



## **REGULAR MEETING OF THE BOARD OF DIRECTORS**

**TUESDAY, APRIL 4, 2023 – 2:00 P.M.**

### **PUBLIC PARTICIPATION**

Public participation is welcome and encouraged. You may participate in the April 4, 2023, meeting of the San Bernardino Valley Municipal Water District online and by telephone as follows:

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

**Meeting ID: 684 456 030**

**PASSCODE: 3802020**

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

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](mailto: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, April 3, 2023. All public comments will be provided to the President and may be read into the record or compiled as part of the record.

**IMPORTANT PRIVACY NOTE: Participation in the meeting via the Zoom app is strongly encouraged. 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.**



**Director by Teleconference:**

**Director Longville:** Rm 2321, San Diego Town & County Hotel, 500 Hotel Cir N, San Diego, CA 92108

**SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

380 E. Vanderbilt Way, San Bernardino, CA 92408

**REGULAR MEETING OF THE BOARD OF DIRECTORS**

**AGENDA**

**2:00 PM Tuesday, April 4, 2023**

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**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 - Resources/Engineering - March 14, 2023(2 min) - Page 3

[Staff Recommendation - Approve Minutes of the Board of Directors Workshop - Resources/Engineering 031423](#)

2.2 Approve Minutes of the Regular Board of Directors' Meeting - March 21, 2023 (2 min) - Page 8

[Staff Recommendation - Approve Minutes of the Regular Board of Directors Meeting - 032123](#)

2.3 Approve support for SB366 California Water For All Act authored by Senator Caballero and supported by the California Municipal Utilities Association(2 min) - Page 17

[Consent Calendar - Approve support for SB366 California Water For All Act authored by Senator Caballero and supported by the California Municipal Utilities Association](#)

**3) DISCUSSION AND POSSIBLE ACTION ITEMS**

3.1 Board of Directors Handbook(20 min) - Page 18

[Staff Report - Board Handbook](#)  
[Director Handbook Draft Updated Format](#)

**4) REPORTS (Discussion and Possible Action)**

4.1 CEO/General Manager's Report (15 min) - Page 71

[CEO/General Manager's Report](#)  
[3-Month Look Ahead Table](#)  
[Project Status Update](#)

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

4.3 General Counsel Report

4.4 SAWPA Meeting Report

5) **FUTURE BUSINESS**

6) **ANNOUNCEMENTS**

6.1 List of Announcements (15 min) - Page 78

[List of Announcements 040423](#)

7) **CLOSED SESSION**

8) **ADJOURNMENT**

PLEASE NOTE:

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 380 E. Vanderbilt Way, San Bernardino, during normal business hours. Also, such documents are available on the District's website at [www.sbvmd.com](http://www.sbvmd.com) subject to staff's ability to post the documents before the meeting. The District recognizes its obligation to provide equal access to those individuals with disabilities. Please contact Melissa Zoba at (909) 387-9228 two working days prior to the meeting with any special requests for reasonable accommodation.

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

**March 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  
Wen Huang, PE, MS – Assistant General Manager/Chief Operating Officer  
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board  
Cindy Saks, CPA – Deputy General Manager/Chief Financial Officer  
Bob Tincher, PE, MS – Deputy General Manager / Chief of Statewide Water Initiatives  
Melissa Zoba, MBA, MPA – Chief Information Officer

Leo Ferrando, PE – Assistant Chief Engineer  
Anthony Flordelis – Business Systems Analyst  
Adekunle Ojo, MPA – Water Resources Manager  
Shavonne Turner, MPA – Water Conservation Program Manager

**Members of the Public in Attendance:**

James Morales, East Valley Water District

The Resources/Engineering Workshop of the Board of Directors was called to order by Chairperson June Hayes at 2:01 p.m. A quorum was noted present.

**Agenda Item 1. Introductions.** There were none.

**Agenda Item 2. Public Comment**

Chair Hayes invited public comment. There was none.

**Agenda Item 3. Discussion and Possible Action Items.**

**3.1 Consider Unbalanced Exchange Agreement with Crestline Lake Arrowhead Water Agency that Would Provide an Additional 1,500 Acre-Feet of Water to Valley District.** Deputy General Manager / Chief of Statewide Water Initiatives Bob Tincher provided background on hydrologic conditions. He discussed the historic allocations of the State Water Project (SWP) and noted that currently the allocation is 35 percent.

Because there is a historic snowpack this year, there is potential the SWP allocation could be as high as 75 or 100 percent.

Mr. Tincher reviewed the precipitation and snow update comparison to prior years, noting it has been a great year for the snowpack at 217 percent. Chair Hayes pointed out that with the current rains, the snow is melting, and too early of a melt is a problem.

Mr. Tincher explained the Lake Oroville Reservoir has increased by 1.7 million acre-feet (af) since last year and is close enough to the top that Department of Water Resources (DWR) needed to release water to keep a buffer for flood control. An inflow of 70,000 cubic feet per second is anticipated, he noted. If the San Luis Reservoir is also filled, the SWP could achieve a higher allocation year, he stated.

The San Luis Reservoir is nearly full, Mr. Tincher continued. When it is full, carryover water begins to spill, but San Bernardino Valley (SBV) has evacuated all of its carryover water. However, Crestline Lake Arrowhead Water Agency (CLAWA) does have carryover water, and this agreement is an attempt to help the neighbor agency to evacuate that water before it spills.

In response to a question from President Kielhold, Mr. Tincher explained the Current Reservoir Conditions graphic created by the DWR and noted most reservoirs shown were built by the federal government as part of the Central Valley Project and are extremely important to the water supply for California. The graphic shows the full picture, and the two most important to SBV have been highlighted, he explained.

Mr. Tincher explained Article 21 water is surplus water in the system, which becomes available when the San Luis Reservoir is completely full. The State Water Contractors are able to sign up for that additional water on top of their allocation. It is believed that water will be available next week, he advised.

The proposed agreement with CLAWA is for water over and above the District's entitlement, Mr. Tincher continued. It does not preclude the District from taking delivery of Article 21 water.

Best case modeling takes into consideration mounding and shows water can be taken when both southern and northern California have a wet year, Mr. Tincher assured. The District is ready for these years, as a primary management strategy of capturing the water in the wet years to have it during the dry years, he noted.

Director Longville asked about pricing, and Mr. Tincher indicated there is no additional cost over the variable SWP rate.

Mr. Tincher noted the District has orders for the water, noting the Groundwater Council has funds and is able to take a wet water year. Director Longville pointed out the advantage of participation in the Groundwater Council. Mr. Tincher stated all direct delivery demands can be met in a 35 percent allocation year.

Assistant General Manager/Chief Operating Officer Wen Huang and his team are already beginning to ramp up deliveries in order to take advantage of the wet year, Mr. Tincher explained, and he provided some detail on the operations system.

Mr. Tincher provided background on the CLAWA boundary and system, noting that this State Water Contractor is about two square miles and boosts water almost 2,000 feet. They have an entitlement to about 5,800 af at a cost of about \$1,150 per af given the cost of moving the water up to their service area. CLAWA delivers water to 25 retail water agencies with about 1,200 retail customers, he stated.

SBV has a history of working together with CLAWA, Mr. Tincher continued. The Board has always tried to be a good neighbor, he noted, and detailed some previous actions including a similar unbalanced exchange in 2009.

It is possible that CLAWA will not need their full entitlement, so the return is written as “up to” 1,500 af, Mr. Tincher noted, as there is a chance, they may not take the full amount back. The exchange includes 2,000 af of carryover in San Luis Reservoir plus some of this year’s allocation, for a combined total of 3,000 af, he explained. The water would all be delivered this calendar year. As in the past, each agency pays the variable cost for the water they would receive, subject to water availability. Environmental compliance consists of a Notice of Exemption.

In return for receiving up to 3,000 af, SBV would agree to return up to 1,500 af. This would net SBV at least 1,500 af or more, and the District has until the end of 2033 to return that water, Mr. Tincher explained. Deliveries would be worked cooperatively via request for an amount, with staff first assessing needs in the SBV service area.

Director Longville pointed out that is a long period of time; it could be very dry by then, and CLAWA could really need it.

In response to Director Harrison, Mr. Tincher indicated the water would be delivered to CLAWA at Silverwood and then they would deliver to SBV at a turnout of the District’s choice. In addition, upon approval of the agreement, the water being taken right now can be reclassified to be CLAWA’s water, he added. It is expected to take about 10 days to deliver that 2,100 af, but Article 21 water could start spiling as early as next week.

Mr. Tincher confirmed for Director Harrison there is about 1 million af in available capacity without causing any high groundwater impacts.

Mr. Tincher and Ms. Dyer discussed the operation of the Seven Oaks Dam, and responded to questions from Director Botello and Director Harrison. Ms. Dyer noted the Dam is only authorized and operated for flood control purposes. Forecast Informed Reservoir Operations (FIRO) is the path to the solution, she stated.

Director Botello indicated support for the agreement, noting that the only cost to SBV would be bringing the water. Director Longville acknowledged this is a good deal for SBV and pointed to the current hardships in Crestline with record snowfall.

Chair Hayes asked about the 2005 agreement, and Mr. Tincher explained it was a sale, not an exchange. He noted that there is a good chance that CLAWA will not ask for all 1,500 af to be returned. It is a matter of saving the resource and not allowing it to go to waste.

The Board of Directors authorized the CEO/General Manager to file a Notice of Exemption and execute the Exchange Agreement with the Crestline Lake Arrowhead Water Agency (CLAWA), subject to any non-substantive changes approved by the CEO/General Manager and District Counsel by the following roll-call vote:

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

**Agenda Item 4. Future Business.** Director Longville requested that the recent presentation made by Bob Tincher to the Groundwater Council be brought to the full Board. Director Botello seconded the request. Ms. Dyer advised that it will later be brought to the Board as an informational item. No vote was taken.

#### **Agenda Item 5. Adjournment**

The meeting was adjourned by Chair Hayes at 2:41 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**

**March 21, 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  
 Jose Macedo, ML, CPT-P (USA Retired) -- Chief of Staff/Clerk of the Board  
 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

Chris Jones, MESM – Preserve System Program Manager  
 Adekunle Ojo, MPA – Water Resources Manager  
 Matthew Olivo – Senior Accountant  
 Karen Resendez, MAOL – Human Resources & Risk Manager  
 Shavonne Turner, MPA – Water Conservation Program Manager

Brad Neufeld, Varner & Brandt, District Legal Counsel

**Members of the Public in Attendance:**

Jennifer Ares, Yucaipa Valley Water District  
 Melody McDonald, San Bernardino Valley Water Conservation District  
 Dave Cosgrove, San Bernardino Valley Water Conservation District  
 John Longville, San Bernardino Valley Water Conservation District  
 Kevin Walton, San Gorgonio Pass Water Agency  
 Ron Coats, East Valley Water District  
 Ben Kelly, Western Heights Mutual Water Company  
 Meredith Nikkel, Downey Brand

The regular meeting of the Board of Directors was called to order by President Kielhold at 2:00 p.m. Director Botello 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.

## Agenda Item 2. Consent Calendar

**2.1) Approve Minutes of the Regular Board of Directors Meeting - February 21, 2023**

**2.2) Approve Minutes of the Board of Directors Workshop - Policy/Administration – March 2, 2023**

**2.3) Approve Minutes of the Regular Board of Directors Meeting - March 7, 2023**

**2.4) Approve the First Amendment to the Riparian Bird Monitoring Consulting Services Agreement**

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

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

*District Counsel Brad Neufeld clarified Director Harrison's teleconference location.*

## Agenda Item 3. Discussion and Possible Action Items.

**3.1) Consider Adoption of Resolution No. 1173 Authorizing the Submittal of a Grant Application to the United States Bureau of Reclamation WaterSMART Environmental Resources Grant Program (Funding Opportunity No. R23AS00089) for the Hidden Valley Creek Aquatic and Riparian Habitat Restoration Project.** Executive Director Upper SAR Habitat Conservation Program Joanna Gibson introduced a new grant application, requiring a new resolution. Available funding is up to \$3 million per project with a 25 percent match requirement, she explained.

The project for submittal is the Hidden Valley Creek Aquatic and Riparian Habitat Restoration Project, one of the tributary restoration projects under the Upper Santa Ana River Habitat Conservation Plan (HCP), Ms. Gibson noted. Based on current estimates, the project construction cost is \$4.3 million.

The resolution provides the authority for the CEO / General Manager to prepare and submit the grant application, enter into a cooperative agreement with the US Bureau of Reclamation, and administer the grant. As approved in the fiscal year 2022-23 budget, Kennedy Jenks has been retained for assistance with the application at a cost of \$16,675, Ms. Gibson noted. With a 25 percent matching obligation, the grant, if awarded, would provide \$1.2 million in financial offsets for Valley District, and \$1.8 million for the HCP partners, she concluded.

In response to Vice President Hayes, Ms. Gibson explained the cost split between the partners is based on weighting of the projects proposed in the HCP.

Ms. Gibson clarified for Director Botello that the required match would be a cash contribution, not in-kind.

The Board of Directors adopted Resolution No. 1173 authorizing the Submittal of a Grant Application to the United States Bureau of Reclamation WaterSMART Environmental Resources Grant Program (Funding Opportunity No. R23AS00089) for the Hidden Valley Creek Aquatic and Riparian Habitat Restoration Project 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. 1173

**RESOLUTION OF THE BOARD OF DIRECTORS OF SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT, IN SUPPORT OF VALLEY DISTRICT'S APPLICATION, AND APPROVING NEGOTIATION AND EXECUTION OF A GRANT OR COOPERATIVE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, FOR A WATERSMART ENVIRONMENTAL WATER RESOURCES GRANT (FUNDING OPPORTUNITY NO. R23AS00089) FOR THE HIDDEN VALLEY CREEK AQUATIC AND RIPARIAN HABITAT RESTORATION PROJECT**

**(See Resolution Book)**

**3.2) Consider Second Amendment to Agreement to Develop and Operate Enhanced Recharge Facilities with San Bernardino Valley Water Conservation District and Western Municipal Water District.** Chief Executive Officer/General Manager Heather Dyer announced the Bureau of Land Management has indicated they are comfortable moving forward with the land exchange under the first amendment, therefore staff recommends removal of this item from the agenda.

**3.3) Consider Joining the Coalition of Water Agencies Opposed to Water Rights Bills.** Chief of Statewide Water Initiatives/Deputy General Manager Bob Tincher explained the Association of California Water Agencies (ACWA) Coalition, which includes Valley District's lobbyist, Jack Gualco, is recommending opposition to AB 460, AB 1337, and SB 389. Each of the bills would change the water rights system in a way that could have a detrimental impact on existing water rights in the State, and could impact the State Water Project (SWP), Sites Reservoir, and Santa Ana River.

Mr. Tincher pointed out other bills to support that would be helpful for the State Water Resources Control Board in the area of water rights.

Director Botello noted a number of articles on water rights have noted that historically, water rights pacts have left out minorities and Native Americans. He proposed discussion on the merits of those who may want to overhaul those pacts or agreements, as there appears to be an issue of fairness or equity. Mr. Tincher advised there is a process to file protest or request the State Board examine.

Director Longville agreed that those conversations need to occur, and suggested a workshop. She said the letters in direct opposition do not strike the right tone and may not be the right approach. She indicated she was not comfortable signing, and pointed out other issues of equity in establishment of water rights and the need for difficult conversations.

In response to Vice President Hayes, Mr. Tincher advised this action is part of the legislative process. Taking an oppose position allows the authors to work with the group on potential changes, he said. Vice President Hayes concurred with the suggestion for a dedicated workshop, saying she had mixed feelings, that she does not always feel ACWA is representing her interests, and she would like to understand the issues better.

CEO/General Manager Heather Dyer acknowledged the sensitivity of the subject and recommended Jack Gualco attend the workshop to provide feedback on the legislative process. Director Longville also suggested inviting the authors of the bills.

The Board of Directors voted to table this item for a future dedicated workshop by the following roll-call vote:

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

**3.4) Consider Purchase of Up to 5,000 Acre-Feet of Article 21 Water Through the State Water Project.** Chief of Statewide Water Initiatives/Deputy General Manager Bob Tincher advised that Article 21 water, which is over and above the SWP allocation, may be available beginning tomorrow.

Mr. Tincher reminded the Board of the approved exchange agreement with the Crestline-Lake Arrowhead Water Agency (CLAWA) for up to 3,000 acre-feet (af), 2,000 of which is their carryover. That water would be moved this week, prior to any Article 21 water.

Mr. Tincher requested authorization for the purchase should staff believe that to be possible after delivery of the CLAWA carryover water. The water is available at the variable cost, with no additional cost for importing, he advised.

Vice President Hayes clarified this would be 5,000 af above the CLAWA water.

The Board of Directors authorized the purchase of up to 5,000 acre-feet of Article 21, or extra, water through the State Water Project at a cost of about \$1.25 million by the following roll-call vote:

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

**3.5) Consider support for SB366 California Water For All Act authored by Senator Caballero and supported by the California Municipal Utilities Association.** CEO / General Manager Heather Dyer provided background on the legislation explaining the Solve the Water Crisis coalition mission to educate citizens and policymakers on impacts of water supply and a statewide approach to planning for the future.

Ms. Dyer provided an overview of the coalition and the anticipated legislation. The coalition asks for a comprehensive, bold look at the water supply system of today, and how to plan the infrastructure of the future that will have enough water and reliability to move the water around when needed. It is aimed at making water supply a top priority in the State, she noted.

Often the burden of building and paying for the water supply system has fallen on local agencies, which will not get the job done within the needed time frame, Ms. Dyer continued. San Bernardino Valley (SBV) is at the forefront and is doing its part with investment in local projects to bring a level of resilience to the region, however, this needs to be done throughout the State.

The coalition's participation is diverse, as water supply is important to all, Ms. Dyer explained. The educational effort been effective, she noted. At this point, the goal is to elevate this to lawmakers and seek a legislative solution that will prioritize a water system for the future. SB 366 is meant to establish bold water targets for all interests (California water for all), modernize the California Water Plan for a 21<sup>st</sup> century climate, and ensure accountability for state agencies on water management issues, she stated.

The bill is being authored by Senator Anna Caballero to reflect stated priorities and is being monitored by Jack Gualco, Ms. Dyer noted. She requested the Board's support for the California Water For All Act (SB 366) and funding of \$20,000 toward the public relations campaign.

Vice President Hayes pointed out the shortcomings of an educational campaign and suggested reaching out beyond the water agencies and legislators to the people.

Director Longville noted that once the bill passes and establishes targets, there will be time for communication with the people of California. She emphasized that the California Municipal Utilities Association's education efforts should recognize there are environmental concerns and equity issues and should assure that the bill addresses these things.

Director Botello indicated support, noting the plan talks about all stakeholders.

Director Harrison said it is the right approach and answers some prior failings.

Upon request of President Kielhold, this item was moved to a future agenda.

The Board of Directors voted to forward this item to the next regular Board of Directors meeting by the following roll-call vote:

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

## **Agenda Item 4. Reports (Discussion and Possible Action Items).**

**4.1) State Water Project Report.** Bob Tincher provided an update on current hydrology. The SWP allocation is still at 35 percent, although it is believed this will increase, he said. Current conditions are tracking with 2019, which was a 75 percent year, and more storms are coming.

The Draft Environmental Impact Report (EIR) on the Delta Conveyance received 729 letters and about 7,300 unique comments, all of which will be addressed in the final EIR expected at the end of 2023 or the beginning of 2024, Mr. Tincher reported.

The State Water Contractors conducted a survey of California residents about the Delta Conveyance Project. The results are very positive and are being finalized and will be brought back to the Board, Mr. Tincher stated.

Director Longville pointed out the level at the Diamond Valley Reservoir, noting that it is blended with Colorado River water. Mr. Tincher added that SBV has begun to take higher deliveries in anticipation of larger SWP allocation, and other agencies are doing the same.

### **4.2) Directors' Report of Activities and Travel Requests in accordance with Resolution 1100.**

Director Botello reported that he attended:

- March 16 – Marta Macias Brown remembrance
- March 18 – West Valley Water District (WVWD) Groundbreaking for the Roemer Filtration Facility expansion

Director Harrison reported that he attended:

- February 22 – National Habitat Conservation Coalition meeting
- February 23 – Santa Ana River Trail Parks meeting
- March 3 – Habitat Conservation Plan Government Relations Committee meeting
- March 10 – California Special Districts Association (CSDA) Legislative Committee meeting
- March 13 – Association of Special Districts Board meeting
- March 16 – Headwaters Committee meeting

Director Hayes reported that she attended:

- March 14 – Sustainable Water Investment Summit
- March 14-15 – American Water Works Association (AWWA) Symposium
- March 13 – Rialto City Council meeting
- March 16 – WVWD Meeting
- March 17 – Riverside Water Task Force meeting
- March 21 – Department of Water Resources meeting

Director Longville reported that she attended:

- March 7 – Met with Miguel Guerrero, San Bernardino Municipal Water Department
- March 15 – Sustainable Water Investment Summit
- March 14 – Board of Water Commissioners meeting
- March 16 – Marta Macias Brown remembrance
- March 17 – Riverside Water Task Force meeting

President Kielhold reported that he attended:

- March 15 – Upper Santa Ana Watershed Infrastructure Financing Authority Meeting

**4.3) General Counsel Report.** No report.

**4.4) SAWPA Meeting Report.** Director Harrison reported on the following items taken at the March 21, 2023, Commission Meeting:

- Approved to incorporate the Orange County and Riverside County Stormwater Resource Plans by reference in an Appendix to the One Water One Watershed Plan Update 2018
- Reviewed and adopted the FYE 2024 and 2025 Budget
- Received the following Informational Report:
  - Legislative Report

**4.5) Water Delivery Report.** Bob Tincher presented the report. In February 2023, 766 acre-feet of imported water was delivered to the District.

**4.6) Treasurer's Report.** Director Harrison presented the report. He noted that there is no longer a Devil Canyon / Castaic Fund reported.

The Board approved the following expenses for the month of February 2023: State Water Contract Fund \$4,552,842.06 and General Fund \$1,804,471.52 by the following roll-call vote:

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



**Agenda Item 5. Future Business.** Director Harrison requested that the Board consider endorsing the Chairman of the Association of California Water Agencies (ACWA) Local Government Committee, Ernie Avila, in his bid for the Vice Presidency of ACWA in 2024.

The Board approved placing this item on a future regular Board meeting by the following roll-call vote:

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

**Agenda Item 6. Announcements.** Chief of Staff/Clerk of the Board Jose Macedo pointed out the list of announcements.

**Agenda Item 7. Closed Session.** District Counsel Brad Neufeld introduced the Closed Session item. President Kielhold adjourned the meeting to Closed Session at 3:09 p.m.

**7.1) Conference with Legal Counsel – Existing Litigation**

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Endangered Habitats League et al. v. U.S. Army Corps of Engineers et al.

President Kielhold returned the meeting to Open Session at 3:51 p.m. District Counsel Brad Neufeld reported that there was no reportable action taken in the closed session.

**Agenda Item 8. Adjournment.** The meeting was adjourned by President Kielhold at 3:51 p.m.

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

Lynda J. Kerney  
Contract Assistant



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**DATE:** April 4, 2023  
**TO:** Board of Directors  
**FROM:** Staff  
**SUBJECT:** Consent Calendar - Approve support for SB366 California Water For All Act authored by Senator Caballero and supported by the California Municipal Utilities Association

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The item was discussed at the March 21, 2023 Regular Meeting of the Board of Directors.

Please click on the links below to access materials presented at the Board meeting.

- [Staff Memo - Consider support for SB366 California Water For All Act authored by Senator Caballero and Supported by the California Municipal Utilities Association](#)
- [Email - CA Water For All: Join Us in Transforming Californias Water Supply](#)



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**DATE:** April 4, 2023

**TO:** Board of Directors

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

**SUBJECT:** Board of Directors Handbook

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### **Staff Recommendation**

Consider proposed reformatting and decide upon process to consider and potentially update various policies and/or other content within the Board of Directors Handbook (“Director Handbook”). Provide direction to staff.

### **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 revised and re-adopted on [January 16, 2018](#). The Director Handbook has not been revised since 2018.

Since the last update of the Director Handbook, at different Board of Director meetings, Directors have requested to discuss updating the format of the handbook as well as potentially several policies and specific content. Staff have reviewed the current Director Handbook and handbooks from other agencies, and identified some key areas for consideration, including reformatting the handbook for easier reference and a modern update to the look of the handbook which integrates our mission, vision, and values.

Based on feedback we have heard from Directors, policy areas for discussion by the Board could include, but are not limited to:

- Committee assignments and defining roles and responsibilities of committees.
- Primary representative roles and responsibilities
- Process for election of officers.
- Role of the President.
- Media responses by the Board.
- Activity reporting requirements and process.

Other potential updates for your consideration include but are not limited to:

- Board meeting protocol – create comprehensive chapter by combining related sections and add new language to clarify how meetings are conducted (e.g., motions, secondary motions, items not on the agenda, workshops, etc.).
- Restructure links as a table to pertinent legal citations and policies adopted by the Board in Resolution, Ordinance, etc.
- Update language related to harassment and discrimination prevention.
- Add additional mandated training requirements.
- Combine provisions on similar matters as appropriate.
- Remove obsolete language and/or references.
- Include approved resolution language so there is a single point of reference – the Handbook (e.g., expense reimbursements, Director benefits, etc.).

A broadly reformatted Director Handbook is attached including some tracked changes to provide the Board with a starting point to collectively work on a handbook revision. The Introduction and Preamble content has been moved to the beginning of the document in a “Welcome” section preceding the table of contents. Specific suggested changes to technical content are included based on feedback from staff and our legal counsel in section 1.2 Authority. We are also suggesting updates for clarity and organization, as well as legal updates as necessary. All graphics and pictures are merely examples at this point to show concept and are easily changeable. The entire document will be revised to reflect the new logo, colors, fonts and new agency brand guidelines after the April 5<sup>th</sup> brand unveiling.

Staff welcomes input from the Board on the look and functionality of a reformatted Handbook. We also suggest a specific workshop be held for the Board to focus on policy discussion and decisions that would then be incorporated into a reformatted 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) Director Handbook Draft Updated Format



Board of Directors

# HANDBOOK

**(insert new logo)**

# 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 operation 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 District 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 Appendix 1 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 Chapter 11 of this Handbook. It is the intent of the Board that policies be incorporated into resolutions and ordinances that can be modified as may be necessary

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# WHO WE ARE

San Bernardino Valley is a public municipal water agency formed in 1954 to manage long-range water supply for the San Bernardino Valley. We are funded via an Ad Valorem tax to the residents served. We are the lead regional planning agency in the San Bernardino Valley, governed by a five-member Board of Directors. The Board of Directors establishes policy direction, guiding our team of specialized experts to meet our Mission and Vision, reflecting the broadest possible principles and providing parameters within which staff operate.

San Bernardino Valley is a State Water Contractor and water wholesaler. Our service area serves a population of approximately 700,000 and spans approximately 352 square miles. San Bernardino Valley manages ground water storage, plans for the future and partners with regional agencies toward a resilient and reliable water supply and a holistically health watershed for the region.





# *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***.

---



# *Vision* \_\_\_\_\_

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



# Values

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## **COLLABORATIVE.**

Dedicated to work inclusively.



## **TRUSTWORTHY.**

Committed to earn respect.



## **INNOVATIVE.**

Proactive and effective problem-solvers.



## **DRIVEN.**

Passionate and empowered leaders.

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## Introduction

In support of San Bernardino Valley Municipal Water District's (District) 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 District 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 District business. Updates to this Handbook are anticipated and will occur as additional needs, issues and circumstances may dictate.

The District 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 District's authority, power and operation have been included in Appendix 1 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 Appendix 2 of this Handbook. It is the intent of the Board that policies be incorporated into resolutions and ordinances that can be modified as may be necessary.

## **Preamble**

The customers served by the District are entitled to elected Board members who are transparent, fair, ethical, and accountable. Such Board members constantly should seek to reflect the following behaviors and qualities:

Complying with both the letter and the spirit of the laws and policies affecting operations of the District;

— Exercising independent, impartial, and fair judgment and actions;

— Using the public office to which they were elected for the public good, not for personal gain; and

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

To this end, the District Board of Directors has adopted this Director's Handbook along with the Code of Conduct, to build public confidence, integrity and transparency into the culture of District governance to foster effective operation of the agency as a whole.

## SECTION 1 - XXX

### Chapter 1 – Role and Authority

#### 1.1 Role of the Board

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

The Board has three (3) major responsibilities:

1. Promote the best interests of the District's taxpayers and retail agency customers by establishing policies that support the vision and mission of the District and by ensuring the implementation of those policies. 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 District.
2. ~~The Board shall e~~Establish policies that ensure fiscal stability and the effective use of funds that will be revised as the mission of the ~~D~~istrict evolves over time. In order to achieve this, each fiscal year the Board adopts a budget covering the anticipated revenues and expenditures of the District and reviews monthly and quarterly budget reports throughout the year. Additionally, from time to time, the Board reviews and/or adopts amendments to the District's cash reserve, investment, and other policies as necessary.
3. Hire a General Manager to manage the day-to-day operations of the District. The Board holds the General Manager accountable for the effective operational management of the District. An additional responsibility of the Board is to properly evaluate the General Manager on an annual basis and maintain a current contract with the General Manager.

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

1. ~~That t~~The Board of Directors provides policy direction and leadership for the District.
2. ~~That~~ Board members are responsible for setting organizational policy and providing direction to the ~~staff that are~~General Manager who is entirely responsible for day-to-day implementation of district programs and activities.
3. ~~That it~~It is the responsibility of the Board, through the policies it adopts, to ensure that the District is a progressive, transparent, innovative, and well-managed agency.
4. ~~That t~~The Board exercises authority only collectively as a Board, and individual Board members shall not act on their own volition. For the purpose of this guideline, a “Board” is made up of five (5) members that make decisions (issues are decided by a majority of these five Board members)



5. ~~That t~~The Board seeks to provide leadership in local, regional, state, and national issues that have relevance on the operations of the District and the communities of interest that it serves.
6. ~~That t~~The Board respects the role of the ~~ratepayers~~ taxpayers and the retail agencies ~~that~~ it serves in the governance of the District, and encourages their participation.
7. ~~That k~~Key stakeholders should be included and consulted when and where appropriate.
8. ~~That~~ Board members represent the District in business related matters at meetings and events other than regular meetings of the Board.
9. ~~That t~~The Board maintains a high level of communication with the General Manager. When a Board member is going to be out of town or unavailable, the General Manager or ~~his/her Executive Assistant/Board Secretary~~ the Clerk of the Board is notified in a timely manner.
10. ~~That a~~All Board members are provided with the same information that any other Board member may request, where practical, including staff reports, committee agendas, customer inquiries and background information.
11. ~~That~~ Board members are encouraged to inform the 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 General Manager and other members of the Board. Staff is responsible for providing same in a timely manner.
12. ~~That t~~The Board is aware that all written and electronic documentation and communication is legally considered in the public domain. This excludes information protected by attorney-client privilege.

## 1.2 Authority

The San Bernardino Valley Municipal Water District 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. It is responsible for long-range water supply management, including importing supplemental State Water Project (SWP ) water, and is shares the responsibility for monitoring and accounting of the groundwater extractions and the Santa Ana River flows responsible for most of the groundwater basins within its boundaries in order to meet its obligations as specified in the Orange County and Western-San Bernardino judgments. More specifically, the District has responsibilities for a portion of the minimum Santa Ana River flow required at the Riverside Narrows and for ~~and for groundwater extraction over the amount specified in the judgments. It has specific responsibilities for~~ monitoring groundwater supplies in the San Bernardino Basin, ~~and Colton~~ Rialto- Colton basins-Subbasin, and Riverside North Basin. Additionally, the District imports water into its service area through participation in the SWP as a supplemental water supply. Its service area covers about 353 square miles mainly in southwestern San Bernardino County, about 60 miles east of Los Angeles. It spans the eastern two thirds of the San Bernardino Valley, the Crafton Hills, and a portion of the Yucaipa Valley and includes the cities and communities of San Bernardino, Colton, Loma Linda, Redlands, Rialto, Fontana, Bloomington, Highland, East Highland, Grand Terrace, Mentone,

~~and Yucaipa. The District's enabling act includes a broad range of powers to provide water, wastewater and stormwater disposal, recreation, and fire protection services. and maintaining flows at the Riverside Narrows on the Santa Ana River. It fulfills its responsibilities in a variety of ways, including importing water through the SWP for direct delivery and groundwater recharge and by coordinating water deliveries to retail agencies throughout its service area. Besides water supply management, the enabling act that established the District also provides for a broad range of other powers such as wastewater and storm water disposal, recreation, fire protection services, and electrical production/transmission. The District does not deliver water directly to retail water agency customers.~~

The District is governed by an elected Board of Directors who has authority to manage-oversee and conduct the business and affairs of the District, including the authority to fix terms and conditions of employment (including compensation) of District 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 General Manager of the District, but the 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 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, Treasurer and Secretary. Officers of the District are selected every two years corresponding with the general election for the Board or as otherwise determined by the Board of Directors.

## Chapter 2 – Board Values and Principles

Adherence to established organizational values and principles are intended to promote a collaborative work environment that encourages sharing, creativity, openness to new ideas, and an emphasis on customer satisfaction towards the District's [ratepayers-taxpayers](#) and retail agencies. [The following Board values and principles complement San Bernardino Valleys values.](#)

### 2.1 Putting Board Values into Play

#### Service Delivery

- Strive to exceed customers' expectations and proactively explore opportunities to provide better service
- Emphasize thoroughness and completeness
- Treat every person with kindness and dignity
- Be courteous, responsive, and professional
- Actively listen to understand others

#### Leadership

- Take ownership of, and responsibility for, actions, risks, and results
- Use outcomes, whether positive or negative, as learning opportunities
- Make sound decisions from experience, 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 in order to build trust
- Be truthful in word and deed

#### Openness

- Approach every situation with good intentions
- Encourage new and diverse ideas
- Listen, cooperate, and share across the organization
- Value and recognize individual contributions

#### Balance

- Recognize the need for personal and professional balance



- Do not forsake long-term goals in order to satisfy short-term needs. The Board should recognize that all decisions produce both positive and negative long and short term consequences, and as such should seek to balance all decisions to produce the best possible result for ratepayertaxpayers and our retail agency customers.
- Support an environment that is optimistic and enjoyable in which relationships can prosper across the organization

## 2.2 Guiding Principles

1. Insuring a safe and efficient water delivery system.
2. Designing and administering the highest quality, secure and innovative programs.
3. Delivering services in an equitable, accurate, courteous, professional and prompt manner.
4. Providing meaningful information and education to all customers in a timely manner.
5. Attracting, developing, and retaining a competent, creative and highly motivated workforce.
6. Maintaining public trust by being transparent, ethical, sensitive, effective, and cost efficient in service to ratepayertaxpayers, retail agencies and employees alike.
7. Behaving in a manner that demonstrates members of the Board are respected leaders in the community.

## Chapter 3 - Board Member Interaction

When the members of the San Bernardino Valley Municipal Water District Board are elected to office, there is an expectation that 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 will strive to work with fellow Board members and District 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 ratepayertaxpayers and retail\_\_ agencies of this District. Their allegiance and primary responsibility is to District constituents.
2. The Board is responsible for creating and maintaining a District culture that demonstrates respect for the needs of ratetax payers 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 counselingfacilitation. As a second step, the Board President may offer group counseling\_facilitation to the entire Board. It should be noted that the Board President has no power to dictate any member of the Board participate in counseling.
4. Board members are knowledgeable about Robert’s Rules of Order related to the governance of a meeting and the Brown Act related to communication among members of the Board. Board members acknowledge that they understand communication includes electronic, written and verbal methods.
5. Board members lead by example in their interaction and communication style and practice.

Personal attacks against fellow Board members or staff are not representative of a constructive culture. Board members are encouraged to disagree using appropriate language and treat peers with whom they disagree with respect and dignity.

## Chapter 4 – Staff Interaction

The efficient and effective delivery of services to the customers of the San Bernardino Valley Municipal Water District is a collaborative effort between the elected members of the Board of Directors and ~~those individuals employed~~ the General Manager who leads to execution of the District's day-to-day operations.

### 4.1 The Board's Relationship with the General Manager

One of the most vital relationships the District Board has is between itself and ~~its~~ the General Manager. The 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 District's daily operations in accordance with approved policies. This position is important because to be successful, the District requires a General Manager that has the skills to implement the vision of the Board and manage the other members of the staff.

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

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

Much of the District's success will depend upon a positive relationship between the Board and its General Manager. Paradoxically, the leadership nature of both parties means that this relationship will likely create some inherent tensions; a Board and a General Manager will not always agree on every action taken by the General Manager in the implementation of District projects. However, both must consciously focus on maintaining a shared sense of purpose, open communication, transparency, honesty, trust and mutual support. While the 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 General Manager in whom they have confidence. The Board must be able to support the implementation decisions of the General Manager and grant him/her the authority to manage and lead the District in the day to day implementation of programs and policies approved by the Board. This is critical for building the General Manager's credibility with the staff and the community.

It is the 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 the same information. Board members expect the General Manager to make a recommendation on every issue before the Board, except those that are strictly reserved to the Board.

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

1. The Board will provide the 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 General Manager with a written evaluation annually.
3. Board members are encouraged to contact the General Manger about any subject related to the operations of the District. Similarly, the General Manger may discuss any District related issue with any member of the Board of Directors.
4. Concerns regarding overall District operations or specific department issues or department heads are addressed with the General Manager.
5. Critical information will be provided to all members of the Board by the General Manager, which feedback may be verbal, written, or electronic in nature.
6. The General Manager has complete authority over staff and interdepartmental issues that may arise.
7. The 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 General Manager during that time.

#### 4.2 Interactions with Staff

District 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 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 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 to an individual member of the District staff, such as requesting a copy of a document or report.
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 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 discourage 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 a District employee should be directed to the 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 General Manager.

Soliciting political support from staff (e.g., financial contributions, display of posters or lawn signs, name on support list, etc.) is prohibited. District staff may, as private citizens with 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.



## Chapter 5 - Governance

The orderly conduct of District 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.

### 5.1 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 General Manager, Board Secretary and Treasurer.

### 5.2 Roles of 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.
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 at a Board Workshop to ascertain whether a majority of the Board wishes to establish a new Committee
5. Any member of the Board may propose the abolition of a standing or ad hoc committee that he/she feels is no longer needed by the District at a Board Workshop to ascertain whether a majority of the Board wishes to abolish the committee.
6. 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 General Manager. The President and other Board members can request an item to be placed on the Board agenda.
7. The Board shall govern the succession of the President and Vice-President.
8. 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.

9. 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.
10. 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.
11. The President acts as the ceremonial head or representative of the District at various civic functions, and in his/her absence, the Vice-President serves in this capacity.
12. 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.
13. 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.
14. 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.

### 5.3 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:~~30~~00 pm at a site determined by the Board.

### 5.4 Quorum Requirements

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

### 5.5 Board Meeting Protocol

1. All noticed meetings of the Board of Directors shall be conducted using Robert's Rules of Order. 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 Ralph M. Brown Act. Board members should establish time limits for public comment and it is suggested that five minutes provides a member of the public with adequate time to fully express their concerns. Through a motion to the President, any Director may move to extend the time limit for individual speakers on matters not constitutionally otherwise dictated. The Board shall treat members of the public with courtesy and respect.

3. When possible, corrections to official minutes of the Board of Directors public meetings should be provided to the Board Secretary or 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 General Manager shall inform the Board of items of significance that will be placed on future agendas.
5. The 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 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 District 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 General Manager are preferable. At the same time, Board members are never prohibited from taking any action that a Director deems necessary.

## 5.6 Voting

A majority of all members of the Board present at a meeting 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 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 not does imply that individual Board members may state publicly that they did not support the action taken by the Board or the reasons why.

## 5.7 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.
2. Closed session staff reports are to be returned to the General Manager and/or District counsel immediately following the meeting. Electronic copies of the reports will not be provided to the Board.

3. Closed Session meetings may be held at times other than the regular meetings of the Board of Directors so long as the meeting is posted pursuant to the prevailing open meeting (Brown Act) rules.
4. Closed sessions agendas should be retained by the Board Secretary until an item is revised or resolved so Directors have access to the prior meeting materials as well as reduce waste by the District.

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

### 5.? Committees of the Board of Directors

## Chapter 6 – Public Interaction

As a public body, it is important for the San Bernardino Valley Municipal Water District 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.

### 6.1 Customer Concerns and Complaints

1. All customer and ~~ratepayer~~~~taxpayer~~ concerns and inquiries received by the District shall be referred to the General Manager.
2. Staff will provide the Board with a written or verbal report of customer concern or inquiry that cannot be handled as a routine manner. Staff will also provide the Board with a response to the concern or 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 General Manager with the appropriate follow-up and response. The 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 District to liability will be shared with the Board at a noticed, closed session meeting of the Board of Directors.

### 6.2 Public Input on the Agenda

1. Input from the public on any agendized item shall take place after the report from staff unless members of the Board have clarifying questions. This allows Board members to hear public concerns and ask additional questions that may emerge and be warranted. Directors should be cognizant that a majority of the Board may not state agreement about a non-agendized issues 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 District's legal counsel.
3. Any Board member 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.

### 6.3 Representing an Official District 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 District 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 District 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 District'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 District without prior Board authorization. Meetings of outside agencies and organizations that are included on the District's list of Representative Assignments are to be attended by the designated Board member and/or alternate. Other Directors are not prohibited from attending, but may not participate or request compensation.
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 District (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).
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 District. 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 District

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

## Chapter 8 – 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 District 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:

### 8.1 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). ~~The San Bernardino Valley Municipal Water District adopted Resolution No. 968 on November 2, 2010 which amended the District’s conflict of interest code.~~

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 District, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Board member’s participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law.
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 expense, 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 if 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 District's General Manager and the District's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
    - b. If it is not possible for the Board member to discuss the potential conflict with the General Manager and the District's legal counsel before the meeting, or if the Board member does not become aware of the potential conflict until during the meeting, the Board member will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest;
    - 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 agendaized for discussion and possible action, the Board member may speak on his or her personal interests in the matter during the time that the 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 District. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the District.

## 8.2 Handling of Legal Matters

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



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 District'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 General Manager or the District'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 District's legal counsel, his or her staff, and/or attorney(s) contracted to work on behalf of the District shall first consult with the General Manager or in the event that the Director's concern relates to the 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 District, acting through the Board of Directors, and as may be allowed in State law for purposes of defending the District and/or the Board in the course of litigation and/or administrative procedures, etc.

### 8.3 Ethics-Mandatory Training

#### 8.3.1 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 the training every two years after that.

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.

### 8.3.2 Sexual Harassment Prevention Training

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

### 8.4 Enforcement

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

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 District Attorney.

### 8.5 Decorum

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 9 – Board of Director Benefits

Resolution 969 provides for health and welfare benefits be provided to Directors as follows:

(insert table)

## **SECTION 2 – LEGAL CITATIONS AND BOARD POLICY**

### **Appendix 1 – Chapter 10 - Selected Provisions of the California Water Code**

The San Bernardino Valley Municipal Water District 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 District’s authority, power and operation have been included as references below.

#### **PART 3. INTERNAL ORGANIZATION**

CHAPTER 1. DIRECTORS .....	<a href="#">71250-71256</a>
CHAPTER 2. THE BOARD	
Article 1. In General .....	<a href="#">71270-71282</a>
Article 2. Powers and Duties .....	<a href="#">71300-71314</a>
CHAPTER 3. OFFICERS AND EMPLOYEES	
Article 1. In General .....	<a href="#">71340-71342</a>
Article 2. Duties.....	<a href="#">71360-71365</a>

#### **PART 4. ELECTIONS**

CHAPTER 1. ELECTIONS GENERALLY .....	<a href="#">71450-71454</a>
CHAPTER 2. PREPARATION OF BALLOTS .....	<a href="#">71461-71463</a>
CHAPTER 3. PRECINCTS AND POLLING PLACES .....	<a href="#">71473</a>
CHAPTER 4. ELECTION OF DIRECTORS	
Article 1. In General .....	<a href="#">71500-71505</a>
Article 2. Appointment in Lieu of Election .....	<a href="#">71512</a>
CHAPTER 5. INITIATIVE, REFERENDUM, AND RECALL .....	<a href="#">71530-71531</a>
CHAPTER 6. RELOCATION OF DIVISION BOUNDARIES.....	<a href="#">71540</a>

#### **PART 5. POWERS AND PURPOSES**

CHAPTER 1. POWERS GENERALLY .....	<a href="#">71590-71601</a>
CHAPTER 2. WATER	
Article 1. Development and Sale.....	<a href="#">71610-71618</a>
Article 2. Standby Charges .....	<a href="#">71630-71637</a>
Article 2.5. Alternative Provisions for Standby Charges .....	<a href="#">71638-71638.4</a>
Article 2.7. Standby Assessments .....	<a href="#">71639</a>
Article 3. Water Shortages .....	<a href="#">71640-71644</a>
CHAPTER 3. OTHER FUNCTIONS	
Article 1. Recreation and Electrical Power .....	<a href="#">71660-71664</a>
Article 2. Sewage, Waste, and Storm Water Disposal .....	<a href="#">71670-71674</a>
Article 3. Fire Protection .....	<a href="#">71680</a>
Article 4. Water Replenishment Assessment.....	<a href="#">71682-71689.9</a>
Article 5. Sanitation Service .....	<a href="#">71689.20-71689.27</a>
CHAPTER 4. PROPERTY .....	<a href="#">71690-71700</a>
CHAPTER 5. CONTRACTS	
Article 1. Contracts With Other Agencies .....	<a href="#">71720-71726</a>
CHAPTER 6. CONTROVERSIES .....	<a href="#">71750-71760</a>

**PART 6. FINANCIAL PROVISIONS**

CHAPTER 1. WARRANTS .....	<a href="#">71800-71801</a>
CHAPTER 2. PROMISSORY NOTES.....	<a href="#">71810-71814</a>
CHAPTER 3. ADOPTION OF IMPROVEMENT ACTS.....	<a href="#">71820-71823</a>

**PART 7. BONDS**

CHAPTER 1. IN GENERAL.....	<a href="#">71852-71854</a>
CHAPTER 2. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS	
FOR ENTIRE DISTRICT.....	<a href="#">71860-71861</a>
CHAPTER 3. FORMATION OF IMPROVEMENT DISTRICTS FOR ISSUANCE	
OF BONDS	

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

## **Appendix 2** Chapter 11 – District 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.

### 11.1 HARASSMENT AND DISCRIMINATION PREVENTION POLICY

Summary: The SBVMWD 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, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status or any other basis protected by 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, Valley District 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, 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.



~~will not tolerate verbal or physical conduct by any employee who harasses, disrupts, or interferes with another's work performance or who creates an intimidating, offensive or hostile environment.~~

## 11.2 TECHNOLOGY POLICY

Summary: The District'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 District. All messages and other information communicated through these systems are also the property of the District. These systems are to be used only to further the business purposes of the District and should never be used in violation of any applicable laws. The District has the right to terminate any employee's access to and use of any of these systems at any time with or without cause and with or without notice. The District 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 District.

## 11.3 DEBT MANAGEMENT POLICY

Summary: This policy documents the District's goals for the use of debt instruments and provides guidelines for the use of debt for financing the District's infrastructure needs. While capital programs are primarily funded by reserves in accordance with the District's existing practice, and while the District 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 District will evaluate on a case by case basis the merits of debt financing as part of the successful implementation of its goals and objectives.

## 11.4 INVESTMENT POLICY

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

## 11.5 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 District 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 District 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 District to fund expenditures in a manner consistent with the District's Capital Improvement Plan, and avoid significant rate fluctuations due to changes in cash flow requirements.

## 11.6 CENSURE POLICY

Summary: This policy documents the District's minimum requirements of behavior for elected and appointed officials of the District. The District'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 on enforcement for any board member behavior, action or violation of District policies outside these minimum requirements of behavior.

## Appendix 3 Chapter 12 - Summary of the FPPC and Political Reform Act

In June 1974, the passage of Proposition 9 by California voters created the Political Reform 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.

### 12.1 Overview of the Political Reform Act

The Political Reform 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 PRA 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.

## **Appendix 4- Chapter 13- 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 insure public official accountability for their actions and to allow full public participation in the decision making process.

### **13.1 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 district.)

### **13.2 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 are attending 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.

Some meetings are not covered by the Brown Act. Gatherings such as conferences and retreats, other public meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the Brown Act provided that legislative members follow certain rules such as limiting the discussion to the agenda in the conference; or that legislative members do not discuss amongst themselves business of their legislative body. Also excluded from the application of the Brown Act are individual contacts or conversations between a member of a legislative body and any other person (i.e., non-staff or non-board member).

#### **13.2.1 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.

### 13.2.2 Teleconference Meetings

The Brown Act allows teleconference meetings if they comply with the following specifications:

- The teleconference location is accessible to the public and it is noted in the agendas.
- The meeting is useful to the public and 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.

### 13.2.3 Closed Session Meetings

The Brown Act allows closed sessions under the scope of a regular 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 should publicly report actions, along with the vote and abstention count, taken as result of a closed session. Documentation relative to the reports should be available to any person on the next business day following the meeting.

### 13.2.4 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.

### 13.3 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 advisory or standing committees.
- Post agendas at least 72 hours in advance of the 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 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.

#### **13.4** 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.

## Appendix 5 Chapter 14 – 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 District'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 district 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](http://www.fppc.ca.gov).

## Appendix 6 Chapter 15 – 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 insures 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.<sup>1</sup>

### 15.1 Guidelines<sup>2</sup>

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 second 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 quorum 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

<sup>1</sup> Adapted from "Robert's Rules of Order - Summary Version", accessed online March 6, 2017, <http://www.robertsrules.org/>

<sup>2</sup> 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).

## 15.2 Parliamentary Application<sup>3</sup>

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 there 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.

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<sup>3</sup> Ibid.

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



**(insert new logo)**



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**DATE:** April 4, 2023  
**TO:** Board of Directors  
**FROM:** Heather Dyer, Chief Executive Officer/General Manager  
**SUBJECT:** CEO/General Manager's Report

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**In this report:**

- I. ACWA DC Conference**
- II. Staff Participation in Legislative Trip to Sacramento for the Sites Reservoir Project**
- III. Staff Presentation to the San Bernardino Municipal Water Department**
- IV. 2023 Special Achievement in GIS (SAG) Award**
- V. 2023 ACWA Clair Hill Award Finalist**
- VI. New Staff**
- VII. Project Updates/ Agendas for the next 90 days**

The following is an update from the Chief Executive Officer/General Manager on the status of several items at the District.

**I. ACWA DC Conference**

On February 28 – March 2<sup>nd</sup>, Director Hayes and Melissa Zoba attended the ACWA DC 2023 Conference in Washington DC. The conference program focused on implementation of the Infrastructure Investment and Jobs Act; insights and opportunities for the 118th Congress; and the Biden Administration action on the ongoing drought. Valley District's Federal lobbyist, Innovative Federal Strategies, Inc. scheduled separate meetings between the Valley District team and Congressman Aguilar (D-33rd District), Congressman Obernolte (R-23rd District), and representatives from Congresswoman Norma Torres' (D-35th District) office to share the status of several ongoing projects and highlight upcoming events and



areas of interest. Each legislator expressed support for the District's work and asked to be kept apprised of future progress.

## **II. Staff Participated in Legislative Trip to Sacramento for the Sites Reservoir Project**

On March 20, 2023, Bob Tincher joined Jerry Brown, General Manager of the Sites Project Authority, Fritz Durst, Chair of the Sites Project Authority, Kevin Spesert, External Affairs Manager for the Sites Project Authority and Keith Dunn, Dunn Consulting, in Sacramento to meet with staff and legislators about the Sites Reservoir Project. The team generally shared the benefits and the current status of the project and also asked for support to move a future California budget line item for the project up to next year's budget, if possible.

## **III. Staff Presentation to the San Bernardino Municipal Water Department**

On March 28, Bob Tincher presented "Modernizing the State Water Project to Improve Wet Year Deliveries and Protect Against Earthquakes and Climate Change" which focused on the benefits and the cost of the proposed Delta Conveyance Project and Sites Reservoir Project. Bob also thanked them for their support of "Solve the Water Crisis" and asked them to consider support for the California Water For All Act, SB-366.

## **IV. 2023 Special Achievement in GIS (SAG) Award**

Earlier this month, I was notified by Mr. Jack Dangermond via email that our agency has been selected to receive a Special Achievement in GIS (SAG) Award from Esri during their 2023 User Conference in July. This award is given to user sites around the world in recognition of outstanding work with GIS technology. Past recipients include the City of Redlands Police Department, Miami Dade International Airport, and the Trinity River Authority just to name a few. The award reflects the progress made by our Business Information Services department towards digital transformation of our water data and information management system. Esri would like to showcase our agency during the SAG Award ceremony, highlighting our role in furthering the use of GIS technology in regional water supply planning, operations, and management along with our commitment to long term resilience of water resources. Receiving this award is an honor to our organization as it demonstrates our commitment to the region and the hard work of our staff.

## **V. ACWA Clair Hill Award Finalist**

It is my honor to announce we have been selected as a finalist for the 2023 Clair Hill agency award based on our Comprehensive Adaptive Management and Monitoring Program (CAMMP) for the Upper Santa Ana River HCP. The ACWA's Clair A. Hill Agency Award for Excellence recognizes exemplary programs developed by public water agencies. Award recipients are selected based on demonstrated success in creatively addressing water industry issues, commitment to water use efficiency and conservation, leadership in broad water-related issues, and excellence in agency management and operations.

During the Spring ACWA conference in early May, a special multimedia presentation will be featured to recognize all finalists and to announce the Clair A. Hill Agency Award winner. The

winner will receive a special award, furnished by Jacobs Engineering, and a \$5,000 scholarship in the name of Clair A. Hill, to be awarded to a deserving student the following year. We are incredibly excited and proud to have been nominated for this award.

## **VI. New Staff**

We have new staff joining our team in the next month.

I am pleased to announce that Mr. Greg Woodside will join our team on April 17<sup>th</sup> as our Chief of Planning and Watershed Resilience. Greg joins us from the Orange County Water District where he has spent the last 26 years and most recently served in the position of Executive Director of Planning and Natural Resources. Greg holds a master's degree in Hydrology and bachelor's degree in Geology; he is a Registered Geologist and a Certified Hydrologist. Greg was OCWD's program manager for evaluating Forecast Informed Reservoir Operations (FIRO) at Prado Dam and co-chaired the steering committee that is preparing the Final Viability Assessment of FIRO at Prado Dam. He has also worked on groundwater management plans, watershed planning, and recharge planning efforts in Orange County. Greg has more than two dozen professional publications on topics ranging from increasing stormwater capture, FIRO, collaborative and integrated approaches for watershed and water supply improvements and management of aquifer recharge.

I am also pleased to announce that Mr. Michael Plinski will join our team on April 27<sup>th</sup> as our Chief of Water Resources. Michael joins us from the City of Riverside Public Utilities where he has worked for 12 years, most recently as their Engineering Manager for Water Resources and Planning. Michael is a Professional Civil Engineer and holds a bachelor's degree in Environmental Resources Engineering, with continuing education in urban hydrology. Michael led negotiations and finalized a 20-year agreement with Western Municipal Water District for conveyance and surplus water sales and helped develop a water supply roadmap emphasizing the need for additional water supply projects and conservation to meet future water demands. Michael chaired the Engineering Subcommittee for the Basin Technical Advisory Committee for three years and has experience with perchlorate litigation, storm water monitoring, recycled water, and basin optimization.

We are excited to welcome both gentlemen to our Assistant General Manager/COO, Wen Huang's, newly integrated team that includes Engineering, Operations, and Water Resources. I have no doubt that this high-caliber team will find innovative and collaborative solutions for current and future challenges in our watershed.

## **VII. Project Updates and 90 day-Look Ahead**

See attached.

### **Staff Recommendation**

Receive and file.

**Agendas: 3 Month Look Ahead**

Item	April	May	June
Board Handbook Reformatting and Review	X		
San Bernardino Mountains Headwaters Resiliency Partnership Update		X	
State and Federal Legislative Update	X		
Enterprise Resource Program System Update and Consideration	X		
Upper Santa Ana River Habitat Conservation Plan Update	X		
SB County Flood Control Master Recharge Agreement for Consideration	X		
Water Sales Agreement w/ SB County Flood control for Glen Helen area	X		
South Mesa Water Company, County Line Road Turnout Update	X		
Updates on 2022 In-Lieu Program with BVMWC	X		
Funding agreement with South Mesa WC for County Line Recharge	X		
Section 6 Grant Agreement with CDFW and Resolution for Consideration (Upper SAR HCP)	X		
Sunrise Ranch Master Plan Contract Award	X		
Annual Wages and Benefits Review and Consideration (2 <sup>nd</sup> Thu)		X	
Louis Rubidoux Parkland and Pecan Grove (LRPPG) Project Update		X	
LRPPG Opportunities and Constraints		X	
Headwaters Resilience Partnership (HRP) Facilitator Consideration		X	
HRP: Strategic Plan and MOU with US Forest Service and Partners		X	
Tributaries Restoration Purple Pipe Project: CEQA/NEPA and Permitting Consultant Contract and Cost-Share Agreement with RPU for Consideration		X	
Project Status Update on the Feasibility Study for the Foothill Pipeline Crossing at City Creek		X	
Accounting and Procurement Policies	X		
Project Status Update on the SARER 1A Lining Rehabilitation Project		X	
Upper SAR HCP Final Environmental Impact Report and Joint Powers Authority Agreement			
Climate Adaptation and Resilience Plan Update	X		
Proposed Legislation on Water Rights Discussion	X		
Board of Directors Committees Policy Discussion	X		
Foothill Pump Station and Inland Feeder Intertie Project		X	

**Project Status Updates**

Item	Status	Estimated Next Board Update or Action
AECOM Tunneling Feasibility Study for Foothill Pipeline Crossing at City Creek Project	In progress. Recently finished geotechnical investigation and staff is reviewing technical reports.	May
County Line Recharge Basin Project Development and Agreement for Electrical Design Services	In progress. Project partners coordinating agreement, design and planning on a regular basis.	April
East Branch Extension Intertie Project - Equipment Procurements for the Central Feeder	Materials procurement in progress.	None
ESRI Enterprise Advantage Program	In progress.	April
Geoscience, Inc. modeling Conjunctive Use Project Plan as part of the Three-Party Agreement between San Gorgonio Pass Water Agency, Valley District, and YVWD	In progress. Project partners and stakeholders coordination is ongoing.	May
Grant application to DWR, \$7 million for 2022 Urban Community Drought Relief Grant (\$4 mil for conjunctive use wells; 3 mil for water conservation programs)	Application completed. Staff will be notified of grant award status in coming months.	Upon Notification
Master Plan Development for the Louis Rubidoux Parkland & Pecan Grove	In progress. Community meetings and planning by project partners is ongoing.	May
Purchase new Core Switches	In procurement.	None
Regional Recycled Water System Construction, Weaver Basins and Regional Pipeline	Construction is still in progress. Contract amendment 4 approved Feb 23.	November
Replacement of Two Air Conditioning Units at Greenspot and Crafton Hills Pump Stations	In procurement.	None
Rincon Climate Adaptation and Resilience Plan (CARP) with expanded stakeholder engagement	In progress. Engagement with stakeholders and staff in ongoing.	April
Salt and Nutrient Management Plan for the Upper Santa Ana River Watershed Groundwater Basins	In progress. Multi-agency technical team coordination and modeling is ongoing.	June
Santa Ana Low Turnout Upgrades	Environmental Complete. NOE filed with San Bernardino County Clerk December 5, 2023	Upon completion

SARER 1A Lining Rehabilitation Project	Under construction. Work anticipated to be completed by end of FY 2023.	May
SB County Flood Control Recharge Agreement	In negotiation. One final point for resolution is ongoing. District staff and legal counsel have been meeting regularly with County staff and legal counsel regarding perceived risk to water quality from recharge at Cactus Basins.	April
Scheevel Engineering Design and Construction of Native Fish Habitat Enhancement Structures in the Santa Ana River	In progress. Pilot projects have been constructed and results measured.	May
Strategic Communications and Engagement Plan	In progress. Draft document in review by staff.	April
Strategic Plan: Goals and Objectives	Complete. Reformatting in progress for consistency with new Brand materials.	April
Strategic Plan: Our Foundation	Complete. Reformatting in progress for consistency with new Brand materials.	April
UC San Diego, USACOE Forecast-Informed Reservoir Operations at Seven Oaks Dam Preliminary Viability Assessment	In progress Steering committee being formed, meetings being scheduled.	June
Upper Santa Ana River Habitat Conservation Plan	Final EIR and NEPA in progress.	May
USGS Cooperative Study Program (Watershed/Hydrology Studies)	In progress.	August
USGS Data Collection Program (Water/Well Data)	In progress.	August
USGS Technical Assistance Agreement Western Ecological Research Center (Biological Studies)	In progress.	August
Watershed Connect Program and Valley District WIFIA Loan	Master loan agreement and term sheet in preparation with WIFIA team and EPA.	April or May based on loan closing date.
Waterman Basins Maintenance (Environmental Permits)	Extensions to 401 and 404 submitted January 2023.	April
Yucaipa Sustainable Groundwater Management Agency, Dudek preparation of the Water Year 2022 Annual Report	Complete	March
Enhanced Recharge 1B	Contract was awarded in March. Preconstruction meeting in late March, Mobilization in April, and groundbreaking ceremony in June.	June
Greenspot Pipeline @ Mill Creek emergency	Complete post project reporting	March
Basin Optimization Plan, WSC and Dopoudja & Wells	In progress.	July
Regional Salt Mitigation Feasibility Study, Rincon	In progress. Grant application is in preparation for the study.	July

Sunrise Ranch Property Master Plan	Solicited Proposals through RFP process and will ask Board to consider award in April. Project kickoff in May.	April
Foothill Pump Station and Inland Feeder Intertie Project	Staff is finalizing the design and coordinating terms on a joint operational agreement with Metropolitan Water District staff	May
San Bernardino Mountains Headwaters Resiliency Partnership	In progress. Staff coordinating with partners on partnership development, monitoring plans, and implementation of partner projects.	May



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**DATE:** April 4, 2023

**TO:** Board of Directors

**SUBJECT:** List of Announcements

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- A. April 5, 2023, 8:30 a.m. – Upper SAR WIFA In-Person (Cancelled)
- B. April 6, 2023, 2 p.m. – Board Workshop – Policy/Administration by Teleconference or In-Person
- C. April 7, 2023, 10:00 a.m. – Check Presentation by Congressman Pete Aguilar for Enhanced Recharge Project (1A Basin- Base of Seven Oaks Dam)
- D. April 11, 2023, 2 p.m. – Board Workshop – Resources/Engineering by Teleconference or In-Person
- E. April 12, 2023, 8:30 a.m. – Upper SAR WIFA Technical Advisory Committee In-Person
- F. April 12, 2023, 1:30 p.m. – SBVW Conservation District Board Meeting
- G. April 17, 2023, 6 p.m. – ASBCSD dinner (Old Spaghetti Factory Rancho Cucamonga)
- H. April 18, 2023, 9:30 a.m. – SAWPA Commission Meeting
- I. April 18, 2023, 2 p.m. – Regular Board Meeting by Teleconference or In-Person
- J. April 19, 2023, 8:30 a.m. – Upper SAR WIFA In-Person
- K. April 20, 2023, 9:00 a.m. – Headwaters Resiliency Partnership Committee Meeting by Teleconference
- L. April 24, 2023, 1:30 p.m. – San Bernardino Basin Groundwater Council Meeting
- M. April 26, 2023, 1:30 p.m. – SBVW Conservation District Board Meeting
- N. May 2, 2023, 2 p.m. – Regular Board Meeting by Teleconference or In-Person