



**BOARD OF DIRECTORS WORKSHOP
9:30 am Wednesday, October 2, 2024**

In Person:

33725 Chapman Heights Rd,
Yucaipa, CA 92399

Online via Zoom:

[https://sbvmwd.zoom.us/j/834 5099 6944](https://sbvmwd.zoom.us/j/83450996944)

Meeting ID: 834 5099 6944

PASSCODE: 3802020

By Telephone:

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

Meeting ID: 824 9230 9440

PASSCODE: 3802020

If you are unable to participate online or by telephone, you may also submit your comments and questions in writing for the District's consideration by sending them to comments@sbvmwd.com with the subject line "Public Comment Item #" (insert the agenda item number relevant to your comment) or "Public Comment Non-Agenda Item". Submit your written comments by **6:00 p.m. on Tuesday, October 1, 2024**. All public comments will be provided to the Board President and may be read into the record or compiled as part of the record.

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



SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
Yucaipa Valley Golf Club - 33725 Chapman Heights Rd, Yucaipa, CA 92399

BOARD OF DIRECTORS' WORKSHOP
9:30 AM Wednesday, October 2, 2024

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) DISCUSSION AND POSSIBLE ACTION ITEMS

- 2.1 Board of Directors Handbook Discussion (Page 2)
[Staff Report - Board of Directors Handbook Discussion](#)
[Board of Directors Handbook, Revised/Adopted January 16, 2018](#)
[Draft Board of Directors Handbook in Tracked Changes](#)

3) FUTURE BUSINESS

4) ADJOURNMENT

DATE: October 2, 2024

TO: Board of Directors - Workshop

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

SUBJECT: Board of Directors Handbook Discussion

Staff Recommendation

Continue collective discussion of potential updates to the Board of Directors Handbook. Provide direction to staff on revisions the Board desires to be made to the Handbook.

Summary

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

A broadly reformatted Handbook is attached including incorporated staff and legal feedback discussed and agreed to during the September 26, 2023.. The changes are presented in tracked changes format to provide the Board with a starting point to collectively continue work on the Handbook revision. Discussion of changes is necessary to facilitate the update and to maintain the Handbook, keeping with current laws, requirements and practices.

Background and Discussion

The Board of Directors initiated development of a 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 Handbook was adopted on [August 15, 2017](#). The Handbook was last revised and re-adopted on [January 16, 2018](#).

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

requests for future business. The Board determined that a future workshop was necessary to collectively discuss updates.

A Board Workshop was held on [September 26, 2023](#), with the full Board. Changes recommended by staff and counsel were included in a tracked changes version during this workshop. The Board approved the recommended staff and legal changes. These changes, as well as additional changes based on discussion during this workshop are included in the attached tracked changes version of the Handbook.

The revised Handbook was originally scheduled for approval at a Regular Board Meeting on December 5, 2023, however, the Board determined that an additional workshop was necessary to continue to collectively discuss updates.

Based on direction provided at the workshop, staff will update the Handbook accordingly and return to a future regular meeting for adoption.

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 23/24 budget.

Attachments

- 1) Board of Directors Handbook, Revised/Adopted January 16, 2018
- 2) Draft Board of Directors Handbook in tracked changes



San Bernardino Valley Municipal Water District

Board of Director's Handbook

Adopted August 15, 2017

Revised January 16, 2018

President Susan Longville - Aye

Vice President Gil Navarro - Aye

Director June Hayes - Aye

Director Mark Bulot - Aye

Director Steve Copelan - Aye



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San Bernardino Valley Municipal Water District Board of Director's Handbook

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.



Chapter 1 – Role and Authority

Role of the Board

The primary role of the Board is to establish policies that guide the District to meet its mission. The policy decisions and actions of the Board constitute the "action" of the Board of Directors.

The Board has three (3) major responsibilities:

1. Promote the best interests of the District's 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 establish policies that ensure fiscal stability and the effective use of funds that will be revised as the mission of the district 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.

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

1. That 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 entirely responsible for day-to-day implementation of district programs and activities.
3. That 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 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 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 the Board respects the role of the ratepayers and the retail agencies that it serves in the governance of the District, and encourages their participation.
7. That 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 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 is notified in a timely manner.
10. That 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 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.

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 water, and is responsible for most of the groundwater basins within its boundaries and for groundwater extraction over the amount specified in the judgments. It has specific responsibilities for monitoring groundwater supplies in the San Bernardino and Colton-Rialto basins 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 State Water Project 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 customers.

The District is governed by an elected Board of Directors who has authority to manage and conduct the business and affairs of the District, including the authority to fix terms and conditions of employment (including compensation) of District employees. 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 and retail agencies.

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 ratepayers and our retail customers.

- Support an environment that is optimistic and enjoyable in which relationships can prosper across the organization

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 ratepayers, 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 ratepayers 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 ratepayers 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 counseling. As a second step, the Board President may offer group counseling 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.
6. 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 to execute the District's day-to-day operations.

The Board's Relationship with the General Manager

One of the most vital relationships the District Board has is between itself and its 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 serving 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.

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.

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.

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 representative assignments annually, or as may be warranted anytime throughout the year, with the concurrence of Board members invited to serve in such capacities.

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 pm at a site determined by the Board.

Quorum Requirements

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

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.

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 and resolutions 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.

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 meeting 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: provided, however, that members may retain staff reports for their personal consideration until the item is revised or resolved, subject to the confidentiality requirements of the preceding paragraph. 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.

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.

Customer Concerns and Complaints

1. All customer and ratepayer 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.

Public Input on the Agenda

1. Input from the public on any agenda 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,

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.
8. 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.
9. Attendance at a water retail meeting, council meeting, or other meeting of an outside agency or organization and reporting on activities or decisions made by the District will not be considered as violating the provisions of the Handbook provided that any reports or discussions either reflect the decisions made by the Board as a whole or are identified as being presented by the Board member "speaking as an individual" and not as the official position of the Board. Qualification for per diem will depend on the specific meeting and whether it is approved categorically or by Board action and will be determined under the District's current adopted Resolution titled Establishing Rules and Procedures for Compensation of Directors and for Reimbursement of Directors and Staff, a current copy of which is included in Appendix 2 of this Handbook.

Chapter 7 – 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:

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 District's current adopted Resolution regarding the Conflict of Interest Code is included in Appendix 2 of this Handbook.

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.

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.

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.

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.

APPENDIX 1

Selected Provisions of the California Water Code
(Division 20, Parts 3 – 7)

Appendix 1
California State Water Code
DIVISION 20. MUNICIPAL WATER DISTRICTS
(Selected References)

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.

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CHAPTER 5. INITIATIVE, REFERENDUM, AND RECALL	71530-71531
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Article 2.7. Standby Assessments	71639
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Article 2. Sewage, Waste, and Storm Water Disposal	71670-71674
Article 3. Fire Protection	71680
Article 4. Water Replenishment Assessment.....	71682-71689.9
Article 5. Sanitation Service	71689.20-71689.27
CHAPTER 4. PROPERTY	71690-71700
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Article 1. Contracts With Other Agencies	71720-71726
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CHAPTER 1. IN GENERAL.....	71852-71854
CHAPTER 2. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS	
FOR ENTIRE DISTRICT.....	71860-71861
CHAPTER 3. FORMATION OF IMPROVEMENT DISTRICTS FOR ISSUANCE	
OF BONDS	
Article 1. Initiation of Proceedings.....	71870-71875
Article 2. Hearing and Changes.....	71880-71883
Article 3. Formation	71890-71892
Article 4. Calling on Bond Election.....	71900-71901
Article 5. Advance of Funds	71910-71911
CHAPTER 4. FORMATION OF UNINHABITED IMPROVEMENT DISTRICTS	
FOR ISSUANCE OF BONDS	
Article 1. Initiation of Proceedings.....	71920-71924
Article 2. Bond Election	71930-71934
Article 3. Advance of Funds	71936-71937

CHAPTER 5. BOND ELECTION..... [71940-71947](#)

CHAPTER 6. ISSUANCE AND SALE OF BONDS

 Article 1. Issuance and Terms [71950-71960](#)

 Article 2. Sale of Bonds and Use of Proceeds [71970-71975](#)

CHAPTER 7. FORMATION OF IMPROVEMENT DISTRICTS FOR ISSUANCE
 OF REVENUE BONDS

 Article 1. Initiation of Proceedings..... [71980-71985](#)

 Article 2. Hearing and Changes..... [71986](#)

 Article 3. Formation of Revenue Improvement District [71987-71990](#)

 Article 4. Calling of Revenue Bond Election [71991-71994](#)

 Article 5. Advance of Funds [71995-71996](#)

APPENDIX 2

District Policies Adopted by the Board

Appendix 2

San Bernardino Valley Municipal Water District

Board-Approved Policies

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.

HARASSMENT POLICY

Summary: The District 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.

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.

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.

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.

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.

APPENDIX 3

Summary of the FPPC and Political Reform Act

Appendix 3

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.

Overview of 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

Summary of the Ralph M. Brown Act

Appendix 4

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.

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.)

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).

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.

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.

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.

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.

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.

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

Form 700 – Statement of Economic Interests

Appendix 5

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.

APPENDIX 6

Summary of Robert's Rules of Order

Appendix 6

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.¹

Guidelines²

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.

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

² Adapted from "Parliamentary Procedure for Meetings", accessed online March 6, 2017, <http://www.ulm.edu/staffsenate/documents/roberts-rules-of-order.pdf>

- **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 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).

Parliamentary Application³

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.

³ Ibid.

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



Board of Directors HANDBOOK



WELCOME

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

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

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

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

To this end, the Board of Directors has adopted this Handbook along with the Code of Conduct, to build public confidence, integrityintegrity, 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 Agency](#) information, controlling legislation, rules and regulations having authority as it relates to the Board, as well as local policies enacted by the Board. The Handbook will serve as a resource for directors, staff and members of the public in determining the manner in which directors conduct matters related to San Bernardino Valley business. Updates to this Handbook are anticipated and will occur as additional needs, issues and circumstances may dictate.

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

WHO WE ARE

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

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

As noted above, this Agency has a broad set of responsibilities and is tasked with serving as the long-term, strategic leader for this region. The Agency's enabling act includes a broad range of powers to provide water, wastewater and stormwater disposal, recreation, and fire protection services which provide for the flexibility to facilitate unique collaborations and resilient water supply efforts. These responsibilities dovetail with the missions of local retail agencies who are tasked with delivering water directly to customers.

San Bernardino Valley is a State Water Contractor, water wholesaler, court appointed Watermasters for the two judgements, and the regional representative for water supply management. Accordingly, tThe

Agency's enabling act includes a broad range of powers to provide water, wastewater and stormwater disposal, recreation, and fire protection services which provide for the flexibility to facilitate unique collaborations and resilient water supply efforts. These responsibilities dovetail with the missions of local retail agencies who are tasked with delivering water directly to customers.

Our service area serves a population of over 700,000 and spans approximately 353 square miles mainly in southwestern San Bernardino County which overlays the service area boundaries of 15 local water retailers including: Bear Valley Mutual Water Company; City of Colton; City of Loma Linda; City of Redlands; City of Rialto; City of San Bernardino; East Valley Water District; Fontana Water Company; Marigold Mutual; Muscoy Mutual; Riverside Highland Water Company; South Mesa Water District; Terrace Water Company; Yucaipa Valley Water District; Western Heights Water District; and West Valley Water District.

As a municipal water agency tasked to serve as the lead regional water planning entity in the San Bernardino Valley, the Agency is governed by a five-member elected Board of Directors. The Board of Directors establishes policy direction, guiding the team of specialized experts to meet the adopted Mission, Vision, and Values which reflect the broadest possible principles and provide parameters within which staff operates.

Given its various roles as the regional water agency, San Bernardino Valley has distinct funding sources based on the specific activities required to meet the Mission. State Water Project activities including debt service, capital expenses, operating expenses, and repair and replacement are the only eligible expenses for use of a restricted fund resulting from the receipt of property tax revenue (*ad valorem*). Watermaster duties, regional planning and collaboration initiatives, and water supply/replenishment rights related activities such as the local regional stormwater capture supply projects, regional recycled water program, demand management programs, and the Upper Santa Ana River Habitat Conservation Plan are funded through the Agency's General Fund as a result of water rates received from local retail agency water deliveries.

The dynamic responsibilities of San Bernardino Valley have a community-based history that has provided stability, innovation, and ultimately for a resilient regional water supply even during historically

dry periods throughout the state. The Agency will continue long-range planning, collaboration, and project deliveries to support the changing needs of our region's people and the environment.

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 largely funded via an Ad Valorem tax to the residents served. We are the lead regional water 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 353 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 healthy watershed for the region.



Vision

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



Mission

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



Values



COLLABORATIVE.

Dedicated to work inclusively.



TRUSTWORTHY.

Committed to earn respect.



INNOVATIVE.

Proactive and effective problem-solvers.



DRIVEN.

Passionate and empowered leaders.

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SECTION 1 – BOARD PROCEDURES

Chapter 1 – Role and Authority

1.1 Role of the Board

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

The Board has three (3) major responsibilities:

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

~~In order to~~ [To](#) fulfill these responsibilities, the Board shall adhere to the following basic policy guidelines:

1. The Board of Directors provides policy direction and leadership for the Agency [and delegates responsibility for the day-to-day implementation of the Agency to the CEO/General Manager](#).
2. Board members are responsible for setting organizational policy and providing direction to the [CEO/General Manager](#) who is entirely responsible for day-to-day implementation of Agency programs and activities.

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

1.2 Authority

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

~~It is responsible for long range water supply management, including importing supplemental State Water Project (SWP) water, and shares the responsibility for monitoring and accounting of the groundwater extractions and the Santa Ana River flows within its boundaries in order to meet its obligations as specified in the Orange County and Western San Bernardino judgments. More specifically, the Agency has responsibilities for a portion of the minimum Santa Ana River flow required at the~~

~~Riverside Narrows and for monitoring groundwater supplies in the San Bernardino Basin, Rialto-Colton Subbasin, and Riverside North Basin. Additionally, the Agency 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 Agency's enabling act includes a broad range of powers to provide water, wastewater and stormwater disposal, recreation, and fire protection services. The Agency does not deliver water directly to retail agency customers.~~

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

In order for a Board of Directors to function in an effective manner, it is important that each member understand his/her respective role and the relationship they have to other members of the Board and to the [CEO/General Manager](#). This also requires an understanding of the level of performance required to carry out the duties of a Board Member. The officers of the Board of Directors include the President, Vice-President, [and a Treasurer and Secretary, which may be delegated to staff if desired by the Board.](#) Officers of the Agency are selected every two ~~years corresponding~~[years in accordance](#) 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 is intended to promote a collaborative work environment that encourages sharing, creativity, openness to new ideas, and an emphasis on customer satisfaction toward the Agency's taxpayers and retail agencies. The following Board values and principles complement San Bernardino Valley's 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 taxpayers and our retail 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 taxpayers, retail agencies and employees alike.~~
- ~~7. Behaving in a manner that demonstrates members of the Board are respected leaders in the community.~~

Chapter 23 - Board Member Interaction

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

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

¹ [Chapter 7, Section 7.4 Enforcement, provides for remedies for violations.](#)

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

~~Personal attacks against fellow Board members or staff are not representative of a constructive culture.~~

Chapter 34 – Staff Interaction

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

34.1 The Board's Relationship with the [CEO/General Manager](#)

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

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

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

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

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

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

The following guidelines are intended to help define the relationship between the Board and the [CEO/General Manager](#):

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

34.2 Interactions with Staff

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

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

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

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

Chapter 45 - Governance

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

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

45.1 Election of Officers

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

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

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

1. The President of the Board of Directors is selected following the normal board election cycle for a 2-year term, unless otherwise modified by the Board, and may be elected to multiple terms.
2. The President of the Board is selected by the Board of Directors. In addition to the duties of the President described below, the President presides at all Board of Directors meetings, makes rulings on procedural points of order, and should keep meetings on track and productive. The President should encourage open discussion and allow all members the opportunity to express their views. The President should lead and guide the Board of Directors and provide a stabilizing influence and bring out the best in all members.
3. The President appoints all committees, standing and Ad Hoc. The President may create a new committee or abolish an existing committee with the approval of a majority of the Board.
4. Any member of the Board may propose the establishment of a new committee or abolishment of a standing or ad hoc committee at a Board Workshop to ascertain whether a majority of the Board concurs.
- ~~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 Agency at a Board Workshop to ascertain whether a majority of the Board wishes to abolish the committee.~~

~~6.5.~~ The President coordinates the efforts of committees; integrates committee work with that of the Board of Directors, and defines committee relationships. The President makes declarations, extends official recognition of groups or events, and regularly communicates with the [CEO/General Manager](#). The President and other Board members can request an item to be placed on the Board agenda.

~~7.6.~~ The Vice-President remains as one member of the Board and has no rights or authority different from any other member of the Board. However, in the event of a temporary absence of the President, or an early vacancy in the position of Board President, the Vice-President shall become the Board President and shall continue as such until the Board President's temporary absence is complete or for the remaining portion of the outgoing Board President's term as Board President.

~~8.7.~~ In the event the position of President is vacated prior to the expiration of his/her term, the Vice-President shall become the President for the remaining portion of the outgoing President's term, unless otherwise directed by the Board.

~~9.8.~~ In the event of an early vacancy in the position of Vice-President, the Board shall determine, by vote, a replacement to fulfill the remaining portion of the outgoing Vice-President's term.

~~10.9.~~ The President acts as the ceremonial head or representative of the Agency at various civic functions, and in his/her absence, the Vice-President serves in this capacity.

~~11.10.~~ The President is the designated spokesperson for the Board of Directors when requests are made from external sources. The President may elect to appoint one of the other Board members to serve in this capacity.

~~12.11.~~ The President acts as the signatory on all documents requiring the Board's execution. The Vice-President may do so in the President's absence.

~~13.12.~~ The President may make appointments to the representative assignments annually, or as may be warranted anytime throughout the year, with the concurrence of Board members invited to serve in such capacities.

4.3 Roles of Committees

1. **Legislative Committee:** Travel to Sacramento/Washington D.C is expected and such travel and interaction with State and Federal elected officials is through the Legislative Committee assignments.

2. **General Committee Guidelines:**

a) **The committee shall designate who can speak on or attend meetings related to the committee.**

b) Directors may speak with elected or other agency representatives on general matters so long as they are not representing an adverse position.

c) Committees report out during regular Board meetings and/or Board workshops.

45.43 Time and Place for Regular Meetings

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

45.54 Quorum Requirements

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

45.65 Board Meeting Protocol

1. All noticed meetings of the Board of Directors shall be conducted -utilizing Robert's Rules of Order as a general guideline. Robert's Rules provide for constructive and democratic meetings and are intended to help, not hinder, the business of the Board. Under no circumstances should "undue strictness" be allowed to intimidate or limit full participation.
2. Public comment shall be received pursuant to the Ralph M. Brown Act.- Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items except as authorized by law. Each speaker is limited to a maximum of three (3) minutes.
3. When possible, corrections to official minutes of the Board of Directors public meetings should be provided to the Clerk of the Board or CEO/General Manager in advance for approval at the next regular Board meeting. This does not prohibit a Board Member that finds an error in minutes to be approved at a meeting from taking action at that time as needed.
4. The CEO/General Manager shall inform the Board of items of significance that will be placed on future agendas. During the future business portion of the agenda, members of the Board may bring forward potential item items to discuss at a further meeting. The Board will discuss and vote on the item to possibly be added to a future Board of Directors meeting for consideration.
- 4.5. The CEO/General Manager meets with the Board President prior to the Board meetings to review and prepare for the upcoming meeting.

5.6. At the direction of the [CEO/General Manager](#), department heads or appropriate departmental managers will be present at every meeting if they have an item on the agenda.

6.7. The time during the Board Announcements portion of the Agenda shall be utilized for public education purposes regarding Agency programs and services.

8. Board members acknowledge that Director Reports at regular Board Meetings are not the ideal time to ask staff for studies and reports or to express complaints. Board Workshops or individual conversations with the [CEO/General Manager](#) are preferable. At the same time, Board members are never prohibited from taking any action that they deem necessary.

9. [Directors are expected to dress professionally when representing the Agency, which may include Agency branded apparel.](#)

7. ———

4.75.6 Voting

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

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

45.87 Closed Session

1. All closed session discussions and materials are considered legal and confidential information, and as such, are not shared outside the [Closed Session Conference](#) unless specific action is taken, and then must be reported out of Closed Session. [It is in the best interests of the organization to keep this information confidential, as sharing of such information may violate the Brown Act and can result in disciplinary action, legal action or referral to the grand jury.](#)

2. Closed session staff reports are generally to be returned to the Clerk of the Board and/or Agency counsel immediately following the meeting. ~~Electronic copies of the reports will not be provided to the Board.~~
~~2.~~
3. Closed Session meetings may be held at times other than the regular meetings of the Board of Directors as long as the meeting is posted pursuant to the prevailing open meeting ~~(Brown Act)~~ rules.
~~3.~~
4. Closed session agendas should be retained by the Clerk of the Board until an item is revised or resolved so Directors have access to the prior meeting materials as well as reduce waste by the Agency.

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

Chapter 56 – Public Interaction

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

56.1 Customer Concerns and Complaints

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

56.2 Public Input on the Agenda

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

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

56.3 Representing an Official Agency Position

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

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

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

Chapter 67 – Director’s Code of Conduct

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

67.1 Conflict of Interest

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

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

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

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

~~4.~~

67.2 Handling of Legal Matters

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

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

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

[67.3 Mandatory Training](#)

[67.3.1 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~~[2006](#), must receive the training within a year of starting their service. They must then receive ~~the training~~[training](#) every two years after that. Upon completion of training, Directors are to submit the training certificate to the Clerk of the Board.

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

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

67.3.2 Harassment and Discrimination Prevention Training

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

67.4 Enforcement

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

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

67.5 Meeting Process and Decorum

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

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

Chapter 78 – Director Benefits

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

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

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

Chapter 89 - Selected Provisions of the California Water Code

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

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Chapter ~~910~~ – Agency Policies Adopted by the Board

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

910.1 Harassment and Discrimination Prevention Policy

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

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

Harassment Prevention

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

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

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

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

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

Non-Discrimination

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

Anti-Retaliation

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

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

910.2 Technology Policy

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

910.3 Debt Management Policy

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

910.4 Investment Policy

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

910.5 Reserve Policy

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

910.6 Censure Policy

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

9.7 Board Member Teleconferencing Policy

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

Chapter 101 – Summary of the FPPC and Political Reform Act

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

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

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

101.1 Overview of the Political Reform Act

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

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

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

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

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

-Chapter 112- 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~~ensure public official accountability for their actions and to allow full public participation in the ~~decision-making~~decision-making process.

112.1 Scope of the Brown Act

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

112.2 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~~attend a social gathering (for which no meeting notice was given) and they start discussing business under their jurisdiction.

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

112.2.1 The Seminar or Conference Exception

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

112.2.2 Serial Meetings

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

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

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

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

112.2.3 Teleconference Meetings

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

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

112.2.4 Closed Session Meetings

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

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

112.2.5 Special Meetings

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

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

112.3 Compliance

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

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

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

112.4 Violations of the Brown Act

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

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

-Chapter 123 – Form 700 (Statement of Economic Interests)

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

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

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

There are five components to the Form 700 SEI:

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

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

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

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

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

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

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

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

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

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

-Chapter 134 – 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.²

134.1 Guidelines³

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

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

² Adapted from "Robert's Rules of Order - Summary Version", accessed online March 6, 2017, [Page 52 | 55](http://www.robertsrules.org/)

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

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

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

13.2 Parliamentary Application⁴

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

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

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⁴ Ibid.

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



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