[Board of Directors Handbook Final Draft Revisions](#)

4) REPORTS (Discussion and Possible Action)

4.1 State Water Project Report (10 min) - Page 144

[Staff Memo - State Water Project Report](#)

[News Release: Sites Reservoir Reaches Milestone in Environmental Review Process](#)

[Sites Status Report for October 2023](#)

4.2 Water Delivery Report (10 min) - Page 150

[Staff Memo - Water Delivery Report - November 2023](#)

[Water Delivery Report - November 2023](#)

4.3 Directors' Report of Activities and Travel Requests in accordance with Resolution 1100 (2 min) - Pg. 154

[SBVMWD Director Fees and Expenses paid in October 2023](#)

[Director Botello Activity Report - October](#)

[Director Harrison Activity Report - October](#)

[Director Hayes Activity Report - October](#)

[Director Kielhold Activity Report - October](#)

[Director Longville Activity Report - October](#)

4.4 General Counsel Report

4.5 Ad-Hoc and Standing Committee Reports

4.6 SAWPA Meeting Report

4.7 Treasurer's Report (2 min) - Page 160

[Treasurer's Report - October 2023](#)

5) FUTURE BUSINESS

6) ANNOUNCEMENTS

6.1 List of Announcements (2 min) - Page 169

[List of Announcements](#)

7) CLOSED SESSION

8) ADJOURNMENT

**MINUTES
OF
THE
BOARD OF DIRECTORS WORKSHOP – POLICY / ADMINISTRATION
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

November 2, 2023

Directors Present: Gil J. Botello, June Hayes, Paul R. Kielhold, Susan Longville

Directors Absent: T. Milford Harrison

Staff Present:

Heather Dyer, MS, MBA - Chief Executive Officer/General Manager
 Joanna Gibson, MS – Executive Director Upper SAR Habitat Conservation Program
 Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board
 Michael Plinski, PE – Chief of Water Resources
 Cindy Saks, CPA - Chief Financial Officer/Deputy General Manager
 Bob Tincher, PE, MS – Chief of Statewide Water Initiatives/Deputy General Manager
 Melissa Zoba, MBA, MPA – Chief Information Officer

Leo Ferrando, PE – Assistant Chief Engineer
 Anthony Flordelis – Business Systems Analyst
 Adekunle Ojo, MPA – Water Resources Manager
 Matthew Olivo – Senior Accountant

Members of the Public in Attendance:

Joyce McIntire, Yucaipa Valley Water District
 Richard Babbe, PFM Asset Management
 Robert Stewart, East Valley Water District
 Melody McDonald, San Bernardino Valley Water Conservation District

The Policy/Administration Workshop of the Board of Directors was called to order by Chairperson Botello at 2:00 p.m. A quorum was noted present.

Agenda Item 1. Introductions. None.

Agenda Item 2. Public Comment. None.

Agenda Item 3. Discussion and Possible Action Items.

3.1) Quarterly Investment Portfolio Update with PFM Asset Management. District financial advisor Richard Babbe from PFM Asset Management reviewed the quarterly

investment portfolio activity. Mr. Babbe reported on performance, diversification, inflation, wage growth and savings trends, and interest rates.

3.2) Review Board Approved Investment Policy. Chief Financial Officer/Deputy General Manager Cindy Saks reminded about a brief discussion of the policy during the September 26, 2023 Workshop on the Board Handbook. The policy sets guidelines for the District's investment of cash and indicates a prudent investor standard, and was reviewed in May 2023 as required annually, she noted.

Ms. Saks reminded that Director Longville had requested a review of specific investment instruments. Ms. Saks explained Environmental, Social, and Governance (ESG) investing, which would add to the current policy criteria of safety, liquidity, and yield.

Director Longville shared handouts and said she worked with groups that had divested and used the ESG models but had specifically focused on fossil fuel companies when broaching this to the Board. She proposed narrowing Section 14 on the investment policy, Prohibited Investments to include fossil fuel companies that are increasing gas and oil production and investing vastly more in capital and fossil fuel development than in carbon emissions reduction. She pointed out the District has \$1.3 million in Exxon Mobil corporate notes, which is counterintuitive to where the public's money should be invested.

Director Longville said she would also like to see a provision if the District has investments in fossil fuel development that they do not need to be kept until their maturity date. Carbon in the atmosphere continues to increase, and climate extremes are expected in the coming century, she emphasized.

Vice President Hayes noted the necessity of identifying the true nature of interest groups.

Director Botello expressed concern about decision making without all Board members present. He emphasized fiduciary responsibility to safety, liquidity, and yield, and pointed out the District hires experts such as PFM.

President Kielhold asked Mr. Babbe to verify which District holdings meet the qualifier as presented by Director Longville. Mr. Babbe said he had not seen the qualifier to be able to make that determination and advised that the key question in any policy direction is to make sure it can be accurately implemented on an ongoing basis. Mr. Babbe said that to verify, he would have to approach the third-party group that does that type of analysis. President Kielhold said he would like to see that analysis or know why it cannot be done.

Director Botello noted there would be a possibility of eliminating other investments that are profitable. It is possible, but not highly likely in the existing portfolio, Mr. Babbe responded. In the future, the umbrella may exclude other companies, he added.

Director Longville acknowledged President Kielhold's direction to double-check, and suggested this be brought back to the Board when all members are in attendance. She

said she would like to work with the Board on anything that moves the District in a direction that reflects the mission, and that the District is a science-based organization.

Vice President Hayes posited that fossil fuels will be gone in 50 to 100 years and wondered if the technology right now is more costly financially and environmentally. Director Longville discussed the development of green technologies and the driver of climate change. She noted that the CalPERS action on ESG investing came within three votes, and it may still happen, along with other state agencies divesting.

Vice President Hayes pointed out there is ability to make choices with what companies to do business, and San Bernardino Valley would need to examine its mission, along with its commitment to Diversity, Equity, and Inclusion, but now is not the right time for this broad topic. She acknowledged the need to address Director Longville's concerns while keeping in mind the bigger picture.

Director Botello recommended another workshop. Ms. Saks recommended legal and financial consultant review of the suggested policy language. President Kielhold recommended definition of specific items in Director's Longville proposed changes to the investment policy such as the words "vastly more capital."

The Board of Directors tabled the item to a future workshop by the following roll-call vote:

MOVED: Kielhold	SECONDED: Hayes	APPROVED: 4-0
AYES:	Botello, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Harrison	

3.3) Review and Consider Terminology Used to Describe our State Water Project Ad Valorem Tax on the County Annual Property Tax Bills. Chief Financial Officer/Deputy General Manager Cindy Saks reviewed the terminology currently appearing on the tax bills and advised that the District receives phone calls from taxpayers when the County sends out annual tax bills. The designation is limited by the County to 26 characters, she explained. Since this represents restricted funds for the State Water Project (SWP), bond counsel recommended using "SBVMWD SWP / imported water." The City of San Bernardino Water Department suggested using "SB Valley" because SBVMWD is very close to their acronym, SBMWD.

The Director discussion focused on the desire to clearly identify the charge as State Water Project rather than San Bernardino Valley. Ms. Saks will follow up with the County.

The Board of Directors moved this item forward to a Regular Board meeting for final terminology approval by the following roll-call vote:

MOVED: Botello	SECONDED: Kielhold	APPROVED: 4-0
AYES:	Botello, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Harrison	

Agenda Item 4. Future Business.

The Board canceled the November 21, 2023, Regular Meeting by the following vote:

MOVED: Longville	SECONDED: Kielhold	APPROVED: 4-0
AYES:	Botello, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Harrison	

The Board approved a request by President Kielhold for a workshop presentation and an update from Chief of Water Resources Michael Plinski on the Yucaipa Sustainable Groundwater Management Agency by the following vote:

MOVED: Kielhold	SECONDED: Botello	APPROVED: 4-0
AYES:	Botello, Hayes, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Harrison	

Agenda Item 5. Adjournment. Chair Botello adjourned the meeting at 2:57 p.m.

APPROVAL CERTIFICATION

I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.

Secretary

Date _____

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

**MINUTES
OF
THE
REGULAR BOARD MEETING
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

November 7, 2023

Directors Present: Gil J. Botello, June Hayes, Paul R. Kielhold

Directors Absent: T. Milford Harrison and Susan Longville

Staff Present:

Joanna Gibson, MS – Executive Director Upper SAR Habitat Conservation Program
 Wen B. Huang, PE, MS – Assistant General Manager/Chief Operating Officer
 Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board
 Michael Plinski, PE – Chief of Water Resources
 Cindy Saks, CPA – Chief Financial Officer/Deputy General Manager
 Bob Tincher, PE, MS – Chief of Statewide Water Initiatives/Deputy General Manager
 Melissa Zoba, MBA, MPA – Chief Information Officer

Brent Adair – Project Manager II
 Michael R. Esquer – Senior Project Manager
 Anthony Flordelis – Business Systems Analyst
 Leo Ferrando, PE – Assistant Chief Engineer
 Aaron Jones, PE, MEng – Senior Engineer
 Adekunle Ojo, MPA – Water Resources Manager
 Matthew Olivo – Senior Accountant
 Shavonne Turner, MPA – Water Conservation Program Manager

Brad Neufeld, Varner & Brandt

Members of the Public in Attendance:

James Morales, East Valley Water District
 Jennifer Ares, Yucaipa Valley Water District
 Melody McDonald, San Bernardino Valley Water Conservation District
 John Longville, San Bernardino Valley Water Conservation District
 Kevin Walton, San Gorgonio Pass Water Agency
 Mallory O'Connor, Western Municipal Water District
 Oscar Ramos, San Gabriel Valley Water Company

The regular meeting of the Board of Directors was called to order by President Kielhold at 2:00 p.m. Vice President Hayes led the Pledge of Allegiance. A quorum was noted present by roll call.

Agenda Item 1. Public Comment

President Kielhold stated that any member of the public wishing to make any comments to the Board regarding non-agenda items may do so. There were none.

President Kielhold called Item 3 out of order.

Agenda Item 3. Presentations

3.1) Recognition of our Nation's Veterans by the Board of Directors. President Kielhold read Resolution 1053 as adopted in 2017.

Agenda Item 2. Consent Calendar

2.1) Approve Minutes of the Board of Directors Workshop - Policy/Administration - October 5, 2023

2.2) Approve Minutes of the Board of Directors Workshop - Resources-Engineering October 10, 2023

2.3) Approve Minutes of the Regular Board of Directors Meeting – October 17, 2023

2.4) Cancel November 21, 2023, 2:00 p.m. - Regular Board Meeting

The Board of Directors approved the items on the Consent Calendar by the following roll-call vote:

MOVED: Botello	SECONDED: Hayes	APPROVED 3-0
AYES:	Botello, Hayes, Kielhold	
NOES:	None	
ABSTAIN:	None	
ABSENT:	Harrison, Longville	

Agenda Item 4. Discussion and Possible Action Items.

4.1) Project Status Update for the Enhanced Recharge Phase 1B Project. Assistant General Manager/Chief Operating Officer Wen Huang reported staff has been working with project partners including Western Municipal Water District and Riverside Public Utilities, San Bernardino Valley Water Conservation District, and others to perfect water rights in the Santa Ana River.

Senior Project Manager Mike Esquer introduced the project staff members and described the coordination and active communication with contractors, engineers, and biologists. On any given day, Mr. Esquer and Project Manager Brent Adair may be managing up to 40 people across the 300-acre job site, he said. The concentration is on how to construct the project and maximize the amount of water put into the ground. Mr. Esquer advised staff coordinated daily with partner agencies to facilitate a record amount of recharge this past wet year.

Mr. Esquer detailed the construction activities, described improvements and enhancements made as identified during the project construction, and shared photos of the facility progress.

Ms. Melody McDonald of San Bernardino Valley Water Conservation District asked Mr. Esquer to point out Basin EE. Mr. Esquer identified the area and noted that on Monday, some representatives of the Water Conservation District were escorted safely around the site to view Basins DD and EE. Ms. McDonald noted the contractors were courteous, and said it is exciting to be part of this partnership.

Mr. Esquer reported the construction schedule has been accelerated, with some portions expected to be completed eight months ahead of schedule. This saves money and helps get as much water as possible into the ground in a wet year, such as the State Water Project carryover water to fill the basins by December, he said. When complete, this facility should serve the District for the next 50 to 70 years.

The construction cost estimate was \$51 million, and \$21 million has been spent in six months, Mr. Esquer reported. No change orders have been anticipated to this point in time, as staff has worked hard with the contractors, and the project is tracking well, he noted. The first change order, to rebuild and modernize the Santa Ana Low, totals \$750,000 which will be paid by State Water Project (SWP) funds and is within the 10 percent contingency.

Mr. Esquer described another potential change order related to the restoration component, which will reduce the cost for the habitat enhancement.

Mr. Huang offered the Board members an opportunity to tour the site.

Vice President Hayes commented on the scope of the project and coordination efforts.

Director Botello recalled during discussion on the consulting contract, it was noted that Bogh Construction was already working in the vicinity and understood the terrain, which saved this project a lot of money and time. He reminded that operation of the facility will shift to the San Bernardino Valley Water Conservation District and asked about the responsibilities. Mr. Esquer reported that the facility was being designed to be as straightforward to operate as possible and San Bernardino Valley would assist the Conservation District. Mr. Huang provided detail on the 2013 partnership agreement. Director Botello requested to later meet with staff to understand the operating agreement.

Director Botello asked about costs to San Bernardino Valley for operations and maintenance and the estimated amount of recharge available. Mr. Esquer and Mr. Huang explained that in a wet year, the facility is estimated to be able to handle almost 79,000 acre-feet (af) of recharge. In an average year, this could be between approximately 15,000 to 21,000 af that would not have otherwise been captured, and about 11,000 af of new conservation water.

President Kielhold asked about the change orders related to monitoring. Mr. Esquer explained that no further cost changes were expected for the construction at the Santa Ana Low.

The site elevation varies approximately 30 to 40 feet across the project site east to west, Mr. Esquer noted in response to President Kielhold.

Director Botello and President Kielhold acknowledged the work of staff.

Agenda Item 5. Reports. (Discussion and Possible Action Items)

5.1) State Water Project Report. Chief of Statewide Water Initiatives/Deputy General Manager Bob Tincher recalled a question during the last report regarding SWP not participating in the expansion of the San Luis reservoir. SWP does not own the facility, he explained, it was built as part of the Central Valley Project and the Department of Water Resources (DWR) has already subscribed the additional capacity. There is a possibility that SWP may be able to use the storage, he added.

The DWR saved the State Water Contractors (SWC) more than \$500 million on the seismic retrofit of Sisk Dam due to the federal Safety of Dams Act, which pays 85 percent of any retrofit, Mr. Tincher noted.

The Board approved the exchange of up to 3,000 af with Crestline Lake Arrowhead Water Agency's (CLAWA) carryover water, but it was such a wet year, not all the water could be recharged, Mr. Tincher reported, but it opened the door for the potential of a longer-term agreement. Staff is working on a term sheet that will be brought back to the Board for consideration.

Mr. Tincher said there is currently not much activity in hydrology. He pointed out this year is not one of the wettest, but there is a 100 percent SWP allocation. The calculations are done throughout the year, so that may change, he noted. The SWC are looking at other storage opportunities in addition to Sites Reservoir, he stated.

One of the reasons it was a struggle to get all the water moved this year was the allocation came late, Tincher explained. He reviewed some details that created challenges over the year.

The Delta Conveyance is beginning the next phase, Mr. Tincher reported. The Environmental Impact Report (EIR) will be done at the end of this year and staff is working

with the 24 other agency partners on potential next steps for Board consideration. The more spent up front, the faster the project goes and could result in billions saved on the back end, he noted. San Bernardino Valley is in a position to support paying more up front, but others may struggle with that, he advised.

Next week is slated for approval of the Sites Reservoir EIR, Mr. Tincher continued. He advised the project has qualified for streamlining. He shared the current project schedule and noted the water right process is not going as fast as anticipated. Field work to prepare for construction has already started, and construction in earnest would begin in early 2025.

Mr. Tincher advised the planning and permitting phase would have to be bumped to the end of 2025, but some tasks have been moved around to assure no additional costs to the investors, and a year has been shaved from the construction schedule. The construction phase is now reduced to seven years and it is hoped to shave another year.

The Agreements to Support Healthy Rivers and Landscapes is the new title for the voluntary agreements, Mr. Tincher reported. This is a superior alternative to the State Water Board staff alternative of unimpaired flow, he explained. That process is working its way through the State Board and there may be publicity, he advised. The Agreements provide adaptive management, he explained, whereas the unimpaired flow concept would spur litigation.

Vice President Hayes asked if the streamlining process would be available for the Delta Conveyance. Mr. Tincher reminded that the Governor pulled that from the package as a compromise. It is hoped the Governor would be able to assist in other areas of the project such as water rights, Mr. Tincher noted.

5.2) Directors' Report of Activities and Travel Requests in accordance with Resolution 1100

Director Botello reported that he attended:

- October 17 – City of Colton check presentation
- October 18 – Sunrise Ranch Master Planning workshop
- October 19 – Met with the Sunrise Ranch Architectural Team consultants
- October 25 – Yucaipa Sustainable Groundwater Council meeting
- November 1 – Navigating Extreme Challenges and Opportunities for California Water Policy webinar

Director Hayes reported that she attended:

- October 18 – Sunrise Ranch Master Planning workshop
- October 19 – Met with the Sunrise Ranch Architectural Team consultants
- October 19 – West Valley Water District meeting
- October 20 – Participated in Western Area Presentation
- October 21 – Rialto Councilmember Rafael Trujillo's WELL event
- November 2 – Southern California Water Coalition annual dinner

- November 3 – Orange County Water Advisory Committee
- November 4 – Skyforest DWR Celebration

Vice President Hayes commended the work of Director Susan Longville related to the Nestle / Triton water litigation and presented a handmade work of art representing great success via many small tasks.

President Kielhold had nothing to report to the Board

5.3) General Counsel Report. No report.

5.4) Ad-Hoc and Standing Committee Reports. There were none.

5.5) SAWPA Meeting Report. Director Botello reported that the meeting was cancelled.

Agenda Item 6. Future Business. Vice President Hayes requested discussion on the District’s role in recognition of veterans.

The Board of Directors agreed to add this item to a future BOD meeting for consideration and discussion by the following roll-call vote:

MOVED: Hayes	SECONDED: Kielhold	APPROVED 2-1
AYES:	Hayes, Kielhold	
NOES:	Botello	
ABSTAIN:	None	
ABSENT:	Harrison, Longville	

Agenda Item 7. Announcements.

7.1) List of Announcements. Chief of Staff/Clerk of the Board Jose Macedo pointed out the List of Announcements and noted the cancellation of the November 21 meeting.

Agenda Item 8. Closed Session. None.

Agenda Item 9. Adjournment. The meeting was adjourned by President Kielhold at 3:16 p.m.

APPROVAL CERTIFICATION

I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.

Secretary

Date _____

Respectfully submitted,

Lynda J. Kerney
Contract Assistant

**MINUTES
OF
THE
BOARD OF DIRECTORS WORKSHOP – RESOURCES/ENGINEERING
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

November 14, 2023

Directors Present: Gil J. Botello, T. Milford Harrison, June Hayes, Paul R. Kielhold, and Susan Longville.

Directors Absent: None.

Staff Present:

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager
 Joanna Gibson, MS – Executive Director Upper SAR Habitat Conservation Program
 Wen B. Huang, PE, MS – Assistant General Manager/Chief Operating Officer
 Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board
 Michael Plinski, PE – Chief of Water Resources
 Cindy Saks, CPA – Chief Financial Officer/Deputy General Manager
 Bob Tincher, PE, MS – Chief of Statewide Water Initiatives/Deputy General Manager
 Greg Woodside, PG, C.Hg – Chief of Planning and Watershed Resilience
 Melissa Zoba, MBA, MPA – Chief Information Officer

Leo Ferrando, PE – Assistant Chief Engineer
 Kelly Malloy, MPA – Strategic Communications Manager
 Kai Palenscar, Ph.D. – Environmental Compliance and Permitting Program Manager
 Karen Resendez, MAOL – Human Resources & Risk Manager

Scott Heil, District Counsel

Members of the Public in Attendance:

Michael Moore, East Valley Water District
 Melody McDonald, San Bernardino Valley Water Conservation District
 John Longville, San Bernardino Valley Water Conservation District
 Miguel Guerrero, San Bernardino Municipal Water Department
 John Harris, City of Redlands
 Meredith Nikkel, Downey Brand

The Resources/Engineering Workshop of the Board of Directors was called to order by Chairperson June Hayes at 2:00 p.m. A quorum was noted present.

Agenda Item 1. Introductions. John Harris and John Longville introduced themselves.

Agenda Item 2. Public Comment. None.

Agenda Item 3. Discussion And Possible Action Items.

3.1) Update on FIRO Study and Review of Process for Potential Deviation to Seven Oaks Dam Water Control Manual. Chief of Planning and Watershed Resilience Greg Woodside provided an overview of the Forecast Informed Reservoir Operations (FIRO) program. He noted the Steering Committee is in place and the project is currently in the Work Plan stage, where the Army Corps of Engineers (Corps) will work with stakeholders to determine what will be successful at Seven Oaks Dam.

If the Board approves the next step, a preliminary Viability Assessment would begin, Mr. Woodside continued. Following the Final Viability Assessment would be the ultimate goal: an update to the Water Control Manual to implement FIRO. The Work Plan is expected to be completed in June, he noted. He noted that it takes about a year from the time of requested deviation from the Water Control Manual to implementation.

Two workshops have been held to help the team understand how Seven Oaks Dam fits into the system, and there has been good participation from local sponsors and the Corps, Mr. Woodside reported. The work teams are forming and represent the heart of the work, and there are ongoing technical studies on the meteorology, performing the high-level work needed for the Steering Committee's proposal, and approval of the deviation by the Corps.

In response to Director Botello, Mr. Woodside indicated the Steering Committee is currently preparing the Work Plan which will start the preliminary Viability Assessment to understand how all the pieces are fitting together. If things are going well, it would be anticipated the Steering Committee would discuss proposal of a deviation, which would start the process. That is a couple of years away, he noted.

Environmental documentation (both CEQA and NEPA) would be required, Mr. Woodside advised, and implementation agreements would be developed. He shared a schematic of the dam and noted it has many features which must be modeled and assessed before proposing a deviation.

Vice President Hayes asked the year of the historic high level at the dam, Mr. Woodside said he believed it was 2005.

Mr. Woodside highlighted the difference between a minor and major deviation, and explained the deviation must be implementable without impacting flood risk management, which is the purpose of the dam. He reviewed the responsibilities of the local sponsors and the Corps.

Director Harrison asked if it were now standard FIRO procedure to request a deviation. Mr. Woodside said it was part of the normal process, as it is a useful tool to help inform the update to the Water Control Manual. The motion to implement the deviation does not then happen for a couple of years, Director Harrison noted.

Chief Executive Officer/General Manager Heather Dyer noted the Steering Committee met in the morning. She said the team has worked on six other dams, and all concur that this project has more complexity than they have seen before. It is a new level in terms of scientific understanding needed and the team is excited to be working on this project as it has so many variables: flood control, water supply, endangered species habitat, and water quality. This is a long-term strategic initiative, she noted, and said the benefits from the project will be felt by many future generations in terms of reliable water supply and additional value for the public investment.

Director Harrison asked about the complexity of this project compared to others. Ms. Dyer noted there are four different factors to solve for. Seven Oaks works in series with Prado Dam and operates based on how Prado is functioning in terms of storm events and flood control. She discussed how most dams get the additional water supply by how the pool is held without degrading the supply and released for downstream users, whereas this concept is about building a pool and releasing it at a certain rate (500 cfs or less) to divert the water and put it into recharge facilities for groundwater replenishment, which is very different than flow downstream. There are also three local sponsors, a flood control agency, and water agencies which use the water in different ways, she added. There are also endangered species and habitat issues, she noted.

Director Longville asked about opportunity for public comment on the action. Mr. Woodside said the Prado Dam comment period was via publicly noticed Orange County Water District meetings.

3.2) Consider First Amendments to MOU and Cost Share Agreement for the Bunker Hill-B Coalition and a Professional Services Contract with WSC, Inc. for the Feasibility Study. Assistant Chief Engineer Leo Ferrando provided background on the project and showed the Regional Recycled Water Project pipeline schematic. He reminded the Board of the update at the October 16 meeting. Since then, the partners have collaborated on release of a Request for Proposals, garnering three proposals. The Steering Committee chose WSC, and it is proposed to move forward with a Feasibility Study with WSC, he noted.

Mr. Ferrando reviewed a map of potential locations for desalters. The Feasibility Study will look at mitigation strategies and alternatives and will provide a cost benefit analysis to help achieve consensus among the partners as to the best option.

The Memorandum of Understanding (MOU) amendment is for further outlining the decision-making process, incorporating principles for working together and clarifies how different parties might join or leave the coalition, Mr. Ferrando explained. It also clarifies that San Bernardino Valley (SBV) will be the facilitator but in the event of the need for a potential desalter, SBV will not bring new capital dollars for that improvement.

The amendment for the cost share agreement includes the final scope of work and budget, Mr. Ferrando noted. The components of the MOU in the cost share agreement are the Feasibility Study (\$305,000), Rincon facilitation services (\$100,000) and grant

assistance from Kennedy Jenks (\$16,000), shared equally among the parties at 25 percent each. A \$247,000 grant from the Bureau of Reclamation brings the shares down to \$43,000 each, he explained.

Other agencies have given final approval of the amendments, Mr. Ferrando continued. If approved today, Study completion is anticipated in April 2025, and by June 2025, the Coalition would bring the study to the Regional Water Quality Control Board (RWQCB). In December 2025, the Salt Mitigation Plan would be submitted to the RWQCB, he stated.

Assistant General Manager/Chief Operating Officer Wen Huang noted that other coalition general managers were present: Michael Moore, East Valley Water District; Miguel Guerrero, San Bernardino Municipal Water Department; and John Harris, City of Redlands.

The Board authorized the CEO/General Manager to execute the First Amendments to the Memorandum of Understanding (MOU) and Cost Share Agreement for the Bunker Hill-B (BH-B) Coalition, respectively, and a Professional Services Contract with WSC, Inc. for the feasibility study by the following roll-call vote:

MOVED: Harrison	SECONDED: Botello	APPROVED: 5-0
AYES:	Botello, Hayes, Harrison, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

3.3) Consider Adoption of Resolution No. 1181: Funding Agreement with California Department of Fish and Wildlife for the Awarded Traditional Section 6 Grant: Development of Alternative Sampling Methodologies for Year-Round Santa Ana Sucker Monitoring. Environmental Compliance and Permitting Program Manager Kai Palenscar advised the grant is associated with working on new technologies and methodology for surveying the Santa Ana Sucker which would be conducted at the Riverside-Corona Resource Conservation District.

Mr. Ferrando described the current once-per-year survey work. Permitting disallows survey during spawning season from February through July, but this work would allow survey to be done without handling fish during the spawning season in the River, he explained. Surveys have also been impacted by storms, he noted. It would be beneficial to have the ability to survey rapidly, and to choose timing based on survey windows, he stated. A different survey methodology may also eliminate the need to include permitted biologists, he added.

This should be moderate to low cost compared to what is currently being spent, Mr. Ferrando added. The total project cost is \$117,858, and the District's portion is \$43,600 (\$36,000 dedicated to native fish raceways, and \$7,600 to SBV staff time and equipment), he explained.

Director Longville asked for how long the \$117,858 would cover the camera modeling and tagging. Mr. Ferrando said approximately one year, and Executive Director Upper SAR Habitat Conservation Program Joanna Gibson clarified it includes all the reporting for a 24-month total.

If this proves to be a great addition to the sampling program, the District will have to continue to fund it or seek additional funds to operate it, Director Longville noted. Ms. Gibson explained this is a pilot to be able to demonstrate to the permitting agencies that it works well and could then be deployed into the field.

The Board adopted Resolution No. 1181 authorizing San Bernardino Valley to:

1. Enter into a funding agreement with the California Department of Fish and Wildlife (CDFW) for the awarded Traditional Section 6 Grant: Development of Alternative Sampling Methodologies for Year-Round Santa Ana Sucker Monitoring, and accept and expend federal grant monies in the amount of \$117,858.35;
2. Provide non-federal matching funds totaling \$43,600.00; and
3. Authorize the CEO/General Manager to execute the funding agreement with CDFW, and any amendments thereto by the following roll-call vote:

MOVED: Botello	SECONDED: Harrison	APPROVED: 5-0
AYES:	Botello, Hayes, Harrison, Kielhold, Longville	
NOES:	None	
ABSTAIN:	None	
ABSENT:	None	

RESOLUTION NO. 1181

RESOLUTION OF THE BOARD OF DIRECTORS OF SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT AUTHORIZING SAN BERNARDINO VALLEY TO ENTER INTO A FUNDING AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE AND AUTHORIZING AND DESIGNATING A REPRESENTATIVE FOR THE DEVELOPMENT OF ALTERNATIVE SAMPLING METHODOLOGIES FOR YEAR-ROUND SANTA ANA SUCKER MONITORING PROJECT

(See Resolution Book)

Agenda Item 4. Future Business. None.

Agenda Item 5. Closed Session. District Counsel Scott Heil introduced the Closed Session items. Chair Hayes adjourned the meeting to Closed Session at 2:44 p.m.

- 5.1) Conference with Legal Counsel - Existing Litigation**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Govt. Code Section 54956.9: Two potential cases
- 5.2) Conference with Real Property Negotiators**
Property: APN 0264-201-31, APN 0281-041-67
Agency negotiator: Heather Dyer
Negotiating parties: Diversified Pacific Development Group, LLC
Under negotiation: Price and terms of payment
- 5.3) Conference with Real Property Negotiators**
Property: APN 0269-171-34
Agency negotiator: Heather Dyer
Negotiating parties: Riverside Highland Water Company
Under negotiation: Price and terms of payment
- 5.4) Conference with Legal Counsel - Existing Litigation**
Pursuant to Government Code Section 54956.9(a), (d)(1)
Endangered Habitats League v. U.S. Army Corps of Engineers
Case No. 2:16-CV-09178 (U.S. District Court, Central District of California)

Chair Hayes returned the meeting to Open Session at 4:25 p.m. District Counsel Scott Heil stated there was no reportable action taken in the closed session.

Agenda Item 6. Adjournment. The meeting was adjourned by Chair Hayes at 4:25 p.m.

<p>APPROVAL CERTIFICATION</p> <p>I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.</p> <hr/> <p>Secretary</p> <p>Date _____</p>

Respectfully submitted,

Lynda J. Kerney
Contract Assistant



DATE: December 5, 2023
TO: Board of Directors
FROM: Heather Dyer, CEO / General Manager
Cindy Saks, CFO / Deputy General Manager
SUBJECT: Review Board Approved Investment Policy

Staff Recommendation

- 1) Staff recommends the Board discuss and review the investment policy change as requested by Director Longville, described below.
- 2) If a policy change is desired by the Board, staff recommends the following language to be included in Section XIV Prohibited Investments of the Investment Policy.

Background

This item is being brought back today after being discussed at the board workshop on November 2, 2023. At that meeting, Director Longville provided potential language changes to the investment policy specifically prohibiting the District’s investment in publicly traded fossil fuel companies. The following language is requested by Director to be considered for inclusion in an updated investment policy:

Amendment to XIV. PROHIBITED INVESTMENTS

In accordance with CGC Section 53601.6, SBVMWD will not invest any funds in inverse floaters, range notes, ~~or~~ interest only strips that are derived from a pool of mortgages, or fossil fuel companies that are increasing oil and gas production and investing vastly more capital in fossil fuel development than in carbon emission reductions. The purchase of securities issued by companies organized outside the United States is prohibited. The SBVMWD may not hold previously permitted investments in fossil fuel development, but currently prohibited investments, until their maturity date.

Following discussion during the last workshop, the Board gave staff direction to review and discuss the requested language changes with the District’s investment advisor Richard Babbe and provide the Board with a potential change to the policy for consideration. Richard Babbe advised that the policy update as proposed above is not feasible to implement due to subjectivity. However, if the

Board does desire to exclude fossil fuel investments from our portfolio, he suggests a similar strategy as other clients by incorporating the following language into our Investment Policy.

It is the SBVMWD’s objective to disallow investment in the fossil fuel-related industries identified in the table below. To achieve this objective, the District will apply the Socially Responsible Investment (“SRI”) Parameters detailed herein to investments authorized and governed by this Investment Policy. The SRI Parameters will be implemented by utilizing industry and subindustry classifications as defined by Sustainalytics.*

SRI Parameters	
Exclusion: Fossil Fuels	Industry/Subindustry Exclusions: (1) Energy Services (2) Oil & Gas Producers (3) Refiners & Pipelines

If a previously purchased investment no longer satisfies the SRI Parameters set forth herein, the District may continue to hold that investment unless the District directs its investment advisor to sell that investment.

Footnote:

** Sustainalytics is a subsidiary of Morningstar Inc. that rates the sustainability of over 15,000 companies based on their environmental, social, and corporate governance performance. If, for any reason, the District’s investment advisor engages a different data provider, the District will be notified and substantially similar industry exclusions will be utilized.*

Fiscal Impact

There is no fiscal impact to reviewing and adding the suggested language to the investment policy.

Attachment

- 1) Board Approved Investment Policy

San Bernardino Valley Municipal Water District

STATEMENT OF INVESTMENT POLICY

Revised and adopted on August 13, 2020

Reviewed by the Board on May 16, 2023

I. POLICY

This Statement of Investment Policy (Policy) is intended to provide guidelines for the prudent investment of San Bernardino Valley Municipal Water District (SBVMWD)'s temporary idle cash, and outline the policies for maximizing the effectiveness and efficiency of SBVMWD's cash management system. The goal is twofold; one is to preserve SBVMWD's capital resources while maximizing investment earnings pursuant to the "Prudent Investor Standard", the second is to provide guidelines for authorized investments.

II. SCOPE

All moneys entrusted to SBVMWD shall be pooled in an actively managed portfolio. The Chief Executive Officer (CEO) / General Manager or their designee is authorized to invest funds in accordance with California Government Code (CGC) Section 53600 et seq. This Policy applies to all financial assets and investment activities of SBVMWD and includes, but is not limited to, the following funds:

General Funds
State Water Contract Funds
Capital Project Funds
Enterprise Funds, and any new fund, unless specifically exempted.

This Policy, however, specifically excludes the employees' retirement and deferred compensation funds. In accordance with CGC Section 53601 (m), bond proceeds will be invested according to the applicable bond documents. If the bond documents are silent as to the investment of the proceeds, the proceeds will be invested according to this Policy.

III. PRUDENCE

SBVMWD shall follow the standards within the content of the Prudent Investor Standard as set forth in CGC Section 53600.3 that states in part: "When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, a trustee shall act with care, skill and prudence and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims to safeguard the principal and maintain the liquidity needs of the agency."

IV. OBJECTIVES

SBVMWD's cash management system is designed to monitor and forecast expenditures and revenues, thus enabling the SBVMWD to invest funds to the fullest extent possible. The SBVMWD attempts to obtain the highest yield available, while investments meet the criteria established for safety, liquidity, and yield, in that order of priority.

A. SAFETY

Safety of principal is the foremost objective of the SBVMWD. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, rating downgrades, broker-dealer defaults, or erosion of market value. SBVMWD shall seek the preservation of capital by mitigating two types of risk; credit risk and market risk.

1. Credit risk - is the risk of loss due to failure of the issuer and is mitigated by investing in safe securities, and diversifying the investment portfolio so the failure of one issuer would not materially affect the cash flow of the agency.
2. Market risk - is the risk of market value fluctuations due to changes in the general level of interest rates, and shall be mitigated by structuring the portfolio so maturing securities match cash outflows, eliminating the need to sell securities prior to their maturity. Market risk shall also be mitigated by limiting the maturity of the SBVMWD investment portfolio to the terms described in Section C subparagraph V in this policy.

It is recognized that within a diversified portfolio, occasional measured losses are inevitable, and must be considered within the context of the overall return on the investment.

B. LIQUIDITY

SBVMWD will endeavor to invest in a manner consistent with its anticipated cash flow requirements. SBVMWD's investment portfolio will remain satisfactorily liquid, enabling the agency to meet all anticipated and operating cash flow requirements.

C. RETURN ON INVESTMENTS

SBVMWD's investment portfolio shall be designed to attain a market rate of return over budgetary and economic cycles. Whenever possible with respect to budgetary and cash flow requirements, and consistent with risk limitations and prudent investment principles, the CEO / General Manager or their designee shall seek to augment returns above the market rate of return.

SBVMWD will operate in an active capacity in the investment strategy. The basis of the strategy used by the CEO / General Manager or their designee to determine whether market yields are achieved shall be the State of California Local Agency Investment Fund (L.A.I.F.).

V. MAXIMUM MATURITIES

The longer the maturity of securities, the greater the market price volatility. Therefore, it is the general policy of SBVMWD to limit the potential effects from erosion in market values by adhering to the following guidelines:

- A. All immediate and anticipated liquidity requirements will be addressed prior to purchasing all investments.
- B. Maturity dates for longer-term investments will coincide with significant cash flow requirements where possible, to assist with short term cash requirements at maturity.
- C. All longer-term securities will be purchased with the intent to hold all investments to maturity under then-prevailing economic conditions. However, economic or market conditions may change, making it in SBVMWD's best interest to sell or trade a security prior to maturity.
- D. Per CGC Sections 53601 et seq. where a maximum maturity is not stated, the maximum maturity of any investment shall not exceed five (5) years, without specific approval of the SBVMWD Board of Directors of the investment or of an investment program, not less than three months prior to initiating that investment or program.
- E. The average maturity of the overall portfolio shall not exceed 1,275 days (3.5 years).

VI. DELEGATION AND GRANTS OF AUTHORITY

Management responsibility for the investment program is delegated by the Board of Directors for a period of one-year to the CEO / General Manager or their designee who shall establish written procedures and policies for the operation of the investment program consistent with this Policy. Subject to review, the Board of Directors may renew the delegation of authority pursuant to this section each year.

No person shall engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Board of Directors. The CEO / General Manager or their designee shall establish a series of internal accounting controls to regulate and/or restrict the activities of subordinate representatives within the SBVMWD. As authorized by the Board of Directors, the CEO / General Manager or their designee may engage an investment advisor to assist with the SBVMWD's investment program. Under the direction of the CEO / General Manager or their designee, the investment advisor will have responsibility for providing recommendations for and managing designated funds and recommending procedures for executing day-to-day investment transactions. The investment advisor shall follow this investment policy and such other written instructions as are provided.

VII. INVESTMENT COMMITTEE

The SBVMWD Board of Directors shall act as the investment committee to provide general oversight and guidance concerning the investment policy related to the management of SBVMWD's investments. The committee shall meet as needed. The CEO / General Manager or their designee shall be responsible for the day-to-day investments of the agency.

VIII. ETHICS AND CONFLICT OF INTEREST

The CEO / General Manager and all investment personnel shall refrain from personal business activity which could create a conflict with proper execution of the investment program, or which could impair the ability to execute impartial investment decisions. The CEO / General Manager and all investment personnel shall disclose to SBVMWD's legal counsel any material financial interests in financial institutions that conduct business within the jurisdiction, and shall disclose any material financial investment positions that could be related in a conflicting manner to the performance of the SBVMWD's investment portfolio.

The CEO / General Manager, Chief Financial Officer (CFO) / Deputy General Manager and Investment Advisor shall complete on an annual basis, State of California Form 700, Statement of Economic Interests disclosure.

IX. SAFEKEEPING AND CUSTODY AGREEMENTS

To protect against potential losses caused by collapse of individual securities dealers, all securities owned by SBVMWD shall be kept in safekeeping by a third party bank trust department, acting as agent for the SBVMWD under the terms of a custody agreement executed by the bank and the SBVMWD. All securities will be received and delivered using standard delivery versus payment procedures with the SBVMWD's custodial bank, and evidenced by safekeeping receipts. The only exception to the foregoing shall be depository accounts and securities purchases made with: (i) placement service CDs, (ii) LAIF, (iii) local government investment pools; and, (iv) money market mutual funds, since these securities are not deliverable. These investments shall be made in the name of the SBVMWD and the CEO / General Manager or their designee shall keep a record of any funds in any of these investments. Custodial statements shall be reconciled against transaction schedules on a monthly basis.

X. INTERNAL CONTROLS

Separation of duties among employees involved in cash management activities is designed to provide an ongoing internal review to prevent the potential for converting assets or concealing transactions.

Proper documentation obtained from confirmation and cash disbursement wire transfers is required for each investment transaction. Timely bank reconciliation shall be conducted to ensure proper handling of all transactions.

The investment portfolio and all related transactions shall be reviewed and balanced to appropriate general ledger accounts on a monthly basis.

An independent analysis by an external auditor shall be conducted annually to review internal control, account activity, and compliance with policies and procedures. The audit shall also include a review for compliance with SBVMWD's Statement of Investment Policy.

XI. FINANCIAL REPORTING

As recommended by CGC Section 53646, the CEO / General Manager or their designee shall render a monthly report to the SBVMWD Board of Directors, providing the type of investment, financial institution from which the investment was purchased, the date of maturity, the date upon which the investment becomes subject to redemption provisions, amount (to include both par and book value) of the investment. Additionally, the report shall also include the rate of interest and other data so required by the SBVMWD Board of Directors. The report shall include a statement denoting SBVMWD's ability to meet its expenditure requirements for the following six-month period, or an explanation as to why sufficient moneys will not be available. Additionally, the CEO / General Manager and their designee shall state whether the SBVMWD is in compliance with this Policy by signature required on the Treasurers' Report. As required by CGC Section 53607, the CEO / General Manager or their designee shall also provide a monthly list of transactions to the Board of Directors.

XII. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

Investments not purchased directly from the issuer, shall be purchased from banks, savings and loan institutions, and registered investment securities dealers. The dealers should either be primary dealers authorized to buy and sell government securities in direct dealings with the Federal Reserve Bank of New York, or regional dealers qualifying under the Securities and Exchange Commission Rule 15C3-1.

If the SBVMWD is utilizing financial dealers or institutions to execute transactions, the CEO / General Manager or their designee shall examine financial institutions that wish to perform business with the SBVMWD, in order to confirm whether the participating financial institutions are satisfactorily capitalized, are market makers in securities appropriate to the SBVMWD's financial investment universe and agree to comply by the conditions set forth in SBVMWD's Policy. The CEO / General Manager or their designee shall send a copy of the current Statement of Investment Policy to all dealers approved to do business with the SBVMWD. Signed Dealer/Broker Confirmation Certificates shall be kept on file documenting the dealer/broker's understanding of SBVMWD's Policy.

If an investment advisor has been engaged to assist with SBVMWD's investment program, the investment advisor is authorized to use their own list of approved broker/dealers/issuers/ financial institutions to conduct investment transactions on SBVMWD's behalf subject to the provisions of SBVMWD's policy.

XIII. AUTHORIZED AND ACCEPTABLE INVESTMENTS

SBVMWD is subject to CGC Section 53601 et seq. Within the context of the governing language, the following investments are authorized and accepted as defined below. In the event an apparent discrepancy is found between this Policy and the CGC, the more restrictive parameters will take precedence. Percentage holding limits listed in this section apply at the time the security is purchased. In the event a security held by the

SBVMWD is subject to a credit rating change that brings it below the minimum credit ratings specified in this Policy, the CEO / General Manager or their designee shall notify the Board of Directors of the change. The course of action to be followed will then be decided on a case-by-case basis, considering such factors as the reason for the change, prognosis for recovery or further rate drops, and the market price of the security.

- A. United States Treasuries. United States Treasury Bills, Notes and Bonds, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest There is no limitation as to the percentage of the portfolio that can be invested within this category.
- B. Federal Agencies. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. Although there is no percentage limitation on "federal agency" issues, the prudent investor standard shall apply for a single agency name.
- C. Banker's Acceptances. Time drafts drawn on and accepted by a commercial bank, otherwise known as Banker's Acceptances (BAs). To be eligible for purchase, the issuer must have debt that is rated in a rating category of at least "A-1" short-term or "A" long-term by a Nationally Recognized Statistical Rating Organization (NRSRO). Eligible banker's acceptances shall have a maximum maturity of 180 days or less. Purchases of banker's acceptances may not exceed 40% of the market value of the portfolio.
- D. Commercial Paper. Commercial Paper rated in the highest ranking or of the highest letter and number rating as provided for by a NRSRO and issued by a corporation organized and operating within the United States having assets exceeding five hundred million dollars (\$500,000,000) and having debt other than commercial paper, if any, that is rated in a rating category of "A" or higher by an NRSRO. Eligible commercial paper shall have a maximum maturity of 270 days or less. Purchases of commercial paper cannot exceed 25% of the market value of the portfolio. Purchases of commercial paper may not exceed 10% of outstanding paper of an issuing corporation.
- E. Negotiable Certificates of Deposit (NCD). NCDs issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. To be eligible for purchase by the SBVMWD, the NCD must be issued by an issuer whose short-term debt is rated in a rating category of at least "A-1", or "A" long-term by a NRSRO. Purchases of NCDs may not exceed 30% of the market value of the portfolio. A maturity limitation of five (5) years is applicable on NCDs.
- F. Placement Service Deposits. Deposits placed with a private sector entity that assists in the placement of deposit with eligible financial institutions located in the United States. The full amount of the principal and the interest that may be accrued during the maximum term of each deposit shall at all times be insured by federal deposit insurance. Placement service deposits shall meet all of the requirements of CGC 53601.8. Purchases of placement service deposits may not exceed 30% of the market value of the portfolio.

- G. Repurchase Agreements. Repurchase Agreements with banks and dealers with which the SBVMWD has entered into a Master Repurchase Agreement which specifies terms and conditions of Repurchase Agreements. A signed copy of the Master Repurchase Agreement shall be required from the authorized financial dealer prior to the execution of any applicable transaction. The maturity of Repurchase Agreements shall not exceed one year. In order to conform with provisions of the Federal Bankruptcy Code, which provides for the liquidation of securities held as collateral for Repurchase Agreements, the only securities acceptable as collateral shall be eligible Negotiable Certificates of Deposit, eligible Banker's Acceptances, or securities that are fully guaranteed as to principal and interest by the United States or by any agency of the United States government. All securities held as collateral shall have a maximum maturity of five (5) years. The market value of securities used as collateral for Repurchase Agreements shall be monitored daily, and will not be allowed to fall below 102% of the value of the Repurchase Agreement as set forth in CGC Section 53601 (i) (2).
- H. Local Agency Investment Fund. The Agency may invest in the Local Agency Investment Fund (L.A.I.F.) established by the State Treasurer for the benefit of local agencies up to the maximum permitted by State law.
- I. Medium-Term Notes. Medium-term Notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Medium-Term Notes eligible for investment shall be rated in a rating category of "A," or its equivalent, or better by a nationally recognized rating service. Purchases of medium-term notes may not exceed 30% of the market value of the portfolio.
- J. Local Government Investment Pools. Shares of beneficial interest issued by a joint powers authority organized pursuant to CGC 6509.7 that invests in the securities and obligations authorized in CGC Section 53601 subdivisions (a) to (o), inclusive. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets the requirements of CGC 53601(p). Investments are limited to pools that are rated in a rating category of "AA" or better. Purchases of local government investment pools may not exceed 50% of the market value of the portfolio.
- K. Money Market Funds. Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1 et seq.). The company shall have met either of the following criteria: (i) Attain the highest ranking or the highest letter and numerical ranking provided by not less than two NRSROs; or (ii) Have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience managing money market mutual funds with assets under management in excess of five hundred million dollars (\$500,000,000). The purchase price of shares of beneficial interest (purchased pursuant to this subdivision shall not include any commission that these companies may charge. Purchases of money market funds may not exceed 20% of the market value of the portfolio.

- L. All positions in pooled investment programs (per Sections H, J, and K above) shall be subject to periodic review by the CEO / General Manager, or a designee thereof, in order to ensure that the moneys in question are managed in a manner consistent with the standards and objectives set forth elsewhere in this Policy.
- M. Bank Deposits. FDIC insured or fully collateralized demand deposit accounts, savings accounts, market rate accounts, or time certificates of deposits in financial institutions located in California. Any financial institution accepting SBVMWD funds for deposit must comply with the requirements of CGC 53630 et seq., including collateralization of deposits. The CEO / General Manager or their designee may waive the collateralization requirements for any portion of the deposit that is covered by Federal Deposit Insurance. As provided by CGC 53649, the SBVMWD shall have a signed contract with each financial institution that has SBVMWD funds on deposit. There is no limitation as to the percentage of the portfolio that may be invested in bank deposits; however, no more than 25% of the market value of the portfolio may be invested in time certificates of deposit.
- N. Municipal Bonds. Registered treasury notes or bonds issued by any of the 50 United States, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by agency state or by a department, board, agency, or authority of any state.

Bonds, notes, warrants, or other evidences of indebtedness of any local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

Purchases of municipal bonds may not exceed 30% of the market value of the portfolio.

XIV. PROHIBITED INVESTMENTS

In accordance with CGC Section 53601.6, SBVMWD will not invest any funds in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages. The purchase of securities issued by companies organized outside the United States is prohibited. The SBVMWD may hold previously permitted but currently prohibited investments until their maturity dates.

XV. LEGISLATIVE CHANGES

Any State of California legislative action that further restricts allowable maturities, investment type, or percentage allocations shall be incorporated into SBVMWD's Investment Policy, and supersede any and all previous applicable language.

XVI. INTEREST EARNINGS

All moneys earned and collected from investments authorized in this policy shall be allocated on a quarterly basis to various fund accounts where required by law, or other

agreement, based on the cash balance in each fund as a percentage of the respective pooled portfolio. However, fiduciary accounts requiring full liquidity will receive their proportional distribution of moneys based on the lower of pooled or LAIF rates.

XVI. PORTFOLIO MANAGEMENT ACTIVITY

The investment program shall seek to augment returns consistent with the intent of this policy, identified risk limitations and prudent investment principles. The objectives will be achieved by use of the following strategies:

- A. Active Portfolio Management. Through active fund and cash flow management taking advantage of current economic and interest rate trends, the portfolio's yield may be enhanced with limited and measurable increases in risk.
- B. Portfolio Maturity Management. When structuring the maturity composition of the portfolio, the SBVMWD shall evaluate current and expected interest rate yields and necessary cash flow requirements. It is recognized that in normal market conditions longer maturities produce higher yields. However, the securities with longer maturities also experience greater price fluctuations when the level of interest rates change.
- C. Competitive Bidding. It is the policy of the SBVMWD to require competitive bidding for investment transactions whenever practical.
- D. Diversification. To promote diversification, no more than 5% of the market value of the portfolio may be invested in the securities of any one issuer, regardless of security type; with the exception of U.S. Treasuries, federal agencies, supranationals, and pooled investments such as LAIF, money market funds, or local government investment pools.

XVIII. INVESTMENT POLICY REVIEW

This Policy is intended to conform to all applicable statutes at the time of adoption. The Policy shall be reviewed and approved annually by the SBVMWD Board of Directors at a public meeting to ensure consistency with the SBVMWD's investment objectives and to ensure its compliance and relevance to the current law, financial and economic trends, and to meet the cash flow requirements of the SBVMWD.

GLOSSARY OF INVESTMENT TERMS

AGENCIES: Securities issued by any of several U. S. Government Agencies including, but not limited to, the Federal Home Loan Bank (FHLB), the Federal Farm Credit Bank (FFCB), and the Federal National Mortgage Association (FNMA or “Fannie Mae”).

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BID: The price offered for securities.

BROKER: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides.

COLLATERAL: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Certificate of Deposit may be issued in either negotiable or nonnegotiable form. Nonnegotiable certificates cannot be resold on the secondary market and may face penalties for early redemption whereas a negotiable CD may be resold.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DERIVATIVE: A financial instrument created from, or whose value depends on (is derived from) the value of one or more underlying assets or indexes of asset values.

DISCOUNT: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, e.g., U.S. Treasury bills.

GLOSSARY OF INVESTMENT TERMS

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S & L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., twelve regional Banks and about 5,700 commercial banks that are members of the system.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL HOME LOAN BANKS (FHLB): The institutions that regulate and lend to savings and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks vis-à-vis member commercial banks.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term pass-through is often used to describe Ginnie Mae's.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL AGENCY INVESTMENT FUND (LAIF): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

GLOSSARY OF INVESTMENT TERMS

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

MUNICIPAL BONDS: Offered by state and local governments, these bonds are primarily issued to finance infrastructure improvements, such as highways or sewers.

PORTFOLIO: Collection of securities held by an investor.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state - the so-called legal list. In other states the trustee may invest in a security if it is one that would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks, and a few regulated firms.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

GLOSSARY OF INVESTMENT TERMS

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BOND: Long-term U.S. Treasury securities having initial maturities of more than ten years.

TREASURY NOTES: Intermediate term coupon bearing U.S. Treasury securities having initial maturities of from one to ten years.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) INCOME YIELD is obtained by dividing the current dollar income by the current market price for the security. (b) NET YIELD or YIELD TO MATURITY is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

DATE: December 5, 2023
TO: Board of Directors
FROM: Kelly Malloy, Strategic Communications Manager
SUBJECT: Consider Board Member Teleconference Policy

Staff Recommendation

Review the draft Board Member Teleconference Policy and provide direction to staff.

Summary

Based on frequent changes in recent years to the Ralph M. Brown Act (Brown Act), specifically regarding the rules applicable to remote attendance of meetings, our legal counsel advised development of a Teleconferencing Policy for consideration by the Board. The proposed Telecommuting Policy has been developed in accordance with the current requirements of the Brown Act for various scenarios that may arise during normal operation of business or during an emergency situation, such as experienced during the global pandemic. Originally enacted in 1953, the Brown Act has continued to evolve to guarantee the public's right to attend and participate in meetings of legislative bodies. During the Covid-19 Pandemic, temporary suspensions of various rules were implemented to allow the public's business to continue in compliance with consideration of health and safety during the declared emergency. Following the end of the Governor's Executive Order in 2023 a limited-term revision was made to allow for a slight expansion of governing board member's ability to participate remotely. The Agency's legal counsel has developed a Board Member Teleconferencing Policy which reflects the most recent Open Meeting rules and will be present to answer questions regarding specific scenarios that may arise.

Background

The Ralph M. Brown Act has served as a standard for transparency in government since 1953. The Brown Act includes established procedures and standards to ensure the public's business takes place in a manner that allows for community engagement and accountability. Within the Brown Act are the provisions that guide how public meetings are to be conducted, including recent revisions regarding teleconferencing and virtual participation.

A foundational principle of the Brown Act is the importance of allowing the public and members of the media the opportunity to be physically present with those making decisions. With this in mind, teleconferencing laws typically encourage opportunities for members of the public, staff, legal counsel, and consultants to participate in a variety of methods. However, there are much stricter rules for the elected officials of a governing body which are intended to make “in-person” the default for board members participation.

With the enhancement of publicly available technology and lessons-learned from the pandemic, Open Meeting rules have gone through multiple revisions over the last three years. Prior to the Covid-19 Pandemic, the Brown Act had provisions for members of a governing body to participate in a meeting through teleconference so long as a number of rules were satisfied. During the Pandemic, Governor Newsom issued multiple Executive Orders suspending many of the open meeting rules with consideration of public health and the need for social distancing. This resulted in a period where public meetings could be held entirely virtually. Current rules outline the procedure for conducting public meetings with added acceptable conditions for a board member to participate remotely through 2026. It is important to note that there were over 10 different bills introduced in the 2023 legislative session to modify open meeting laws with varying degrees of changes to the earlier requirements. Legal counsel has developed a Board Member Telecommuting Policy that maintains the Agency’s commitment to transparency and compliance with the requirements of the Brown Act. Given the on-going discussions on this topic, there may be additional legislative changes in the future. If approved, this policy will be included in the final Board of Directors Handbook being reviewed today.

District Strategic Plan Application

The Board Member Teleconferencing Policy is consistent with the Agency’s Strategy 6 *Commit to Effective Governance through Board Leadership Development*, specifically Goal 6.1 *Develop and sustain Board of Directors’ standards and expectations*. This policy has been developed to maximize facilitate effective and transparent governance.

Fiscal Impact

There is no fiscal impact related to this update.

Attachments

1. Draft Board Member Teleconferencing Policy

BOARD MEMBER TELECONFERENCING POLICY

Section 1. Policy:

This Board Member Teleconferencing Policy (“**Policy**”) shall govern the District’s use of teleconferencing for the attendance at Meetings of the Members of its Legislative Bodies. The Global Teleconference Policies (Section 3) and Standard Teleconferencing Procedures (Section 4) shall apply in all instances, except when (a) a Board member has either “just cause” or an “emergency circumstance” so as to permit the use the Expanded Teleconferencing Procedures (Section 5) or (b) a State of Emergency issued by the California Governor is in effect sufficient to trigger the use of the Emergency Teleconferencing Procedures (Section 6).

Section 2. Definitions:

Unless otherwise defined herein, the following definitions shall apply to this policy:

District – shall refer to San Bernardino Valley Municipal Water District.

Brown Act / Ralph M. Brown Act – shall refer to the Ralph M. Brown Act (Gov’t Code § 54950 *et seq.*), as may be amended from time to time.

Legislative Body – shall have the same meaning as provided by Government Code section 54952, including the District’s governing board.

Member – shall have the same meaning as provided by Government Code section 54952.1.

Meeting — shall have the same meaning as provided by Government Code section 54952.2.

State – shall mean the State of California.

State of Emergency – shall mean a state of emergency proclaimed by the California Governor or such others as may be empowered pursuant to Section 8625 of the California Emergency Services Act (Gov’t Code § 8550 *et seq.*).

Teleconferencing – attendance from different locations, other than the physical location of a meeting, by way of an audio device, whether it be telephone, audio-only internet connection, or otherwise.

Videoconferencing – attendance from different locations, other than the physical location of a meeting, by way of a dual audio and visual device, whereby participants can be both seen and heard. For purposes of this policy, videoconferencing may include attendance by way of a single device or software package, or attendance via an audio-device with synced camera or webcasting.

Section 3. Global Teleconferencing Policies:

At the discretion of the Legislative Body and/or the General Manager, any employee, consultant, vendor, or individual presenting or attending a Meeting of a Legislative Body, other than a Member of the Legislative Body, shall be permitted to attend via teleconference or videoconference without compliance with the rules or conditions set forth herein.

Members of a Legislative Body, inclusive of the governing board members and other committees or bodies required to comply with the Brown Act, may only participate via teleconferencing or videoconferencing as permitted by this Policy.

To the extent a Member desires to attend a Meeting via teleconferencing or videoconferencing, the Member shall generally be required to comply with the foregoing “Standard Teleconferencing Procedures” (Section 4) unless the circumstances exist to justify the use of the “Expanded Teleconferencing Procedures” (Section 5) or “Emergency Teleconferencing Procedures” (Section 6).

A Member not in compliance with any such procedures, as applicable, shall not be permitted to attend or participate in a Meeting via teleconferencing or videoconferencing; provided, however, such Member may access the Meeting solely as a member of the public.

In all instances in which a Member is attending a Meeting via teleconference or videoconference, teleconferencing or videoconferencing, the Legislative Body shall:

- a. Take all votes by roll-call;
- b. Conduct the Meeting in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Legislative Body;
- c. Provide notice and post agendas as otherwise required by the Brown Act;
- d. Permit members of the public access to the Meeting and an opportunity to address the Legislative Body as required by the Brown Act.

Section 4. Standard Teleconferencing Procedures:

A Member may attend a Meeting via teleconference or videoconference if the following conditions are satisfied:

- a. At least a quorum of the members of the Legislative Body participates in the Meeting from locations within the boundaries of the District;
- b. The agenda posted for the Meeting is posted at all teleconference locations, each of which is identified in the notice and the agenda for the Meeting;
- c. Each teleconference location is accessible to the public, and the public is permitted to comment at each teleconference location.

Section 5. Expanded Teleconferencing Procedures (effective through January 1, 2026):

A Member may attend a Meeting via teleconference, without the need to comply with the Standard Teleconferencing Procedure requirements to notice and post at the agenda locations or make such locations accessible to the public, only if all of the following conditions are satisfied:

a. At least a quorum of the members of the Legislative Body participates in-person from a single physical location accessible to the public, which is within the boundaries of the District and clearly identified in the posted agenda;

b. The public is permitted to attend the Meeting either by teleconference or videoconference in a manner such that the public can remotely attend and offer real-time comment during the Meeting;

c. Notice of the means by which the public can remotely attend the Meeting via teleconference or videoconference and offer comment during the Meeting is included within the posted agenda;

d. The Member attending remotely has either “just cause” or an “emergency circumstance” that justifies the Member’s attendance via videoconference.

e. A Member shall only have “just cause” for remote attendance if such participation is for one of the following reasons:

i. To provide childcare or caregiving need to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, as those terms are defined in Government Code section 12945.2;

ii. Due to a contagious illness that prevents the Member from attending in-person;

iii. Due to a need related to a physical or mental disability, as defined in Government Code sections 12926 and 12926.1, not otherwise accommodated; and

iv. Due to travel while on official business of the Legislative Body or another state or local agency.

f. A Member shall have an “emergency circumstance” if such participation is due to a physical or family medical emergency that prevents the Member from attending in person.

g. The Member has not attended a meeting remotely on the basis of “just cause” for more than two meetings in the current calendar year; and

h. The Member has not attended a meeting remotely on the basis of “just cause” or “emergency circumstance” for more than three consecutive months or more than 20 percent of the regular meetings for the Legislative Body within a calendar year.

i. The Legislative Body has, and has implemented, a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. § 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the Legislative Body shall also give notice of the procedure for receiving and resolving requests for accommodation.

In order to utilize the Expanded Teleconference Procedures, a Member shall:

a. For a “just cause” circumstance, notify the Legislative Body at the earliest opportunity, including at the start of a regular meeting, of the Member’s need to participate remotely for just cause, including a general description of the circumstance relating to the need to appear remotely at the given meeting;

b. For an “emergency circumstance,” request to participate at a meeting due to an “emergency circumstance” as soon as possible, preferably before the posting of the agenda but up to the start of the meeting, with such request including a general description of the circumstances relating to the Member’s need to appear remotely at the given meeting, though any description for emergency circumstances need not exceed 20 words and need not include any medical diagnosis or disability or personal medical information exempt from disclosure by law;

c. The Member shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the Member, and the general nature of the Member’s relationship with such individuals;

d. Participate through videoconferencing, with both audio and visual technology.

Upon receipt of a request from a Member to utilize the Expanded Teleconference Procedures, the Legislative Body shall:

a. Take action by majority vote on a request to participate remotely due to an “emergency circumstance” at its earliest opportunity, which may be taken as a noticed agenda item or as an added item if sufficient time was not provided to place the proposed action on the agenda; and

b. In the event of a disruption that prevents the broadcast of the meeting to members of the public, or in the event of a disruption within the District’s control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, take no further action during a meeting until such access is restored.

Section 6. Emergency Teleconferencing Procedures:

The Legislative Body may elect to use these “Emergency Teleconferencing Procedures” to conduct a Meeting via teleconferencing, without the need to comply with the Standard Teleconferencing Procedure requirements to notice and post at the agenda locations or make such locations accessible to the public, if either of the following circumstances apply:

a. The Legislative Body holds a meeting during a proclaimed State of Emergency for the purpose of determining, by a majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or

b. The Legislative Body holds a meeting during a proclaimed State of Emergency and the Legislative Body has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.

If utilizing the Emergency Teleconferencing Procedures, the Legislative Body shall:

a. Give notice in the agenda for such Meeting of the means by which members of the public may access the Meeting and offer public comment via a teleconferencing or videoconferencing option, which shall include an opportunity for public comment in real-time;

b. In the event of a disruption that prevents the broadcast of the Meeting to members of the public, or in the event of a disruption within the District's control that prevents members of the public from offering public comment using the teleconferencing or videoconferencing options, take no further action during a Meeting until such access is restored.

c. Not close the public comment period, or the opportunity to register to comment, until the timed general public comment period has elapsed.

The Legislative Body may continue use of the Emergency Teleconferencing Procedures for as long as a State of Emergency remains in effect, provided that, not later than 45 days after teleconferencing for the first time, and every 45 days thereafter, the Legislative Body finds by majority vote that:

a. The Legislative Body has reconsidered the circumstance of the State of Emergency; and

b. The State of Emergency continues to directly impact the ability of the members to meet safely in person.

In the event of the use of these Emergency Teleconferencing Procedures, it shall not be necessary for the District to provide a physical location from which the public may attend or comment.

Section 7. Miscellaneous Provisions:

With respect to the Standard Teleconferencing Procedures, Expanded Teleconferencing Procedures, and Emergency Teleconferencing Procedures set forth herein, such are intended to comply with Government Code sections 54953(b), (f), and (e), respectively, and, as such, in the event of a conflict between this Policy and such statutory provisions, the statutory provisions shall control and be implemented as if set forth in full in this Policy.

DATE: December 5, 2023

TO: Board of Directors

FROM: Heather Dyer CEO/General Manager
Karen Resendez, Human Resources/Risk Manager

SUBJECT: Review Board of Directors Handbook Final Draft Revisions

Staff Recommendation

Review and approve content included in the revised Board of Directors Handbook.

Summary

Maintenance of the Board of Directors Handbook is included as an objective in the Strategic Plan under Strategy 6, Goal 6.1 – Develop and sustain Board of Directors’ standards and expectations. The Director Handbook was last updated in January of 2018.

A revised Board of Directors Handbook is attached. Revisions discussed and agreed to at the Board of Directors Workshop held on September 26, 2023, including staff and legal feedback are included.

The recommendation asks the Board of Directors to approve the content included. Following content approval, it is the intention to have the Handbook professionally formatted, edited, and presented as a final document matching in form and style of the Strategic Plan.

Background and Discussion

The Board of Directors initiated development of a Directors Handbook in mid-2016 to educate and guide the Board to a high level of strategic success and achievement in accordance with best practices. The Director Handbook was adopted on [August 15, 2017](#). The Director Handbook was last revised and re-adopted on [January 16, 2018](#).

On [April 4, 2023](#), staff provided an overview of proposed changes including reformatting for easier reference and modernization, integration of the Mission, Vision, Values and branding, as well as broad areas for consideration based on Director comments received during meetings and

requests for future business. The Board determined that a future workshop was necessary to collectively discuss updates. A workshop was held on September 26, 2023, to discuss general topics, as well as specific policy and process, including but not limited to the following:

- Updates to titles and terminology, use of the common name San Bernardino Valley and Agency to replace District where appropriate.
- Reformatting for ease of references and modernization, including reorganization into two (2) sections: 1) Board Procedures (content and guidelines); and 2) Supportive Documents (legal references & Board adopted policies).
- Use of visuals consistent with branding and to have a similar look to the Strategic Plan documents.
- Use of terms “mission, vision, and values” together.
- Enhanced “Who We Are” section.
- Review and approval of recommended updates from staff and legal.
- Updates based on Director feedback to various sections of the Handbook:
 - Role and Authority
 - Board Values and Principles
 - Board Member Interaction
 - Staff Interaction
 - Governance
 - Public Interaction
 - Director Code of Conduct
 - Incorporation of Teleconference Policy

Based on direction received at the workshop, staff updated the Board of Directors Handbook accordingly and are now seeking approval of the content in the revised document Handbook.

District Strategic Plan Application

Strategy #6: Commit to effective governance through Board leadership development.

Fiscal Impact

No additional fiscal impact. All provisions are currently included in the FY 22/23 budget.

Attachments

1. Board of Directors Handbook, Final Draft Revisions
2. Board of Directors Handbook, Final Draft Revisions (Tracked Changes)



Board of Directors HANDBOOK



WELCOME

You have been elected to the San Bernardino Valley Municipal Water District Board of Directors by your community. This is a tremendous honor that comes with much responsibility.

As a board member you have committed to representing the best interests of your division and of San Bernardino Valley. This is a high calling that depends on mutual trust, support, and collaboration with your fellow board members, San Bernardino Valley staff, and the network of regional partners and agency leaders.

The community and other stakeholders are entitled to elected Board members who are transparent, fair, ethical and accountable. Board members should constantly seek to reflect the following behaviors, and qualities while complying with both the letter and the spirit of the laws and policies affecting operations of San Bernardino Valley:

Exercising independent, impartial, and fair judgment and actions.

Using the public office to which you were elected for the public good, not personal gain.

Conducting public deliberations and processes openly, unless legally confidential, in an atmosphere of mutual respect, civility and transparency.

To this end, the Board of Directors has adopted this Handbook along with the Code of Conduct, to build public confidence, integrity, and transparency into the culture of District governance to foster effective operations of the agency as a whole. This Handbook will serve as your fundamental guide to serving in your role.

INTRODUCTION

In support of San Bernardino Valley Municipal Water District's (San Bernardino Valley) mission, the Governing Board is committed to developing, adopting, and maintaining a Board of Director's Handbook. The intent is to educate and continually guide the Board to a high level of strategic success and achievement in accord with best practices. Contained in the Handbook is pertinent Agency information, controlling legislation, rules and regulations having authority as it relates to the Board, as well as local policies enacted by the Board. The Handbook will serve as a resource for directors, staff and members of the public in determining the manner in which directors conduct matters related to San Bernardino Valley business. Updates to this Handbook are anticipated and will occur as additional needs, issues and circumstances may dictate.

San Bernardino Valley is an independent government agency which functions pursuant to the Municipal Water District Act of 1911 as codified in the State of California Water Code Sections 71000 et. seq. Those provisions of Division 20 of the Water Code (Municipal Water Districts) which are most applicable to San Bernardino Valley's authority, power and operation have been included in Section 2, Chapter 8 of this Handbook.

In addition, the Board has adopted a series of organizational policies over the years that have not been incorporated into any formal resolutions or ordinances. These policies have been included as references in Section 2 of this Handbook. These policies may be changed at the Board's discretion.

WHO WE ARE

Originally established in 1954 through a public election, San Bernardino Valley (Agency) is entrusted with regional long-range water supply responsibilities that are the culmination of election results, multiple judgements of the courts, and changes in laws and regulations. The first foundational responsibility of this Agency relates to the provision of supplemental water supply. Beginning with the 1954 election, and reaffirmed in 1964, the community chose to establish San Bernardino Valley Municipal Water District, rather than join the Metropolitan Water District of Southern California, as the State Water Contractor to represent the interests of this region for supply of supplemental water via the State Water Project (SWP).

The second foundational responsibility of this Agency results from resolution of legal cases related to surface flow and groundwater management within the Santa Ana River watershed. Recognized as an advocate for the region, 1969 marked the assignment of additional responsibilities to this Agency, including monitoring and accounting of groundwater extraction and Santa Ana River surface flows, and replenishment of groundwater, as specified in the Orange County and Western-San Bernardino judgments. More specifically, the Agency has responsibilities for a portion of the minimum Santa Ana River flow required at the Riverside Narrows and for monitoring groundwater supplies in the San Bernardino Basin, Colton Basin area, and Riverside North Basin.

As noted above, this Agency has a broad set of responsibilities and is tasked with serving as the long-term, strategic leader for this region. San Bernardino Valley is a State Water Contractor, water wholesaler, court appointed Watermasters for the two judgements, and the regional representative for water supply management. Accordingly, the Agency's enabling act includes a broad range of powers to provide water, wastewater and stormwater disposal, recreation, and fire protection services which provide for the flexibility to facilitate unique collaborations and resilient water supply efforts. These responsibilities dovetail with the missions of local retail agencies who are tasked with delivering water directly to customers. Our service area serves a population of over 700,000 and spans approximately 353 square miles mainly in southwestern San Bernardino County which overlays the service area boundaries of 15 local water retailers including: Bear Valley Mutual Water Company; City of Colton; City

of Loma Linda; City of Redlands; City of Rialto; City of San Bernardino; East Valley Water District; Fontana Water Company; Marigold Mutual; Muscoy Mutual; Riverside Highland Water Company; South Mesa Water District; Terrace Water Company; Yucaipa Valley Water District; Western Heights Water District; and West Valley Water District.

As a municipal water agency tasked to serve as the lead regional water planning entity in the San Bernardino Valley, the Agency is governed by a five-member elected Board of Directors. The Board of Directors establishes policy direction, guiding the team of specialized experts to meet the adopted Mission, Vision, and Values which reflect the broadest possible principles and provide parameters within which staff operates. Given its various roles as the regional water agency, San Bernardino Valley has distinct funding sources based on the specific activities required to meet the Mission. State Water Project activities including debt service, capital expenses, operating expenses, and repair and replacement are the only eligible expenses for use of a restricted fund resulting from the receipt of property tax revenue (ad valorem). Watermaster duties, regional planning and collaboration initiatives, water supply/replenishment activities such as the local stormwater capture projects, regional recycled water program, demand management programs, and the Upper Santa Ana River Habitat Conservation Plan are funded through the Agency's General Fund as a result of water rates received from local retail agency water deliveries.

The dynamic responsibilities of San Bernardino Valley have a community-based history that has provided stability, innovation, and ultimately a resilient regional water supply even during historically dry periods throughout the state. The Agency will continue long-range planning, collaboration, and project deliveries to support the changing needs of our region's people and the environment.



Vision

Our Vision for the future is a diverse, equitable, and resilient water supply and healthy watershed for future generations.



Mission

Our Mission is to work collaboratively to provide a reliable and sustainable water supply to support the changing needs of our region's people and the environment.



Values



COLLABORATIVE.

Dedicated to work inclusively.



TRUSTWORTHY.

Committed to earn respect.



INNOVATIVE.

Proactive and effective problem-solvers.



DRIVEN.

Passionate and empowered leaders.

Table of Contents

SECTION 1 – BOARD PROCEDURES	11
Chapter 1 – Role and Authority	11
1.1 Role of the Board	11
1.2 Authority	12
Chapter 2 - Board Member Interaction	14
Chapter 3 – Staff Interaction.....	16
3.1 The Board’s Relationship with the CEO/General Manager.....	16
3.2 Interactions with Staff.....	17
Chapter 4 - Governance	19
4.1 Election of Officers.....	19
4.2 Roles of Directors of the Agency, the President and Vice President of the Board of Directors.....	19
4.3 Roles of Committees	20
4.4 Time and Place for Regular Meetings	20
4.5 Quorum Requirements	21
4.6 Board Meeting Protocol.....	21
4.7 Voting.....	22
4.8 Closed Session.....	22
Chapter 5 – Public Interaction	23
5.1 Customer Concerns and Complaints.....	23
5.2 Public Input on the Agenda.....	23
5.3 Representing an Official Agency Position	24
Chapter 6 – Director’s Code of Conduct	25
6.1 Conflict of Interest	25
6.2 Handling of Legal Matters.....	26
6.3 Mandatory Training.....	27
6.3.1 Ethics Training	27
6.3.2 Harassment and Discrimination Prevention Training	28
6.4 Enforcement.....	28
6.5 Meeting Process and Decorum.....	28

Chapter 7 – Director Benefits	29
SECTION 2 – SUPPORTIVE DOCUMENTS (Legal References & Board Adopted Policies)	30
Chapter 8 - Selected Provisions of the California Water Code	30
Chapter 9 – Agency Policies Adopted by the Board	33
9.1 Harassment and Discrimination Prevention Policy.....	33
9.2 Technology Policy.....	35
9.3 Debt Management Policy.....	35
9.4 Investment Policy.....	35
9.5 Reserve Policy	35
9.6 Censure Policy.....	36
9.7 Board Member Teleconferencing Policy.....	36
Chapter 10 – Summary of the FPPC and Political Reform Act	37
10.1 Overview of the Political Reform Act.....	37
Chapter 11- Summary of the Ralph M. Brown Act	40
11.1 Scope of the Brown Act.....	40
11.2 Meetings	40
11.2.1 The Seminar or Conference Exception.....	40
11.2.2 Serial Meetings	40
11.2.3 Teleconference Meetings	41
11.2.4 Closed Session Meetings.....	41
11.2.5 Special Meetings.....	41
11.3 Compliance	42
11.4 Violations of the Brown Act	43
Chapter 12 – Form 700 (Statement of Economic Interests)	44
Chapter 13 – Summary of Robert’s Rules of Order	46
13.1 Guidelines	46
13.2 Parliamentary Application	47

SECTION 1 – BOARD PROCEDURES

Chapter 1 – Role and Authority

1.1 Role of the Board

The primary role of the Board is to establish policies that guide San Bernardino Valley Municipal Water District (“San Bernardino Valley” or “Agency”) to meet its mission, vision and values. The policy decisions supported by a majority of the Board constitutes an “action” of the Board.

The Board has three (3) major responsibilities:

1. Promote the best interests of the Agency's taxpayers and retail agency customers by establishing policies that support the mission, vision and values of the Agency and by ensuring the implementation of policies that are equitable and ensure taxpayers and retail agency customers pay their fair share towards long-term water supply reliability for the entire region. Policies include the governing principles, plans, and a course of action for the organization. Policy-making is the process of visionary planning and should reflect the broadest possible principles and provide parameters within which staff can operate. Policy-making sets the overall direction for the Agency.
2. Establish policies that ensure sound fiduciary judgment. The policies will be revised as needed to support the Agency's mission, vision and values, which may evolve over time. To achieve this, each fiscal year the Board adopts a budget covering the anticipated revenues and expenditures of the Agency for the upcoming fiscal year (July 1 to June 30) and receives a mid-year, to-date budget overview which may incorporate budget adjustments, as needed. Throughout the year the Board receives and reviews a monthly Treasurer's report which includes a budget-to-actual comparison of revenues and expenditures. From time to time, the Board reviews and/or adopts amendments to the Agency's cash reserve, investment, and other policies, as necessary.
3. Hire a CEO/General Manager to manage the day-to-day operations of the Agency. The Board holds the CEO/General Manager accountable for the effective operational management of the Agency. An additional responsibility of the Board is to evaluate the CEO/General Manager on an annual basis.

To fulfill these responsibilities, the Board shall adhere to the following basic policy guidelines:

1. The Board of Directors provides policy direction and leadership for the Agency and delegates responsibility for the day-to-day implementation of the Agency to the CEO/General Manager.
2. Board members are responsible for setting organizational policy and providing direction to the CEO/General Manager who is entirely responsible for day-to-day implementation of Agency programs and activities.
3. It is the responsibility of the Board, through the policies it adopts, to ensure that the Agency is a forward-thinking, transparent, innovative, equitable and well-managed agency.

4. The Board exercises authority only collectively as a Board, and individual Board members shall not act on their own volition. The "Board" is made up of five (5) members that make decisions. Issues are decided by a majority of these five Board members.
5. The Board seeks to provide leadership in local, regional, state, and national issues that have relevance on the operations of the Agency and the communities that it serves.
6. The Agency respects the role of the taxpayers and the retail agencies it serves in the governance of the Agency and encourages their participation.
7. Key stakeholders should be included and consulted when and where appropriate.
8. Board members represent the Agency in business related matters at meetings and events.
9. The Board maintains a high level of communication with the CEO/General Manager. When a Board member is going to be out of town or unavailable, the President, the CEO/General Manager and the Clerk of the Board is notified in a timely manner.
10. All Board members are provided with the same information that any other Board member may request, including staff reports, committee agendas, customer inquiries and background information.
11. Board members are encouraged to inform the CEO/General Manager of any specific information they want to receive from outside agencies or organizations, in addition to information they may acquire individually to share with the CEO/General Manager and other members of the Board.
12. The Board is aware that all written and electronic documentation and communication is in the public domain. This excludes closed session and information protected by attorney-client privilege.

1.2 Authority

San Bernardino Valley is a California Special District, an independent government agency which was organized in 1954 pursuant to the Municipal Water District Act of 1911 as codified in the State of California Water Code Sections 71000 et. seq. The Board has responsibility for setting the ad valorem tax rate and the water rate.

The Agency is governed by an elected Board of Directors who has authority to oversee and conduct the business and affairs of the Agency, including the authority to fix terms and conditions of employment (including compensation) of Agency employees. The Board is authorized to delegate those powers. The Board has retained authority to employ and set terms and conditions for employment of the CEO/General Manager of the Agency, but the CEO/General Manager has management authority over subordinate employees.

In order for a Board of Directors to function in an effective manner, it is important that each member understand his/her respective role and the relationship they have to other members of the Board and to

the CEO/General Manager. This also requires an understanding of the level of performance required to carry out the duties of a Board Member. The officers of the Board of Directors include the President, Vice-President, and a Treasurer and Secretary, which may be delegated to staff if desired by the Board. Officers of the Agency are selected every two years in accordance with the general election for the Board or as otherwise determined by the Board of Directors.

Chapter 2 - Board Member Interaction

When the members of the San Bernardino Valley Board are elected to office, there is an expectation they will bring a body of personal experience, knowledge and judgment to the development of good public policies. However, there is also an expectation that each individual Director will strive to work with fellow Board members and Agency staff as part of a team to address the various challenges and opportunities that are presented to them. The following represents Board member “best practices” for interacting with each other.

1. Board members are representatives for the taxpayers and retail agencies in the region. Their responsibility is to all constituents. Divisions are delineated by population to ensure a fair representation of constituents within the District boundaries.
2. The Board is responsible for creating and maintaining an Agency culture that demonstrates respect for the needs of taxpayers and retail agencies at all times.
3. Relationships between Board members should always be professional. When Board members fail in this regard, Directors may need to report this to the Board President (if the Board President is the member failing in this regard, Directors should then report it to the Vice President). Directors that engage in unprofessional behavior shall first meet with the Board President, and where appropriate, be offered professional facilitation. As a second step, the Board President may offer group facilitation to the entire Board. It should be noted the Board President has no power to dictate any member of the Board participate in facilitation¹.
4. Board members are knowledgeable about Robert’s Rules of Order related to the governance of a meeting and the Ralph M. Brown Act (Brown Act) related to communication among members of the Board. Board members acknowledge they understand communication includes electronic, written and verbal methods. Board members are expected to generally follow the “spirit”, but not the “letter” of [Robert’s Rules of Order](#) at Board Meetings.
5. Board members lead by example in their interaction and communication style and practice. Board members are encouraged to have productive discussions and disagreements using appropriate language and treat peers with whom they disagree with respect and dignity. Negative judgments, incivility and/or suppression of opposing views is not acceptable.
6. When a Board member wishes to speak, they will request to speak, and the President or Chair will allow discussion. It is expected that follow-up questions may be asked during the discussion period. The President or Chair will end discussion and call for a motion.
7. Board members adhere to the Agency’s values and are intended to promote a collaborate work environment that encourages sharing, creativity, openness to new ideas:
 - Treat every person with kindness and dignity.
 - Be courteous, responsive and professional.
 - Actively listen to understand others.
 - Take ownership of, and responsibility for, actions, risks, and results.

¹ Chapter 7, Section 7.4 Enforcement, provides for remedies for violations.

- Use outcomes, whether positive or negative, as learning opportunities.
- Make sound decisions from experiences, good judgment and collaboration.
- Give and seek clear expectations.
- Look for solutions that contribute to desired results.
- Act in all endeavors with an ethical, transparent, honest, and professional manner.
- Honor commitments to build trust.
- Be truthful in word and deed.
- Approach every situation with good intentions.
- Encourage new and diverse ideas.
- Listen, cooperate, and share across the organization.
- Value and recognize individual contributions.

Chapter 3 – Staff Interaction

The efficient and effective delivery of services to the customers of the Agency is a collaborative effort between the elected members of the Board of Directors and the CEO/General Manager who leads execution of the Agency's day-to-day operations.

3.1 The Board's Relationship with the CEO/General Manager

One of the most vital relationships the Board has is between itself and the CEO/General Manager. The CEO/General Manager is the Chief Executive Officer for the Board and is the one to whom the Board delegates its authority to manage and administer the daily operations in accordance with approved policies. This position is important because to be successful, the Agency requires a CEO/General Manager that has the skills to implement the mission, vision and values of the Board and manage the other members of the staff.

The Board shall select a CEO/General Manager that supports the mission, vision and values of the Board and has the leadership skills necessary to successfully undertake and implement the Board's mission, vision and values. In this capacity, the CEO/General Manager has two roles: Chief Executive Officer and chief advisor to the Board.

In addition to members of the Board, the CEO/General Manager is the most visible employee of the Agency and is responsible for representing the Agency in a variety of circumstances to our constituencies.

Much of the Agency's success will depend upon a positive relationship between the Board and its CEO/General Manager. Paradoxically, the leadership nature of both parties means that this relationship will likely create some inherent tensions; a Board and a CEO/General Manager will not always agree on every action taken by the CEO/General Manager in the implementation of Agency projects. However, both must consciously focus on maintaining a shared sense of purpose, open communication, transparency, honesty, trust and mutual support. While the CEO/General Manager is hired to carry out Board policy directives, the Board also looks to him/her for guidance and leadership.

One of the most important decisions a Board will make is the selection of a CEO/General Manager in whom they have confidence. The Board must be able to support the implementation decisions of the CEO/General Manager and grant him/her the authority to manage and lead the Agency in the day-to-day implementation of programs and policies approved by the Board. This is critical for building the CEO/General Manager's credibility with staff, retail agencies and the broader community the Agency serves.

It is the CEO/General Manager's responsibility to ensure that the Board members have all the information they need to make Board-level decisions and that all Board members are provided with the same information. Board members expect the CEO/General Manager to make a recommendation on every issue before the Board, except those that are strictly reserved for the Board.

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

1. The Board will provide the CEO/General Manager with an annual list of goals and/or projects that will be the basis for an annual performance review.
2. The Board of Directors will provide the CEO/General Manager with a written evaluation annually.
3. Board members are encouraged to contact the CEO/General Manager about any subject related to the operations of the Agency. Similarly, the CEO/General Manager may discuss any Agency-related issue with any member of the Board of Directors.
4. Concerns regarding overall Agency operations or specific department issues or department heads are addressed to the CEO/General Manager.
5. Critical information will be provided to all members of the Board by the CEO/General Manager; feedback may be verbal, written, or electronic in nature.
6. The CEO/General Manager has complete authority over staff and interdepartmental issues that may arise, subject to any formal appeal set forth in the Agency's Employee Handbook.
7. The CEO/General Manager shall advise the Board of Directors when he/she is out of the office for an extended period of time and shall designate the individual who shall be acting CEO/General Manager during that time.

3.2 Interactions with Staff

Agency staff serves the entire Board of Directors as a whole. Consequently, the Board should adhere to the following guidelines in its interaction with the staff:

1. To promote a healthy working relationship between Board members and staff, the CEO/General Manager should identify opportunities, on a regular basis, for both parties to interact professionally and socially.
2. A Board member shall not direct staff to initiate any action, change a course of action, or prepare any report without the approval of the CEO/General Manager and, if necessary, a majority of the Board. This does not imply that individual members of the Board are prohibited from asking a question of an individual member of the Agency staff; such as requesting a copy of a document or report; documents or reports should be requested from the Clerk of the Board.
3. Board members shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or priorities.
4. When preparing for Board meetings, Board members should first seek to direct their questions to the CEO/General Manager so that staff can provide the desired information in advance or at the Board meeting. Questions asked on the dais are not discouraged as open

dialogue may help peers in their understanding and decision making. Nothing in the aforementioned statements discourages open and transparent discussion by the members of the Board in open session.

5. Any concerns by a member of the Board regarding the behavior or work of an Agency employee should be directed to the CEO/General Manager privately to ensure that the concern is addressed. Board members shall not reprimand employees directly nor should they communicate their concerns to anyone other than the CEO/General Manager. Soliciting political support from staff (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.) is prohibited. Agency staff may, as private citizens exercising their constitutional rights, support political candidates, but all such activities must be done away from the workplace and may not be conducted while on the job.
6. Staff briefings of members of the legislative body should be “unidirectional” when done on an individual basis for a majority of the legislative body. This means that information should flow from staff to the member, and the member’s participation should be limited to asking questions and acquiring information. Otherwise, if multiple members separately give staff direction thereby causing staff to shape or modify their ultimate recommendations in order to reconcile the views of a majority of the members, a Brown Act violation might occur. A board member should not ask staff to describe the views of any other board members, and staff should not volunteer those views if known.

Chapter 4 - Governance

The orderly conduct of Agency business is guided by certain rules, regulations and procedures that are intended to afford equal opportunity for input on policy-making decisions to both Board members and the public. While many governance guidelines are embodied in State law, others are subject to Board discretion.

When opportunities to serve in various roles arise, the Board of Directors will make attempts to provide opportunities for all Directors to serve in various positions as practicable and in the best interests of the Agency.

4.1 Election of Officers

Pursuant to Section 71273 of the Water Code, at its first meeting in the month of January of each odd-numbered year, the Board shall elect one of its members President. The Board may at any meeting elect one of its members Vice President.

The Board shall also designate the CEO/General Manager, the Clerk of the Board and the Treasurer.

4.2 Roles of Directors of the Agency, the President and Vice President of the Board of Directors

1. The President of the Board of Directors is selected following the normal board election cycle for a 2-year term, unless otherwise modified by the Board, and may be elected to multiple terms.
2. The President of the Board is selected by the Board of Directors. In addition to the duties of the President described below, the President presides at all Board of Directors meetings, makes rulings on procedural points of order, and should keep meetings on track and productive. The President should encourage open discussion and allow all members the opportunity to express their views. The President should lead and guide the Board of Directors and provide a stabilizing influence and bring out the best in all members.
3. The President appoints all committees, standing and Ad Hoc. The President may create a new committee or abolish an existing committee with the approval of a majority of the Board.
4. Any member of the Board may propose the establishment of a new committee or abolishment of a standing or ad hoc committee at a Board Workshop to ascertain whether a majority of the Board concurs.
5. The President coordinates the efforts of committees; integrates committee work with that of the Board of Directors and defines committee relationships. The President makes declarations, extends official recognition of groups or events, and regularly communicates with the CEO/General Manager. The President and other Board members can request an item to be placed on the Board agenda.

6. The Vice-President remains as one member of the Board and has no rights or authority different from any other member of the Board. However, in the event of a temporary absence of the President, or an early vacancy in the position of Board President, the Vice-President shall become the Board President and shall continue as such until the Board President's temporary absence is complete or for the remaining portion of the outgoing Board President's term as Board President.
7. In the event the position of President is vacated prior to the expiration of his/her term, the Vice-President shall become the President for the remaining portion of the outgoing President's term, unless otherwise directed by the Board.
8. In the event of an early vacancy in the position of Vice-President, the Board shall determine, by vote, a replacement to fulfill the remaining portion of the outgoing Vice-President's term.
9. The President acts as the ceremonial head or representative of the Agency at various civic functions, and in his/her absence, the Vice-President serves in this capacity.
10. The President is the designated spokesperson for the Board of Directors when requests are made from external sources. The President may elect to appoint one of the other Board members to serve in this capacity.
11. The President acts as the signatory on all documents requiring the Board's execution. The Vice-President may do so in the President's absence.
12. The President may make appointments to the representative assignments annually, or as may be warranted anytime throughout the year, with the concurrence of Board members invited to serve in such capacities.

4.3 Roles of Committees

1. Legislative Committee: Travel to Sacramento/Washington D.C is expected and such travel and interaction with State and Federal elected officials is through the Legislative Committee assignments.
2. General Committee Guidelines:
 - a) The committee shall designate who can speak on or attend meetings related to the committee.
 - b) Directors may speak with elected or other agency representatives on general matters so long as they are not representing an adverse position.
 - c) Committees report out during regular Board meetings and/or Board workshops.

4.4 Time and Place for Regular Meetings

The regular monthly meeting of the Board of Directors will be held on the first and third Tuesday of each month commencing at 2:00 pm at 380 East Vanderbilt Way, San Bernardino, CA 92408.

4.5 Quorum Requirements

Three members of the Board will constitute a quorum for the transaction of business.

4.6 Board Meeting Protocol

1. All noticed meetings of the Board of Directors shall be conducted utilizing Robert's Rules of Order as a general guideline. Robert's Rules provide for constructive and democratic meetings and are intended to help, not hinder, the business of the Board. Under no circumstances should "undue strictness" be allowed to intimidate or limit full participation.
2. Public comment shall be received pursuant to the Brown Act. Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items except as authorized by law. Each speaker is limited to a maximum of three (3) minutes.
3. When possible, corrections to official minutes of the Board of Directors public meetings should be provided to the Clerk of the Board or CEO/General Manager in advance for approval at the next regular Board meeting. This does not prohibit a Board Member that finds an error in minutes to be approved at a meeting from taking action at that time as needed.
4. The CEO/General Manager shall inform the Board of items of significance that will be placed on future agendas. During the future business portion of the agenda, members of the Board may bring forward potential items to discuss at a further meeting. The Board will discuss and vote on the item to possibly be added to a future Board of Directors meeting for consideration.
5. The CEO/General Manager meets with the Board President prior to the Board meetings to review and prepare for the upcoming meeting.
6. At the direction of the CEO/General Manager, department heads or appropriate departmental managers will be present at every meeting if they have an item on the agenda.
7. The time during the Board Announcements portion of the Agenda shall be utilized for public education purposes regarding Agency programs and services.
8. Board members acknowledge that Director Reports at regular Board Meetings are not the ideal time to ask staff for studies and reports or to express complaints. Board Workshops or individual conversations with the CEO/General Manager are preferable. At the same time, Board members are never prohibited from taking any action that they deem necessary.
9. Directors are expected to dress professionally when representing the Agency, which may include Agency branded apparel.

4.7 Voting

A majority of all members of the Board will be required to approve any ordinance, resolution or motion, unless a different voting requirement to approve a particular action is specified under State law.

1. Each member may speak on an item prior to the making of a motion.
2. Roll call votes are required on any actions of the Board when a member is participating by teleconference and all ordinances considered by the Board. On other items, a roll call vote may be requested by any member of the Board.
3. Once an agenda item has been voted on, the disposition is considered as the "action" of the Board of Directors. Individual members of the Board that did not support the action should not seek to undermine the success of that decision. This does not imply that individual Board members may state publicly that they did not support the action taken by the Board or the reasons why.

4.8 Closed Session

1. All closed session discussions and materials are considered legal and confidential information, and as such, are not shared outside the Closed Session Conference unless specific action is taken, and then must be reported out of Closed Session. It is in the best interests of the organization to keep this information confidential, as sharing of such information may violate the Brown Act and can result in disciplinary action, legal action or referral to the grand jury.
2. Closed session staff reports are generally to be returned to the Clerk of the Board and/or Agency counsel immediately following the meeting..
3. Closed Session meetings may be held at times other than the regular meetings of the Board of Directors as long as the meeting is posted pursuant to the prevailing open meeting Brown Act rules.
4. Closed session agendas should be retained by the Clerk of the Board until an item is revised or resolved so Directors have access to the prior meeting materials as well as reduce waste by the Agency.

A Board Member should refer a request for information regarding a closed session item to the CEO/General Manager who, in concert with the Agency's legal counsel, will prepare an appropriate response.

Chapter 5 – Public Interaction

As a public body, it is important for the San Bernardino Valley Board of Directors to establish a working environment that encourages public participation and trust. During their time as elected officials, Board members will have a wide range of interactions with the public including written communication (i.e., letters, email, etc.), social media, phone calls, face-to-face, social functions, regular and special Board meetings, etc. The following guidelines represent Board member “best practices” for interacting with the public.

5.1 Customer Concerns and Complaints

1. All customer and taxpayer concerns and inquiries received by Board Members shall be referred to the Clerk of the Board. Directors will encourage people to bring their concerns to the Board via public comment.
2. Staff will provide the Board with a written or verbal report of a customer concern or inquiry that cannot be handled as a routine manner, including a response to the concern/inquiry.
3. The Board will be informed of significant, politically sensitive, urgent and/ or repetitive telephone or electronic communication inquiries. Staff will research the request as soon as possible and provide the CEO/General Manager with the appropriate follow-up and response. The CEO/General Manager will review the communication prior to dissemination to the Board.
4. Copies of any written or electronic responses to customer concerns provided by a member of the Board shall be provided to the other members of the Board of Directors as well.
5. Information that may expose the Agency to liability will be shared with the Board at a noticed, closed session meeting of the Board of Directors or through correspondence from the Agency’s legal counsel.

5.2 Public Input on the Agenda

1. Input from the public on any agendized item shall take place during the public comment portion of the agenda unless the President/Chair allows public comment during consideration of the agenda item. Directors should be cognizant that a majority of the Board may not state opinion about a non-agendized issue to avoid a violation of the Brown Act.
2. Agenda items noticed on the agenda for public hearing will follow procedures as outlined by the Agency's legal counsel.
3. Any Board member may elect to defer action on an item brought forward by the public until such time as staff can prepare an appropriate response.

4. The President is responsible for maintaining an orderly progression of the business before the Board.

5.3 Representing an Official Agency Position

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

1. Board members may use their title only when conducting official Agency business, for information purposes, or as an indication of background and expertise.
2. Once the Board of Directors has taken a position on an issue, all official Agency correspondence regarding that issue will reflect the Board's adopted position.
3. In most instances, the Board will authorize the President of the Board to send letters stating the Agency's official position to appropriate legislators.
4. No Board member is permitted to attend a meeting of any outside agency or organization as an official representative of the Agency without prior Board authorization. Meetings of outside agencies and organizations that are included on the Agency's list of Representative Assignments are to be attended by the designated Board member and/or alternate.
5. If a member of the Board appears before the meeting of another governmental agency organization to give a statement on an issue affecting the Agency (including Representative Assignments), the Board member shall indicate the majority position and opinion of the Board. (NOTE: Board members shall report on any actions taken at the next Board meeting under Director's report of activities).
6. Personal opinions and comments that may be contrary to adopted policy may be expressed only if the Board member clarifies that these statements do not reflect the official position of the Board or the Agency. To be clear, any Director may speak on any matter as an individual at any time.
7. Board members should exercise caution when utilizing the news media, social media or other forms of communications to specifically express views which are in opposition to adopted Board policy. Again, the Board member must clarify that these statements do not reflect the official position of the Board or the Agency. The CEO/General Manager, or designee, is the official spokesperson with the media.

When two Board members are authorized/assigned by the Board to attend a meeting as the Agency's official representative, other Board members may not participate at the meeting in order to avoid violations of the Brown Act.

Chapter 6 – Director’s Code of Conduct

In order to promote the public’s trust in Board policies and to ensure the most effective and efficient delivery of Agency services, members of the Board shall abide by a Director’s Code of Conduct which includes provisions relating to conflict of interest, the handling of legal matters, ethics training, and enforcement:

6.1 Conflict of Interest

Exercising independence and impartiality on behalf of the public good is a fundamental goal of any elected body. State law prohibits Board members from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest. Accordingly, the Political Reform Act requires every state and local agency to adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose their financial interests as specified in the agency’s conflict of interest code (Form 700).

In accordance with applicable State laws, the following provisions shall apply to all Board member actions:

1. A Board member will not have a financial interest in a contract with the Agency or be a purchaser at a sale by the Agency or a vendor at a purchase made by the Agency, unless the Board member’s participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law.
2. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000, and following, relating to conflicts of interest. Generally, a Board member has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission’s [“FPPC”] regulations) that is distinguishable from the effect on the public generally on:
 - a. A business entity in which the Board member is a director, officer, partner, trustee, employee, or manager and has a direct or indirect investment in the amount specified in the then-effective FPPC regulations;
 - b. Real property in which the Board member has a direct or indirect investment interest, with a worth in the amount specified in the then-effective FPPC regulations;
 - c. A source of income of the Board member in the amount specified in the then-effective FPPC regulations, within twelve months before the Board decision;
 - d. A source of gifts to the Board member in an amount specified in the then-effective FPPC regulations within twelve months before the Board decision;

- e. The Board member's personal expenses, income, assets or liabilities, and those of his or her immediate family, are likely to go up or down in a 12-month period as a result of the decision by the amount specified in the then-effective FPPC regulations.
3. If a Board member believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:
 - a. If the Board member becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Board member will notify the Agency's CEO/General Manager and the Agency's legal counsel of the potential conflict of interest, so that a determination can be made as to whether it is a disqualifying conflict of interest;
 - b. If it is not possible for the Board member to discuss the potential conflict with the CEO/General Manager and the Agency's legal counsel before the meeting, or if the Board member does not become aware of the potential conflict until during the meeting, the Board member will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest;
 - c. Upon a determination that there is a disqualifying conflict of interest, the Board member: (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes; and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (i.e., the consent calendar), in which case the Board member will identify the nature of the conflict and not vote on the specified item on the consent calendar. If the item is agendized for discussion and possible action, the Board member may speak on his or her personal interests in the matter during the time that the general public speaks on the issue but must leave the room during Board discussion and action on that item.
4. A Board member will not recommend the employment of a relative by the Agency. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the Agency.

6.2 Handling of Legal Matters

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

1. The following guidelines shall be employed by Board members when dealing with legal and/or other confidential matters:

- a. All written materials and verbal information provided to Board members on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the Agency's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Board members, the CEO/General Manager or the Agency's legal counsel.
 - b. Confidential materials provided to Board members outside of Closed Sessions must be destroyed, deleted, or returned to staff within thirty (30) days of their receipt.
 - c. Board members may not request confidential written information from staff that has not been provided to all Board members.
2. All Board members who are desirous of contact with the Agency's legal counsel, his or her staff, and/or attorney(s) contracted to work on behalf of the Agency shall generally first consult with the CEO/General Manager or in the event that the Director's concern relates to the CEO/General Manager, consult with the Board President. Board members cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the Agency, acting through the Board of Directors, and as may be allowed in State law for purposes of defending the Agency and/or the Board in the course of litigation and/or administrative procedures, etc.

6.3 Mandatory Training

6.3.1 Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Those who enter office after January 1, 2006, must receive the training within a year of starting their service. They must then receive training every two years after that. Upon completion of training, Directors are to submit the training certificate to the Clerk of the Board.

The training must cover general ethics principles relating to public service and ethic laws including:

1. Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
2. Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
3. Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
4. Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

6.3.2 Harassment and Discrimination Prevention Training

AB 1661 requires local agency officials who are compensated for their service to receive two (2) hours of harassment prevention training and education within the first six (6) months of taking office and every two (2) years thereafter. Upon completion of training, Directors are to submit the training certificate to the Clerk of the Board.

6.4 Enforcement

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

1. Adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy (i.e., censure);
2. Injunctive relief;
3. Referral of the violation to the Agency Attorney and/or Grand Jury.

6.5 Meeting Process and Decorum

Board process and decorum is a code of behavior that defines acceptable behaviors during service as a Board member; it is a set of rules and norms that set a productive stage for the conduct of the people's business. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during public meetings, board workshops and public hearings.

1. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience.
2. Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda.
3. Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item only at the meeting that the item is discussed (including, if desired, a position on abstention or dissenting vote).

Chapter 7 – Director Benefits

This section supersedes Resolution 969, adopted April 19, 2011, and provides for health and welfare benefits to be provided to Directors as follows:

Benefit	Directors Elected Before April 19, 2011	Directors Elected After April 19, 2011
Medical & Dental	Directors and their eligible family members, during the director's term in office, shall have their health and dental insurance premiums paid for by the Agency.	
Health & Dependent Care Reimbursement	Directors and their eligible family members, during the director's term in office, shall have their health and dependent care reimbursement plan paid for by the Agency.	Not applicable.
Vision	Directors and their eligible family members, during the director's term in office, shall have their vision insurance premiums paid for by the Agency.	
Former Director Continuing Medical & Dental (COBRA)	Former Directors along with eligible family members, shall be eligible for continuing coverage under the Agency's health, dental and vision insurance programs under COBRA for the eligible COBRA period (COBRA is self-paid).	
Director Death Continuing Medical & Dental (COBRA)	Eligible surviving family members of Active Directors shall be eligible for continuing coverage under the Agency's health, dental and vision insurance programs under COBRA for the eligible COBRA period (COBRA is self-paid).	
	Eligible Surviving members of a deceased Director who elected COBRA coverage and remain eligible for COBRA for continuing coverage under the Agency's health, and dental and vision insurance programs are eligible to have coverage continue under COBRA for the remaining eligible COBRA period (COBRA is self-paid).	

SECTION 2 – SUPPORTIVE DOCUMENTS (Legal References & Board Adopted Policies)

Chapter 8 - Selected Provisions of the California Water Code

San Bernardino Valley is an independent government agency which functions pursuant to the Municipal Water District Act of 1911 as codified in the State of California Water Code Sections 71000 et. seq. Those provisions of Division 20 of the Water Code (Municipal Water Districts) which are most applicable to the Agency's authority, power and operation have been included as references below.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. DIRECTORS [71250-71256](#)

CHAPTER 2. THE BOARD

Article 1. In General [71270-71282](#)

Article 2. Powers and Duties [71300-71314](#)

CHAPTER 3. OFFICERS AND EMPLOYEES

Article 1. In General [71340-71342](#)

Article 2. Duties [71360-71365](#)

PART 4. ELECTIONS

CHAPTER 1. ELECTIONS GENERALLY [71450-71454](#)

CHAPTER 2. PREPARATION OF BALLOTS [71461-71463](#)

CHAPTER 3. PRECINCTS AND POLLING PLACES [71473](#)

CHAPTER 4. ELECTION OF DIRECTORS

Article 1. In General [71500-71505](#)

Article 2. Appointment in Lieu of Election [71512](#)

CHAPTER 5. INITIATIVE, REFERENDUM, AND RECALL [71530-71531](#)

CHAPTER 6. RELOCATION OF DIVISION BOUNDARIES [71540](#)

PART 5. POWERS AND PURPOSES

CHAPTER 1. POWERS GENERALLY	71590-71601
CHAPTER 2. WATER	
Article 1. Development and Sale.....	71610-71618
Article 2. Standby Charges	71630-71637
Article 2.5. Alternative Provisions for Standby Charges	71638-71638.4
Article 2.7. Standby Assessments	71639
Article 3. Water Shortages	71640-71644
CHAPTER 3. OTHER FUNCTIONS	
Article 1. Recreation and Electrical Power	71660-71664
Article 2. Sewage, Waste, and Storm Water Disposal	71670-71674
Article 3. Fire Protection	71680
Article 4. Water Replenishment Assessment.....	71682-71689.9
Article 5. Sanitation Service	71689.20-71689.27
CHAPTER 4. PROPERTY	71690-71700
CHAPTER 5. CONTRACTS	
Article 1. Contracts With Other Agencies.....	71720-71726
CHAPTER 6. CONTROVERSIES	71750-71760
PART 6. FINANCIAL PROVISIONS	
CHAPTER 1. WARRANTS	71800-71801
CHAPTER 2. PROMISSORY NOTES.....	71810-71814
CHAPTER 3. ADOPTION OF IMPROVEMENT ACTS.....	71820-71823
PART 7. BONDS	
CHAPTER 1. IN GENERAL.....	71852-71854
CHAPTER 2. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS	
FOR ENTIRE AGENCY	71860-71861
CHAPTER 3. FORMATION OF IMPROVEMENT AGENCYCS FOR ISSUANCE	

OF BONDS	
Article 1. Initiation of Proceedings.....	71870-71875
Article 2. Hearing and Changes.....	71880-71883
Article 3. Formation	71890-71892
Article 4. Calling on Bond Election.....	71900-71901
Article 5. Advance of Funds	71910-71911
CHAPTER 4. FORMATION OF UNINHABITED IMPROVEMENT AGENCYCS	
FOR ISSUANCE OF BONDS	
Article 1. Initiation of Proceedings.....	71920-71924
Article 2. Bond Election	71930-71934
Article 3. Advance of Funds	71936-71937
CHAPTER 5. BOND ELECTION.....	71940-71947
CHAPTER 6. ISSUANCE AND SALE OF BONDS	
Article 1. Issuance and Terms	71950-71960
Article 2. Sale of Bonds and Use of Proceeds	71970-71975
CHAPTER 7. FORMATION OF IMPROVEMENT AGENCYCS FOR ISSUANCE	
OF REVENUE BONDS	
Article 1. Initiation of Proceedings.....	71980-71985
Article 2. Hearing and Changes.....	71986
Article 3. Formation of Revenue Improvement Agency	71987-71990
Article 4. Calling of Revenue Bond Election	71991-71994
Article 5. Advance of Funds	71995-71996

Chapter 9 – Agency Policies Adopted by the Board

The Board of the San Bernardino Valley Municipal Water District has adopted a series of organizational policies over the years that have not been incorporated into any formal resolutions or ordinances. These policies have been included as references below.

9.1 Harassment and Discrimination Prevention Policy

San Bernardino Valley is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity gender expression), national origin (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), ancestry, physical or mental disability, medical condition, reproductive health decision making, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by applicable federal, state or local law or ordinance or regulation. It also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

In addition, San Bernardino Valley prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

Harassment Prevention

San Bernardino Valley's policy prohibiting harassment applies to all persons involved in the operation of the agency and prohibits harassment, disrespectful or unprofessional conduct by any Director. San Bernardino Valley's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons with whom you come into contact while working.

1. Harassment Defined
 - A. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:
 - (1) Submission to the offensive conduct is an explicit or implicit term or condition of employment;
 - (2) Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or

- (3) The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

B. Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- (1) Kidding or joking about sex or membership in one of the protected classifications;
- (2) Hugs, pats, and similar physical contact;
- (3) Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- (4) Cartoons, posters, e-mails, texts and other materials referring to sex or membership in one of the protected classifications;
- (5) Threats intended to induce sexual favors;
- (6) Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- (7) Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- (8) Prolonged staring or leering at a person;
- (9) Similar conduct directed at an individual based on race, color, ancestry, national origin, religious creed, physical disability, mental disability, medical condition, reproductive health decision making, age (40 or over), marital status, military or veteran status, sexual orientation, gender identity, gender expression, genetic information, or any other protected classification under applicable law.

Non-Discrimination

San Bernardino Valley is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in agency operations and prohibits unlawful discrimination against any job applicant, employee, or unpaid intern by any Director.

Anti-Retaliation

San Bernardino Valley prohibits retaliation by any Director towards any employee, intern, vendor,

contractors, etc. for filing a complaint, participating in any workplace investigation, or for opposing conduct prohibited by this policy.

9.2 Technology Policy

Summary: The Agency's information systems and technology resources, including all computer, data and telecommunications hardware and software, are critical to its business and success. These systems are owned by the Agency. All messages and other information communicated through these systems are also the property of the Agency. These systems are to be used only to further the business purposes of the Agency and should never be used in violation of any applicable laws. The Agency has the right to terminate access to and use of any of these systems at any time with or without cause and with or without notice. The Agency may also take disciplinary action at its sole discretion, including termination, for any use of these systems that is not in accord with this Policy or any other policies of the Agency.

9.3 Debt Management Policy

Summary: This policy documents the Agency's goals for the use of debt instruments and provides guidelines for the use of debt for financing the Agency's infrastructure needs. While capital programs are primarily funded by reserves in accordance with the Agency's existing practice, and while the Agency intends to limit long-term borrowing to capital improvements or projects that cannot be financed with current revenues or that represent regional partnership projects, the Agency will evaluate on a case by case basis the merits of debt financing as part of the successful implementation of its goals and objectives.

9.4 Investment Policy

Summary: The Statement of Investment Policy is intended to provide guidelines for the prudent investment of the Agency's temporary idle cash, and outline the policies for maximizing the effectiveness and efficiency of the Agency's cash management system. The goal is twofold: one is to preserve the Agency's capital resources while maximizing investment earnings pursuant to the "Prudent Investor Standard", the second is to provide guidelines for authorized investment.

9.5 Reserve Policy

Summary: A key element of prudent financial planning is to ensure that sufficient funding is available for current operating, capital and debt service needs. Additionally, fiscal responsibility requires anticipating the likelihood of, and preparing for, unforeseen events. The Agency desires to identify and provide a calculation methodology and/or maintained level of all existing and future needs where reserve funds are required and/or necessary. The Board of Directors realize the importance of reserves in providing reliable service to its customers, financing long-term capital projects, and the funding of emergencies should they arise. In this context, the Agency will at all times strive to have sufficient funding available to meet its operating, capital, and debt service obligations. Funds will be accumulated and maintained to allow the Agency to fund expenditures in a manner consistent with the Agency's Capital Improvement Plan, and avoid significant rate fluctuations due to changes in cash flow requirements.

9.6 Censure Policy

Summary: This policy documents the Agency's minimum requirements of behavior for elected and appointed officials of the Agency. The Agency's elected officials are required to be independent, impartial and responsible to the people and to conduct themselves in a manner above reproach. Elected officials are expected to set an example which always demonstrates respect, confidence and trust between themselves and the community they serve. This policy establishes specific procedures for enforcement for any board member behavior, action or violation of Agency policies outside these minimum requirements of behavior.

9.7 Board Member Teleconferencing Policy

Summary: This policy documents the Agency's use of teleconferencing for the attendance at Meetings of the members of its Legislative Bodies. Applicable sections of this policy, including Global Teleconference Policies and Standard Teleconferencing Procedures shall apply in all instances, except when (a) a Board member has either "just cause" or an "emergency circumstance" so as to permit the use of the Expanded Teleconferencing Procedures or (b) a State of Emergency issued by the California Governor is in effect sufficient to trigger the use of the Emergency Teleconferencing Procedures.

Chapter 10 – Summary of the FPPC and Political Reform Act

In June 1974, the passage of Proposition 9 by California voters created the Political Reform Act (the “Act”) which sought to reign in the potential corruptive influence of special interests by imposing the most rigorous restrictions on fundraising and lobbying in the country. The Act regulates campaign financing, conflicts of interest, lobbying, and governmental ethics and is administered by the five-member Fair Political Practices Commission (FPPC) whose mission is to ensure that public officials act in a fair and unbiased manner in the governmental decision-making process, to promote transparency in government, and to foster public trust in the political system. The specific goals of the FPPC are:

1. To diligently prosecute serious violations of the law, ensuring that officials operate in a way that does not betray the public’s confidence.
2. To increase transparency by utilizing technology to provide “smart disclosure,” giving more people easy access to vital information about their public officials and campaign financing.
3. To concentrate on adopting meaningful reforms while maintaining the highest ethical standards.

The FPPC enacts regulations that implement the law, issues advice letters, and adopts advisory opinions that apply the Act as well as the regulations to particular circumstances.

10.1 Overview of the Political Reform Act

The Act is found in Title 9 of the Government Code, Sections 81000 to 91014. Its mission is to serve as the legal bedrock of governmental ethics in California. It regulates:

- **Financial Conflicts of Interest by Public Officials:** An elected official has a conflict of interest with regard to a particular government decision if it is sufficiently likely that the outcome of the decision will have an important impact on your economic interests, and a significant portion of your jurisdiction does not also feel the important impact on their economic interests. This law applies only to financial conflicts of interest; that is, conflicts of interest arising from economic interests. Whether an elected official has a conflict of interest that disqualifies him/her depends heavily on the facts of each governmental decision. The most important proactive step an elected official can take to avoid conflict of interest problems is learning to recognize the economic interests from which conflicts of interest can arise.
- **Campaign Finance:** The law requires detailed disclosure of the role of money in California politics. This includes the disclosure of contributions and expenditures in connection with campaigns supporting or opposing state and local candidates and ballot measures as well as the disclosure of expenditures made in connection with lobbying the State Legislature and attempting to influence administrative decisions of state government.

- **Lobbyist Registration and Reporting:** The purpose of lobbyist regulation as stated in the Act is: “The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials”. The main provisions of the Act related to lobbying govern the definition of who is a lobbyist, a lobbying firm and a lobbyist employer. These sections also provide for the registration of lobbyists, lobbying firms and their clients, called “lobbyist employers”, and for quarterly reporting of specified activities and expenditures, including detailed information about what lobbyists are paid, by whom, and which bills or regulations they lobbied for or against. No other California professionals are required to provide such detailed information concerning their activities and finances.
- **Post-Governmental Employment:** The Act places several restrictions on the activities of public officials who are leaving governmental employment. After leaving a government job, state officials are restricted by both a "one-year" ban against certain types of activity, and a "permanent" ban against very specific types of activity. For certain local officials and air pollution control/air quality management district members, officers, or employees, post-employment activities are also restricted by a similar "one-year" ban. Additionally, all public officials who are anticipating leaving governmental service are restricted from attempting to influence their prospective employment opportunities while working for a government agency.
- **Political Mass Mailings:** A mailing is prohibited under the Act if each of the following criteria is met (subject to one or more exceptions as provided for in the law):
 - A tangible item, such as a newsletter or brochure, is delivered, by any means, including by transmission of a fax, to a person’s residence, place of employment or business, or post office box. Note: Emails, website postings, text messages, and recorded telephone messages/robocalls are not considered tangible items and therefore, not subject to the Act’s mass mailing at public expense restrictions.
 - The item sent either features an elected officer affiliated with the agency (by including the officer’s photo or signature, or singling out the officer by the manner his or her name or office is displayed), or the item includes a reference to an elected officer affiliated with the agency and the item is prepared or sent in cooperation with the elected officer.
 - Any of the costs of distribution are paid for with public moneys, or if public funds are not used for the actual distribution, in excess of \$50 in public moneys is used to design, produce, or print the item and the design, production, or printing is done with the intent of sending the item other than as permitted by Regulation 18901.
 - More than 200 substantially similar items are sent in a calendar month, excluding any item sent in response to an unsolicited request.
- **Gifts and Honoraria given to Public Officials and Candidates:** The Act imposes limits on gifts, prohibits honoraria payments, and imposes limits and other restrictions on the receipt of travel payments received by:

- Local elected officers and other local officials specified in the Government Code, excluding judges.
- Designated employees of local government agencies (i.e., individuals required to file statements of economic interests under a local agency's conflict of interest code).
- Candidates for any of these offices or positions and judicial candidates.

The Act also imposes limits and other restrictions on personal loans received by certain local officials.

Chapter 11- Summary of the Ralph M. Brown Act

The Ralph M. Brown Act (Brown Act) or “Open Meeting Law” is found in the California Government Code § 54950 et seq. It was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies, and as a response to growing concerns about local government officials’ practice of holding secret meetings that were not in compliance with advance public notice requirements. The Brown Act’s primary purpose is to ensure public official accountability for their actions and to allow full public participation in the decision-making process.

11.1 Scope of the Brown Act

The Brown Act governs local agencies, legislative bodies of local government agencies such as city councils, county boards of supervisors, special districts, school boards, standing committees, and even some types of Home Owners Associations (if they were created by a public entity as a public agency.)

11.2 Meetings

The Brown Act defines a meeting as “any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body”. In other words, when there is a quorum of the legislative body constituting a majority, the Brown Act considers that a meeting. This also applies to situations where a majority of the members of the legislative body attend a social gathering (for which no meeting notice was given) and they start discussing business under their jurisdiction.

The key elements for a meeting are quorum and discussion, hearing or deliberation of issues; the meeting needs not to be formally convened in order to be subject to the Act. This would then include gathering which may be defined as informal, study, discussion, informational, fact-finding, or pre-council.

11.2.1 The Seminar or Conference Exception

Some meetings are not covered by the Brown Act. Attendance by a majority of the legislative body at a seminar, conference or similar educational gathering is generally exempted from Brown Act requirements §54952.2(c)(2). However, in order to qualify under this exception, the seminar or conference must be open to the public and must involve issues of general interest to the public or to local agencies. This exception will not apply if a majority of legislative body members discuss among themselves items of specific business relating to their own local agency other than as part of the scheduled program.

11.2.2 Serial Meetings

The Brown Act explicitly prohibits the use of “...direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body”. Serial meetings involve communication between members of a legislative body that are less than a quorum, but when all participants are considered, it constitutes a majority. For example, a chain of

communication involving contact from member A to member B who then communicates with member C would constitute a "serial meeting" ... Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred.

In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues. For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting.

It should also be noted that legal precedence has established that the use of email to create consensus among the legislative members might be in violation of the Brown Act.

11.2.3 Teleconference Meetings

The Brown Act allows teleconference meetings if they comply with the following specifications, and the Agency's teleconference procedures are outlined in detail in the [Board Member Teleconferencing Policy](#):

- The teleconference location is accessible to the public and it is noted in the agendas.
- An agenda is posted at all teleconference locations 72 hours in advance of the meeting. The teleconference meeting shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body.
- All votes are taken by roll call.
- At least a quorum of the members of the legislative body are located within the boundaries of the territory over which it exercises jurisdiction.

11.2.4 Closed Session Meetings

The Brown Act allows closed sessions under the scope of a regular or special meeting. It stipulates that they shall comply with agenda posting and be held within the jurisdiction of the legislative body, which shall include a description of the items to be discussed. In addition, prior to holding any closed session, the legislative body shall disclose, in an open meeting, the item or items to be discussed in the closed session. The Act provides an extensive description of specific items that can be discussed by the legislative body in closed session.

The legislative body shall publicly report actions, along with the vote and abstention count, taken as result of a closed session as required by the Act. Documentation relative to the reports should be available to any person on the next business day following the meeting, or in the case of documents requiring substantial amendments, when any necessary re-typing is complete.

11.2.5 Special Meetings

Either the presiding officer or the majority of members of the legislative body may call special meetings at any time by delivering each of its members a written notice and by notifying the media (which has previously requested notification of special meetings): the notice shall be received at least 24 hours in

advance before the meeting. Special meetings notice shall be also posted at least 24 hours prior to the meeting and it should be held in a location that is freely accessible to members of the public. The discussions at the special meeting are limited to the issues posted in the agenda. No other business shall be considered.

11.3 Compliance

In order to comply with the Brown Act, local agencies must adhere to the following rules:

- Hold open and public meetings. No legislative body shall conduct any meeting in a facility that prohibits the admittance of any person(s) on the basis of: race, religion, color, national origin, ancestry, sex; or that is inaccessible to disabled persons, or where the public, in order to gain access to the facility, needs to pay or purchase something.
- Vote publicly - no secret ballots are allowed.
- Comply with the protections and prohibitions of Section 202 of the Americans with Disabilities Act of 1990.
- Do not require public registration, as a condition for attendance; the public is not required to register, provide any other information, or fulfill any condition precedent to its attendance. If an attendance list is circulated, it shall clearly state that the signing, registering, or completion of the document is voluntary.
- Allow recording of the proceeding (video tape, audio tape) provided that recording is done in an undisruptive way.
- Do not prohibit or restrict broadcasting unless there is a finding that this would be disruptive to the proceedings.
- Post notice of meetings, information shall include specified time and location, except for "ad hoc" committees.
- Post agendas at least 72 hours in advance of a regular meeting. Such notice shall contain a brief general description of each item of business.
- Do not take action or discuss any item not appearing on the posted agenda except under certain conditions as provided by the Act.
- Hold meetings in the jurisdiction of the legislative body.
- Allow and honor any person's request to provide and mail a copy of the agenda at the time the agenda is posted (at least 72 hours in advance) or of all the documents of the agenda packet of any meeting.
- Provide an opportunity for comment from members of the public to directly address the legislative body on any item of interest to the public on every agenda for regular and special meetings.
- Allow public criticism of the legislative body.

- Hold at least one public meeting, allowing for public comment, before adopting any new or increased general tax or increased assessment. The legislative body shall provide at least 45 days public notice of such meeting.
- Do not charge fees for the attendance to a meeting or for carrying out any provision in the Brown Act. The only exception is when legislative bodies are allowed to charge a fee that covers the cost of mailing an agenda or agenda packet. The Act also prohibits meetings in a place where the public needs to pay or purchase something.
- Disclose to the public agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency. In addition, under the California Public Records Act these documents shall be made available upon request and without delay.
- Preserve the order in meetings. Moreover, if a group willfully interrupts a meeting and the order can only be restored by the removal of disruptive individuals, then the legislative body may order the meeting room to be cleared. The session might be reinitiated and representatives of the media shall be allowed to stay and attend the session. The legislative body may also establish a procedure for readmitting individual(s) not responsible for the disruptive conduct that caused the meeting room to be cleared.

11.4 Violations of the Brown Act

Each member of a legislative body who has taken action in violation of any provision of the Brown Act, and where there was willful deprivation of information to the public, is guilty of a misdemeanor. Civil remedies (injunction, mandamus, declaratory relief and voiding past actions of the body) are provided in case of violation of the Brown Act (that is, for violations to requirements for: general open meeting, agenda posting, closed sessions, tax and assessment, special meetings and, emergency meetings). A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant.

In order to correct a violation to the Brown Act, a complaint to cure and correct has to be filed by the interested party within 30 days of the date the action was taken during an open meeting and in violation of agenda requirements, or within 90 days of the date the action was taken for all other cases. Once the legislative body has received the complaint, it has 30 days to cure or correct the challenged action, if it fails to do so, a person then may file suit to void the action.

Chapter 12 – Form 700 (Statement of Economic Interests)

The Political Reform Act (the Act) provides that public officials of local agencies such as city councils, county boards of supervisors, special districts, and school boards must disclose their "economic interests" periodically on forms provided by the Fair Political Practices Commission (FPPC). In addition, an agency is required to determine which of its other officials, commission members, and employees perform duties that involve potential conflicts of interest. The legislative body adopts a resolution outlining those positions, called "designated employees." These employees are required to disclose their economic interests.

Conflict of interest is a complex issue. Board members should carefully consider and monitor "gifts" from any person or organization whether the gifts are financial support, loans, event tickets, meals, etc. Many of these gifts may need to be reported and may present a conflict of interest when considering and/or voting on projects or issues related to the person presenting the gift. Questions relating to conflict of interest should be directed to the Agency's legal counsel or the FPPC.

The Form 700 Statement of Economic Interests (SEI) annual filings, due in April, cover the previous calendar year or from the last filing period, as required.

There are five components to the Form 700 SEI:

- **Assuming Office Statement** - If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position is reportable.

- **Annual Statement**: Generally, the period covered is January 1, through December 31. If the period covered by the statement is different than January 1 through December 31, (for example, you assumed office between October 1 and December 31, or you are combining statements), you must specify the period covered.

Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur during the year.

- **Leaving Office Statement**: Generally, the period covered is January 1 through the date you stopped performing the duties of your position. If the period covered differs from January 1, through the date you stopped performing the duties of your position (for example, you assumed

office between October 1 and December 31 or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur during the year.

- **Candidate Statement:** If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water agency board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

- **Amendments:** If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Chapter 13 – Summary of Robert’s Rules of Order

Robert’s Rules of Order provides a set of common rules and procedures for deliberation and debate that places all persons involved on an equal footing and ensures consistency in the manner and language used during the conduct of a meeting. The comportment of any business activity is controlled by the general will of those involved, based on a shared acceptance that decisions will be made by a deliberate majority. Fairness dictates that a minority has the right to require the assembly to act according to its considered judgment after a full and fair "working through" of the issues involved. Robert's Rules facilitates constructive and democratic meetings and are intended to help, not hinder, the business of the assembly. Under no circumstances should undue strictness be allowed to intimidate members or limit full participation.²

13.1 Guidelines³

The following are the essential guidelines of Robert’s Rules that should be employed during a meeting:

- **Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that....."). A motion must then also be made (raise your hand and say, "I second it."). After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or supermajority as specified in your bylaws.)
- **Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.
- **Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.
- **Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.
- **Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.
- **Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion

² Adapted from "Robert's Rules of Order - Summary Version", accessed online March 6, 2017, [Page 46 | 49](http://www.robertsrules.org/)
<http://www.robertsrules.org/>

³ Adapted from "Parliamentary Procedure for Meetings", accessed online March 6, 2017,
<http://www.ulm.edu/staffsenate/documents/roberts-rules-of-order.pdf>

until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.

- Adjourn: A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

13.2 Parliamentary Application⁴

The following provides examples of how members of an assembly utilize Robert's Rules of Order during a meeting:

- Main Motion: A main motion must be moved, seconded, and stated by the chair before it can be discussed.
- Second the Motion: If you want to move, second, or speak to a motion, address the chair.
- Vote to Approve: If you approve the motion as is, vote for it
- Vote to Disapprove: If you disapprove the motion, vote against it
- Changing the Motion: If you approve the idea of the motion but want to change it, amend it or submit a substitute for it
- Need More Information: If you want advice or information to help you make your decision, move to refer the motion to an appropriate quorum or committee with instructions to report back.
- Refer to Committee: If you feel they can handle it better than the assembly, move to refer the motion to a quorum or committee with power to act.
- Tabling the Motion: If you feel that the pending question(s) should be delayed so more urgent business can be considered, move to lay the motion on the table.
- Defer Action: If you want time to think the motion over, move that consideration be deferred to a certain time.
- Move the Question: If you think that further discussion is unnecessary, move the previous question.
- Recalling a Motion: If you think that the assembly should give further consideration to a motion referred to a quorum or committee, move the motion be recalled.
- Reconsidering an Action: If you think that the assembly should give further consideration to a matter already voted upon, move that it be reconsidered.
- Appealing a Decision: If you do not agree with a decision rendered by the chair, appeal the decision to the assembly.
- Point of Order: If you think that a matter introduced is not germane to the matter at hand, a point of order maybe raised.
- Time Limit on Discussion: If you think that too much time is being consumed by speakers, you can move a time limit on such speeches.

Page 47 | 49

⁴ Ibid.

- Divide the Motion: If a motion has several parts, and you wish to vote differently on these parts, move to divide the motion.



A REGIONAL WATER AGENCY
SINCE 1954



Board of Directors HANDBOOK



WELCOME

You have been elected to the San Bernardino Valley Municipal Water District Board of Directors by your community. This is a tremendous honor that comes with much responsibility.

As a board member you have committed to representing the best interests of your division and of San Bernardino Valley. This is a high calling that depends on mutual trust, support, and collaboration with your fellow board members, San Bernardino Valley staff, and the network of regional partners and agency leaders.

The community and other stakeholders are entitled to elected Board members who are transparent, fair, ethical and accountable. Board members should constantly seek to reflect the following behaviors, and qualities while complying with both the letter and the spirit of the laws and policies affecting operations of San Bernardino Valley:

- Exercising independent, impartial, and fair judgment and actions.
- Using the public office to which you were elected for the public good, not personal gain.
- Conducting public deliberations and processes openly, unless legally confidential, in an atmosphere of mutual respect, civility and transparency.

To this end, the Board of Directors has adopted this Handbook along with the Code of Conduct, to build public confidence, integrity, and transparency into the culture of District governance to foster effective operations of the agency as a whole. This Handbook will serve as your fundamental guide to serving in your role.

INTRODUCTION

In support of San Bernardino Valley Municipal Water District's (San Bernardino Valley) mission, the Governing Board is committed to developing, adopting, and maintaining a Board of Director's Handbook. The intent is to educate and continually guide the Board to a high level of strategic success and achievement in accord with best practices. Contained in the Handbook is pertinent Agency information, controlling legislation, rules and regulations having authority as it relates to the Board, as well as local policies enacted by the Board. The Handbook will serve as a resource for directors, staff and members of the public in determining the manner in which directors conduct matters related to San Bernardino Valley business. Updates to this Handbook are anticipated and will occur as additional needs, issues and circumstances may dictate.

San Bernardino Valley is an independent government agency which functions pursuant to the Municipal Water District Act of 1911 as codified in the State of California Water Code Sections 71000 et. seq. Those provisions of Division 20 of the Water Code (Municipal Water Districts) which are most applicable to San Bernardino Valley's authority, power and operation have been included in Section 2, Chapter 8 of this Handbook.

In addition, the Board has adopted a series of organizational policies over the years that have not been incorporated into any formal resolutions or ordinances. These policies have been included as references in Section 2 of this Handbook. These policies may be changed at the Board's discretion.

WHO WE ARE

Originally established in 1954 through a public election, San Bernardino Valley (Agency) is entrusted with regional long-range water supply responsibilities that are the culmination of election results, multiple judgements of the courts, and changes in laws and regulations. The first foundational responsibility of this Agency relates to the provision of supplemental water supply. Beginning with the 1954 election, and reaffirmed in 1964, the community chose to establish San Bernardino Valley Municipal Water District, rather than join the Metropolitan Water District of Southern California, as the State Water Contractor to represent the interests of this region for supply of supplemental water via the State Water Project (SWP).

The second foundational responsibility of this Agency results from resolution of legal cases related to surface flow and groundwater management within the Santa Ana River watershed. Recognized as an advocate for the region, 1969 marked the assignment of additional responsibilities to this Agency, including monitoring and accounting of groundwater extraction and Santa Ana River surface flows, and replenishment of groundwater, as specified in the Orange County and Western-San Bernardino judgments. More specifically, the Agency has responsibilities for a portion of the minimum Santa Ana River flow required at the Riverside Narrows and for monitoring groundwater supplies in the San Bernardino Basin, Colton Basin area, and Riverside North Basin.

As noted above, this Agency has a broad set of responsibilities and is tasked with serving as the long-term, strategic leader for this region. San Bernardino Valley is a State Water Contractor, water wholesaler, court appointed Watermasters for the two judgements, and the regional representative for water supply management. Accordingly, the Agency's enabling act includes a broad range of powers to provide water, wastewater and stormwater disposal, recreation, and fire protection services which provide for the flexibility to facilitate unique collaborations and resilient water supply efforts. These responsibilities dovetail with the missions of local retail agencies who are tasked with delivering water directly to customers. Our service area serves a population of over 700,000 and spans approximately 353 square miles mainly in southwestern San Bernardino County which overlays the service area boundaries of 15 local water retailers including: Bear Valley Mutual Water Company; City of Colton; City

of Loma Linda; City of Redlands; City of Rialto; City of San Bernardino; East Valley Water District; Fontana Water Company; Marigold Mutual; Muscoy Mutual; Riverside Highland Water Company; South Mesa Water District; Terrace Water Company; Yucaipa Valley Water District; Western Heights Water District; and West Valley Water District.

As a municipal water agency tasked to serve as the lead regional water planning entity in the San Bernardino Valley, the Agency is governed by a five-member elected Board of Directors. The Board of Directors establishes policy direction, guiding the team of specialized experts to meet the adopted Mission, Vision, and Values which reflect the broadest possible principles and provide parameters within which staff operates. Given its various roles as the regional water agency, San Bernardino Valley has distinct funding sources based on the specific activities required to meet the Mission. State Water Project activities including debt service, capital expenses, operating expenses, and repair and replacement are the only eligible expenses for use of a restricted fund resulting from the receipt of property tax revenue (ad valorem). Watermaster duties, regional planning and collaboration initiatives, water supply/replenishment activities such as the local stormwater capture projects, regional recycled water program, demand management programs, and the Upper Santa Ana River Habitat Conservation Plan are funded through the Agency's General Fund as a result of water rates received from local retail agency water deliveries.

The dynamic responsibilities of San Bernardino Valley have a community-based history that has provided stability, innovation, and ultimately a resilient regional water supply even during historically dry periods throughout the state. The Agency will continue long-range planning, collaboration, and project deliveries to support the changing needs of our region's people and the environment.



Vision

Our Vision for the future is a diverse, equitable, and resilient water supply and healthy watershed for future generations.



Mission

Our Mission is to work collaboratively to provide a reliable and sustainable water supply to support the changing needs of our region's people and the environment.



Values



COLLABORATIVE.

Dedicated to work inclusively.



TRUSTWORTHY.

Committed to earn respect.



INNOVATIVE.

Proactive and effective problem-solvers.



DRIVEN.

Passionate and empowered leaders.

Table of Contents

SECTION 1 – BOARD PROCEDURES	11
Chapter 1 – Role and Authority	11
1.1 Role of the Board	11
1.2 Authority	12
Chapter 2 - Board Member Interaction	14
Chapter 3 – Staff Interaction.....	16
3.1 The Board’s Relationship with the CEO/General Manager.....	16
3.2 Interactions with Staff.....	17
Chapter 4 - Governance	19
4.1 Election of Officers.....	19
4.2 Roles of Directors of the Agency, the President and Vice President of the Board of Directors.....	19
4.3 Roles of Committees	20
4.4 Time and Place for Regular Meetings	20
4.5 Quorum Requirements	21
4.6 Board Meeting Protocol.....	21
4.7. Voting.....	22
4.8 Closed Session.....	22
Chapter 5 – Public Interaction	23
5.1 Customer Concerns and Complaints.....	23
5.2 Public Input on the Agenda.....	23
5.3 Representing an Official Agency Position	24
Chapter 6 – Director’s Code of Conduct	25
6.1 Conflict of Interest	25
6.2 Handling of Legal Matters.....	26
6.3 Mandatory Training.....	27
6.3.1 Ethics Training	27
6.3.2 Harassment and Discrimination Prevention Training	28
6.4 Enforcement.....	28
6.5 Meeting Process and Decorum.....	28

Chapter 7 – Director Benefits	29
SECTION 2 – SUPPORTIVE DOCUMENTS (Legal References & Board Adopted Policies)	30
Chapter 8 - Selected Provisions of the California Water Code	30
Chapter 9 – Agency Policies Adopted by the Board	33
9.1 Harassment and Discrimination Prevention Policy.....	33
9.2 Technology Policy.....	35
9.3 Debt Management Policy.....	35
9.4 Investment Policy.....	35
9.5 Reserve Policy	35
9.6 Censure Policy.....	36
9.7 Board Member Teleconferencing Policy.....	36
Chapter 10 – Summary of the FPPC and Political Reform Act	37
10.1 Overview of the Political Reform Act.....	37
Chapter 11- Summary of the Ralph M. Brown Act	40
11.1 Scope of the Brown Act.....	40
11.2 Meetings	40
11.2.1 The Seminar or Conference Exception.....	40
11.2.2 Serial Meetings	40
11.2.3 Teleconference Meetings	41
11.2.4 Closed Session Meetings.....	41
11.2.5 Special Meetings.....	41
11.3 Compliance	42
11.4 Violations of the Brown Act	43
Chapter 12 – Form 700 (Statement of Economic Interests)	44
Chapter 13 – Summary of Robert’s Rules of Order	46
13.1 Guidelines	46
13.2 Parliamentary Application	47

SECTION 1 – BOARD PROCEDURES

Chapter 1 – Role and Authority

1.1 Role of the Board

The primary role of the Board is to establish policies that guide San Bernardino Valley Municipal Water District (“San Bernardino Valley” or “Agency”) to meet its mission, vision and values. The policy decisions supported by a majority of the Board constitutes an “action” of the Board.

The Board has three (3) major responsibilities:

1. Promote the best interests of the Agency's taxpayers and retail agency customers by establishing policies that support the mission, vision and values of the Agency and by ensuring the implementation of policies that are equitable and ensure taxpayers and retail agency customers pay their fair share towards long-term water supply reliability for the entire region. Policies include the governing principles, plans, and a course of action for the organization. Policy-making is the process of visionary planning and should reflect the broadest possible principles and provide parameters within which staff can operate. Policy-making sets the overall direction for the Agency.
2. Establish policies that ensure sound fiduciary judgment. The policies will be revised as needed to support the Agency's mission, vision and values, which may evolve over time. To achieve this, each fiscal year the Board adopts a budget covering the anticipated revenues and expenditures of the Agency for the upcoming fiscal year (July 1 to June 30) and receives a mid-year, to-date budget overview which may incorporate budget adjustments, as needed. Throughout the year the Board receives and reviews a monthly Treasurer's report which includes a budget-to-actual comparison of revenues and expenditures. From time to time, the Board reviews and/or adopts amendments to the Agency's cash reserve, investment, and other policies, as necessary.
3. Hire a CEO/General Manager to manage the day-to-day operations of the Agency. The Board holds the CEO/General Manager accountable for the effective operational management of the Agency. An additional responsibility of the Board is to evaluate the CEO/General Manager on an annual basis.

To fulfill these responsibilities, the Board shall adhere to the following basic policy guidelines:

1. The Board of Directors provides policy direction and leadership for the Agency and delegates responsibility for the day-to-day implementation of the Agency to the CEO/General Manager.
2. Board members are responsible for setting organizational policy and providing direction to the CEO/General Manager who is entirely responsible for day-to-day implementation of Agency programs and activities.
3. It is the responsibility of the Board, through the policies it adopts, to ensure that the Agency is a forward-thinking, transparent, innovative, equitable and well-managed agency.

4. The Board exercises authority only collectively as a Board, and individual Board members shall not act on their own volition. The "Board" is made up of five (5) members that make decisions. Issues are decided by a majority of these five Board members.
5. The Board seeks to provide leadership in local, regional, state, and national issues that have relevance on the operations of the Agency and the communities that it serves.
6. The Agency respects the role of the taxpayers and the retail agencies it serves in the governance of the Agency and encourages their participation.
7. Key stakeholders should be included and consulted when and where appropriate.
8. Board members represent the Agency in business related matters at meetings and events.
9. The Board maintains a high level of communication with the CEO/General Manager. When a Board member is going to be out of town or unavailable, the President, the CEO/General Manager and the Clerk of the Board is notified in a timely manner.
10. All Board members are provided with the same information that any other Board member may request, including staff reports, committee agendas, customer inquiries and background information.
11. Board members are encouraged to inform the CEO/General Manager of any specific information they want to receive from outside agencies or organizations, in addition to information they may acquire individually to share with the CEO/General Manager and other members of the Board.
12. The Board is aware that all written and electronic documentation and communication is in the public domain. This excludes closed session and information protected by attorney-client privilege.

1.2 Authority

San Bernardino Valley is a California Special District, an independent government agency which was organized in 1954 pursuant to the Municipal Water District Act of 1911 as codified in the State of California Water Code Sections 71000 et. seq. The Board has responsibility for setting the ad valorem tax rate and the water rate.

The Agency is governed by an elected Board of Directors who has authority to oversee and conduct the business and affairs of the Agency, including the authority to fix terms and conditions of employment (including compensation) of Agency employees. The Board is authorized to delegate those powers. The Board has retained authority to employ and set terms and conditions for employment of the CEO/General Manager of the Agency, but the CEO/General Manager has management authority over subordinate employees.

In order for a Board of Directors to function in an effective manner, it is important that each member understand his/her respective role and the relationship they have to other members of the Board and to

the CEO/General Manager. This also requires an understanding of the level of performance required to carry out the duties of a Board Member. The officers of the Board of Directors include the President, Vice-President, and a Treasurer and Secretary, which may be delegated to staff if desired by the Board. Officers of the Agency are selected every two years in accordance with the general election for the Board or as otherwise determined by the Board of Directors.

Chapter 2 - Board Member Interaction

When the members of the San Bernardino Valley Board are elected to office, there is an expectation they will bring a body of personal experience, knowledge and judgment to the development of good public policies. However, there is also an expectation that each individual Director will strive to work with fellow Board members and Agency staff as part of a team to address the various challenges and opportunities that are presented to them. The following represents Board member “best practices” for interacting with each other.

1. Board members are representatives for the taxpayers and retail agencies in the region. Their responsibility is to all constituents. Divisions are delineated by population to ensure a fair representation of constituents within the District boundaries.
2. The Board is responsible for creating and maintaining an Agency culture that demonstrates respect for the needs of taxpayers and retail agencies at all times.
3. Relationships between Board members should always be professional. When Board members fail in this regard, Directors may need to report this to the Board President (if the Board President is the member failing in this regard, Directors should then report it to the Vice President). Directors that engage in unprofessional behavior shall first meet with the Board President, and where appropriate, be offered professional facilitation. As a second step, the Board President may offer group facilitation to the entire Board. It should be noted the Board President has no power to dictate any member of the Board participate in facilitation¹.
4. Board members are knowledgeable about Robert’s Rules of Order related to the governance of a meeting and the Ralph M. Brown Act (Brown Act) related to communication among members of the Board. Board members acknowledge they understand communication includes electronic, written and verbal methods. Board members are expected to generally follow the “spirit”, but not the “letter” of [Robert’s Rules of Order](#) at Board Meetings.
5. Board members lead by example in their interaction and communication style and practice. Board members are encouraged to have productive discussions and disagreements using appropriate language and treat peers with whom they disagree with respect and dignity. Negative judgments, incivility and/or suppression of opposing views is not acceptable.
6. When a Board member wishes to speak, they will request to speak, and the President or Chair will allow discussion. It is expected that follow-up questions may be asked during the discussion period. The President or Chair will end discussion and call for a motion.
7. Board members adhere to the Agency’s values and are intended to promote a collaborate work environment that encourages sharing, creativity, openness to new ideas:
 - Treat every person with kindness and dignity.
 - Be courteous, responsive and professional.
 - Actively listen to understand others.
 - Take ownership of, and responsibility for, actions, risks, and results.

¹ Chapter 7, Section 7.4 Enforcement, provides for remedies for violations.

- Use outcomes, whether positive or negative, as learning opportunities.
- Make sound decisions from experiences, good judgment and collaboration.
- Give and seek clear expectations.
- Look for solutions that contribute to desired results.
- Act in all endeavors with an ethical, transparent, honest, and professional manner.
- Honor commitments to build trust.
- Be truthful in word and deed.
- Approach every situation with good intentions.
- Encourage new and diverse ideas.
- Listen, cooperate, and share across the organization.
- Value and recognize individual contributions.

Chapter 3 – Staff Interaction

The efficient and effective delivery of services to the customers of the Agency is a collaborative effort between the elected members of the Board of Directors and the CEO/General Manager who leads execution of the Agency's day-to-day operations.

3.1 The Board's Relationship with the CEO/General Manager

One of the most vital relationships the Board has is between itself and the CEO/General Manager. The CEO/General Manager is the Chief Executive Officer for the Board and is the one to whom the Board delegates its authority to manage and administer the daily operations in accordance with approved policies. This position is important because to be successful, the Agency requires a CEO/General Manager that has the skills to implement the mission, vision and values of the Board and manage the other members of the staff.

The Board shall select a CEO/General Manager that supports the mission, vision and values of the Board and has the leadership skills necessary to successfully undertake and implement the Board's mission, vision and values. In this capacity, the CEO/General Manager has two roles: Chief Executive Officer and chief advisor to the Board.

In addition to members of the Board, the CEO/General Manager is the most visible employee of the Agency and is responsible for representing the Agency in a variety of circumstances to our constituencies.

Much of the Agency's success will depend upon a positive relationship between the Board and its CEO/General Manager. Paradoxically, the leadership nature of both parties means that this relationship will likely create some inherent tensions; a Board and a CEO/General Manager will not always agree on every action taken by the CEO/General Manager in the implementation of Agency projects. However, both must consciously focus on maintaining a shared sense of purpose, open communication, transparency, honesty, trust and mutual support. While the CEO/General Manager is hired to carry out Board policy directives, the Board also looks to him/her for guidance and leadership.

One of the most important decisions a Board will make is the selection of a CEO/General Manager in whom they have confidence. The Board must be able to support the implementation decisions of the CEO/General Manager and grant him/her the authority to manage and lead the Agency in the day-to-day implementation of programs and policies approved by the Board. This is critical for building the CEO/General Manager's credibility with staff, retail agencies and the broader community the Agency serves.

It is the CEO/General Manager's responsibility to ensure that the Board members have all the information they need to make Board-level decisions and that all Board members are provided with the same information. Board members expect the CEO/General Manager to make a recommendation on every issue before the Board, except those that are strictly reserved for the Board.

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

1. The Board will provide the CEO/General Manager with an annual list of goals and/or projects that will be the basis for an annual performance review.
2. The Board of Directors will provide the CEO/General Manager with a written evaluation annually.
3. Board members are encouraged to contact the CEO/General Manager about any subject related to the operations of the Agency. Similarly, the CEO/General Manager may discuss any Agency-related issue with any member of the Board of Directors.
4. Concerns regarding overall Agency operations or specific department issues or department heads are addressed to the CEO/General Manager.
5. Critical information will be provided to all members of the Board by the CEO/General Manager; feedback may be verbal, written, or electronic in nature.
6. The CEO/General Manager has complete authority over staff and interdepartmental issues that may arise, subject to any formal appeal set forth in the Agency's Employee Handbook.
7. The CEO/General Manager shall advise the Board of Directors when he/she is out of the office for an extended period of time and shall designate the individual who shall be acting CEO/General Manager during that time.

3.2 Interactions with Staff

Agency staff serves the entire Board of Directors as a whole. Consequently, the Board should adhere to the following guidelines in its interaction with the staff:

1. To promote a healthy working relationship between Board members and staff, the CEO/General Manager should identify opportunities, on a regular basis, for both parties to interact professionally and socially.
2. A Board member shall not direct staff to initiate any action, change a course of action, or prepare any report without the approval of the CEO/General Manager and, if necessary, a majority of the Board. This does not imply that individual members of the Board are prohibited from asking a question of an individual member of the Agency staff; such as requesting a copy of a document or report; documents or reports should be requested from the Clerk of the Board.
3. Board members shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or priorities.
4. When preparing for Board meetings, Board members should first seek to direct their questions to the CEO/General Manager so that staff can provide the desired information in advance or at the Board meeting. Questions asked on the dais are not discouraged as open

dialogue may help peers in their understanding and decision making. Nothing in the aforementioned statements discourages open and transparent discussion by the members of the Board in open session.

5. Any concerns by a member of the Board regarding the behavior or work of an Agency employee should be directed to the CEO/General Manager privately to ensure that the concern is addressed. Board members shall not reprimand employees directly nor should they communicate their concerns to anyone other than the CEO/General Manager. Soliciting political support from staff (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.) is prohibited. Agency staff may, as private citizens exercising their constitutional rights, support political candidates, but all such activities must be done away from the workplace and may not be conducted while on the job.
6. Staff briefings of members of the legislative body should be “unidirectional” when done on an individual basis for a majority of the legislative body. This means that information should flow from staff to the member, and the member’s participation should be limited to asking questions and acquiring information. Otherwise, if multiple members separately give staff direction thereby causing staff to shape or modify their ultimate recommendations in order to reconcile the views of a majority of the members, a Brown Act violation might occur. A board member should not ask staff to describe the views of any other board members, and staff should not volunteer those views if known.

Chapter 4 - Governance

The orderly conduct of Agency business is guided by certain rules, regulations and procedures that are intended to afford equal opportunity for input on policy-making decisions to both Board members and the public. While many governance guidelines are embodied in State law, others are subject to Board discretion.

When opportunities to serve in various roles arise, the Board of Directors will make attempts to provide opportunities for all Directors to serve in various positions as practicable and in the best interests of the Agency.

4.1 Election of Officers

Pursuant to Section 71273 of the Water Code, at its first meeting in the month of January of each odd-numbered year, the Board shall elect one of its members President. The Board may at any meeting elect one of its members Vice President.

The Board shall also designate the CEO/General Manager, the Clerk of the Board and the Treasurer.

4.2 Roles of Directors of the Agency, the President and Vice President of the Board of Directors

1. The President of the Board of Directors is selected following the normal board election cycle for a 2-year term, unless otherwise modified by the Board, and may be elected to multiple terms.
2. The President of the Board is selected by the Board of Directors. In addition to the duties of the President described below, the President presides at all Board of Directors meetings, makes rulings on procedural points of order, and should keep meetings on track and productive. The President should encourage open discussion and allow all members the opportunity to express their views. The President should lead and guide the Board of Directors and provide a stabilizing influence and bring out the best in all members.
3. The President appoints all committees, standing and Ad Hoc. The President may create a new committee or abolish an existing committee with the approval of a majority of the Board.
4. Any member of the Board may propose the establishment of a new committee or abolishment of a standing or ad hoc committee at a Board Workshop to ascertain whether a majority of the Board concurs.
5. The President coordinates the efforts of committees; integrates committee work with that of the Board of Directors and defines committee relationships. The President makes declarations, extends official recognition of groups or events, and regularly communicates with the CEO/General Manager. The President and other Board members can request an item to be placed on the Board agenda.

6. The Vice-President remains as one member of the Board and has no rights or authority different from any other member of the Board. However, in the event of a temporary absence of the President, or an early vacancy in the position of Board President, the Vice-President shall become the Board President and shall continue as such until the Board President's temporary absence is complete or for the remaining portion of the outgoing Board President's term as Board President.
7. In the event the position of President is vacated prior to the expiration of his/her term, the Vice-President shall become the President for the remaining portion of the outgoing President's term, unless otherwise directed by the Board.
8. In the event of an early vacancy in the position of Vice-President, the Board shall determine, by vote, a replacement to fulfill the remaining portion of the outgoing Vice-President's term.
9. The President acts as the ceremonial head or representative of the Agency at various civic functions, and in his/her absence, the Vice-President serves in this capacity.
10. The President is the designated spokesperson for the Board of Directors when requests are made from external sources. The President may elect to appoint one of the other Board members to serve in this capacity.
11. The President acts as the signatory on all documents requiring the Board's execution. The Vice-President may do so in the President's absence.
12. The President may make appointments to the representative assignments annually, or as may be warranted anytime throughout the year, with the concurrence of Board members invited to serve in such capacities.

4.3 Roles of Committees

1. Legislative Committee: Travel to Sacramento/Washington D.C is expected and such travel and interaction with State and Federal elected officials is through the Legislative Committee assignments.
2. General Committee Guidelines:
 - a) The committee shall designate who can speak on or attend meetings related to the committee.
 - b) Directors may speak with elected or other agency representatives on general matters so long as they are not representing an adverse position.
 - c) Committees report out during regular Board meetings and/or Board workshops.

4.4 Time and Place for Regular Meetings

The regular monthly meeting of the Board of Directors will be held on the first and third Tuesday of each month commencing at 2:00 pm at 380 East Vanderbilt Way, San Bernardino, CA 92408.

4.5 Quorum Requirements

Three members of the Board will constitute a quorum for the transaction of business.

4.6 Board Meeting Protocol

1. All noticed meetings of the Board of Directors shall be conducted utilizing Robert's Rules of Order as a general guideline. Robert's Rules provide for constructive and democratic meetings and are intended to help, not hinder, the business of the Board. Under no circumstances should "undue strictness" be allowed to intimidate or limit full participation.
2. Public comment shall be received pursuant to the Brown Act. Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items except as authorized by law. Each speaker is limited to a maximum of three (3) minutes.
3. When possible, corrections to official minutes of the Board of Directors public meetings should be provided to the Clerk of the Board or CEO/General Manager in advance for approval at the next regular Board meeting. This does not prohibit a Board Member that finds an error in minutes to be approved at a meeting from taking action at that time as needed.
4. The CEO/General Manager shall inform the Board of items of significance that will be placed on future agendas. During the future business portion of the agenda, members of the Board may bring forward potential items to discuss at a further meeting. The Board will discuss and vote on the item to possibly be added to a future Board of Directors meeting for consideration.
5. The CEO/General Manager meets with the Board President prior to the Board meetings to review and prepare for the upcoming meeting.
6. At the direction of the CEO/General Manager, department heads or appropriate departmental managers will be present at every meeting if they have an item on the agenda.
7. The time during the Board Announcements portion of the Agenda shall be utilized for public education purposes regarding Agency programs and services.
8. Board members acknowledge that Director Reports at regular Board Meetings are not the ideal time to ask staff for studies and reports or to express complaints. Board Workshops or individual conversations with the CEO/General Manager are preferable. At the same time, Board members are never prohibited from taking any action that they deem necessary.
9. Directors are expected to dress professionally when representing the Agency, which may include Agency branded apparel.

4.7. Voting

A majority of all members of the Board will be required to approve any ordinance, resolution or motion, unless a different voting requirement to approve a particular action is specified under State law.

1. Each member may speak on an item prior to the making of a motion.
2. Roll call votes are required on any actions of the Board when a member is participating by teleconference and all ordinances considered by the Board. On other items, a roll call vote may be requested by any member of the Board.
3. Once an agenda item has been voted on, the disposition is considered as the "action" of the Board of Directors. Individual members of the Board that did not support the action should not seek to undermine the success of that decision. This does not imply that individual Board members may state publicly that they did not support the action taken by the Board or the reasons why.

4.8 Closed Session

1. All closed session discussions and materials are considered legal and confidential information, and as such, are not shared outside the Closed Session Conference unless specific action is taken, and then must be reported out of Closed Session. It is in the best interests of the organization to keep this information confidential, as sharing of such information may violate the Brown Act and can result in disciplinary action, legal action or referral to the grand jury.
2. Closed session staff reports are generally to be returned to the Clerk of the Board and/or Agency counsel immediately following the meeting..
3. Closed Session meetings may be held at times other than the regular meetings of the Board of Directors as long as the meeting is posted pursuant to the prevailing open meeting Brown Act rules.
4. Closed session agendas should be retained by the Clerk of the Board until an item is revised or resolved so Directors have access to the prior meeting materials as well as reduce waste by the Agency.

A Board Member should refer a request for information regarding a closed session item to the CEO/General Manager who, in concert with the Agency's legal counsel, will prepare an appropriate response.

Chapter 5 – Public Interaction

As a public body, it is important for the San Bernardino Valley Board of Directors to establish a working environment that encourages public participation and trust. During their time as elected officials, Board members will have a wide range of interactions with the public including written communication (i.e., letters, email, etc.), social media, phone calls, face-to-face, social functions, regular and special Board meetings, etc. The following guidelines represent Board member “best practices” for interacting with the public.

5.1 Customer Concerns and Complaints

1. All customer and taxpayer concerns and inquiries received by Board Members shall be referred to the Clerk of the Board. Directors will encourage people to bring their concerns to the Board via public comment.
2. Staff will provide the Board with a written or verbal report of a customer concern or inquiry that cannot be handled as a routine manner, including a response to the concern/inquiry.
3. The Board will be informed of significant, politically sensitive, urgent and/ or repetitive telephone or electronic communication inquiries. Staff will research the request as soon as possible and provide the CEO/General Manager with the appropriate follow-up and response. The CEO/General Manager will review the communication prior to dissemination to the Board.
4. Copies of any written or electronic responses to customer concerns provided by a member of the Board shall be provided to the other members of the Board of Directors as well.
5. Information that may expose the Agency to liability will be shared with the Board at a noticed, closed session meeting of the Board of Directors or through correspondence from the Agency’s legal counsel.

5.2 Public Input on the Agenda

1. Input from the public on any agendized item shall take place during the public comment portion of the agenda unless the President/Chair allows public comment during consideration of the agenda item. Directors should be cognizant that a majority of the Board may not state opinion about a non-agendized issue to avoid a violation of the Brown Act.
2. Agenda items noticed on the agenda for public hearing will follow procedures as outlined by the Agency’s legal counsel.

3. Any Board member may elect to defer action on an item brought forward by the public until such time as staff can prepare an appropriate response.
4. The President is responsible for maintaining an orderly progression of the business before the Board.

5.3 Representing an Official Agency Position

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

1. Board members may use their title only when conducting official Agency business, for information purposes, or as an indication of background and expertise.
2. Once the Board of Directors has taken a position on an issue, all official Agency correspondence regarding that issue will reflect the Board's adopted position.
3. In most instances, the Board will authorize the President of the Board to send letters stating the Agency's official position to appropriate legislators.
4. No Board member is permitted to attend a meeting of any outside agency or organization as an official representative of the Agency without prior Board authorization. Meetings of outside agencies and organizations that are included on the Agency's list of Representative Assignments are to be attended by the designated Board member and/or alternate.
5. If a member of the Board appears before the meeting of another governmental agency organization to give a statement on an issue affecting the Agency (including Representative Assignments), the Board member shall indicate the majority position and opinion of the Board. (NOTE: Board members shall report on any actions taken at the next Board meeting under Director's report of activities).
6. Personal opinions and comments that may be contrary to adopted policy may be expressed only if the Board member clarifies that these statements do not reflect the official position of the Board or the Agency. To be clear, any Director may speak on any matter as an individual at any time.
7. Board members should exercise caution when utilizing the news media, social media or other forms of communications to specifically express views which are in opposition to adopted Board policy. Again, the Board member must clarify that these statements do not reflect the official position of the Board or the Agency. The CEO/General Manager, or designee, is the official spokesperson with the media.

When two Board members are authorized/assigned by the Board to attend a meeting as the Agency's official representative, other Board members may not participate at the meeting in order to avoid violations of the Brown Act.

Chapter 6 – Director’s Code of Conduct

In order to promote the public’s trust in Board policies and to ensure the most effective and efficient delivery of Agency services, members of the Board shall abide by a Director’s Code of Conduct which includes provisions relating to conflict of interest, the handling of legal matters, ethics training, and enforcement:

6.1 Conflict of Interest

Exercising independence and impartiality on behalf of the public good is a fundamental goal of any elected body. State law prohibits Board members from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest. Accordingly, the Political Reform Act requires every state and local agency to adopt a conflict of interest code that identifies all officials and employees within the agency who make governmental decisions based on the positions they hold. The individuals in the designed positions must disclose their financial interests as specified in the agency’s conflict of interest code (Form 700).

In accordance with applicable State laws, the following provisions shall apply to all Board member actions:

1. A Board member will not have a financial interest in a contract with the Agency or be a purchaser at a sale by the Agency or a vendor at a purchase made by the Agency, unless the Board member’s participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law.
2. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000, and following, relating to conflicts of interest. Generally, a Board member has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission’s [“FPPC”] regulations) that is distinguishable from the effect on the public generally on:
 - a. A business entity in which the Board member is a director, officer, partner, trustee, employee, or manager and has a direct or indirect investment in the amount specified in the then-effective FPPC regulations;
 - b. Real property in which the Board member has a direct or indirect investment interest, with a worth in the amount specified in the then-effective FPPC regulations;
 - c. A source of income of the Board member in the amount specified in the then-effective FPPC regulations, within twelve months before the Board decision;
 - d. A source of gifts to the Board member in an amount specified in the then-effective FPPC regulations within twelve months before the Board decision;

- e. The Board member's personal expenses, income, assets or liabilities, and those of his or her immediate family, are likely to go up or down in a 12-month period as a result of the decision by the amount specified in the then-effective FPPC regulations.
3. If a Board member believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:
 - a. If the Board member becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Board member will notify the Agency's CEO/General Manager and the Agency's legal counsel of the potential conflict of interest, so that a determination can be made as to whether it is a disqualifying conflict of interest;
 - b. If it is not possible for the Board member to discuss the potential conflict with the CEO/General Manager and the Agency's legal counsel before the meeting, or if the Board member does not become aware of the potential conflict until during the meeting, the Board member will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest;
 - c. Upon a determination that there is a disqualifying conflict of interest, the Board member: (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes; and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (i.e., the consent calendar), in which case the Board member will identify the nature of the conflict and not vote on the specified item on the consent calendar. If the item is agendized for discussion and possible action, the Board member may speak on his or her personal interests in the matter during the time that the general public speaks on the issue but must leave the room during Board discussion and action on that item.
 4. A Board member will not recommend the employment of a relative by the Agency. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the Agency.

6.2 Handling of Legal Matters

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

1. The following guidelines shall be employed by Board members when dealing with legal and/or other confidential matters:

- a. All written materials and verbal information provided to Board members on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the Agency's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Board members, the CEO/General Manager or the Agency's legal counsel.
 - b. Confidential materials provided to Board members outside of Closed Sessions must be destroyed, deleted, or returned to staff within thirty (30) days of their receipt.
 - c. Board members may not request confidential written information from staff that has not been provided to all Board members.
2. All Board members who are desirous of contact with the Agency's legal counsel, his or her staff, and/or attorney(s) contracted to work on behalf of the Agency shall generally first consult with the CEO/General Manager or in the event that the Director's concern relates to the CEO/General Manager, consult with the Board President. Board members cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the Agency, acting through the Board of Directors, and as may be allowed in State law for purposes of defending the Agency and/or the Board in the course of litigation and/or administrative procedures, etc.

6.3 Mandatory Training

6.3.1 Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Those who enter office after January 1, 2006, must receive the training within a year of starting their service. They must then receive training every two years after that. Upon completion of training, Directors are to submit the training certificate to the Clerk of the Board.

The training must cover general ethics principles relating to public service and ethic laws including:

1. Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
2. Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;
3. Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
4. Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process.

6.3.2 Harassment and Discrimination Prevention Training

AB 1661 requires local agency officials who are compensated for their service to receive two (2) hours of harassment prevention training and education within the first six (6) months of taking office and every two (2) years thereafter. Upon completion of training, Directors are to submit the training certificate to the Clerk of the Board.

6.4 Enforcement

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

1. Adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy (i.e., censure);
2. Injunctive relief;
3. Referral of the violation to the Agency Attorney and/or Grand Jury.

6.5 Meeting Process and Decorum

Board process and decorum is a code of behavior that defines acceptable behaviors during service as a Board member; it is a set of rules and norms that set a productive stage for the conduct of the people's business. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during public meetings, board workshops and public hearings.

1. Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience.
2. Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda.
3. Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item only at the meeting that the item is discussed (including, if desired, a position on abstention or dissenting vote).

Chapter 7 – Director Benefits

This section supersedes Resolution 969, adopted April 19, 2011, and provides for health and welfare benefits to be provided to Directors as follows:

Benefit	Directors Elected Before April 19, 2011	Directors Elected After April 19, 2011
Medical & Dental	Directors and their eligible family members, during the director's term in office, shall have their health and dental insurance premiums paid for by the Agency.	
Health & Dependent Care Reimbursement	Directors and their eligible family members, during the director's term in office, shall have their health and dependent care reimbursement plan paid for by the Agency.	Not applicable.
Vision	Directors and their eligible family members, during the director's term in office, shall have their vision insurance premiums paid for by the Agency.	
Former Director Continuing Medical & Dental (COBRA)	Former Directors along with eligible family members, shall be eligible for continuing coverage under the Agency's health, dental and vision insurance programs under COBRA for the eligible COBRA period (COBRA is self-paid).	
Director Death Continuing Medical & Dental (COBRA)	Eligible surviving family members of Active Directors shall be eligible for continuing coverage under the Agency's health, dental and vision insurance programs under COBRA for the eligible COBRA period (COBRA is self-paid).	
	Eligible Surviving members of a deceased Director who elected COBRA coverage and remain eligible for COBRA for continuing coverage under the Agency's health, and dental and vision insurance programs are eligible to have coverage continue under COBRA for the remaining eligible COBRA period (COBRA is self-paid).	

SECTION 2 – SUPPORTIVE DOCUMENTS (Legal References & Board Adopted Policies)

Chapter 8 - Selected Provisions of the California Water Code

San Bernardino Valley is an independent government agency which functions pursuant to the Municipal Water District Act of 1911 as codified in the State of California Water Code Sections 71000 et. seq. Those provisions of Division 20 of the Water Code (Municipal Water Districts) which are most applicable to the Agency's authority, power and operation have been included as references below.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. DIRECTORS [71250-71256](#)

CHAPTER 2. THE BOARD

Article 1. In General [71270-71282](#)

Article 2. Powers and Duties..... [71300-71314](#)

CHAPTER 3. OFFICERS AND EMPLOYEES

Article 1. In General [71340-71342](#)

Article 2. Duties..... [71360-71365](#)

PART 4. ELECTIONS

CHAPTER 1. ELECTIONS GENERALLY [71450-71454](#)

CHAPTER 2. PREPARATION OF BALLOTS [71461-71463](#)

CHAPTER 3. PRECINCTS AND POLLING PLACES [71473](#)

CHAPTER 4. ELECTION OF DIRECTORS

Article 1. In General [71500-71505](#)

Article 2. Appointment in Lieu of Election..... [71512](#)

CHAPTER 5. INITIATIVE, REFERENDUM, AND RECALL [71530-71531](#)

CHAPTER 6. RELOCATION OF DIVISION BOUNDARIES..... [71540](#)

PART 5. POWERS AND PURPOSES

CHAPTER 1. POWERS GENERALLY	71590-71601
CHAPTER 2. WATER	
Article 1. Development and Sale.....	71610-71618
Article 2. Standby Charges	71630-71637
Article 2.5. Alternative Provisions for Standby Charges	71638-71638.4
Article 2.7. Standby Assessments	71639
Article 3. Water Shortages	71640-71644
CHAPTER 3. OTHER FUNCTIONS	
Article 1. Recreation and Electrical Power	71660-71664
Article 2. Sewage, Waste, and Storm Water Disposal	71670-71674
Article 3. Fire Protection	71680
Article 4. Water Replenishment Assessment.....	71682-71689.9
Article 5. Sanitation Service	71689.20-71689.27
CHAPTER 4. PROPERTY	71690-71700
CHAPTER 5. CONTRACTS	
Article 1. Contracts With Other Agencies.....	71720-71726
CHAPTER 6. CONTROVERSIES	71750-71760
PART 6. FINANCIAL PROVISIONS	
CHAPTER 1. WARRANTS	71800-71801
CHAPTER 2. PROMISSORY NOTES.....	71810-71814
CHAPTER 3. ADOPTION OF IMPROVEMENT ACTS.....	71820-71823
PART 7. BONDS	
CHAPTER 1. IN GENERAL.....	71852-71854
CHAPTER 2. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS	
FOR ENTIRE AGENCY	71860-71861
CHAPTER 3. FORMATION OF IMPROVEMENT AGENCYCS FOR ISSUANCE	

OF BONDS	
Article 1. Initiation of Proceedings.....	71870-71875
Article 2. Hearing and Changes.....	71880-71883
Article 3. Formation	71890-71892
Article 4. Calling on Bond Election.....	71900-71901
Article 5. Advance of Funds	71910-71911
CHAPTER 4. FORMATION OF UNINHABITED IMPROVEMENT AGENCYCS	
FOR ISSUANCE OF BONDS	
Article 1. Initiation of Proceedings.....	71920-71924
Article 2. Bond Election	71930-71934
Article 3. Advance of Funds	71936-71937
CHAPTER 5. BOND ELECTION.....	71940-71947
CHAPTER 6. ISSUANCE AND SALE OF BONDS	
Article 1. Issuance and Terms	71950-71960
Article 2. Sale of Bonds and Use of Proceeds	71970-71975
CHAPTER 7. FORMATION OF IMPROVEMENT AGENCYCS FOR ISSUANCE	
OF REVENUE BONDS	
Article 1. Initiation of Proceedings.....	71980-71985
Article 2. Hearing and Changes.....	71986
Article 3. Formation of Revenue Improvement Agency	71987-71990
Article 4. Calling of Revenue Bond Election	71991-71994
Article 5. Advance of Funds	71995-71996

Chapter 9 – Agency Policies Adopted by the Board

The Board of the San Bernardino Valley Municipal Water District has adopted a series of organizational policies over the years that have not been incorporated into any formal resolutions or ordinances. These policies have been included as references below.

9.1 Harassment and Discrimination Prevention Policy

San Bernardino Valley is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity gender expression), national origin (including language use restrictions and possession of a driver's license issued under Vehicle Code section 12801.9), ancestry, physical or mental disability, medical condition, reproductive health decision making, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by applicable federal, state or local law or ordinance or regulation. It also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

In addition, San Bernardino Valley prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

Harassment Prevention

San Bernardino Valley's policy prohibiting harassment applies to all persons involved in the operation of the agency and prohibits harassment, disrespectful or unprofessional conduct by any Director. San Bernardino Valley's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons with whom you come into contact while working.

1. Harassment Defined
 - A. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:
 - (1) Submission to the offensive conduct is an explicit or implicit term or condition of employment;
 - (2) Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or

- (3) The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

B. Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- (1) Kidding or joking about sex or membership in one of the protected classifications;
- (2) Hugs, pats, and similar physical contact;
- (3) Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- (4) Cartoons, posters, e-mails, texts and other materials referring to sex or membership in one of the protected classifications;
- (5) Threats intended to induce sexual favors;
- (6) Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- (7) Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- (8) Prolonged staring or leering at a person;
- (9) Similar conduct directed at an individual based on race, color, ancestry, national origin, religious creed, physical disability, mental disability, medical condition, reproductive health decision making, age (40 or over), marital status, military or veteran status, sexual orientation, gender identity, gender expression, genetic information, or any other protected classification under applicable law.

Non-Discrimination

San Bernardino Valley is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in agency operations and prohibits unlawful discrimination against any job applicant, employee, or unpaid intern by any Director.

Anti-Retaliation

San Bernardino Valley prohibits retaliation by any Director towards any employee, intern, vendor,

contractors, etc. for filing a complaint, participating in any workplace investigation, or for opposing conduct prohibited by this policy.

9.2 Technology Policy

Summary: The Agency's information systems and technology resources, including all computer, data and telecommunications hardware and software, are critical to its business and success. These systems are owned by the Agency. All messages and other information communicated through these systems are also the property of the Agency. These systems are to be used only to further the business purposes of the Agency and should never be used in violation of any applicable laws. The Agency has the right to terminate access to and use of any of these systems at any time with or without cause and with or without notice. The Agency may also take disciplinary action at its sole discretion, including termination, for any use of these systems that is not in accord with this Policy or any other policies of the Agency.

9.3 Debt Management Policy

Summary: This policy documents the Agency's goals for the use of debt instruments and provides guidelines for the use of debt for financing the Agency's infrastructure needs. While capital programs are primarily funded by reserves in accordance with the Agency's existing practice, and while the Agency intends to limit long-term borrowing to capital improvements or projects that cannot be financed with current revenues or that represent regional partnership projects, the Agency will evaluate on a case by case basis the merits of debt financing as part of the successful implementation of its goals and objectives.

9.4 Investment Policy

Summary: The Statement of Investment Policy is intended to provide guidelines for the prudent investment of the Agency's temporary idle cash, and outline the policies for maximizing the effectiveness and efficiency of the Agency's cash management system. The goal is twofold: one is to preserve the Agency's capital resources while maximizing investment earnings pursuant to the "Prudent Investor Standard", the second is to provide guidelines for authorized investment.

9.5 Reserve Policy

Summary: A key element of prudent financial planning is to ensure that sufficient funding is available for current operating, capital and debt service needs. Additionally, fiscal responsibility requires anticipating the likelihood of, and preparing for, unforeseen events. The Agency desires to identify and provide a calculation methodology and/or maintained level of all existing and future needs where reserve funds are required and/or necessary. The Board of Directors realize the importance of reserves in providing reliable service to its customers, financing long-term capital projects, and the funding of emergencies should they arise. In this context, the Agency will at all times strive to have sufficient funding available to meet its operating, capital, and debt service obligations. Funds will be accumulated and maintained to allow the Agency to fund expenditures in a manner consistent with the Agency's Capital Improvement Plan, and avoid significant rate fluctuations due to changes in cash flow requirements.

9.6 Censure Policy

Summary: This policy documents the Agency's minimum requirements of behavior for elected and appointed officials of the Agency. The Agency's elected officials are required to be independent, impartial and responsible to the people and to conduct themselves in a manner above reproach. Elected officials are expected to set an example which always demonstrates respect, confidence and trust between themselves and the community they serve. This policy establishes specific procedures for enforcement for any board member behavior, action or violation of Agency policies outside these minimum requirements of behavior.

9.7 Board Member Teleconferencing Policy

Summary: This policy documents the Agency's use of teleconferencing for the attendance at Meetings of the members of its Legislative Bodies. Applicable sections of this policy, including Global Teleconference Policies and Standard Teleconferencing Procedures shall apply in all instances, except when (a) a Board member has either "just cause" or an "emergency circumstance" so as to permit the use of the Expanded Teleconferencing Procedures or (b) a State of Emergency issued by the California Governor is in effect sufficient to trigger the use of the Emergency Teleconferencing Procedures.

Chapter 10 – Summary of the FPPC and Political Reform Act

In June 1974, the passage of Proposition 9 by California voters created the Political Reform Act (the “Act”) which sought to reign in the potential corruptive influence of special interests by imposing the most rigorous restrictions on fundraising and lobbying in the country. The Act regulates campaign financing, conflicts of interest, lobbying, and governmental ethics and is administered by the five-member Fair Political Practices Commission (FPPC) whose mission is to ensure that public officials act in a fair and unbiased manner in the governmental decision-making process, to promote transparency in government, and to foster public trust in the political system. The specific goals of the FPPC are:

1. To diligently prosecute serious violations of the law, ensuring that officials operate in a way that does not betray the public’s confidence.
2. To increase transparency by utilizing technology to provide “smart disclosure,” giving more people easy access to vital information about their public officials and campaign financing.
3. To concentrate on adopting meaningful reforms while maintaining the highest ethical standards.

The FPPC enacts regulations that implement the law, issues advice letters, and adopts advisory opinions that apply the Act as well as the regulations to particular circumstances.

10.1 Overview of the Political Reform Act

The Act is found in Title 9 of the Government Code, Sections 81000 to 91014. Its mission is to serve as the legal bedrock of governmental ethics in California. It regulates:

- **Financial Conflicts of Interest by Public Officials:** An elected official has a conflict of interest with regard to a particular government decision if it is sufficiently likely that the outcome of the decision will have an important impact on your economic interests, and a significant portion of your jurisdiction does not also feel the important impact on their economic interests. This law applies only to financial conflicts of interest; that is, conflicts of interest arising from economic interests. Whether an elected official has a conflict of interest that disqualifies him/her depends heavily on the facts of each governmental decision. The most important proactive step an elected official can take to avoid conflict of interest problems is learning to recognize the economic interests from which conflicts of interest can arise.
- **Campaign Finance:** The law requires detailed disclosure of the role of money in California politics. This includes the disclosure of contributions and expenditures in connection with campaigns supporting or opposing state and local candidates and ballot measures as well as the disclosure of expenditures made in connection with lobbying the State Legislature and attempting to influence administrative decisions of state government.

- **Lobbyist Registration and Reporting:** The purpose of lobbyist regulation as stated in the Act is: “The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials”. The main provisions of the Act related to lobbying govern the definition of who is a lobbyist, a lobbying firm and a lobbyist employer. These sections also provide for the registration of lobbyists, lobbying firms and their clients, called “lobbyist employers”, and for quarterly reporting of specified activities and expenditures, including detailed information about what lobbyists are paid, by whom, and which bills or regulations they lobbied for or against. No other California professionals are required to provide such detailed information concerning their activities and finances.
- **Post-Governmental Employment:** The Act places several restrictions on the activities of public officials who are leaving governmental employment. After leaving a government job, state officials are restricted by both a “one-year” ban against certain types of activity, and a “permanent” ban against very specific types of activity. For certain local officials and air pollution control/air quality management district members, officers, or employees, post-employment activities are also restricted by a similar “one-year” ban. Additionally, all public officials who are anticipating leaving governmental service are restricted from attempting to influence their prospective employment opportunities while working for a government agency.
- **Political Mass Mailings:** A mailing is prohibited under the Act if each of the following criteria is met (subject to one or more exceptions as provided for in the law):
 - A tangible item, such as a newsletter or brochure, is delivered, by any means, including by transmission of a fax, to a person’s residence, place of employment or business, or post office box. Note: Emails, website postings, text messages, and recorded telephone messages/robocalls are not considered tangible items and therefore, not subject to the Act’s mass mailing at public expense restrictions.
 - The item sent either features an elected officer affiliated with the agency (by including the officer’s photo or signature, or singling out the officer by the manner his or her name or office is displayed), or the item includes a reference to an elected officer affiliated with the agency and the item is prepared or sent in cooperation with the elected officer.
 - Any of the costs of distribution are paid for with public moneys, or if public funds are not used for the actual distribution, in excess of \$50 in public moneys is used to design, produce, or print the item and the design, production, or printing is done with the intent of sending the item other than as permitted by Regulation 18901.
 - More than 200 substantially similar items are sent in a calendar month, excluding any item sent in response to an unsolicited request.
- **Gifts and Honoraria given to Public Officials and Candidates:** The Act imposes limits on gifts, prohibits honoraria payments, and imposes limits and other restrictions on the receipt of travel payments received by:

- Local elected officers and other local officials specified in the Government Code, excluding judges.
- Designated employees of local government agencies (i.e., individuals required to file statements of economic interests under a local agency's conflict of interest code).
- Candidates for any of these offices or positions and judicial candidates.

The Act also imposes limits and other restrictions on personal loans received by certain local officials.

Chapter 11- Summary of the Ralph M. Brown Act

The Ralph M. Brown Act (Brown Act) or “Open Meeting Law” is found in the California Government Code § 54950 et seq. It was enacted in 1953 to guarantee the public’s right to attend and participate in meetings of local legislative bodies, and as a response to growing concerns about local government officials’ practice of holding secret meetings that were not in compliance with advance public notice requirements. The Brown Act’s primary purpose is to ensure public official accountability for their actions and to allow full public participation in the decision-making process.

11.1 Scope of the Brown Act

The Brown Act governs local agencies, legislative bodies of local government agencies such as city councils, county boards of supervisors, special districts, school boards, standing committees, and even some types of Home Owners Associations (if they were created by a public entity as a public agency.)

11.2 Meetings

The Brown Act defines a meeting as “any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the legislative body”. In other words, when there is a quorum of the legislative body constituting a majority, the Brown Act considers that a meeting. This also applies to situations where a majority of the members of the legislative body attend a social gathering (for which no meeting notice was given) and they start discussing business under their jurisdiction.

The key elements for a meeting are quorum and discussion, hearing or deliberation of issues; the meeting needs not to be formally convened in order to be subject to the Act. This would then include gathering which may be defined as informal, study, discussion, informational, fact-finding, or pre-council.

11.2.1 The Seminar or Conference Exception

Some meetings are not covered by the Brown Act. Attendance by a majority of the legislative body at a seminar, conference or similar educational gathering is generally exempted from Brown Act requirements §54952.2(c)(2). However, in order to qualify under this exception, the seminar or conference must be open to the public and must involve issues of general interest to the public or to local agencies. This exception will not apply if a majority of legislative body members discuss among themselves items of specific business relating to their own local agency other than as part of the scheduled program.

11.2.2 Serial Meetings

The Brown Act explicitly prohibits the use of “...direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body”. Serial meetings involve communication between members of a legislative body that are less than a quorum, but when all participants are considered, it constitutes a majority. For example, a chain of

communication involving contact from member A to member B who then communicates with member C would constitute a "serial meeting" ... Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred.

In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues. For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting.

It should also be noted that legal precedence has established that the use of email to create consensus among the legislative members might be in violation of the Brown Act.

11.2.3 Teleconference Meetings

The Brown Act allows teleconference meetings if they comply with the following specifications, and the Agency's teleconference procedures are outlined in detail in the [Board Member Teleconferencing Policy](#):

- The teleconference location is accessible to the public and it is noted in the agendas.
- An agenda is posted at all teleconference locations 72 hours in advance of the meeting. The teleconference meeting shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body.
- All votes are taken by roll call.
- At least a quorum of the members of the legislative body are located within the boundaries of the territory over which it exercises jurisdiction.

11.2.4 Closed Session Meetings

The Brown Act allows closed sessions under the scope of a regular or special meeting. It stipulates that they shall comply with agenda posting and be held within the jurisdiction of the legislative body, which shall include a description of the items to be discussed. In addition, prior to holding any closed session, the legislative body shall disclose, in an open meeting, the item or items to be discussed in the closed session. The Act provides an extensive description of specific items that can be discussed by the legislative body in closed session.

The legislative body shall publicly report actions, along with the vote and abstention count, taken as result of a closed session as required by the Act. Documentation relative to the reports should be available to any person on the next business day following the meeting, or in the case of documents requiring substantial amendments, when any necessary re-typing is complete.

11.2.5 Special Meetings

Either the presiding officer or the majority of members of the legislative body may call special meetings at any time by delivering each of its members a written notice and by notifying the media (which has previously requested notification of special meetings): the notice shall be received at least 24 hours in

advance before the meeting. Special meetings notice shall be also posted at least 24 hours prior to the meeting and it should be held in a location that is freely accessible to members of the public. The discussions at the special meeting are limited to the issues posted in the agenda. No other business shall be considered.

11.3 Compliance

In order to comply with the Brown Act, local agencies must adhere to the following rules:

- Hold open and public meetings. No legislative body shall conduct any meeting in a facility that prohibits the admittance of any person(s) on the basis of: race, religion, color, national origin, ancestry, sex; or that is inaccessible to disabled persons, or where the public, in order to gain access to the facility, needs to pay or purchase something.
- Vote publicly - no secret ballots are allowed.
- Comply with the protections and prohibitions of Section 202 of the Americans with Disabilities Act of 1990.
- Do not require public registration, as a condition for attendance; the public is not required to register, provide any other information, or fulfill any condition precedent to its attendance. If an attendance list is circulated, it shall clearly state that the signing, registering, or completion of the document is voluntary.
- Allow recording of the proceeding (video tape, audio tape) provided that recording is done in an undistruptive way.
- Do not prohibit or restrict broadcasting unless there is a finding that this would be disruptive to the proceedings.
- Post notice of meetings, information shall include specified time and location, except for "ad hoc" committees.
- Post agendas at least 72 hours in advance of a regular meeting. Such notice shall contain a brief general description of each item of business.
- Do not take action or discuss any item not appearing on the posted agenda except under certain conditions as provided by the Act.
- Hold meetings in the jurisdiction of the legislative body.
- Allow and honor any person's request to provide and mail a copy of the agenda at the time the agenda is posted (at least 72 hours in advance) or of all the documents of the agenda packet of any meeting.
- Provide an opportunity for comment from members of the public to directly address the legislative body on any item of interest to the public on every agenda for regular and special meetings.
- Allow public criticism of the legislative body.

- Hold at least one public meeting, allowing for public comment, before adopting any new or increased general tax or increased assessment. The legislative body shall provide at least 45 days public notice of such meeting.
- Do not charge fees for the attendance to a meeting or for carrying out any provision in the Brown Act. The only exception is when legislative bodies are allowed to charge a fee that covers the cost of mailing an agenda or agenda packet. The Act also prohibits meetings in a place where the public needs to pay or purchase something.
- Disclose to the public agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency. In addition, under the California Public Records Act these documents shall be made available upon request and without delay.
- Preserve the order in meetings. Moreover, if a group willfully interrupts a meeting and the order can only be restored by the removal of disruptive individuals, then the legislative body may order the meeting room to be cleared. The session might be reinitiated and representatives of the media shall be allowed to stay and attend the session. The legislative body may also establish a procedure for readmitting individual(s) not responsible for the disruptive conduct that caused the meeting room to be cleared.

11.4 Violations of the Brown Act

Each member of a legislative body who has taken action in violation of any provision of the Brown Act, and where there was willful deprivation of information to the public, is guilty of a misdemeanor. Civil remedies (injunction, mandamus, declaratory relief and voiding past actions of the body) are provided in case of violation of the Brown Act (that is, for violations to requirements for: general open meeting, agenda posting, closed sessions, tax and assessment, special meetings and, emergency meetings). A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant.

In order to correct a violation to the Brown Act, a complaint to cure and correct has to be filed by the interested party within 30 days of the date the action was taken during an open meeting and in violation of agenda requirements, or within 90 days of the date the action was taken for all other cases. Once the legislative body has received the complaint, it has 30 days to cure or correct the challenged action, if it fails to do so, a person then may file suit to void the action.

Chapter 12 – Form 700 (Statement of Economic Interests)

The Political Reform Act (the Act) provides that public officials of local agencies such as city councils, county boards of supervisors, special districts, and school boards must disclose their "economic interests" periodically on forms provided by the Fair Political Practices Commission (FPPC). In addition, an agency is required to determine which of its other officials, commission members, and employees perform duties that involve potential conflicts of interest. The legislative body adopts a resolution outlining those positions, called "designated employees." These employees are required to disclose their economic interests.

Conflict of interest is a complex issue. Board members should carefully consider and monitor "gifts" from any person or organization whether the gifts are financial support, loans, event tickets, meals, etc. Many of these gifts may need to be reported and may present a conflict of interest when considering and/or voting on projects or issues related to the person presenting the gift. Questions relating to conflict of interest should be directed to the Agency's legal counsel or the FPPC.

The Form 700 Statement of Economic Interests (SEI) annual filings, due in April, cover the previous calendar year or from the last filing period, as required.

There are five components to the Form 700 SEI:

- **Assuming Office Statement** - If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position is reportable.

- **Annual Statement**: Generally, the period covered is January 1, through December 31. If the period covered by the statement is different than January 1 through December 31, (for example, you assumed office between October 1 and December 31, or you are combining statements), you must specify the period covered.

Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur during the year.

- **Leaving Office Statement**: Generally, the period covered is January 1 through the date you stopped performing the duties of your position. If the period covered differs from January 1, through the date you stopped performing the duties of your position (for example, you assumed

office between October 1 and December 31 or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur during the year.

- **Candidate Statement:** If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water agency board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

- **Amendments:** If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Chapter 13 – Summary of Robert’s Rules of Order

Robert’s Rules of Order provides a set of common rules and procedures for deliberation and debate that places all persons involved on an equal footing and ensures consistency in the manner and language used during the conduct of a meeting. The comportment of any business activity is controlled by the general will of those involved, based on a shared acceptance that decisions will be made by a deliberate majority. Fairness dictates that a minority has the right to require the assembly to act according to its considered judgment after a full and fair "working through" of the issues involved. Robert's Rules facilitates constructive and democratic meetings and are intended to help, not hinder, the business of the assembly. Under no circumstances should undue strictness be allowed to intimidate members or limit full participation.²

13.1 Guidelines³

The following are the essential guidelines of Robert’s Rules that should be employed during a meeting:

- **Motion:** To introduce a new piece of business or propose a decision or action, a motion must be made by a group member ("I move that....."). A motion must then also be made (raise your hand and say, "I second it."). After limited discussion the group then votes on the motion. A majority vote is required for the motion to pass (or supermajority as specified in your bylaws.)
- **Postpone Indefinitely:** This tactic is used to kill a motion. When passed, the motion cannot be reintroduced at that meeting. It may be brought up again at a later date. This is made as a motion ("I move to postpone indefinitely..."). A second is required. A majority vote is required to postpone the motion under consideration.
- **Amend:** This is the process used to change a motion under consideration. Perhaps you like the idea proposed but not exactly as offered. Raise your hand and make the following motion: "I move to amend the motion on the floor." This also requires a second. After the motion to amend is seconded, a majority vote is needed to decide whether the amendment is accepted. Then a vote is taken on the amended motion. In some organizations, a "friendly amendment" is made. If the person who made the original motion agrees with the suggested changes, the amended motion may be voted on without a separate vote to approve the amendment.
- **Commit:** This is used to place a motion in committee. It requires a second. A majority vote must rule to carry it. At the next meeting the committee is required to prepare a report on the motion committed. If an appropriate committee exists, the motion goes to that committee. If not, a new committee is established.
- **Question:** To end a debate immediately, the question is called (say "I call the question") and needs a second. A vote is held immediately (no further discussion is allowed). A two-thirds vote is required for passage. If it is passed, the motion on the floor is voted on immediately.
- **Table:** To table a discussion is to lay aside the business at hand in such a manner that it will be considered later in the meeting or at another time ("I make a motion to table this discussion

² Adapted from "Robert's Rules of Order - Summary Version", accessed online March 6, 2017, [Page 46 | 49](http://www.robertsrules.org/)
<http://www.robertsrules.org/>

³ Adapted from "Parliamentary Procedure for Meetings", accessed online March 6, 2017,
<http://www.ulm.edu/staffsenate/documents/roberts-rules-of-order.pdf>

until the next meeting. In the meantime, we will get more information so we can better discuss the issue.") A second is needed and a majority vote required to table the item being discussed.

- Adjourn: A motion is made to end the meeting. A second motion is required. A majority vote is then required for the meeting to be adjourned (ended).

13.2 Parliamentary Application⁴

The following provides examples of how members of an assembly utilize Robert's Rules of Order during a meeting:

- Main Motion: A main motion must be moved, seconded, and stated by the chair before it can be discussed.
- Second the Motion: If you want to move, second, or speak to a motion, address the chair.
- Vote to Approve: If you approve the motion as is, vote for it
- Vote to Disapprove: If you disapprove the motion, vote against it
- Changing the Motion: If you approve the idea of the motion but want to change it, amend it or submit a substitute for it
- Need More Information: If you want advice or information to help you make your decision, move to refer the motion to an appropriate quorum or committee with instructions to report back.
- Refer to Committee: If you feel they can handle it better than the assembly, move to refer the motion to a quorum or committee with power to act.
- Tabling the Motion: If you feel that the pending question(s) should be delayed so more urgent business can be considered, move to lay the motion on the table.
- Defer Action: If you want time to think the motion over, move that consideration be deferred to a certain time.
- Move the Question: If you think that further discussion is unnecessary, move the previous question.
- Recalling a Motion: If you think that the assembly should give further consideration to a motion referred to a quorum or committee, move the motion be recalled.
- Reconsidering an Action: If you think that the assembly should give further consideration to a matter already voted upon, move that it be reconsidered.
- Appealing a Decision: If you do not agree with a decision rendered by the chair, appeal the decision to the assembly.
- Point of Order: If you think that a matter introduced is not germane to the matter at hand, a point of order maybe raised.
- Time Limit on Discussion: If you think that too much time is being consumed by speakers, you can move a time limit on such speeches.

Page 47 | 49

⁴ Ibid.

- Divide the Motion: If a motion has several parts, and you wish to vote differently on these parts, move to divide the motion.



A REGIONAL WATER AGENCY
SINCE 1954

DATE: December 5, 2023
TO: Board of Directors
FROM: Bob Tincher, Chief of State Water Initiatives/Deputy General Manager
SUBJECT: State Water Project Report

Staff Recommendation

Receive and file

Summary

This report provides an update on the State Water Project and related topics.

Background

1. State Water Project

- a. The State Water Project allocation for calendar year 2024 is based upon actual hydrology beginning October 1, 2023. Due to dry conditions in October and November, the initial allocation for 2024, which will likely be published before this meeting, is expected to be low. Nearly all of the water currently in Lake Oroville and San Luis Reservoir is from the previous water year which provided a 100% allocation. Staff estimates that San Bernardino Valley will carryover about 50,000 acre-feet into next year which is equivalent to a 50% allocation. So, San Bernardino Valley will essentially begin 2024 with a 50% allocation plus the 2024 allocation.
- b. The State Water Resources Control Board (State Board) has begun to consider a proposed update to the Bay-Delta Water Quality Control Plan. The State Board staff proposal is for 55% of all flow to be used for water quality, or flow to the ocean, called “unimpaired flow”. The alternative proposal, *Agreements to Support Healthy Rivers and Landscapes* (also known as Voluntary Agreements), supported by the California Department of Fish and Wildlife, State Water Contractors and others, is a collaborative, strategic approach which includes both water and habitat improvements. The State Board is currently conducting hearings to receive public comment.

- c. Staff has recently learned about a website and smartphone app called “Bay-Delta Live” (BDL), <https://www.baydeltalive.com> , that provides flow, fish data and more. BDL uses enhanced visual interfaces and is used by resource managers, scientists, conservationists, policy makers, academics, and other local community interests.
2. Delta Conveyance
 - a. Final Environmental Impact Report still on schedule for release in December.
 - b. The project is currently evaluating various options for the next phase of work. Staff will provide the Board an informational report on these options at a Board workshop within the next couple of months.
3. Sites Reservoir
 - a. The final Environmental Impact Report/Environmental Impact Statement was approved at the November 17, 2023 meeting of the Sites Project Authority. This is a major milestone for the project. See attached news release.
 - b. The Sites Reservoir project was approved for streamlining under SB 149. This legislation requires courts to resolve any legal challenges brought under the California Environmental Quality Act within 270 days.
 - c. The latest status report and planning and permitting schedule for the project is attached for your information.

District Strategic Plan Application

Supplemental water from the State Water Project helps San Bernardino Valley achieve its mission to work collaboratively to provide a reliable and sustainable water supply to support the changing needs of our region’s people and environment.

Fiscal Impact

None

Attachments

1. News Release, *Sites Reservoir Reaches Milestone in Environmental Review Process*
2. Sites Status Report for October 2023



For Immediate Release:

November 17, 2023

Contact: Ann Newton

(310) 774-7639

Sites Reservoir Reaches Milestone in Environmental Review Process

SACRAMENTO, CA – The Sites Project Authority, as the lead agency under the California Environmental Quality Act, has certified the Final Environmental Impact Report (Final EIR) and approved the Sites Reservoir Project (Project). This important milestone is the culmination of years of planning and a collaborative effort to increase the reliability of statewide water supplies for environmental, agricultural, and urban uses. With this certification, the Authority will be working to move the project forward through the final planning stages and on to construction.

“Over the last six years, we conducted one of the most comprehensive environmental analyses ever done for a water supply project to design a project that can meet the needs of California’s communities, farms, and environment,” said **Fritz Durst, Chair of the Sites Project Authority Board of Directors**. “Sites Reservoir is a new way of managing water designed to provide resiliency and reliability amid our changing climate.”

The Sites Reservoir Project would increase water supply throughout California and provide, for the first time, environmental benefits by storing water specifically for the environment to support native wildlife and their habitat during drought periods. The 1.5 million acre-foot, off-stream, water storage project is being advanced to increase California’s water and climate resiliency while also protecting and enhancing the environment.

“Sites Reservoir is truly a product of collaboration. The Project would not be possible without the support of our participants and government partners, who all recognize the unique benefits of Sites Reservoir,” said **Jerry Brown, Executive Director of the Sites Project Authority**. “During the multi-year environmental process, we also considered and incorporated feedback from a wide variety of stakeholders, and we have a better Project because of it. It’s allowed us to put forward a Project that is affordable, permissible, and buildable—one that will benefit all of California.”

The Final EIR, which was released as a joint Final EIR/Environmental Impact Statement with the Bureau of Reclamation as the lead federal agency, evaluates and describes the environmental effects and proposed mitigation measures associated with construction and operation of the Sites Reservoir Project. It includes updates to the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS), released in 2021, to reflect changes to the Project and to address public comments received during the review period. The Final EIR contains revised modeling results due to changes in diversion criteria, however, no new or substantially greater impacts were identified with the addition of these refinements.

The Final EIR/EIS and information about the environmental review process can be found online at www.sitesproject.org/environmental-review/. For questions about the Sites Reservoir Project, contact Alicia Forsythe, Sites Project Authority, at 916-880-0676 or aforsythe@sitesproject.org.

Sites is an off-stream reservoir proposed north of the Sacramento-San Joaquin Delta, where it would provide unique water supply and environmental benefits during dry periods, especially during extended drought. Additional information can be found at www.sitesproject.org or on Facebook and Twitter at @SitesProject.

Sites Reservoir Project Monthly Status Report (October)

Monthly Status Summary:

The development of the Sites Project continues to make progress in the critical areas, including the following activities:

Engineering:

- Continued Division of Safety of Dams coordination.
- Continued preliminary engineering design and analysis: dams, I/O, roads, conveyance, and system hydraulics.
- Continued coordination and execution of geotechnical investigation Work Package 3 field and office activities.

Coordination with Reclamation:

- Meetings with Reclamation and DWR individually to discuss technical aspects of coordinating operations. The joint discussions around the Operations Coordination Agreement were activated again as Reclamation has determined that the agreement can be finalized without a Basis of Negotiation as long as no commitment of resources are made by Reclamation. The parties are going through the document one last time before legal review.
- Technical discussions with Reclamation involving the development of the Partnership Agreement (which is the Federal equivalent to the B&O) are being kicked off in November.
- Ongoing coordination to support the NEPA process, including the DC EIS briefings and outreach materials. Approval for publication of the Final EIR/EIS was obtained in late October with release on November 2, 2023.

Environmental Planning and Permitting:

- Ongoing efforts to prepare the Final EIR/EIS for publication and certification.
- Ongoing preparation of components of the administrative record for posting online consistent with SB 149. This included coordination with CEQA legal counsel on content and format of the record.
- Continued development of CEQA Findings, including finalization of the Mitigation Monitoring and Reporting Program and preparation of the Findings and Statement of Overriding Considerations.
- Ongoing AB 52 consultation-related efforts to receive input from the Cachil Dehe Band of Wintun Indians.

Preparer:	JB, KS, AF, CH, HL, JS, LWH, JR	Authority Agent:	AF, KS, JR	Approver:	Brown	Page:	1	of	2
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October's Monthly Status Report

- Continued development of the draft Reservoir Management Plan, Clean Water Act 404/401 permit applications, Master Streambed Alteration Agreement, and the Project's Adaptive Management Plan.
- Continued with fieldwork for portions of the Aquatic Study Plan.
- Continued biological and botanical surveys to confirm landcover and assess species presence/absence.
- Submitted the Operations ITP application.
- Continued coordination with CDFW on the Revised Construction ITP application; finalized addressing all outstanding "incomplete" items.
- Continued development of the Proposition 1 Adaptive Management Plans for WSIP recreation and flood benefits.
- Submitted Construction Biological Assessment to Reclamation. Reclamation is anticipated to submit the Construction Biological Assessment to the USFWS in November.
- Continued discussions on the programmatic operations analysis in the Long-term Operations Reconsultation Biological Assessment.
- Completed and submitted responses to all protests submitted on the Project's water right. Continued discussions with several parties on the Project's water right application.

Operations:

- Continued effort to transition Sites into the CalSim 3 model platform. Preparing summary of results for presentation to the Board at the December meeting.

Stakeholder Engagement, Public Outreach & Real Estate:

- Prepared communications associated with the roll-out of the Final EIR/EIS and the water right process.
- Planning for a Virtual Town Hall in early 2024 and Local Community Working Group meetings.
- Ongoing coordination with landowners to discuss TROE for geotechnical, biological, environmental, and cultural field activities and other real estate actions.

Program Management & Administration:

- Developed initial responses to Participant comments on Draft 2 of the Benefits & Obligations Contract along with draft of JPA amendment and Updated Bylaws for Phase 3/4/5 governance changes.
- Met with Secretary of California Natural Resources Agency to review project progress and coordinate activities.



DATE: December 5, 2023
TO: Board of Directors
FROM: Michael Plinski, Chief of Water Resources
SUBJECT: Water Delivery Report

The following amounts of water were delivered by San Bernardino Valley Municipal Water District:
(in acre-ft)

	October	Year to Date
* State Water Project	5,688	43,249
Groundwater		
Baseline Feeder Wells	333	2,943
San Bernardino Avenue Well	0	118
Santa Ana River Diversions	0	17,937

* Pending final verification by San Bernardino Valley and Department of Water Resources staff.



San Bernardino Valley Municipal Water District

Delivery of Water For Calendar Year 2023 -- Acre Feet

Measurement / Delivery Point	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
IMPORTED WATER SUPPLIES													
<u>STATE WATER PROJECT DELIVERY CATEGORIES</u>													
Yuba Accord Water (14-819)													
Article-21				2,006.0	2,099.0	4,131.0							8,236.0
MWDSC Transfer													
CLAWA exchange water SWPAO #23014 & 15			902.0										902.0
Kern Delta Water Bank (11-015)													
Carryover and Table A	259.0	572.0	1,133.0	1,294.0	2,339.0	2,603.0	8,074.0	8,125.0	8,286.0				32,685.0
* SWP into SBV Service Area (DWR Meters)	259.0	572.0	2,035.0	3,300.0	4,438.0	6,734.0	8,074.0	8,125.0	8,286.0				41,823.0
RECHARGE DELIVERIES													
Sweetwater													
Sweetwater - SBB GC				331.8	429.7	467.0	589.0	573.0	397.0	14.0			2,801.5
Sweetwater - Valley District													
Badger													
Badger - SBB GC							346.4	95.3					441.7
Waterman													
Waterman - SBB GC				16.2	965.4	2,034.7	2,446.8	1,954.9	1,162.5	47.6			8,628.1
Waterman - Valley District													
Waterman - BLF Obligation to SBB (RHWC)						814.2							814.2
Waterman - SBB Non-GC Contribution (SBVWCD)							444.3						444.3
Patton													
Patton - SBB GC													
City Creek													
City Creek - SBB GC							141.1	536.5					677.6
Santa Ana Low													
Santa Ana Low - EVWD BB Agreement													
Santa Ana Low - SBB GC									1,707.5	262.3			1,969.8
Santa Ana Low - BVMWC (purchase)													
Santa Ana Low - Redlands (purchase)													
Santa Ana Low - Valley District													
Plunge Creek Spreading													
Northfork - SBB GC				135.8	59.8	50.4	121.2						367.2
Plunge Creek - Valley District													
Mill Creek Spreading													
Mill Creek Spreading - Redlands													
Mill Creek Spreading - Valley District													
Lower Mill Creek - SBB GC													
Mill Creek Spreading - SBB GC			538.6	348.4			373.4	713.7	568.6	2,081.1			4,623.8
S.A.R.C.													
S.A.R.C. to Redlands Aqueduct Recharge (purchase)			109										109
S.A.R.C. to Conservation District - SBB GC Recharge				127.9			47.6	118.8	594.0	734.87			1623.17
S.A.R.C. to Redlands - SBB GC Recharge				62.9	6.9								69.8
Zanja East Weir to WCD - Valley District													
Zanja East Weir to WCD - Valley District													
Wilson Creek													
Wilson Creek - YVWD			347.5	603.8	546.0	700.2	763.8	700.5	486.6	500.7			4,649.1
Wilson Basin - Valley District													
Oak Glen Basin - Valley District													
Oak Glen Basins - YVWD						82.0	186.0						268.0
Sub-total Recharge			995.1	1,626.8	2,007.8	4,148.5	5,459.6	4,692.7	4,916.2	3,640.6			27,487.3

Delivery of Water For Calendar Year 2023 -- Acre Feet

Measurement / Delivery Point	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
DIRECT DELIVERIES													
Lytle Creek													
WVWD	6.2	8.3	14.3	18.6	351.4	453.8	707.5	97.5	265.6	105.6			2,028.8
Marygold Mutual								300.0	119.0				419.0
RHWC													
SB County - Glen Helen													
IEUA/MWDSC (MWDSC SWP Water) - Calculated by WVWD													
WMWD/MWDSC (MWDSC SWP Water)													
Lytle Creek - Fontana Water Company WTP			245.6	220.5	442.1	375.7	343.4	378.6	365.1	383.4			2,754.4
Lytle Creek - Fontana Water Company - CEMEX			29.2	66.6	20.8			12.8	9.3				138.7
SALES/RETURNS/BANKING													
CLAWA Sale (#07-025)													
CLAWA Exchange (08-063)													
CLAWA Exchange (09-079)													
EVWD Plant 134													
EVWD Plant 134 BB Agreement (In-Lieu)													
EVWD Plant 134 - BVMWC purchase (for EVWD)													
EVWD Plant 134 - EVWD (purchase)	189.0	171.7	123.5	184.3	57.4		139.4	515.1	504.2	74.8			1,959.4
Northfork													
Northfork - EVWD (purchase)										309.9			309.9
Northfork - EVWD - BB Agreement													
Northfork - BVMWC purchase (for EVWD)													
Edwards Canal Pump - BB Agreement													
S.A.R.C.													
S.A.R.C. - Valley District													
S.A.R.C. to Redlands Aqueduct - Redlands (purchase)								287.0	564.8	145.7			997.5
S.A.R.C. to Redlands Aqueduct - BB Agreement													
S.A.R.C. to Redlands Aqueduct - BVMWC purchase (for Redlands)													
East Valley W.D. Greenspot Road													
Bear Valley Highline Connector													
SB County Flood Control Grove													
Newport Ave.													
Newport Ave. - Greenspot Mutual													
Newport Ave. - BVMWC		1.9		3.7	7.3	7.5	13.9	11.6	11.5	9.6			67.0
Newport Ave. - In-Lieu													
Tres Lagos													
Tres Lagos - Greenspot Mutual					5.0								5.0
Tres Lagos - BVMWC		2.4		2.2	18.9	16.0	24.0	22.9	18.8	20.4			125.6
Tres Lagos - In-Lieu													
Unger Lane to Zanja													
Unger Lane to Zanja - Crafton - BVMWC In-Lieu													
Unger Lane to Zanja - Crafton - BVMWC			1.9			101.0		15.4	26.9				145.2
Boullioun Box													
Boullioun Box to Zanja													
Boullioun Box to Highline In-Lieu													
Boullioun Box to Highline - BVMWC		14.2	7.5	97.2	188.3	165.1	146.2	69.4	298.4	303.3			1,289.6
City of Redlands													
City of Redlands - Tate Treatment In-Lieu													
City of Redlands - Tate Treatment													
Yucaipa Regional Park													
YVWD TP	41.4	348.7	424.0	458.2	513.4	586.3	739.0	863.0	706.0	668.0			5,348.0
Western Heights													
Sub-total Direct Deliveries within SBV Service Area	236.6	547.2	846.0	1,069.1	1,668.4	1,714.9	2,148.1	2,584.2	2,900.1	2,047.1			15,761.7
SGPWA Service Area		1,339.0	2,538.6	2,529.3	1,454.3	897.4	1,813.0	1,770.0	1,290.0	2,012.8			15,644.4
Sub-total Direct Deliveries (SBV + SGPWA)	236.6	1,886.2	3,384.6	3,598.4	3,122.7	2,612.3	3,961.1	4,354.2	4,190.1	4,059.9			31,406.1

Delivery of Water For Calendar Year 2023 -- Acre Feet

Measurement / Delivery Point	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
SUMMARY													
Recharge in SBV Service Area			995.1	1,626.8	2,007.8	4,148.5	5,459.6	4,692.7	4,916.2	3,640.6			27,487.3
Direct Deliveries in SBV Service Area	236.6	547.2	846.0	1,069.1	1,668.4	1,714.9	2,148.1	2,584.2	2,900.1	2,047.1			15,761.7
* Deliveries to SGPWA Service Area		1,339.0	2,538.6	2,529.3	1,454.3	897.4	1,813.0	1,770.0	1,290.0	2,012.8			15,644.4
* Total Deliveries	236.6	1,886.2	4,379.7	5,225.2	5,130.5	6,760.8	9,420.7	9,046.9	9,106.3	7,700.5			58,893.4
Total Deliveries within SBV Service Area	236.6	547.2	1,841.1	2,695.9	3,676.2	5,863.4	7,607.7	7,276.9	7,816.3	5,687.7			43,249.0
SAN BERNARDINO BASIN PUMPING													
Baseline Feeder													
Ninth Street North Replacement Well	222.9	230.7	242.2	67.6	266.8	299.9	326.4	292.4	334.8	333.1			2,616.7
Ninth Street South Replacement Well	221.3	65.2						40.0					326.5
Sub-total Baseline Feeder	444.2	295.9	242.2	67.6	266.8	299.9	326.4	332.4	334.8	333.1			2,943.2
San Bernardino Avenue Well No. 1 - Redlands	117.7												117.7
San Bernardino Avenue Well No. 1 - Redlands - In Lieu													
Redlands Pump Station													
De-watering Well # 1													
De-watering Well # 2													
Total San Bernardino Basin Pumping	561.9	295.9	242.2	67.6	266.8	299.9	326.4	332.4	334.8	333.1			3,060.9
TOTAL Water in SBVMWD Facilities	798.5	843.1	2,083.3	2,763.5	3,943.0	6,163.3	7,934.2	7,609.3	8,151.1	6,020.8			46,310.0

* Pending final verification by San Bernardino Valley and Department of Water Resources staff.

Director's Activity Report

Director's Name _____

Month Reporting Activity _____

	Date	Meeting/Activity Description	Explanation <small>Provide description of the meeting or activity and brief explanation on the benefits to the District and work of the Board by your attendance. <i>(Not required for Valley District meetings)</i></small>	Max 10/month	Travel Cost Estimate <i>(Staff)</i>
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
			Total Requested Compensation		

The undersigned certifies that the claims hereby stated are for authorized activities as described in the District's approved Resolution establishing rules and procedures for compensation of Directors.

Signed: _____

Date: _____



Director Request for Compensation & Public Disclosure Form

Director's Name T. Milford Harrison

Month Reporting Activity OCTOBER 2023

	Date	Meeting/Activity Description	Explanation <small>Provide description of the meeting or activity and brief explanation on the benefits to the District and work of the Board by your attendance. (Not required for Valley District meetings)</small>	Max 10/month	Travel Cost Estimate <i>(Staff)</i>
1	10/03/2023	Valley District Board Mtg 1	PUBLISHED AGENDA	\$299	
2	10/04/2023	Chamber of Commerce Mtg	LOMA LINDA CHAMBER MONTHLY MEETING	\$299	
3	10/05/2023	Workshop - Policy	PUBLISHED AGENDA	\$299	
4	10/06/2023	Assigned Committee Mtg	FIRO WORKSHOP	\$299	
5	10/10/2023	Workshop - Engineering	PUBLISHED AGENDA	\$299	
6	10/11/2023	Other	CONFERENCE WITH DYER, SAKS AND RON COATS , EAST VALLEY BOARD MEMBER	\$299	
7	10/13/2023	Other	TOUR OF SUNRISE RANCH AND SURROUNDING AREA WITH CHIEF ENGINEER	\$299	
8	10/16/2023	CSDA Mtg	MONTHLY ASBCSD BOARD MEETINF--PUBLISHED AGENDA	\$299	
9	10/18/2023	SPECIAL BOARD MEETING	PUBLIC MEETING FOR UNPUT ON SUNRISE RANCH PROPERTY	\$299	
10	10/23/2023	CSDA Mtg	MONTHLY ASBCSD MONTHLY DINNER MEETING	\$299	
11	10/25/2023	Assigned Committee Mtg	NHPCPC BOARD MEETING -- PUBLISHED AGENDA	Per diem?	
12	10/26/2023	CSDA Mtg	CSDA LEGISLATIVE COMMITTEE MEETING IN SACRAMENTO	Per diem?	
13		Select from List		Per diem?	
14		Select from List		Per diem?	
15		Select from List		Per diem?	
Total Requested Compensation				\$ 2,990.00	\$ 0.00

The undersigned certifies that the claims hereby stated are for authorized activities as described in the District's approved Resolution establishing rules and procedures for compensation of Directors.

Signed: **T. MILFORD HARRISON** Digitally signed by T. MILFORD HARRISON
Date: 2023.10.30 20:19:40 -07'00'

Date: 10/30/2023

Director's Activity Report

Director's Name June Hayes

Month Reporting Activity ~October 2023

	Date	Meeting/Activity Description	Explanation <small>Provide description of the meeting or activity and brief explanation on the benefits to the District and work of the Board by your attendance. (Not required for Valley District meetings)</small>	Max 10/month	Travel Cost Estimate <i>(Staff)</i>
1	10/03/2023	SB Valley Board Mtg 1		\$299	
2	10/05/2023	Workshop - Policy/Admin		\$299	
3	10/05/2023	Retail Agency Board Meeting	WVWD	\$0	
4	10/06/2023	WACO		\$299	
5	10/07/2023	Other	Walk like MADD	\$299	
6	10/10/2023	Workshop - Resources/Eng		\$0	
7	10/11/2023	SBV Water Conservation District Mtg		\$299	
8	10/13/2023	Other	OC Water Summit	\$299	
9	10/17/2023	SB Valley Board Mtg 2		\$299	
10	10/18/2023	Other	Sunrise Ranch Town Hall	Per diem?	
11	10/19/2023	Meeting with Consultant	Re Sunrise Ranch	\$299	
12	10/20/2023	Other	Be part of the conversation	\$299	
13	10/21/2023	Other	WELL meeting with Rafael Trujillo and James Ramos	\$299	
14	10/30/2023	Other	CARP meeting	\$0	
15				Per diem?	
Total Requested Compensation				\$ 2,990.00	

The undersigned certifies that the claims hereby stated are for authorized activities as described in the District's approved Resolution establishing rules and procedures for compensation of Directors.

Signed: June D Hayes

 Digitally signed by June D Hayes
Date: 2023.11.06 16:32:30 -08'00'

Date: 11/06/2023



Director's Activity Report

Director's Name Paul Kielhold

Month Reporting Activity October 2023

	Date	Meeting/Activity Description	Explanation <small>Provide description of the meeting or activity and brief explanation on the benefits to the District and work of the Board by your attendance. (Not required for Valley District meetings)</small>	Max 10/month	Travel Cost Estimate <small>(Staff)</small>
1	10/03/2023	Assigned Committee Mtg	RRWF	Per diem?	
2	10/03/2023	SB Valley Board Mtg 1		\$299	
3	10/10/2023	Workshop - Resources/Eng		\$299	
4	10/11/2023	SBV Water Conservation District Mtg		\$299	
5	10/11/2023	Retail Agency Board Meeting	EVWD	Per diem?	
6	10/17/2023	SB Valley Board Mtg 2		\$299	
7		Select from List		Per diem?	
8		Select from List		Per diem?	
9		Select from List		Per diem?	
10		Select from List		Per diem?	
11		Select from List		Per diem?	
12		Select from List		Per diem?	
13		Select from List		Per diem?	
14		Select from List		Per diem?	
15		Select from List		Per diem?	
Total Requested Compensation				\$ 1,196.00	

The undersigned certifies that the claims hereby stated are for authorized activities as described in the District's approved Resolution establishing rules and procedures for compensation of Directors.

Signed: Paul Kielhold

Date: _____

Director's Activity Report

Director's Name _____

Month Reporting Activity _____

	Date	Meeting/Activity Description	Explanation Provide description of the meeting or activity and brief explanation on the benefits to the District and work of the Board by your attendance. <i>(Not required for Valley District meetings)</i>	Max 10/month	Travel Cost Estimate <i>(Staff)</i>
1					
2					
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11					
12					
13					
14					
15					
			Total Requested Compensation		

The undersigned certifies that the claims hereby stated are for authorized activities as described in the District's approved Resolution establishing rules and procedures for compensation of Directors.

Signed: B. Longuet

Date: 11-6-23



**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
TREASURER'S REPORT
FOR THE MONTH OF OCTOBER 2023**

RECOMMENDATION:

APPROVE THE EXPENSES FOR THE MONTH OF OCTOBER 2023
FOR THE FOLLOWING FUNDS:

STATE WATER CONTRACT FUND	\$	4,475,255.00
GENERAL FUND	\$	5,585,432.14

STATE WATER CONTRACT FUND

Profit & Loss

October 2023

	<u>Oct 23</u>
Income	
4920 · INVESTMENT INCOME	2,297,881.05
4950 · RETURN OF RESERVES/BOND COVER	3,548,010.00
	<hr/>
Total Income	5,845,891.05
Expense	
6280 · FIELD IMPROVEMENTS	26,187.00
6380 · AUDIT FEES	7,332.00
6610 · MINIMUM OMP&R TRANSPORTATION	1,795,405.00
6615 · MINIMUM OMP&R DELTA	453,745.00
6620 · VARIABLE	2,155,308.00
6630 · OFF AQUEDUCT VARIABLE	4,934.00
6635 · EAST BRANCH ENLARGEMENT	32,344.00
	<hr/>
Total Expense	4,475,255.00
	<hr/>
Net Income	1,370,636.05

STATE WATER CONTRACT FUND
Profit & Loss Budget vs. Actual
July through October 2023

	Jul - Oct 23	Budget	\$ Over Budget	% of Budget
Income				
4920 · INVESTMENT INCOME	7,995,406.34	5,400,000.00	2,595,406.34	148.1%
4950 · RETURN OF RESERVES/BOND COV...	3,548,010.00	3,548,000.00	10.00	100.0%
4966 · PROPERTY TAXES	1,190,950.72	1,190,950.00	0.72	100.0%
Total Income	12,734,367.06	10,138,950.00	2,595,417.06	125.6%
Expense				
6280 · FIELD IMPROVEMENTS	230,506.48	230,750.00	(243.52)	99.9%
6380 · AUDIT FEES	25,662.00	25,750.00	(88.00)	99.7%
6410 · STATE WATER CONTRACTOR FEES	251,070.00	251,075.00	(5.00)	100.0%
6601 · CAPITAL COST DELTA	849,586.00	849,586.00	0.00	100.0%
6610 · MINIMUM OMP&R TRANSPORTATION	7,181,620.00	7,181,620.00	0.00	100.0%
6615 · MINIMUM OMP&R DELTA	1,814,980.00	1,814,980.00	0.00	100.0%
6620 · VARIABLE	9,278,600.07	9,278,601.00	(0.93)	100.0%
6625 · WATER SYSTEM REVENUE BOND	1,735,147.00	1,735,147.00	0.00	100.0%
6630 · OFF AQUEDUCT VARIABLE	19,736.00	19,736.00	0.00	100.0%
6635 · EAST BRANCH ENLARGEMENT	129,376.00	129,376.00	0.00	100.0%
6640 · EAST BRANCH EXTENSION	14,773,922.00	14,773,922.00	0.00	100.0%
6645 · TEHACHAPI 2ND AFTERBAY	130,570.00	130,570.00	0.00	100.0%
Total Expense	36,420,775.55	36,421,113.00	(337.45)	100.0%
Net Income	(23,686,408.49)	(26,282,163.00)	2,595,754.51	90.1%

SAN BERNARDINO VALLEY MWD GENERAL FUND

Profit & Loss

October 2023

	<u>Oct 23</u>
Income	
4900 · WATER SALES	1,270,582.57
4920 · INVESTMENT INCOME	339,301.10
4929 · BASELINE FEEDER CAP. CONTRIB.	70,742.40
4950 · OTHER INCOME	1,930,221.46
4977 · RIVERSIDE CO TAXES	1,881.68
	<hr/>
Total Income	3,612,729.21
	<hr/>
Gross Profit	3,612,729.21
Expense	
6100 · SALARIES	468,966.37
6110 · OVERTIME	15,011.76
6120 · DIRECTORS FEES	14,950.00
6130 · PERS RETIREMENT	84,979.32
6140 · PAYROLL TAXES	30,331.69
6150 · HEALTH INSURANCE	75,031.35
6160 · DENTAL INSURANCE	5,660.79
6170 · VISION, DISABILITY AND LIFE INS	4,200.68
6180 · WORKERS COMP INS	16,905.55
6200 · HEALTH/DEPENDENT CARE PLAN	6,058.35
6250 · OFFICE EQUIPMENT	27,383.84
6260 · VEHICLE REPLACEMENT	132,843.28
6280 · FIELD IMPROVEMENTS	2,620,497.54
6295 · PURCHASED WATER	337,536.42
6320 · HOUSE COUNSEL	23,619.00
6330 · SPECIAL COUNSEL	195.00
6350 · USGS DATA	251,365.00
6360 · CONSULTANTS	401,940.79
6390 · SAWPA	320,799.26
6400 · VEHICLE EXPENSE	8,920.05
6410 · TRAVEL	2,618.83
6420 · MEALS & LODGING	5,368.57
6430 · LIABILITY INS	143,063.00
6450 · WATERSTOCK ASSESSMENT	43.94
6460 · UTILITIES/COMMUNICATIONS	200,942.63
6470 · MAINTENANCE & REPAIRS	27,523.63
6480 · OFFICE EXPENSE	2,815.83
6490 · FIELD SUPPLIES	4,980.02
6500 · EDUCATION AND TRAINING	9,352.50
6530 · BANK CHARGES-TRUSTEE FEES	2,400.00
6570 · POSTAGE	313.84
6580 · DUES & SUBSCRIPTIONS	60,035.38
6600 · TAXES & LICENSES	1,509.92
6640 · WATER CONSERVATION & EDUCATION	175,673.37
6642 · SPONSORSHIPS	10,000.00
6645 · EXTERNAL AFFAIRS/STRATEGIC COMM	18,481.20
6780 · ENVIRONMENTAL / HCP	35,455.44
	<hr/>
Total Expense	5,547,774.14
	<hr/>
Net Income	-1,935,044.93

SAN BERNARDINO VALLEY MWD GENERAL FUND

Profit & Loss Budget vs. Actual

July through October 2023

	Jul - Oct 23	Budget	\$ Over Budget	% of Budget
Income				
4900 · WATER SALES	6,380,479.99	6,380,250.00	229.99	100.0%
4920 · INVESTMENT INCOME	1,304,629.42	800,000.00	504,629.42	163.1%
4925 · GRANT INCOME	31,025.68	31,000.00	25.68	100.1%
4929 · BASELINE FEEDER CAP. CONTRIB.	70,742.40	70,500.00	242.40	100.3%
4950 · OTHER INCOME	4,046,313.32	4,046,250.00	63.32	100.0%
4954 · GAIN (LOSS) ON SALE OF ASSETS	3,465.00	0.00	3,465.00	100.0%
4966 · S.B. CO TAXES	192,155.32	192,000.00	155.32	100.1%
4977 · RIVERSIDE CO TAXES	11,230.31	11,000.00	230.31	102.1%
Total Income	12,040,041.44	11,531,000.00	509,041.44	104.4%
Gross Profit	12,040,041.44	11,531,000.00	509,041.44	104.4%
Expense				
6100 · SALARIES	1,916,735.47	1,916,750.00	(14.53)	100.0%
6110 · OVERTIME	65,560.45	65,750.00	(189.55)	99.7%
6120 · DIRECTORS FEES	55,614.00	55,650.00	(36.00)	99.9%
6130 · PERS RETIREMENT	656,917.00	657,000.00	(83.00)	100.0%
6137 · DEFERRED COMPENSATION EXPEN...	20,500.00	20,500.00	0.00	100.0%
6140 · PAYROLL TAXES	131,438.39	131,300.00	138.39	100.1%
6150 · HEALTH INSURANCE	302,524.44	302,750.00	(225.56)	99.9%
6160 · DENTAL INSURANCE	22,847.73	22,950.00	(102.27)	99.6%
6170 · VISION, DISABILITY AND LIFE INS	16,841.78	16,950.00	(108.22)	99.4%
6180 · WORKERS COMP INS	30,222.83	30,250.00	(27.17)	99.9%
6200 · HEALTH/DEPENDENT CARE PLAN	30,348.35	30,500.00	(151.65)	99.5%
6240 · PIPELINE CONTROL SYSTEM	3,980.00	4,000.00	(20.00)	99.5%
6250 · OFFICE EQUIPMENT	111,726.45	111,750.00	(23.55)	100.0%
6260 · VEHICLE REPLACEMENT	436,639.58	436,750.00	(110.42)	100.0%
6280 · FIELD IMPROVEMENTS	16,826,193.95	16,826,250.00	(56.05)	100.0%
6295 · PURCHASED WATER	506,546.23	506,550.00	(3.77)	100.0%
6320 · HOUSE COUNSEL	108,435.00	108,500.00	(65.00)	99.9%
6330 · SPECIAL COUNSEL	129,705.01	129,750.00	(44.99)	100.0%
6340 · WATERMASTER	9,936.00	10,000.00	(64.00)	99.4%
6350 · USGS DATA	689,661.00	689,750.00	(89.00)	100.0%
6360 · CONSULTANTS	2,513,209.70	2,513,250.00	(40.30)	100.0%
6380 · DISTRICT AUDIT	4,260.00	4,500.00	(240.00)	94.7%
6390 · SAWPA	1,075,594.95	1,075,600.00	(5.05)	100.0%
6400 · VEHICLE EXPENSE	39,853.63	40,000.00	(146.37)	99.6%
6410 · TRAVEL	7,959.10	8,000.00	(40.90)	99.5%
6420 · MEALS & LODGING	16,949.50	17,000.00	(50.50)	99.7%
6430 · LIABILITY INS	220,672.60	200,000.00	20,672.60	110.3%
6450 · WATERSTOCK ASSESSMENT	179.77	250.00	(70.23)	71.9%
6460 · UTILITIES/COMMUNICATIONS	543,756.10	544,000.00	(243.90)	100.0%
6470 · MAINTENANCE & REPAIRS	251,609.23	251,750.00	(140.77)	99.9%
6480 · OFFICE EXPENSE	15,900.29	16,000.00	(99.71)	99.4%
6490 · FIELD SUPPLIES	15,540.88	15,600.00	(59.12)	99.6%
6495 · SAFETY TRAINING AND EQUIPMENT	7,039.80	7,250.00	(210.20)	97.1%
6500 · EDUCATION AND TRAINING	22,636.50	22,750.00	(113.50)	99.5%
6530 · BANK CHARGES-TRUSTEE FEES	6,653.81	6,750.00	(96.19)	98.6%
6560 · LIBRARY	14,390.76	12,325.00	2,065.76	116.8%
6570 · POSTAGE	843.31	850.00	(6.69)	99.2%
6580 · DUES & SUBSCRIPTIONS	159,193.76	159,250.00	(56.24)	100.0%
6600 · TAXES & LICENSES	81,598.36	81,600.00	(1.64)	100.0%
6610 · SPREADING GROUNDS MAINTENAN...	1,274.00	1,275.00	(1.00)	99.9%
6640 · WATER CONSERVATION & EDUCATI...	901,474.65	901,500.00	(25.35)	100.0%
6642 · SPONSORSHIPS	124,250.00	124,250.00	0.00	100.0%
6645 · EXTERNAL AFFAIRS/STRATEGIC CO...	54,167.70	54,250.00	(82.30)	99.8%
6780 · ENVIRONMENTAL / HCP	237,852.47	238,000.00	(147.53)	99.9%
6785 · HEADWATER RESILIENCE PROGRAM	367.58	500.00	(132.42)	73.5%
6800 · LAFCO ANNUAL FUNDING SHARE	30,000.00	30,000.00	0.00	100.0%
Total Expense	28,419,602.11	28,400,150.00	19,452.11	100.1%
Net Income	(16,379,560.67)	(16,869,150.00)	489,589.33	97.1%

**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
INVESTMENT SUMMARY
OCTOBER 31, 2023**

INVESTMENT DESCRIPTION	INSTITUTION	MATURITY DATE	PAR VALUE	SETTLEMENT DATE	PURCHASE PRICE	BOOK YIELD RATE	CUSIP
STATE WATER CONTRACT FUND							
CERTIFICATE OF DEPOSIT	BNY MELLON	08/16/2024	2,175,000.00	08/19/2022	2,175,000.00	4.100%	22536AZR8
CERTIFICATE OF DEPOSIT	BNY MELLON	10/27/2025	2,850,000.00	10/31/2022	2,850,000.00	5.600%	89115B6K1
CERTIFICATE OF DEPOSIT	BNY MELLON	11/03/2025	2,850,000.00	11/03/2022	2,850,000.00	5.530%	65558UYF3
CERTIFICATE OF DEPOSIT	BNY MELLON	07/17/2026	2,200,000.00	07/20/2023	2,200,000.00	5.080%	21684LGS5
CERTIFICATE OF DEPOSIT	BNY MELLON	09/18/2026	2,200,000.00	09/20/2023	2,200,000.00	5.610%	63873QP65
CORPORATE NOTE	BNY MELLON	02/10/2025	590,000.00	03/10/2021	628,468.00	0.937%	58933YAR6
CORPORATE NOTE	BNY MELLON	07/17/2025	1,175,000.00	01/09/2023	1,140,208.25	4.759%	713448CY2
CORPORATE NOTE	BNY MELLON	07/29/2025	1,250,000.00	01/26/2023	1,223,625.00	4.600%	45814OAS9
CORPORATE NOTE	BNY MELLON	03/01/2026	2,100,000.00	02/01/2023	2,020,368.00	4.370%	30231GAT9
CORPORATE NOTE	BNY MELLON	04/22/2026	1,400,000.00	03/30/2023	1,317,120.00	5.113%	949746RW3
CORPORATE NOTE	BNY MELLON	07/30/2024	1,200,000.00	11/23/2021	1,242,960.00	1.099%	025816CG2
CORPORATE NOTE	BNY MELLON	04/24/2025	675,000.00	03/08/2021	694,210.50	0.882%	06406RAN7
CORPORATE NOTE	BNY MELLON	10/30/2024	1,000,000.00	10/30/2020	1,000,000.00	6.018%	172967MT5
CORPORATE NOTE	BNY MELLON	03/30/2026	1,000,000.00	02/22/2022	1,020,130.00	2.226%	857477BM4
CORPORATE NOTE	BNY MELLON	02/08/2024	555,000.00	02/08/2021	554,617.05	0.373%	63743HEU2
CORPORATE NOTE	BNY MELLON	02/16/2025	405,000.00	02/16/2021	405,000.00	0.563%	46647PBY1
CORPORATE NOTE	BNY MELLON	01/17/2024	480,000.00	03/04/2021	479,659.20	0.475%	24422EVN6
CORPORATE NOTE	BNY MELLON	03/18/2024	795,000.00	03/18/2021	794,602.50	0.767%	808513BN4
CORPORATE NOTE	BNY MELLON	05/01/2025	460,000.00	05/04/2021	460,000.00	0.981%	172967MX6
CORPORATE NOTE	BNY MELLON	05/12/2024	1,200,000.00	05/12/2021	1,198,248.00	0.499%	023135BW5
CORPORATE NOTE	BNY MELLON	05/15/2024	400,000.00	05/19/2021	399,584.00	0.585%	91324PEB4
CORPORATE NOTE	BNY MELLON	06/01/2025	605,000.00	06/01/2021	605,000.00	0.824%	46647PCH7
CORPORATE NOTE	BNY MELLON	05/28/2024	1,275,000.00	05/28/2021	1,274,885.25	0.703%	04636NAC7
CORPORATE NOTE	BNY MELLON	06/07/2024	420,000.00	06/10/2021	419,475.00	0.492%	24422EVQ9
CORPORATE NOTE	BNY MELLON	06/18/2024	750,000.00	06/18/2021	749,107.50	0.540%	89236TJH9
CORPORATE NOTE	BNY MELLON	06/23/2025	1,250,000.00	06/23/2021	1,250,000.00	0.969%	46647PCK0
CORPORATE NOTE	BNY MELLON	08/09/2024	710,000.00	08/09/2021	709,616.60	0.518%	69371RR40
CORPORATE NOTE	BNY MELLON	08/12/2024	600,000.00	08/12/2021	599,946.00	0.753%	05565EBU8
CORPORATE NOTE	BNY MELLON	08/12/2024	470,000.00	08/12/2021	470,000.00	0.626%	904764BN6
CORPORATE NOTE	BNY MELLON	08/09/2024	400,000.00	09/09/2021	399,736.00	0.773%	02665WDY4
CORPORATE NOTE	BNY MELLON	09/10/2024	285,000.00	09/10/2021	284,814.75	0.647%	24422EVU0
CORPORATE NOTE	BNY MELLON	09/14/2024	2,145,000.00	09/14/2021	2,145,000.00	0.606%	641062AU8
CORPORATE NOTE	BNY MELLON	10/25/2024	670,000.00	10/25/2021	669,564.50	0.872%	06406RAX5
CORPORATE NOTE	BNY MELLON	11/03/2025	445,000.00	11/03/2021	445,000.00	1.281%	172967ND9
CORPORATE NOTE	BNY MELLON	12/06/2025	1,250,000.00	12/06/2021	1,250,000.00	1.530%	06051GKE8
CORPORATE NOTE	BNY MELLON	03/03/2024	300,000.00	01/25/2021	330,642.00	0.671%	38141GVM3
CORPORATE NOTE	BNY MELLON	01/10/2025	480,000.00	01/10/2022	479,774.40	1.266%	24422EVY2
CORPORATE NOTE	BNY MELLON	01/13/2025	1,000,000.00	01/13/2022	999,210.00	1.527%	02665WEA5
CORPORATE NOTE	BNY MELLON	01/24/2025	1,050,000.00	01/24/2022	1,050,000.00	1.758%	38141GZH0
CORPORATE NOTE	BNY MELLON	02/07/2025	405,000.00	02/07/2022	404,987.85	1.876%	63743HFC1
CORPORATE NOTE	BNY MELLON	02/04/2025	900,000.00	02/04/2022	900,000.00	1.844%	06051GKG3
CORPORATE NOTE	BNY MELLON	02/06/2026	595,000.00	02/07/2022	595,000.00	1.746%	857477BR3
CORPORATE NOTE	BNY MELLON	02/18/2026	1,365,000.00	02/18/2022	1,365,000.00	2.631%	61747YEM3
CORPORATE NOTE	BNY MELLON	03/04/2025	350,000.00	03/04/2022	349,646.50	2.285%	025816CQ0
CORPORATE NOTE	BNY MELLON	03/04/2025	500,000.00	03/04/2022	498,315.00	2.367%	025816CQ0
CORPORATE NOTE	BNY MELLON	03/07/2025	160,000.00	03/07/2022	159,931.20	2.140%	24422EWB1
CORPORATE NOTE	BNY MELLON	03/10/2025	3,760,000.00	03/10/2022	3,760,000.00	2.132%	771196BT8
CORPORATE NOTE	BNY MELLON	04/15/2025	225,000.00	03/28/2022	224,606.25	2.760%	437076CM2
CORPORATE NOTE	BNY MELLON	04/01/2025	710,000.00	04/01/2022	709,332.60	3.283%	05565EBZ7
CORPORATE NOTE	BNY MELLON	04/07/2025	1,100,000.00	04/07/2022	1,099,714.00	2.859%	69371RR73
CORPORATE NOTE	BNY MELLON	04/13/2025	1,300,000.00	04/13/2022	1,297,933.00	3.056%	023135CE4
CORPORATE NOTE	BNY MELLON	04/17/2025	850,000.00	04/20/2022	850,000.00	3.623%	61747YEQ4
CORPORATE NOTE	BNY MELLON	04/26/2026	600,000.00	04/26/2022	600,000.00	4.083%	46647PCZ7
CORPORATE NOTE	BNY MELLON	05/01/2025	625,000.00	05/03/2022	624,862.50	3.458%	17252MAP5
CORPORATE NOTE	BNY MELLON	06/15/2025	255,000.00	05/04/2022	254,931.15	3.458%	63743HFE7
CORPORATE NOTE	BNY MELLON	05/13/2025	655,000.00	05/13/2022	654,168.15	3.445%	14913R2V8
CORPORATE NOTE	BNY MELLON	05/24/2024	2,145,000.00	05/24/2022	2,144,914.20	3.752%	40428HTA0
CORPORATE NOTE	BNY MELLON	05/01/2025	1,155,000.00	05/26/2022	1,151,223.15	3.494%	90327QD89
CORPORATE NOTE	BNY MELLON	07/27/2025	2,130,000.00	07/27/2022	2,130,000.00	4.000%	459200KS9
CORPORATE NOTE	BNY MELLON	07/28/2026	935,000.00	07/28/2022	935,000.00	4.263%	89788MAH5
CORPORATE NOTE	BNY MELLON	08/15/2025	470,000.00	08/09/2022	469,567.60	3.132%	194162AM5
CORPORATE NOTE	BNY MELLON	08/11/2025	1,100,000.00	08/11/2022	1,099,219.00	3.575%	69371RR99
CORPORATE NOTE	BNY MELLON	08/22/2024	885,000.00	08/22/2022	884,592.90	3.899%	21688AAU6
CORPORATE NOTE	BNY MELLON	09/09/2025	1,125,000.00	09/09/2022	1,124,212.50	3.925%	931142EW9
CORPORATE NOTE	BNY MELLON	09/15/2025	305,000.00	09/19/2022	304,890.20	4.013%	437076CR1
CORPORATE NOTE	BNY MELLON	10/15/2025	475,000.00	10/24/2022	473,646.25	5.055%	539830BU2
CORPORATE NOTE	BNY MELLON	10/30/2025	270,000.00	10/31/2022	269,638.20	5.499%	63743HFF4
CORPORATE NOTE	BNY MELLON	10/15/2025	325,000.00	10/28/2022	324,970.75	5.154%	91324PEN8
CORPORATE NOTE	BNY MELLON	10/28/2025	950,000.00	10/28/2022	950,000.00	5.677%	693475BH7
CORPORATE NOTE	BNY MELLON	10/28/2026	1,000,000.00	10/28/2022	1,000,000.00	5.905%	89788MAJ1
CORPORATE NOTE	BNY MELLON	11/01/2024	1,265,000.00	11/02/2022	1,264,784.95	4.859%	438516CH7

**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
INVESTMENT SUMMARY
OCTOBER 31, 2023**

INVESTMENT DESCRIPTION	INSTITUTION	MATURITY DATE	PAR VALUE	SETTLEMENT DATE	PURCHASE PRICE	BOOK YIELD RATE	CUSIP
CORPORATE NOTE	BNY MELLON	11/07/2025	290,000.00	11/07/2022	289,921.70	5.260%	20030NDZ1
CORPORATE NOTE	BNY MELLON	11/04/2026	415,000.00	11/04/2022	415,000.00	5.756%	857477BX0
CORPORATE NOTE	BNY MELLON	11/18/2024	310,000.00	11/18/2022	309,860.50	4.724%	882508BR4
CORPORATE NOTE	BNY MELLON	12/05/2025	2,125,000.00	12/05/2022	2,122,705.00	4.739%	53522KAB9
CORPORATE NOTE	BNY MELLON	12/08/2025	1,215,000.00	12/08/2022	1,215,000.00	5.088%	05254JAA8
CORPORATE NOTE	BNY MELLON	01/10/2025	1,855,000.00	01/10/2023	1,855,000.00	5.079%	20271RAQ3
CORPORATE NOTE	BNY MELLON	03/10/2025	1,000,000.00	03/10/2023	999,790.00	5.411%	14913R3C9
CORPORATE NOTE	BNY MELLON	01/26/2027	175,000.00	01/24/2023	175,000.00	4.761%	693475BL8
CORPORATE NOTE	BNY MELLON	01/26/2026	210,000.00	01/26/2023	210,000.00	4.862%	857477BZ5
CORPORATE NOTE	BNY MELLON	03/13/2026	195,000.00	02/09/2023	194,861.55	4.473%	63743HFH0
CORPORATE NOTE	BNY MELLON	02/13/2026	990,000.00	02/15/2023	989,425.80	4.571%	713448FQ6
CORPORATE NOTE	BNY MELLON	02/27/2026	615,000.00	02/27/2023	613,985.25	5.060%	532457CE6
CORPORATE NOTE	BNY MELLON	03/02/2026	755,000.00	03/01/2023	754,124.20	4.842%	194162AQ6
CORPORATE NOTE	BNY MELLON	03/13/2026	1,425,000.00	03/13/2023	1,425,000.00	5.316%	20271RAR1
CORPORATE NOTE	BNY MELLON	04/15/2026	425,000.00	04/18/2023	424,813.00	4.016%	931142FA6
CORPORATE NOTE	BNY MELLON	05/18/2026	1,245,000.00	05/18/2023	1,244,277.90	4.471%	89236TKT1
CORPORATE NOTE	BNY MELLON	06/08/2026	730,000.00	06/08/2023	729,576.60	4.771%	24422EWW3
CORPORATE NOTE	BNY MELLON	07/07/2026	590,000.00	07/07/2023	589,274.30	5.295%	02665WEK3
CORPORATE NOTE	BNY MELLON	08/03/2026	830,000.00	08/03/2023	830,000.00	5.272%	857477CD3
CORPORATE NOTE	BNY MELLON	08/07/2026	850,000.00	08/09/2023	849,260.50	5.482%	94988J6D4
CORPORATE NOTE	BNY MELLON	08/11/2025	1,455,000.00	08/11/2023	1,454,912.70	5.303%	05565ECC7
CORPORATE NOTE	BNY MELLON	08/18/2026	1,250,000.00	08/18/2023	1,250,000.00	5.526%	06428CAA2
CORPORATE NOTE	BNY MELLON	09/08/2026	850,000.00	09/08/2023	849,396.50	5.176%	24422EXD6
CORPORATE NOTE	BNY MELLON	09/29/2025	765,000.00	09/29/2023	765,000.00	5.864%	17325FBA5
CORPORATE NOTE	BNY MELLON	10/03/2025	750,000.00	10/04/2023	749,302.50	5.850%	02665WEQ0
CORPORATE NOTE	BNY MELLON	10/22/2027	605,000.00	10/23/2023	605,000.00	6.075%	46647PDW3
CORPORATE NOTE	BNY MELLON	11/13/2026	385,000.00	11/02/2023	384,865.25	5.612%	63743HFK3
CORPORATE NOTE	BNY MELLON	01/10/2025	1,250,000.00	01/12/2022	1,246,175.00	1.480%	21688AAS1
CORPORATE NOTE	BNY MELLON	06/09/2025	1,555,000.00	06/09/2022	1,555,000.00	3.500%	63254ABD9
CORPORATE NOTE	BNY MELLON	01/12/2026	1,520,000.00	01/12/2023	1,520,000.00	4.966%	63253QAA2
MUNICIPAL BOND / NOTE	BNY MELLON	11/01/2023	625,000.00	09/17/2020	625,000.00	0.475%	13077DMJ8
MUNICIPAL BOND / NOTE	BNY MELLON	07/01/2025	630,000.00	09/16/2020	630,000.00	1.258%	341271AD6
MUNICIPAL BOND / NOTE	BNY MELLON	01/01/2025	520,000.00	02/04/2021	520,000.00	0.897%	646140DN0
MUNICIPAL BOND / NOTE	BNY MELLON	01/15/2025	1,565,000.00	08/30/2022	1,565,000.00	3.661%	576004GY5
US TREASURY NOTES	BNY MELLON	04/30/2025	4,750,000.00	05/05/2022	4,733,115.23	3.000%	9128284M9
US TREASURY NOTES	BNY MELLON	04/30/2025	1,450,000.00	05/05/2022	1,445,525.39	2.984%	9128284M9
US TREASURY NOTES	BNY MELLON	02/28/2026	9,100,000.00	05/03/2023	8,769,414.06	3.868%	9128286F2
US TREASURY NOTES	BNY MELLON	08/31/2024	3,000,000.00	05/04/2021	3,081,328.13	0.428%	912828YE4
US TREASURY NOTES	BNY MELLON	10/31/2024	2,750,000.00	05/06/2021	2,850,009.77	0.447%	912828YM6
US TREASURY NOTES	BNY MELLON	11/30/2024	2,625,000.00	06/07/2021	2,722,207.03	0.427%	912828YV6
US TREASURY NOTES	BNY MELLON	11/30/2024	2,750,000.00	06/08/2021	2,848,720.70	0.458%	912828YV6
US TREASURY NOTES	BNY MELLON	11/30/2024	5,000,000.00	06/15/2021	5,182,226.56	0.437%	912828YV6
US TREASURY NOTES	BNY MELLON	08/15/2024	1,670,000.00	09/07/2021	1,668,173.44	0.412%	91282CCT6
US TREASURY NOTES	BNY MELLON	09/15/2024	4,200,000.00	09/21/2021	4,189,335.94	0.461%	91282CCX7
US TREASURY NOTES	BNY MELLON	09/15/2024	3,000,000.00	09/24/2021	2,992,382.81	0.461%	91282CCX7
US TREASURY NOTES	BNY MELLON	09/15/2024	3,000,000.00	10/06/2021	2,988,164.06	0.510%	91282CCX7
US TREASURY NOTES	BNY MELLON	10/15/2024	3,000,000.00	11/04/2021	2,985,234.38	0.794%	91282CDB4
US TREASURY NOTES	BNY MELLON	11/15/2024	6,000,000.00	12/07/2021	5,972,109.38	0.911%	91282CDH1
US TREASURY NOTES	BNY MELLON	11/15/2024	3,000,000.00	12/10/2021	2,982,070.31	0.957%	91282CDH1
US TREASURY NOTES	BNY MELLON	12/15/2024	2,000,000.00	12/23/2021	2,002,812.50	0.952%	91282CDN8
US TREASURY NOTES	BNY MELLON	12/15/2024	3,000,000.00	12/29/2021	3,002,578.13	0.970%	91282CDN8
US TREASURY NOTES	BNY MELLON	12/15/2024	2,950,000.00	01/06/2022	2,947,810.55	1.026%	91282CDN8
US TREASURY NOTES	BNY MELLON	02/15/2025	2,950,000.00	02/15/2022	2,922,343.75	1.823%	91282CDZ1
US TREASURY NOTES	BNY MELLON	03/15/2025	3,000,000.00	04/06/2022	2,926,523.44	2.621%	91282CED9
US TREASURY NOTES	BNY MELLON	05/15/2025	8,750,000.00	06/06/2022	8,723,339.84	2.858%	91282CEQ0
US TREASURY NOTES	BNY MELLON	06/15/2025	2,900,000.00	07/11/2022	2,896,261.72	2.921%	91282CEU1
US TREASURY NOTES	BNY MELLON	07/15/2025	3,000,000.00	08/08/2022	2,994,960.94	3.060%	91282CEY3
US TREASURY NOTES	BNY MELLON	07/15/2025	6,000,000.00	08/09/2022	6,007,265.63	2.956%	91282CEY3
US TREASURY NOTES	BNY MELLON	07/15/2025	5,100,000.00	08/09/2022	5,078,882.81	3.148%	91282CEY3
US TREASURY NOTES	BNY MELLON	08/15/2025	5,850,000.00	09/07/2022	5,782,130.86	3.544%	91282CFE6
US TREASURY NOTES	BNY MELLON	09/15/2025	4,250,000.00	10/12/2022	4,162,675.78	4.254%	91282CFK2
US TREASURY NOTES	BNY MELLON	11/15/2025	2,850,000.00	12/08/2022	2,878,166.02	4.138%	91282CFW6
US TREASURY NOTES	BNY MELLON	11/15/2025	2,900,000.00	12/13/2022	2,935,457.03	4.051%	91282CFW6
US TREASURY NOTES	BNY MELLON	11/30/2024	3,100,000.00	12/28/2022	3,105,933.59	4.393%	91282CFX4
US TREASURY NOTES	BNY MELLON	12/15/2025	4,000,000.00	12/28/2022	3,980,781.25	4.174%	91282CGA3
US TREASURY NOTES	BNY MELLON	01/15/2026	3,000,000.00	02/02/2023	2,996,484.38	3.917%	91282CGE5
US TREASURY NOTES	BNY MELLON	01/15/2026	5,500,000.00	02/09/2023	5,467,773.44	4.088%	91282CGE5
US TREASURY NOTES	BNY MELLON	02/15/2026	5,000,000.00	03/07/2023	4,912,695.31	4.640%	91282CGL9
US TREASURY NOTES	BNY MELLON	02/15/2026	3,300,000.00	03/31/2023	3,306,316.41	3.928%	91282CGL9
US TREASURY NOTES	BNY MELLON	02/15/2026	5,800,000.00	05/23/2023	5,792,523.44	4.048%	91282CGL9
US TREASURY NOTES	BNY MELLON	03/31/2025	1,800,000.00	05/17/2023	1,793,460.94	4.076%	91282CGU9
US TREASURY NOTES	BNY MELLON	04/15/2026	840,000.00	04/24/2023	837,309.38	3.865%	91282CGV7
US TREASURY NOTES	BNY MELLON	04/15/2026	350,000.00	05/02/2023	349,453.13	3.806%	91282CGV7

**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
INVESTMENT SUMMARY
OCTOBER 31, 2023**

INVESTMENT DESCRIPTION	INSTITUTION	MATURITY DATE	PAR VALUE	SETTLEMENT DATE	PURCHASE PRICE	BOOK YIELD RATE	CUSIP
US TREASURY NOTES	BNY MELLON	04/15/2026	5,150,000.00	05/11/2023	5,151,408.20	3.739%	91282CGV7
US TREASURY NOTES	BNY MELLON	04/15/2026	3,000,000.00	05/18/2023	2,997,421.88	3.781%	91282CGV7
US TREASURY NOTES	BNY MELLON	04/15/2026	1,750,000.00	06/13/2023	1,725,458.98	4.278%	91282CGV7
US TREASURY NOTES	BNY MELLON	05/15/2026	7,275,000.00	06/05/2023	7,202,818.36	3.985%	91282CHB0
US TREASURY NOTES	BNY MELLON	05/15/2026	3,125,000.00	06/14/2023	3,071,166.99	4.258%	91282CHB0
US TREASURY NOTES	BNY MELLON	05/15/2026	750,000.00	06/28/2023	733,974.61	4.422%	91282CHB0
US TREASURY NOTES	BNY MELLON	05/31/2025	2,625,000.00	06/13/2023	2,607,773.44	4.602%	91282CHD6
US TREASURY NOTES	BNY MELLON	05/31/2025	3,000,000.00	06/26/2023	2,970,820.31	4.782%	91282CHD6
US TREASURY NOTES	BNY MELLON	05/31/2025	1,000,000.00	06/27/2023	990,742.19	4.757%	91282CHD6
US TREASURY NOTES	BNY MELLON	06/15/2026	2,400,000.00	06/30/2023	2,383,500.00	4.375%	91282CHH7
US TREASURY NOTES	BNY MELLON	07/15/2026	5,750,000.00	08/03/2023	5,739,218.75	4.568%	91282CHM6
US TREASURY NOTES	BNY MELLON	07/15/2026	3,500,000.00	08/04/2023	3,492,753.91	4.575%	91282CHM6
US TREASURY NOTES	BNY MELLON	08/15/2026	1,700,000.00	09/11/2023	1,683,531.25	4.732%	91282CHU8
US TREASURY NOTES	BNY MELLON	08/15/2026	4,000,000.00	09/12/2023	3,964,218.75	4.705%	91282CHU8
US TREASURY NOTES	BNY MELLON	08/15/2026	4,000,000.00	09/15/2023	3,962,343.75	4.723%	91282CHU8
US TREASURY NOTES	BNY MELLON	08/15/2026	4,000,000.00	09/19/2023	3,963,593.75	4.712%	91282CHU8
US TREASURY NOTES	BNY MELLON	09/15/2026	4,000,000.00	10/04/2023	3,971,406.25	4.887%	91282CHY0
US TREASURY NOTES	BNY MELLON	10/15/2026	1,150,000.00	10/25/2023	1,141,330.08	4.900%	91282CJC6
FIDELITY GOVERNMENT	BNY MELLON		362,142.41		362,142.41	0.050%	
LOCAL AGENCY INVESTMENT FUND	LAIF	DAILY	73,277,219.98		73,277,219.98	3.670%	AT 10/31/23
CAMP	CAMP	DAILY	133,195,939.08		133,195,939.08	5.560%	AT 10/31/23
			<u>508,420,301.47</u>		<u>507,619,929.03</u>		

GENERAL FUND

AGENCY BONDS - FNMA NOTES	BNY MELLON	08/01/2025	650,000.00	08/05/2022	650,000.00	3.600%	3134GXM35
CERTIFICATE OF DEPOSIT	BNY MELLON	06/21/2024	925,000.00	06/26/2023	925,000.00	5.970%	06742T5X0
CERTIFICATE OF DEPOSIT	BNY MELLON	07/05/2024	1,000,000.00	07/10/2023	1,000,000.00	6.030%	89115BRL6
CERTIFICATE OF DEPOSIT	BNY MELLON	07/17/2026	250,000.00	07/20/2023	250,000.00	5.080%	21684LGS5
CERTIFICATE OF DEPOSIT	BNY MELLON	08/16/2024	925,000.00	08/18/2023	925,000.00	5.970%	06367DC60
CERTIFICATE OF DEPOSIT	BNY MELLON	10/02/2024	1,000,000.00	10/04/2023	1,000,000.00	5.960%	06417M4M4
CERTIFICATE OF DEPOSIT	BNY MELLON	10/04/2024	750,000.00	10/10/2023	750,000.00	6.000%	40435RSC6
CORPORATE NOTE	BNY MELLON	04/24/2025	325,000.00	03/08/2021	334,249.50	0.882%	06406RAN7
CORPORATE NOTE	BNY MELLON	10/30/2024	250,000.00	10/30/2020	250,000.00	6.018%	172967MT5
CORPORATE NOTE	BNY MELLON	03/30/2026	200,000.00	02/22/2022	204,026.00	2.226%	857477BM4
CORPORATE NOTE	BNY MELLON	02/08/2024	255,000.00	02/08/2021	254,824.05	0.373%	63743HEU2
CORPORATE NOTE	BNY MELLON	02/16/2025	120,000.00	02/16/2021	120,000.00	0.563%	46647PBY1
CORPORATE NOTE	BNY MELLON	03/18/2024	360,000.00	03/18/2021	359,820.00	0.767%	808513BN4
CORPORATE NOTE	BNY MELLON	05/01/2025	310,000.00	05/04/2021	310,000.00	0.981%	172967MX6
CORPORATE NOTE	BNY MELLON	05/15/2024	275,000.00	05/19/2021	274,714.00	0.585%	91324PEB4
CORPORATE NOTE	BNY MELLON	06/01/2025	340,000.00	06/01/2021	340,000.00	0.824%	46647PCH7
CORPORATE NOTE	BNY MELLON	05/28/2024	550,000.00	05/28/2021	549,950.50	0.703%	04636NAC7
CORPORATE NOTE	BNY MELLON	06/07/2024	185,000.00	06/10/2021	184,768.75	0.492%	24422EVQ9
CORPORATE NOTE	BNY MELLON	08/09/2024	210,000.00	08/09/2021	209,886.60	0.518%	69371RR40
CORPORATE NOTE	BNY MELLON	08/12/2024	240,000.00	08/12/2021	239,978.40	0.753%	05565EBU8
CORPORATE NOTE	BNY MELLON	08/12/2024	185,000.00	08/12/2021	185,000.00	0.626%	904764BN6
CORPORATE NOTE	BNY MELLON	08/09/2024	385,000.00	09/09/2021	384,745.90	0.773%	02665WDY4
CORPORATE NOTE	BNY MELLON	09/10/2024	80,000.00	09/10/2021	79,948.00	0.647%	24422EVU0
CORPORATE NOTE	BNY MELLON	09/14/2024	850,000.00	09/14/2021	850,000.00	0.606%	641062AU8
CORPORATE NOTE	BNY MELLON	10/25/2024	310,000.00	10/25/2021	309,798.50	0.872%	06406RAX5
CORPORATE NOTE	BNY MELLON	11/03/2025	205,000.00	11/03/2021	205,000.00	1.281%	172967ND9
CORPORATE NOTE	BNY MELLON	01/10/2025	80,000.00	01/10/2022	79,962.40	1.266%	24422EVY2
CORPORATE NOTE	BNY MELLON	01/13/2025	250,000.00	01/13/2022	249,802.50	1.527%	02665WEA5
CORPORATE NOTE	BNY MELLON	02/06/2026	75,000.00	02/07/2022	75,000.00	1.746%	857477BR3
CORPORATE NOTE	BNY MELLON	02/10/2025	220,000.00	03/10/2021	234,344.00	0.937%	58933YAR6
CORPORATE NOTE	BNY MELLON	04/22/2026	200,000.00	03/30/2023	188,160.00	5.113%	949746RW3
CORPORATE NOTE	BNY MELLON	03/04/2025	140,000.00	03/04/2022	139,858.60	2.285%	025816CQ0
CORPORATE NOTE	BNY MELLON	03/08/2024	465,000.00	03/10/2022	465,000.00	1.882%	771196BU5
CORPORATE NOTE	BNY MELLON	04/15/2025	50,000.00	03/28/2022	49,912.50	2.760%	437076CM2
CORPORATE NOTE	BNY MELLON	04/01/2025	120,000.00	04/01/2022	119,887.20	3.283%	05565EBZ7
CORPORATE NOTE	BNY MELLON	05/24/2024	490,000.00	05/24/2022	489,980.40	3.752%	40428HTA0
CORPORATE NOTE	BNY MELLON	07/27/2025	485,000.00	07/27/2022	485,000.00	4.000%	459200KS9
CORPORATE NOTE	BNY MELLON	07/28/2026	140,000.00	07/28/2022	140,000.00	4.263%	89788MAH5
CORPORATE NOTE	BNY MELLON	08/15/2025	70,000.00	08/09/2022	69,935.60	3.132%	194162AM5
CORPORATE NOTE	BNY MELLON	12/05/2025	340,000.00	12/05/2022	339,632.80	4.739%	53522KAB9
CORPORATE NOTE	BNY MELLON	01/10/2025	370,000.00	01/10/2023	370,000.00	5.079%	20271RAQ3
CORPORATE NOTE	BNY MELLON	01/10/2025	175,000.00	01/12/2023	174,924.75	4.823%	89236TKN4
CORPORATE NOTE	BNY MELLON	01/26/2027	25,000.00	01/24/2023	25,000.00	4.761%	693475BL8
CORPORATE NOTE	BNY MELLON	01/26/2026	35,000.00	01/26/2023	35,000.00	4.862%	857477BZ5
CORPORATE NOTE	BNY MELLON	03/13/2026	60,000.00	02/09/2023	59,957.40	4.473%	63743HFH0
CORPORATE NOTE	BNY MELLON	02/13/2026	200,000.00	02/15/2023	199,884.00	4.571%	713448FQ6
CORPORATE NOTE	BNY MELLON	02/27/2026	155,000.00	02/27/2023	154,744.25	5.060%	532457CE6

**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
INVESTMENT SUMMARY
OCTOBER 31, 2023**

INVESTMENT DESCRIPTION	INSTITUTION	MATURITY DATE	PAR VALUE	SETTLEMENT DATE	PURCHASE PRICE	BOOK YIELD RATE	CUSIP
CORPORATE NOTE	BNY MELLON	03/02/2026	165,000.00	03/01/2023	164,808.60	4.842%	194162AQ6
CORPORATE NOTE	BNY MELLON	04/15/2026	75,000.00	04/18/2023	74,967.00	4.016%	931142FA6
CORPORATE NOTE	BNY MELLON	05/15/2026	350,000.00	05/15/2023	349,835.50	4.367%	149130AA8
CORPORATE NOTE	BNY MELLON	05/18/2026	155,000.00	05/18/2023	154,910.10	4.471%	89236TKT1
CORPORATE NOTE	BNY MELLON	06/08/2026	110,000.00	06/08/2023	109,936.20	4.771%	24422EWX3
CORPORATE NOTE	BNY MELLON	06/06/2025	175,000.00	06/08/2023	174,902.00	4.980%	24422EWW5
CORPORATE NOTE	BNY MELLON	08/03/2026	135,000.00	08/03/2023	135,000.00	5.272%	857477CD3
CORPORATE NOTE	BNY MELLON	08/01/2025	250,000.00	08/23/2023	249,297.50	5.528%	58769JAJ6
CORPORATE NOTE	BNY MELLON	08/10/2026	350,000.00	08/10/2023	349,825.00	5.068%	69371RS56
CORPORATE NOTE	BNY MELLON	08/11/2025	230,000.00	08/11/2023	229,986.20	5.303%	05565ECC7
CORPORATE NOTE	BNY MELLON	08/18/2025	250,000.00	08/18/2023	250,000.00	5.650%	06428CAC8
CORPORATE NOTE	BNY MELLON	09/12/2025	250,000.00	09/12/2023	250,000.00	5.499%	20271RAS9
CORPORATE NOTE	BNY MELLON	11/13/2026	85,000.00	11/02/2023	84,970.25	5.612%	63743HFK3
CORPORATE NOTE	BNY MELLON	12/01/2023	1,400,000.00	03/07/2023	1,345,079.17	5.428%	63873KZ18
CORPORATE NOTE	BNY MELLON	01/19/2024	1,450,000.00	04/26/2023	1,393,653.00	5.396%	62479LAK1
CORPORATE NOTE	BNY MELLON	02/09/2024	1,000,000.00	05/17/2023	961,288.89	5.374%	13607EB99
CORPORATE NOTE	BNY MELLON	03/01/2024	725,000.00	06/08/2023	695,318.50	5.716%	17327AC13
CORPORATE NOTE	BNY MELLON	03/05/2024	1,450,000.00	06/09/2023	1,390,513.75	5.664%	22533TC53
CORPORATE NOTE	BNY MELLON	04/29/2024	950,000.00	08/04/2023	910,212.28	5.809%	09659BDV9
CORPORATE NOTE	BNY MELLON	01/10/2025	375,000.00	01/12/2022	373,852.50	1.480%	21688AAS1
CORPORATE NOTE	BNY MELLON	01/12/2026	435,000.00	01/12/2023	435,000.00	4.966%	63253QAA2
MUNICIPAL BOND / NOTE	BNY MELLON	11/01/2023	275,000.00	08/06/2020	275,000.00	0.422%	605581MY0
MUNICIPAL BOND / NOTE	BNY MELLON	01/01/2025	240,000.00	02/04/2021	240,000.00	0.897%	64614ODN0
MUNICIPAL BOND / NOTE	BNY MELLON	07/01/2025	295,000.00	09/16/2020	295,000.00	1.258%	341271AD6
US TREASURY NOTES	BNY MELLON	11/30/2024	1,125,000.00	06/07/2021	1,166,660.16	0.427%	912828YV6
US TREASURY NOTES	BNY MELLON	11/30/2024	1,200,000.00	06/08/2021	1,243,078.13	0.458%	912828YV6
US TREASURY NOTES	BNY MELLON	11/15/2024	1,000,000.00	12/07/2021	995,351.56	0.911%	91282CDH1
US TREASURY NOTES	BNY MELLON	11/15/2024	900,000.00	12/10/2021	894,621.09	0.957%	91282CDH1
US TREASURY NOTES	BNY MELLON	12/15/2024	1,225,000.00	12/23/2021	1,226,722.66	0.952%	91282CDN8
US TREASURY NOTES	BNY MELLON	12/15/2024	875,000.00	01/06/2022	874,350.59	1.026%	91282CDN8
US TREASURY NOTES	BNY MELLON	02/15/2025	1,000,000.00	03/31/2023	951,093.75	4.235%	91282CDZ1
US TREASURY NOTES	BNY MELLON	05/15/2025	500,000.00	05/30/2023	482,558.59	4.632%	91282CEQ0
US TREASURY NOTES	BNY MELLON	11/15/2025	425,000.00	12/13/2022	430,196.29	4.051%	91282CFW6
US TREASURY NOTES	BNY MELLON	12/31/2024	4,350,000.00	02/09/2023	4,331,308.59	4.487%	91282CGD7
US TREASURY NOTES	BNY MELLON	01/15/2026	475,000.00	02/02/2023	474,443.36	3.917%	91282CGE5
US TREASURY NOTES	BNY MELLON	02/15/2026	475,000.00	05/23/2023	474,387.70	4.048%	91282CGL9
US TREASURY NOTES	BNY MELLON	04/15/2026	475,000.00	05/19/2023	473,960.94	3.829%	91282CGV7
US TREASURY NOTES	BNY MELLON	04/15/2026	250,000.00	05/30/2023	246,367.19	4.291%	91282CGV7
US TREASURY NOTES	BNY MELLON	05/15/2026	500,000.00	06/05/2023	495,039.06	3.985%	91282CHB0
US TREASURY NOTES	BNY MELLON	05/31/2025	1,900,000.00	06/13/2023	1,887,531.25	4.602%	91282CHD6
US TREASURY NOTES	BNY MELLON	05/31/2025	700,000.00	06/30/2023	692,699.22	4.824%	91282CHD6
US TREASURY NOTES	BNY MELLON	06/15/2026	700,000.00	06/30/2023	695,187.50	4.375%	91282CHH7
US TREASURY NOTES	BNY MELLON	07/15/2026	925,000.00	08/03/2023	923,265.63	4.568%	91282CHM6
US TREASURY NOTES	BNY MELLON	08/15/2026	400,000.00	09/11/2023	396,125.00	4.732%	91282CHU8
US TREASURY NOTES	BNY MELLON	08/15/2026	475,000.00	09/19/2023	470,676.76	4.712%	91282CHU8
US TREASURY NOTES	BNY MELLON	08/15/2026	375,000.00	09/25/2023	369,975.59	4.876%	91282CHU8
US TREASURY NOTES	BNY MELLON	09/15/2026	1,050,000.00	10/10/2023	1,041,427.73	4.926%	91282CHY0
US TREASURY NOTES	BNY MELLON	10/15/2026	125,000.00	10/19/2023	123,759.77	4.986%	91282CJC6
US TREASURY NOTES	BNY MELLON	10/15/2026	500,000.00	10/25/2023	496,230.47	4.900%	91282CJC6
FIDELITY GOVERNMENT	BNY MELLON		16,931.20		16,931.20	0.050%	
LOCAL AGENCY INVESTMENT FUND	LAIF	DAILY	1,367,826.15		1,367,826.15	3.670%	AT 10/31/23
CAMP	CAMP	DAILY	9,533,636.34		9,533,636.34	5.560%	AT 10/31/23
CAMP - 2023A PROJECT FUND	CAMP	DAILY	26,124,251.67		26,124,251.67	5.560%	AT 10/31/23
			85,422,645.36		85,085,716.98		

ALL INVESTMENTS LISTED ON THIS MONTHLY INVESTMENT SUMMARY AND HELD BY SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT ARE IN COMPLIANCE WITH THE DISTRICT'S INVESTMENT POLICY.

THE DISTRICT CAN MEET ITS EXPENDITURE REQUIREMENTS FOR THE NEXT SIX MONTHS.

Cindy Saks
CFO / DEPUTY GENERAL MANAGER

DATE: December 5, 2023

TO: Board of Directors

SUBJECT: List of Announcements

- A. December 6, 2023, 8:30 a.m. – Upper SAR WIFA by Teleconference (Cancelled)
- B. December 7, 2023, 2 p.m. – Board Workshop – Policy/Administration by
Teleconference or In-Person
- C. December 11, 2023, 1:30 p.m. – Basin Technical Advisory Committee (BTAC)
- D. December 12, 2023, 2 p.m. – Board of Directors Workshop – Resources/ Engineering
by Teleconference or In-Person
- E. December 13, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee - by
Teleconference (Cancelled)
- F. December 13, 1:30 p.m. – San Bernardino Valley Water Conservation District Board
Meeting
- G. December 19, 2023, 9:30 a.m. – SAWPA Commission Meeting
- H. December 19, 2023, 2 p.m. – Regular Board Meeting by Teleconference or In-Person
- I. December 20, 2023, 8:30 a.m. – Upper SAR WIFA by Teleconference (Cancelled)
- J. December 25 - December 29, 2023 – District closed
- K. December 27, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee - by
Teleconference (Cancelled)
- L. January 1, 2024 – District closed for New Year's Holiday
- M. January 2, 2024 – Regular Board Meeting by Teleconference or In-Person