



**BEAUMONT-CHERRY VALLEY WATER DISTRICT  
PERSONNEL COMMITTEE MEETING AGENDA  
560 Magnolia Avenue, Beaumont, CA 92223 Monday,  
November 26, 2018 - 5:30 p.m.**

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**Call to Order, Chair Covington**

**Roll Call**

**Public Comment**

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

**ACTION ITEMS**

- 1. Adjustments to the Agenda**
- 2. Approval of July 23, 2018 Personnel Committee Meeting minutes (pages 3-4)**

**INFORMATION ITEMS**

- 3. Review and Update on HR consulting project**
- 4. Best Practices Related to Leave Accrual Caps (pages 5 – 12)**
- 5. Discussion Regarding Sick Leave Donation Program (pages 13 – 15)**
- 6. Update on District Policies and Procedures Manual revisions: Part II, (pages 16 – 67)**
- 7. Safety Equipment and Classes Update (pages 68 – 70)**
- 8. Action List for Future Meetings**
- 9. Next Meeting Date: January 28, 2019**

**Adjournment**

**AVAILABILITY OF AGENDA MATERIALS** - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of


Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office.

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

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

**CERTIFICATION OF POSTING  
REGULAR MEETING**

I certify that on or before 5:29 p.m. Nov. 23, 2018, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54956(a)).

  
\_\_\_\_\_  
Yolanda Rodriguez  
Director of Finance and Administration



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA  
DRAFT MINUTES OF THE PERSONNEL COMMITTEE  
Monday, July 23, 2018 at 5:30 p.m.  
560 Magnolia Avenue, Beaumont, CA 92223**

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**CALL TO ORDER**

*Chair Covington called the meeting to order at 5:40 p.m. at 560 Magnolia Avenue, Beaumont, California.*

*Present*

<i>Directors present:</i>	<i>Covington</i>
<i>Directors absent:</i>	<i>Ramirez</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers; Director of Finance and Administrative Services Yolanda Rodriguez; Administrative Assistant Erica Gonzales; Alma Frausto representing the Beaumont-Cherry Valley Water District (BCVWD) Employee Association, and Assistant Director of Operations James Bean.</i>

**PUBLIC INPUT:** *None.*

**ACTION ITEMS**

1. Adjustments to the Agenda: *None.*
2. Approval of March 26, 2018 Meeting minutes

*The Committee accepted the minutes of the March 26, 2018 Personnel Committee meeting.*

3. Review and Update on HR Consulting Project

General Manager Dan Jagers explained that the District identified some human resources needs and obtained bids from three consultants to address the issues. He drew attention to the attached contract with HR Dynamics, which outlines activities to improve the human resources department and assure compliance with state and federal law.

Director of Finance and Administrative Services Yolanda Rodriguez detailed the current status of the project, currently on Step 3 of the plan. Chair Covington asked if the consultant was meeting the District's needs; Ms. Rodriguez said it is on track.

4. Update on District Policies and Procedures Manual

Director of Finance and Administrative Services Yolanda Rodriguez advised that staff has been tied up with year-end activities therefore progress has slowed. Mr. Jagers noted the timeline had been aggressive, and engineering had also been involved with

well rehab and repair and was unable to support the effort. Activity will be picked up shortly.

Chair Covington indicated his understanding that staff had divided the manual between them for examination. Although staff may draft policy, it must still be reviewed first by the attorney, then possibly a consultant for fact checking. Mr. Jagers noted the focus was to be on priority parts of the policy, then revisions taken to the Personnel Committee for review. There is no established deadline.

Chair Covington requested target milestones and reminded staff that a commitment was made to the Employee Association. Ms. Rodriguez reminded the committee that the intent was to bring the manual in manageable sections, so as not to become overwhelming. Mr. Jagers indicated that the IT section and one other could be made ready to come to the Board or to the Personnel Committee.

Ms. Alma Frausto indicated the employee representatives could also meet also and review the sections as they become ready.

Ms. Fran Flanders suggested breaking the manual down to smaller sections and including the date on revisions.

5. New MHN Employee Assistance Program

Ms. Rodriguez announced that on June 1 all employees received access to the MHN Employee Assistance program and were advised of its availability via an enclosure in pay stubs. The cost to the District is \$2,294 per year. General Manager Jagers added this is part of the Substance Abuse Policy support, and offers a program for employees who may need such support or other services.

6. Action List for Future Meetings

Update on HR Dynamics project and results of the employee interviews / survey  
Update on policy revisions  
Update on safety equipment

7. Next Meeting Date: *September 24, 2018 at 5:30 p.m.*

**ADJOURNMENT:** *6:05 p.m.*

Attest:

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



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
November 26, 2018**

Item 4

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance and Administrative Services  
**SUBJECT:** **Best Practices Related to Leave Accrual Caps**

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**Staff Recommendation**

No recommendation. Direct staff as desired.

**Summary**

In its Management Letter dated June 8, 2018, the District's external audit firm made a recommendation to improve the District's operating effectiveness. As a result of the audit procedures, the auditor recommended that the District calculate and implement a cap to the amount of hours allowed to be accrued and paid out to employees (EE) for vacation, administrative leave, and sick leave.

Under California law, vacation time is earned and payable. Sick leave is governed by District policy and the recently adopted Healthy Workplaces, Healthy Families Act. Administrative leave is offered to exempt employees. The District is in compliance with all laws. Under current District policy:

**BCVWD Current Policy for Sick Leave Decreases:**

	Situation	Description	Rate (% of EE regular hourly rate)
1	EE use of sick leave	Normal use of leave	100%
2	Buy Back by EE (annual)	An employee who has not used any sick leave for 12 consecutive months may opt to "buy back" a year's accrual of sick leave (120 hours)	50%
3	EE Retirement or death	Paid out to EE or beneficiary	50%
4	Separation from employment	Voluntary or not voluntary. No sick leave paid out.	0%

**BCVWD Current Policy for Vacation or Administrative Leave Decreases:**

	Situation	Description	Rate (% of EE regular hourly rate)
1	EE use of Vacation or Admin Leave	Normal use of leave	100%
2	Buy Back by EE (annual)	In December EE has the option to buy back any vacation hours banked	100%
3	Separation from employment	All hours earned are due and payable	100%

District staff reached out to local agencies such as cities, counties, and other special districts. The attached schedule details several strategies employed by other governmental agencies. Staff



found that among nine comparator agencies<sup>1</sup>, three consolidated all time off into a Paid Time Off scenario, leaving six comparable scenarios:

### Sick Leave

Five agencies do not cap sick leave.

Excess sick leave is disposed in several different ways, two of which are highlighted below:

1. Cash out at retirement in various percentages based on number of years of employment,
2. Conversion to Cal PERS service credit at 100% of the EE's current rate of pay

The option to cash out sick leave on an annual basis also varied in rate from 30% of EE's rate to 100%. Some of these strategies are negotiated benefits.

### Vacation and Administrative Leave

Vacation is earned as part of EE compensation and is due and payable to the EE whether taken in the form of time off or cash out. As recommended by the BCVWD auditors, four of the five responding comparator agencies cap vacation accrual, but at significantly varying numbers of hours, sometimes based on number of years of employment.

Administrative Leave is offered to BCWVD exempt employees and currently rolls over at the end of each year. Some agencies do not roll over unused Admin Leave, and require EEs to "use it or lose it" before the end of each year.

If desired, the Personnel Committee may recommend to the Board of Directors a change in District policy regarding vacation, administrative leave and sick leave accrual by implementing any of the strategies noted above or any other strategy it may choose. An addendum to the current employee group 2018-2021 Memorandum of Understanding dated 12/13/2017 would be required, and the Board would adopt the changes via a resolution amending the District Policies and Procedures Manual.

### Fiscal Impact

The District's current liability balances owed for sick and vacation time at December 31, 2017 were \$111,017 and \$158,513, respectively. Implementing caps on accruals of vacation, administrative leave, and sick leave will result in savings to the District by reducing liability for such expenses.

### Attachments

Schedule of Comparator Agencies Vacation and Sick Leave Cap Strategies

Management Letter from Rogers, Anderson, Malody & Scott, LLP dated June 8, 2018

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<sup>1</sup> A comparator agency is a neighboring district with similar functions, number of employees, number of service connections, and annual budget

Schedule of Comparator Agencies and Others Vacation and Sick Leave Cap Strategies

**November 2018**

Considerations

Upon separation from employment:

- Vacation time is considered earned time and must be paid out.
- Sick leave is not required to be paid out. Depends on MOU / District policy.

	Sick time	Vacation Time
BCVWD	No Cap. Incentive Plan A: EE not using any sick leave for 12 consecutive months may convert their annual accrued leave to cash at a rate of half of their hourly pay. Incentive Plan B: Upon retirement or death, EE (or beneficiary) will receive 50% of all accumulated sick leave not compensated per Plan A (above).	No Cap. District has option of requiring EE to take vacation or to purchase unused vacation at EE's regular rate. Purchase shall occur at first pay period in December.
Comparator Agency	Sick time	Vacation Time
Hi-Desert WD	PTO only (consolidated leave). Caps based on years of service: 1 – 5 years = 448 hours max 6 – 10 years = 528 11 – 15 years = 608 16 + years = 672	When PTO accrual reaches the maximum, additional PTO does not accrue until use (or cash out) brings it below the maximum. (Use or Lose) At any time during the year, an EE can cash out PTO at full pay, however the EE must have taken a minimum of 5 consecutive days off during the prior year and the EE cannot request fewer than 20 hours each time they elect compensation in lieu of PTO. EEs must leave a minimum of 80 hours in the bank. A max. of 2 cash outs are allowed per year.
Rainbow Municipal Water District	PTO only (consolidated leave). Caps based on years of service: Up to 4 years = 400 hours max 4 – up to 9 years = 480 9+ years = 560	EE may cash out a minimum of 40 and maximum of 280 hours of PTO each January. EE must have taken at least 80 hours of cumulative PTO by Nov. 30 of the current year. Upon separation, District pays 100% of accumulated PTO at EE's regular rate.
Desert Water Agency	PTO only (consolidated leave). No Cap.	Any hours over 80 may be cashed out at year end.

Comparator Agency		Sick time		Vacation Time	
Cucamonga Valley WD	No Cap.	50% of accumulated leave is paid to EE upon retirement.	No additional information provided		
East Valley WD	No Cap.	EES may cash out up to 40 hours in December but must maintain a minimum of 156 hours. Retirees may apply all toward PERS service credit, or cash out at varying % according to years of employment	Cap: 240 hours		Vacation may be cashed out at EE's regular rate (100%) up to 40 hours per year provided EE has taken at least 10 days of vacation time in the preceding year.
Lake Hemet Municipal WD	Cap: 96 hours.	Bank A: 60% of the hours in excess of the cap shall be automatically paid out at a rate of 65% on December 5. Any hours remaining shall be transferred to a separate sick leave bank, B. Upon retirement, EEs may cash out up to 60% of Bank A hours. Bank B hours may be cashed out at any time or upon retirement, or may be converted to Cal PERS.	Cap: Maximum 20 days carry over each year.		EES may sell back accrued vacation time down to 80 hours in December at EE's regular rate (100%).
West Valley WD	No Cap.	Upon retirement, EE may cash out sick leave at 30-60% of regular pay rate. OR, may apply balance to Cal PERS at rate of 100%. EE may cash out up to 40 hours annually at regular pay rate (100%)	Cap: 0 – 1 years = 120 hours 4 – 9 years = 180 hours 10 – 14 years = 240 hours 14+ years = 300 hours		EES may cash out 2x per year to a max of 80 hours, keeping a minimum of 80 hours, and must have used 40 hours in the previous 12-month period.
Yucaipa Valley Water District	No Cap	Cash out only at retirement, at what rate is based on number of years of service	Cap: 240 hours		No cash outs. Hours are paid in full upon EE separation from employment.
Mission Springs Water District	No Cap	Upon retirement, EE may cash out sick leave at 50-100% of regular pay rate. OR, may apply balance to Cal PERS at rate of 100%. EE may cash out up to 40 hours annually at regular pay rate (100%)	No cap.		



Other Agencies	Sick time		Vacation Time	
San Joaquin County Mosquito & Vector	No Cap	No additional information provided	Cap: Double the annual accrual amount.	No additional information provided
Amador Water Agency	No Cap.	Can be applied as Cal PERS service credit upon retirement.	Cap: Mgmt: 2x annual Other: 1.5 annual accrual	No additional information provided
Fresno Irrigation District	No Cap.	No additional information provided	Cap: 240 hours	No additional information provided
Indian Wells Valley Water District	Cap: 400 hours	No additional information provided	Cap: 960 hours	No additional information provided
Desert Recreation District	Cap: 240 hours	No sick time buy back. Cash out at time of separation.	Cap: 160 hours	Vacation "buy-back" once a year
Truckee-Tahoe Airport District	No Cap.	EEs separated from employment in good standing will be paid accrued sick leave up to 240 hours. If the EE retires from the District within 90 days of date of separation, may elect to have up to 240 hours of sick leave paid converted to CalPERS service credit.	Cap: Non-exempt: 240 hours Exempt: 360 hours	Accrued vacation paid out upon separation
Nevada County Fire	No Cap	No additional information provided	Cap: Shift EEs 0 – 5 years = 200 hours 6 – 10 years = 250 hours 11 + Years = 300 hours	Cap: 40-hour EEs 0 – 5 years = 120 hours 6 – 10 years = 160 hours 11 + Years = 200 hours
West Valley Sanitation District	No Cap.	Sick leave conversion to PERS credit at retirement available upon retirement	Cap: 1 – 9 years = 32 days 10 – 14 years = 36 days 15 – 19 years = 40 days 20+ years = 44 days Cap for Exec Mgmt = 3x accrual rate.	No additional information provided

City / Town	Sick time		Vacation Time	
		No additional information provided	Equivalent to 2 years of accruals	Payout in excess of cap at end of year
Carmel Valley	No Cap	No additional information provided	Equivalent to 2 years of accruals	Payout in excess of cap at end of year
Dinuba	No Cap	No additional information provided	Police = 120 hours Misc. = 120 hours Fire = 244 hours Mgmt = 240 hours	No additional information provided
Eastvale	450 hours	Cash out anything in excess of 450 hours. EEs can voluntarily cash out sick time each Jan.	300 hours max.	EEs will be cashed out anything in excess of 300. EEs may cash out vacation time 2x per year.
Hemet	No Cap	No additional information provided	Equivalent to 2 years of accruals	No additional information provided
Highland	1250 hours	No additional information provided	400 hours	No additional information provided
Indio	No Cap	No additional information provided	3x annual accrual, max. 600 hours	No additional information provided
La Mirada	No Cap	No additional information provided	350%	No additional information provided
Mission Viejo	PTO (Comprehensive Leave). Cap is 3x annual accrual rate.			
Pinole	No Cap.	No additional information provided	Dept Managers = No Cap Others = 2x annual accrual	No additional information provided
Reedley	No Cap	No additional information provided	240 hours Cap	No additional information provided
San Juan Capistrano	No Cap	No additional information provided	Mgmt = No Cap Other = 300 hours	No additional information provided
Santa Maria	No Cap	Paid out at 50% beyond 240 hours to a max of 960 hours when an EE leaves on regular retirement	Cap: 336 hours	No additional information provided
Thousand Oaks	Regular EE – No Cap Mgmt – 1040 hours of PTO	No additional information provided	Cap: Regular EEs = 650 hours	No additional information provided
Victorville	No Cap	No additional information provided	No additional information provided	
Colma	1040 hours	No additional information provided	No additional information provided	
Yountville	No Cap	No additional information provided	360 hours	
<b>County</b>	<b>Sick time</b>		<b>Vacation Time</b>	
Humbolt	No Cap	Can apply sick leave to service credits	2x annual accrual	No additional information provided
Mariposa	No Cap	No additional information provided	Cap: 360 hours	No additional information provided



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Board of Directors  
Beaumont-Cherry Valley Water District  
Beaumont, California

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**MANAGERS / STAFF**

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Seong-Hyea Lee, CPA, MBA  
Charles De Simoni, CPA  
Gardenya Duran, CPA  
Brianna Schultz, CPA  
Lisa Dongxue Guo, CPA, MSA

We have audited the financial statements of the Beaumont-Cherry Valley Water District (the District) for the year ended December 31, 2017 and have issued our report thereon dated June 8, 2018. In planning and performing our audit of the financial statements of the District, we considered internal control in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. An audit does not include examining the effectiveness of internal control and does not provide assurance on internal control. We have not considered internal control since the date of our report.

During our audit we noted certain matters involving internal control and other operational matters that are presented for your consideration. These comments and recommendations, all of which have been discussed with the appropriate members of management, are intended to improve internal control or result in other operating efficiencies and are summarized below.

Management's responses to the findings identified in our audit have been included after each finding. We did not audit management's responses and accordingly, we express no opinion on them.

**CURRENT YEAR MANAGEMENT LETTER COMMENTS**

**VACATION AND SICK LEAVE ACCRUALS**

**CONDITION:**

As a result of our audit procedures, we noted various employees with vacation and sick accruals in excess of 300-400 hours. This causes an increase to the outstanding liability and, depending on the timing of employment separations or retirements, the cash outflows needed to pay these liabilities may be significant.

**RECOMMENDATION:**

We recommend that the District calculate and implement a cap to the amount of hours allowed to be accrued and paid out to employees for vacation and sick leave.



**MEMBERS**

American Institute of  
Certified Public Accountants

*PCPS The AICPA Alliance  
for CPA Firms*

*Governmental Audit  
Quality Center*

*Employee Benefit Plan  
Audit Quality Center*

California Society of  
Certified Public Accountants

**MANAGEMENT’S RESPONSE:**

Management recognizes that without a cap to the to the amount of hours allowed to be accrued and paid out to employees for vacation and sick leave, depending on the timing of employment separations or retirements, the cash outflows needed to pay these liabilities may be significant. Management will research best practices in the industry for calculating and implementing a maximum number of hours allowed to be accrued and paid out to employees for vacation and sick leave.

**TIMELINESS OF BANK RECONCILIATIONS**

**CONDITION:**

As a result of our audit procedures, we noted bank reconciliations were prepared and approved by separate individuals within the Finance department, however, the date of such preparation and approval was not documented.

**RECOMMENDATION:**

We recommend that the date of preparation and approval of the bank reconciliation be noted to support the timeliness of such procedures.

**MANAGEMENT’S RESPONSE:**

Management agrees with this recommendation and will note the date of preparation and approval of the bank reconciliation in order to support the timeliness of those procedures.

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Our audit procedures are designed primarily to enable us to form our opinion on the financial statements, and therefore may not bring to light all weaknesses in policies or procedures that may exist. We aim, however, to use our knowledge of the District gained during our work to make comments and suggestions that we hope will be useful to you.

We would be pleased to discuss these comments and recommendations with you at any time.

This communication is intended solely for the information and use of the District’s Board of Directors and management and others within the organization and should not be used by anyone other than these specified parties.

*Rogers, Anderson, Malody & Scott, LLP.*

San Bernardino, California  
June 8, 2018



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
November 26, 2018**

Item 5

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance and Administrative Services  
**SUBJECT:** Discussion Regarding Sick Leave Donation Program

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**Staff Recommendation**

No recommendation. Direct staff as desired.

**Summary**

Many public agencies offer a leave-sharing plan and banking program to give employees the ability to assist co-workers who face extended leaves without pay due to a catastrophic health crisis, whether their own, or that of a family member. Participation in such a plan and banking program is entirely voluntary.

The program would allow individual employees to donate a portion of their accrued sick leave over a certain threshold (number of hours) to another willing and eligible employee who might not have enough of their own leave accrued to take an extended leave of absence from work.

The Beaumont-Cherry Valley Water District does not currently provide this type of catastrophic leave donation program.

Staff is bringing it before the Committee at this time to facilitate discussion of the idea. An actual policy would be included with other human resources-related policies that are in the process of being updated for later recommendation to the full Board.

Some considerations are:

- Establishing a definition of catastrophic illness for determining eligibility for program use
- Establishing a definition of "family member" for determining eligibility for program use (the definition included in the Healthy Workplaces, Healthy Families Act can be used, for example)
- Determining if the time donated is valued at the hourly rate of the donor or recipient employee

**Fiscal Impact**

The fiscal impact is unknown at this time, though it can be reasonably expected to be very minor.

**Attachments**

Sample Emergency Leave Donation Program

## EMERGENCY LEAVE DONATION PROGRAM

### 1. Definition of emergency leave:

Emergency leave is a serious illness or injury which is expected to incapacitate an employee for an extended period of time and which creates a financial hardship because the employee has exhausted all accumulated leave. Emergency leave is further defined as a serious illness or injury of the employee or an immediate family member (i.e., spouse, registered domestic partner, son, daughter, parent, grandparent, grandchildren, brother or sister of the employee) that results in the employee being required to take time off work for an extended period to care for themselves or the family member creating a financial hardship because the employee has exhausted all accumulated leave.

### 2. Conditions and procedures under which a donation for emergency leave may be established:

- a) The General Manager, upon concurrence from the Human Resources Department/Director of Finance and Administrative Services may approve establishment of a donation bank for an employee who is suffering a financial hardship due to an emergency leave.
- b) A Department Head will contact the Human Resources Department/Director of Finance and Administrative Services to implement a donation bank for an employee who qualifies under Section 1.
- c) Once the General Manager has approved the donation bank, the Human Resources Department/Director of Finance and Administrative Services will contact the Department Head. The Department Head will contact the employee to determine if the employee desires to participate in the donation program.
- d) The Department Head will inform the Human Resources Department/Director of Finance and Administrative Services if the employee wants to participate.
- e) The Human Resources Department/Director of Finance and Administrative Services will take actions to begin the donation process and ensure individual employee decisions to donate or not to donate to the donation program are kept confidential and employees are not pressured to participate.
- f) The donation program will be established on behalf of the employee and will be administered through the Payroll Department.

### 3. Conditions under which leave credits may be donated:

- a) Any District employee may donate old vacation or old sick time (if applicable), compensatory time or paid time off.
- b) Donations must be in increments of 4 hours.

- c) The donations of leave hours are irreversible. Should the employee receiving the donation not use all donated hours for the emergency leave, the balance will remain with the employee receiving the donation or will be paid out at the employee's current salary at the time of termination.
  - d) Employees may not donate leave hours which would reduce their accrued total of paid time off to 120 hours.
  - e) Donation leave shall be paid to the employee at the recipient's base hourly rate.
  - f) Employees will use an Emergency Leave Donation form to submit donations to the Human Resources Department.
  - g) The Payroll Department will make adjustments to donors and recipient's paid leave balances will be made.
4. Conditions under which leave credits in the donation program may be used:
- a) Only the employee for whom the donation is being established may receive the credits from the donation program. Such leave credits will be added to the employees paid time off balance.
  - b) The affected employees will provide verification of their (or immediate family member's) illness or injury while using the time donated under this program.



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
November 26, 2018**

Item 6

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance and Administrative Services  
**SUBJECT:** **Update on District Policies and Procedures Manual revisions: Part II**

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**Staff Recommendation**

No recommendation. Direct staff as desired.

**Summary**

At the July 23, 2018 Personnel Committee meeting, Committee members directed Staff to review, revise and update the District's Policies and Procedures. The project is being updated in Sections by staff. Attached is the current approved Policies and Procedures, Part II along with a redlined copy showing some staff suggested revisions to Part II. This section pertains to the Board of Directors and policies regarding reimbursement, training, meeting dates, etc.

Staff will continue finalizing revisions and review same with the District's Human Resources Consultant and Legal Counsel.

**Fiscal Impact**

No fiscal impact to the District.

**Attachments**

Beaumont-Cherry Valley Water District Policies and Procedures, Part II Redlined

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



**1. BASIS OF AUTHORITY**

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

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

**2. MEMBERS OF THE BOARD OF DIRECTORS**

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

**3. COMMITTEES OF THE BOARD OF DIRECTORS**

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

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

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

#### 4. BOARD PRESIDENT

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

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

5. **BOARD MEETINGS**

~~A.~~ **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday and fourth Thursday of each calendar month at ~~6~~7:00 p.m. in the meeting room at 560 Magnolia

Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.

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

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

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

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

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

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

## 6. BOARD MEETING AGENDAS

- A. **Agenda.** The General Manager, in cooperation with the Board President and Vice President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.
- B. **Public Requests.** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:
  - i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least ten (10) business days prior to the date of the meeting;
  - ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and

- iii. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
- C. **Testimony.** This policy does not prevent the Board from taking public testimony at regular and special meetings of the Board on matters which are within the jurisdiction of the Board but not on the agenda. ~~which a member of the public may wish to bring before the Board.~~ However, the Board shall not discuss or take action on such matters at that meeting.
  - D. **Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.
    - i.        The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.
    - ~~i.~~ E. The deadline for submission of an agenda matter is the Monday two weeks prior to the (second Wednesday) meeting.

## 7. BOARD MEETING CONDUCT

- A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 “Rules of Order for Board and Committee Meetings”, shall be used as a general guideline for meeting protocol.
- B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
- C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
  - i. Consider problems to be solved, weigh evidence related thereto, and ~~make wise decisions intended to solve the problem~~ exercise sound judgment in the business efforts of the District; and,
  - ii.        Receive, consider and take any needed action with respect to reports of accomplishment of District operations; and-
  - ~~ii.~~ iii. Deal always in an ethical, honest, straightforward, open and above board manner with the community, the General Manager, and District staff.
- D. **Public Comment.** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:
  - i. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter. Attendees may not assign their allowed time

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to another speaker.

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

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

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

## 8. BOARD ACTIONS AND DECISIONS

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

- i. Adoption or rejection of regulations or policies;
- ii. Adoption or rejection of a resolution;
- iii. Adoption or rejection of an ordinance;
- iv. Approval or rejection of any contract or expenditure;
- v. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of ~~personnel~~the General Manager, and the classification and compensation plan; and,
- ~~vi.~~ Approval or disapproval of matters that require or may require the District or its employees to take action and / or provide services; and
- ~~vi-vii.~~ Act collectively and not individually become involved in the day-to-day operation of the District.

**B. Majority.** Action can only be taken by the vote of the majority of the Board of Directors.

~~B-C.i.~~ **Quorum.** Three (3) Directors represent a quorum for the conduct of business.

- ~~i.~~ **ii.** Abstention. A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.
  - a. **Example.** If three (3) of five (5) Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one (1) Director abstains on a particular action and the other two (2) cast "aye" votes, no action is taken because a majority of the Board" did not vote in favor of the action.
  - b. **Example.** If an action is proposed requiring a two-thirds (2/3) vote and two (2) Directors abstain, the proposed action cannot be approved because four (4) of the five (5) Directors would have to vote in favor of the action.
  - c. **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three (3) Directors must vote in favor of the

appointment for it to be approved. If two (2) of the three (3) Directors present abstain, the appointment is not approved.



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

- i. The President shall determine by consensus a Board directive and shall state it for clarification. Should any two (2) Directors challenge the statement of the President, a voice vote may be requested.
- ii. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).
- iii. Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda.

## 9. ATTENDANCE AT MEETINGS

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

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

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

## 10. MINUTES OF BOARD MEETINGS

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

- i. Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept on archival paper in a fire resistant room.
- ii. Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept ~~indefinitely~~ for a minimum of 30 days in electronic format, or in a fireproof vault or in fire-resistant room or locked cabinet. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.
- iii. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded ~~unless the action was unanimous~~ unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other

information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- a. Date, place and type of each meeting;
- b. Directors present and absent by name;

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

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

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

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

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

## 12. TRAINING, EDUCATION AND CONFERENCES

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

- i. Educational conferences and professional meetings are considered to provide substantial benefit. Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. Such benefits include:
  - a. The opportunity to discuss the community's concerns with state and federal officials;
  - b. Participating in regional, state and national organizations whose activities affect the District;
  - c. Attending educational seminars designed to improve officials' skill and information levels;
  - A.d. Promoting public service and morale by recognizing such service.

ii. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

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

- i. Staff as assigned by the General Manager is responsible for making arrangements for Directors for conference and registration expenses, ~~and may help as requested for per diem. Per diem, when appropriate,~~
- ii. Reimbursement shall include ~~reimbursement of~~ expenses for meals, lodging, authorized incidentals (see section 14.G00.0) and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the assigned staff member within 30 days of the incurred expense on a District-supplied Expense Form, together with ~~validated original, valid~~ receipts in accordance with State law.

iii. Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

iii-iv. Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth, if any, by the event sponsor and by:

- a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.
- b. Directors traveling together whenever feasible and economically beneficial.

- c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air-fares and hotel rates.

C. Notice. A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

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D. Reimbursement. Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

### 13. REMUNERATION / DIRECTOR PER DIEM FEES

A. Remuneration. Members of the Board of Directors shall be ~~entitled~~ eligible to receive a "per diem" for each day of service ~~rendered as an officer of the Board. to the District.~~ The "per diem" amount shall be established by the Board and be consistent with applicable state law.

B. Limit. Per diem compensation is limited to no more than 10 days per month.

C. Attendance. For purposes of this section, attendance includes:

- i. Physical presence at the majority of a meeting, event, conference or occurrence listed in subdivision D (below), unless presence for a lesser period is authorized by the Board President, or, for a committee meeting, by the committee chair;
- ii. Participation by teleconference at the majority of a meeting pursuant to California Government Code 54953;
- iii. Participation in an approved home study or online Ethics course to meet the requirements of Government Code Sections 53234-53235.5 when participation has been authorized by the Board President.

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

1. General Board Member Preapproved Activities/Events

The following activities/events are preapproved for all Board members:

a. Board and Committee Meetings

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

b. Conferences

(1) ACWA and ACWA-JPA Conferences and ACWA Region 9 meetings

(2) CSDA Conferences

c. Other Agencies

(1) San Geronio Pass Water Agency Board or Committee meetings if there is an item on the agenda pertaining to the District. The Board may appoint one of its members as liaison to attend any such meetings on a regular basis, subject to a limitation of two such meetings per month.

(2) San Timoteo Watershed Management Authority

STWMA, Project Committee No. 1 – all meetings

STWMA Board Meetings and Standing Committee Meetings, if there is an item on the agenda pertaining to the District

(3) Beaumont Basin Watermaster

(4) City of Beaumont

(4) City of Beaumont

Any official city meeting, if there is an item on the agenda pertaining to the District.

(5) City of Banning

Any official city meeting, if there is an item on the agenda pertaining to the District.

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

~~LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda,~~

d. Training Seminars

(1) State mandated ethics training

(2) Brown Act training



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## 2. Specific Board Member Authorization

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

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

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## 3. Other Activities/Events, Authorization

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

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## 4. New Board Members Orientation

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

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

## E. Non-authorized Activities/Events

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

- a. Attending other districts' Board meetings other than listed under Eligible Matters of District Business above, unless authorized by the Board
- b. Retirement receptions for Beaumont-Cherry Valley Water District employees/Board members
- c. Beaumont-Cherry Valley Water District picnics or other social functions
- d. Harassment awareness training for Beaumont-Cherry Valley Water District employees (except the first training for new Board members)
- e. Chamber of Commerce meetings or mixers.

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

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

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

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

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

A. General. Directors may be allowed actual and necessary travel, meals, lodging and other actual and necessary incidental expenses incurred in the performance of official business of the District as approved by the Board.

~~Whenever a Director or employee is attending any~~Such business may include: a meeting at which the interest of the District is the major purpose of the meeting, or attending a conference of an organization as authorized in this Manual, or by Board action, or otherwise representing the District at an approved civic or community function. ~~the e~~Expenses incurred by reason of attendance at such meeting, conference, or other function shall may be reimbursed by the District in accordance with the rules set forth in this Section. In the event that circumstances prevent an expense reimbursement request from being considered in the manner described herein, a Director or employee may submit an expense reimbursement request to the Board for having attended a meeting or conference with the

understanding that the Board may or may not approve the request.

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

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

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

E. Transportation. If the distance to the function is five hundred (500) miles or less, air or automotive travel may be used, at the option of the traveler. The most economical mode of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.

B. i. Automobile. If travel is by automobile, a District vehicle shall be used if available. If the General Manager determines that a District vehicle is not available, the rate of reimbursement for mileage shall be the Internal Revenue Service standard mileage rate ~~permitted at the time by the Internal Revenue Service in computing a deduction~~ for business mileage. Parking, bridge and road tolls are also reimbursable.

~~If the distance to the function is greater than five hundred (500) miles, air travel shall be used, unless accepted due to physical or other reason approved by the General Manager, and by the Board of Directors.~~ If automobile travel is used in lieu of air travel, the transportation expense to be paid by the District will be limited to the total related costs, for duration of travel and ground transportation at the destination, that would have resulted had air travel been used, including, but not limited to, air-fare, transportation to and from airports, and airport parking.

- i. Rental car. Charges for rental vehicles may be reimbursed of more than one District official is attending an out of county conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such a determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined costs of such other transportation. Government and group rates must be used when available. Only receipted fuel expenses for rental cars will be reimbursed.
- ii. Taxis / shuttles. Taxi or shuttle fares may be reimbursed, including a 15 percent gratuity per fare, when such transportation is required for time efficiency.
- iii. Airfare. Airfares that are equal or less than those available through the State of California Department of General Services statewide travel program are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

~~E.F.~~ **Lodging.** When traveling outside of Riverside or San Bernardino county, and ever required to spend the night away from home an overnight stay is reasonably required, District personnel shall engage a room at a good commercial hotel or motel. Government rates should be requested. Lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable. If accompanied on the trip by another person who is not District personnel, and the room is shared, the District shall be charged only for that portion of the room charge, which would have been made for single occupancy. A receipted bill stating occupants and length of stay shall be submitted with the claim for expense reimbursement. If a room is occupied by more than one person, the rate for single occupancy shall be noted on the receipted statement.

**Meals.** Reimbursable meal expenses and associated gratuities (not-to-exceed 15 percent) will not exceed Sixty Dollars (\$60.00) per day, including a limit of Forty Dollars (\$40.00) for the dinner meal, with the remainder reimbursable for other meals during the same day will be prepaid or reimbursed when traveling at District expense for conferences, seminars and/or business meetings.

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

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

**I. Use of District Credit Cards.**

The District does not make credit cards available to Board members. Payment for Board expenses will be made through departmental credit cards, purchase orders, checks, or reimbursement through accounts payable or payroll.

~~F.~~ District credit cards are issued to certain District employees for use in connection with District related business. The following rules shall apply to the use of District credit cards:

- i. District credit cards will be used only for District business. Under no circumstances may a District credit card be used for personal expenses.
- ii. District credit cards will be used only by duly authorized District employees.
- iii. Purchases and expenditures will be charged and reconciled to the proper account on each monthly statement.
- iv. Detailed original receipts must be presented to the District business office for each expenditure made by credit card. Each expenditure must document the purpose of said expenditure, the person(s) involved and the business conducted.

~~G. District Expenditures for the Convenience of Others.~~ On occasion, the District may make expenditure or incur a charge in connection with District business, for the convenience of persons other than District personnel. Such expenditures or charges are made with the understanding that the District shall be credited against reimbursable expenses, or

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

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

## 15. EXPENDITURE REIMBURSEMENT

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

## ~~16.~~ **PAYMENT OF DIRECTORS' FEES**

- ~~A. **Availability.** Directors shall be eligible to collect per diem fees as provided by the resolutions and ordinances of the District, and in accordance with State law for attendance to Board business. Board business eligible for per diem shall include, but not be limited to, Board meetings, Board Committee meetings, LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda, meetings of associations of which the District is a member, special meetings concerning District matters and those organizations for which attendance is authorized for meetings and conferences as listed. Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the County as a reimbursable per diem travel day. In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.~~
- ~~B. **Review.** Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.~~

## 17.16. **MEMBERSHIP IN ASSOCIATIONS**

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

## 18.17. **ETHICS TRAINING**

- A. **Policy.** All directors and designated executive staff of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- B. **Application.** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- C. **Provider.** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- D. **Participation.** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

- i. **Records.** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.
- E. **Training Information.** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.
- F. **Training Options.** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- G. **Requirements.** Any director of the District that serves on the board of another agency is only required to take the training once every two (2) years.

## 19.18. CODE OF ETHICS

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

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

- i. The dignity, style, values and opinions of each Director shall be respected.
- ii. Responsiveness and attentive listening in communication is encouraged.
- iii. The needs of the District's constituents should be the priority of the Board of Directors. Directors are accountable to the ratepayers who use the District's services.
- ~~iii.~~iv. Directors should learn and recognize the various economic interests from which conflict can arise. When a Director believes he/she may have a conflict of interest, the District's legal counsel shall be requested to make a determination if one exists or not.
- ~~iv.~~v. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- ~~v.~~vi. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- ~~vi.~~vii. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.



~~vii.viii.~~ Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

~~viii.ix.~~ Directors should practice the following procedures:

- a. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- b. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- c. In presenting items for discussion at Board meetings, See Board Meeting Agenda.
- d. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and/or the District's legal counsel.

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

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

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

## 20.19. ETHICS POLICY

The policy of the Beaumont-Cherry Valley Water District/~~Agency~~ is to maintain the highest ethical standards for its Directors and staff. The proper operation of the District requires that

decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Directors and staff remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Directors and District staff will maintain the highest standard of personal honesty and fairness in carrying out their duties.

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

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

- iii. Is not required to be disclosed under the California Public Records Act.

This Section does not prohibit a Director from taking any of the following actions:

- i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, an elected official or employee,
- ii. Expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or
- iii. Disclosing information acquired during a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (i) or (ii), above, however, a Director will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

**E. Conflict of Interest.**

- i. Statement of Economic Interests (Form 700) – (See District’s Conflict of Interest Policy, a separate document, incorporated herein by reference). A Director will file an annual Statement of Economic Interests as required by the FPPC. A new Director will file an Assuming Office Statement of Economic Interests, and an outgoing Director will file a Leaving Office Statement of Economic Interests before the deadline as set by the FPPC.

E.ii. A Director will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Director’s participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law. A Director will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 et seq., relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission [FPPC] regulations found at Cal. Code Regs., tit. 2, §§ 18100 et seq.) that is distinguishable from the effect on the public generally on

i.a. A business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;

ii.b. Real property in which the Director has a direct or indirect investment interest, with a value in the amount specified in FPPC regulations;

iii.c. A source of income for the Director in the amount specified in FPPC regulations, within twelve (12) months before the Board decision;

iv.d. A source of gifts to the Director in an amount specified in FPPC regulations within twelve (12) months before the Board decision; or

v.e. A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

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

If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- i. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District’s General Manager and the District’s legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
  - ii. If it is not possible for the Director to discuss the potential conflict with the General Manager and the District’s legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
  - iii. Upon a determination that there is a disqualifying conflict of interest, the Director
    - a. Will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and
    - b. Will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters or the Director has been advised that specific FPPC exemption applies.
- F. **Nepotism.** A Director will not recommend the employment of a relative by the District. A Director will not recommend the employment of a relative to any person known by the Director to be bidding for or negotiating a contract with the District.
- G. **Soliciting Political Contributions.** Directors are prohibited from soliciting political funds or contributions at District facilities, or from District employees. A Director will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District. A Director will not use the District’s seal, trademark, stationery or other indicia of the District’s identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. (Gov. Code, § 3205.)

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

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

- i. Either office may audit, overrule, remove members of, dismiss employees of, or supervise the other office or body;
- ii. Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices;
- iii. Public policy considerations make it improper for one person to hold both offices. The doctrine of incompatible offices does not apply to positions on government bodies that are solely advisory, or to positions of employment. (Gov. Code, § 1099; 83 Ops.Cal.Atty.Gen 153 (2000); 58 Ops.Cal.Atty.Gen. 109 (1975).) However, the Attorney General has repeatedly held that certain positions, such as general manager of a water district and city manager, are public offices. (E.g., 82 Ops.Cal.Atty.Gen. 201 (1999); 67 Ops.Cal.Atty.Gen 409 (1984).) Government Code section 53227 prohibits an employee of a special district from taking office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.

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

**General Manager.** The Board sets the policy for the District. The General Manager:

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

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

and not through other District employees, except as it pertains to the functions of the Financial Officer. Members of the Board will refrain from making requests directly to District employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding District operations from District employees.

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

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

**Board Duty.** The Board has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. Directors are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Directors will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

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

The Financial office will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District in accordance with generally accepted accounting principles and legal requirements. The Board will retain and periodically review the work of an auditor as an independent contractor of the District (other than the Financial Officer), who will report to the Board, to conduct an annual audit of the District's books, records and financial affairs.

**1. BASIS OF AUTHORITY**

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

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

**2. MEMBERS OF THE BOARD OF DIRECTORS**

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

**3. COMMITTEES OF THE BOARD OF DIRECTORS**

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



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

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

#### 4. BOARD PRESIDENT

- A. **Rights.** The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- B. **Absence.** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

#### 5. BOARD MEETINGS

- A. **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday and fourth Thursday of each calendar month at 6:00 p.m. in the meeting room at 560 Magnolia

Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.

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

## 6. BOARD MEETING AGENDAS

- A. **Agenda.** The General Manager, in cooperation with the Board President and Vice President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.
- B. **Public Requests.** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:
  - i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least ten (10) business days prior to the date of the meeting;
  - ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and

- iii. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
- C. **Testimony.** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
- D. **Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.
  - i. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.

## 7. BOARD MEETING CONDUCT

- A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 “Rules of Order for Board and Committee Meetings”, shall be used as a general guideline for meeting protocol.
- B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
- C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
  - i. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,
  - ii. Receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- D. **Public Comment.** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:
  - i. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.
  - ii. No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person’s privilege of address.

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

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

## 8. BOARD ACTIONS AND DECISIONS

- A. **Actions.** Actions by the Board of Directors include but are not limited to the following:
  - i. Adoption or rejection of regulations or policies;
  - ii. Adoption or rejection of a resolution;
  - iii. Adoption or rejection of an ordinance;
  - iv. Approval or rejection of any contract or expenditure;
  - v. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,
  - vi. Approval or disapproval of matters that require or may require the District or its employees to take action and / or provide services.
- B. **Majority.** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.
  - i. Abstention. A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.
    - a. **Example.** If three (3) of five (5) Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one (1) Director abstains on a particular action and the other two (2) cast "aye" votes, no action is taken because a majority of the Board did not vote in favor of the action.
    - b. **Example.** If an action is proposed requiring a two-thirds (2/3) vote and two (2) Directors abstain, the proposed action cannot be approved because four (4) of the five (5) Directors would have to vote in favor of the action.
    - c. **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three (3) Directors must vote in favor of the appointment for it to be approved. If two (2) of the three (3) Directors present abstain, the appointment is not approved.

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

- i. The President shall determine by consensus a Board directive and shall state it for clarification. Should any two (2) Directors challenge the statement of the President, a voice vote may be requested.
- ii. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).
- iii. Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda.

## 9. ATTENDANCE AT MEETINGS

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

## 10. MINUTES OF BOARD MEETINGS

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

- i. Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fire resistant room.
- ii. Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept indefinitely in a fireproof vault or in fire-resistant room or locked cabinet. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.
- iii. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:
  - a. Date, place and type of each meeting;
  - b. Directors present and absent by name;

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

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

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

- ii. Once the motion has been stated by the President, it is open to discussion and debate. After the public in attendance has had an opportunity to comment, and after the matter has been fully debated, the President will call for the vote.
- iii. Any Director may move to immediately bring the question being debated to a vote (following public input), thus suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

E. **Secondary Motions.** Ordinarily, only one (1) motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

- i. **Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.
- ii. **Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.
- iii. **Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.
- iv. **Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.
- v. **Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.
- vi. **Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

F. **Decorum.**

- i. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.
- ii. The President may also declare a short recess during any meeting.

G. **Amendment of Rules of Order.** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:

- a. Temporarily suspend these rules in whole or in part;

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

## 12. TRAINING, EDUCATION AND CONFERENCES

- A. **Policy.** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.
  - i. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.
- B. **Expenses.** It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use by Directors of District credit cards for these purposes is not permitted unless approved by Article 14E.
  - i. Staff as assigned by the General Manager is responsible for making arrangements for Directors for conference and registration expenses, and may help as requested for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the assigned staff member, together with validated receipts in accordance with State law.
  - ii. Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.
  - iii. Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth, if any, by the event sponsor and by:
    - a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.
    - b. Directors traveling together whenever feasible and economically beneficial.



- c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
- C. Notice. A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.
- D. Reimbursement. Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

### 13. REMUNERATION

- A. Remuneration. Members of the Board of Directors shall be entitled to receive a “per diem” for each day of service to the District. The “per diem” amount shall be established by the Board and be consistent with applicable state law.

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

- A. **General.** Whenever a Director or employee is attending any meeting at which the interest of the District is the major purpose of the meeting, or attending a conference of an organization as authorized in this Manual, or by Board action, or otherwise representing the District at an approved civic or community function, the expenses incurred by reason of attendance at such meeting, conference, or other function shall be reimbursed by the District in accordance with the rules set forth in this Section. In the event that circumstances prevent an expense reimbursement request from being considered in the manner described herein, a Director or employee may submit an expense reimbursement request to the Board for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- B. **Transportation.** If the distance to the function is five-hundred (500) miles or less, air or automotive travel may be used, at the option of the traveler. If travel is by automobile, a District vehicle shall be used if available. If the General Manager determines that a District vehicle is not available, the rate of reimbursement for mileage shall be the standard mileage rate permitted at the time by the Internal Revenue Service in computing a deduction for business mileage.

If the distance to the function is greater than five-hundred (500) miles, air travel shall be used, unless accepted due to physical or other reason approved by the General Manager, and by the Board of Directors. If automobile travel is used, the transportation expense to be paid by the District will be limited to the total related costs, for duration of travel and ground transportation at the destination, that would have resulted had air travel been used, including, but not limited to, air fare, transportation to and from airports, and airport parking.

- C. **Lodging.** Whenever required to spend the night away from home, District personnel shall engage a room at a good commercial hotel or motel. If accompanied on the trip by another person who is not District personnel, and the room is shared, the District shall be charged only for that portion of the room charge, which would have been made for single occupancy. A receipted bill stating occupants and length of stay shall be submitted with the claim for expense reimbursement. If a room is occupied by more than one person, the rate for single occupancy shall be noted on the receipted statement.
- D. **Meals and Incidental Expenses.** Expense allowance while attending authorized functions shall include, in addition to transportation and lodging, all meals, tips, telephone expense, stenographic expense, auto parking, taxi and other disbursements on behalf of the District. No reimbursement shall be made of expenditures for personal services or needs. District shall not pay for any alcohol expenses incurred. If an automobile is used for transportation when air transportation is required, expenditures for meals and incidental expenses chargeable to the District shall be those which would have resulted had air transportation been used.
- E. **Travel Advance.** A travel advance, equal to the estimated expenditures chargeable to the District, may be made upon a written detailed estimate of the amount needed, submitted to and approved by the General Manager and by the Board of Directors.
- F. **Use of District Credit Cards.** District credit cards are issued to certain District employees for use in connection with District related business. The following rules shall apply to the use of District credit cards:
  - i. District credit cards will be used only for District business.
  - ii. District credit cards will be used only by duly authorized District employees.
  - iii. Purchases and expenditures will be charged and reconciled to the proper account on each monthly statement.
  - iv. Detailed receipts must be presented to the District business office for each expenditure made by credit card. Each expenditure must document the purpose of said expenditure, the person(s) involved and the business conducted.
- G. **District Expenditures for the Convenience of Others.** On occasion, the District may make expenditure or incur a charge in connection with District business, for the convenience of persons other than District personnel. Such expenditures or charges are made with the understanding that the District shall be credited against reimbursable expenses, or

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

- H. **Report of Expenses for Reimbursement.** District personnel shall submit a "Report of Expenses" of all expenses incurred by them while acting in the interest of the District, to which will be attached the associated vouchers and/ or receipts. Each expenditure item shall include a detailed description of the function and the nature of the District business conducted. The statement shall also indicate the travel advance, if any, credits for expenses apportioned to personal needs, services, or expenses incurred to the District. Balances owing the District shall be paid on submission of the expenses statement. Amounts due to District personnel shall be paid after the expense statement is reviewed by the General Manager and approved by the Board of Directors.

## 15. EXPENDITURE REIMBURSEMENT

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

**16. PAYMENT OF DIRECTORS' FEES**

- A. **Availability.** Directors shall be eligible to collect per diem fees as provided by the resolutions and ordinances of the District, and in accordance with State law for attendance to Board business. Board business eligible for per diem shall include, but not be limited to, Board meetings, Board Committee meetings, LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda, meetings of associations of which the District is a member, special meetings concerning District matters and those organizations for which attendance is authorized for meetings and conferences as listed. Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the County as a reimbursable per diem travel day. In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- B. **Review.** Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.

**17. MEMBERSHIP IN ASSOCIATIONS**

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

**18. ETHICS TRAINING**

- A. **Policy.** All directors and designated executive staff of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- B. **Application.** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- C. **Provider.** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- D. **Participation.** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

- i. **Records.** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.
- E. **Training Information.** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.
- F. **Training Options.** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- G. **Requirements.** Any director of the District that serves on the board of another agency is only required to take the training once every two (2) years.

## 19. CODE OF ETHICS

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

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

- i. The dignity, style, values and opinions of each Director shall be respected.
- ii. Responsiveness and attentive listening in communication is encouraged.
- iii. The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the District's legal counsel shall be requested to make a determination if one exists or not.
- iv. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- v. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- vi. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

vii. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

viii. Directors should practice the following procedures:

- a. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- b. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- c. In presenting items for discussion at Board meetings, See Board Meeting Agenda.
- d. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and/or the District's legal counsel.

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

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

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

## 20. ETHICS POLICY

The policy of the Beaumont-Cherry Valley Water District/Agency is to maintain the highest ethical standards for its Directors and staff. The proper operation of the District requires that

decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Directors and staff remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Directors and District staff will maintain the highest standard of personal honesty and fairness in carrying out their duties.

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

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

- iii. Is not required to be disclosed under the California Public Records Act.

This Section does not prohibit a Director from taking any of the following actions:

- i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, an elected official or employee,
- ii. Expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or
- iii. Disclosing information acquired during a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (i) or (ii), above, however, a Director will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

E. **Conflict of Interest.** A Director will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Director's participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law. A Director will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 et seq., relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission [FPPC] regulations found at Cal. Code Regs., tit. 2, §§ 18100 et seq.) that is distinguishable from the effect on the public generally on

- i. A business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;
- ii. Real property in which the Director has a direct or indirect investment interest, with a value in the amount specified in FPPC regulations;
- iii. A source of income for the Director in the amount specified in FPPC regulations, within twelve (12) months before the Board decision;
- iv. A source of gifts to the Director in an amount specified in FPPC regulations within twelve (12) months before the Board decision; or
- v. A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.



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

If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- i. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District’s General Manager and the District’s legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
  - ii. If it is not possible for the Director to discuss the potential conflict with the General Manager and the District’s legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
  - iii. Upon a determination that there is a disqualifying conflict of interest, the Director
    - a. Will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and
    - b. Will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters or the Director has been advised that specific FPPC exemption applies.
- F. **Nepotism.** A Director will not recommend the employment of a relative by the District. A Director will not recommend the employment of a relative to any person known by the Director to be bidding for or negotiating a contract with the District.
- G. **Soliciting Political Contributions.** Directors are prohibited from soliciting political funds or contributions at District facilities, or from District employees. A Director will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District. A Director will not use the District’s seal, trademark, stationery or other indicia of the District’s identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. (Gov. Code, § 3205.)

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

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

- i. Either office may audit, overrule, remove members of, dismiss employees of, or supervise the other office or body;
- ii. Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices;
- iii. Public policy considerations make it improper for one person to hold both offices. The doctrine of incompatible offices does not apply to positions on government bodies that are solely advisory, or to positions of employment. (Gov. Code, § 1099; 83 Ops.Cal.Atty.Gen 153 (2000); 58 Ops.Cal.Atty.Gen. 109 (1975).) However, the Attorney General has repeatedly held that certain positions, such as general manager of a water district and city manager, are public offices. (E.g., 82 Ops.Cal.Atty.Gen. 201 (1999); 67 Ops.Cal.Atty.Gen 409 (1984).) Government Code section 53227 prohibits an employee of a special district from taking office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.

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

**General Manager.** The Board sets the policy for the District. The General Manager:

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

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

and not through other District employees, except as it pertains to the functions of the Financial Officer. Members of the Board will refrain from making requests directly to District employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding District operations from District employees.

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

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

**Board Duty.** The Board has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. Directors are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Directors will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

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

The Financial office will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District in accordance with generally accepted accounting principles and legal requirements. The Board will retain and periodically review the work of an auditor as an independent contractor of the District (other than the Financial Officer), who will report to the Board, to conduct an annual audit of the District's books, records and financial affairs.



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
November 26, 2018**

Item 7

STAFF REPORT

**TO:** Personnel Committee  
**FROM:** Dan Jagers, General Manager  
**SUBJECT:** Update on Current and Ongoing Safety Program Activities

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**Staff Recommendation**

No recommendation. Information only.

**Background**

This Staff Report serves to provide an annual summary of the District's Safety Program advancements as well as provide a preview of upcoming District Safety program initiatives.

In 2018, District Staff substantially increased employee safety activities by investing in needed safety equipment as well as improving District training programs necessary for Staff to perform normal job duties in a safe and productive manner. To this end, the following summary provides an update of ongoing safety program activities as well as new areas staff will be focusing on in the upcoming year.

**Summary**

During 2018, Staff identified a need for improvement in District programs regarding training and safety practices as well as updating of existing District safety equipment and the need for new additional equipment. A brief description of some of these activities are provided hereafter:

**2018 Safety Initiatives and Safety Practices**

Facility inspections were performed in 2018 by both ACWA/JPIA and Safety Compliance Company to identify potential areas of safety improvement to improve District safety practices, safety program review, risk management, reduce employee exposure to workplace hazards and provide review and assessment of District Safety and practice records to identify areas of improvement and ensure compliance with state and federal safety regulations. These facility inspections have allowed staff to improve safety practices as well as make improvements at District facilities by providing additional safety warning labels, reducing or eliminating confined space issues, provide for the need for procurement of Personal Protective Equipment (PPE) and safety equipment (such as additional fire extinguishers), thereby helping to reduce employee exposure to workplace hazards.

**Safety Training Activities**

Staff has engaged Safety Compliance Company to assist District Staff in OSHA mandated training. District Staff together with Safety Compliance Company has prepared and initiated an updated OSHA compliant Injury and Illness Prevention Plan (IIPP). Said IIPP identifies specific safety programs (i.e. Ergonomics, Hazard Communication, Violence Prevention, Bloodborne



Pathogens, Heat Illness Prevention, Accident Investigation, and Specialized Programs), the roll of the employee in said safety programs, and the commitment of District management in implementing these safety programs. The IIPP further includes necessary forms for Employee Safety Orientation, Employee Safety Checklist, Incident Notification, Employee Separation Clearance Checklist, IIPP Program Violation Notice, and Water Replenishment/Shade Procedures.

Training staff in safe work practices has been augmented by the use of Safety Compliance Company and increased Staff awareness. Said training is ongoing and includes, but is not limited to, such things as weekly tailgate meetings which are held every Wednesday for the field staff with training topics designed to keep staff focused on the real dangers found in construction, road work, and water utility operations. In addition to weekly tailgate meetings, a hybrid approach has been implemented for using different, cost effective, resources for in-depth training topics.

### **Safety Equipment Updates and New Equipment Procurement**

Staff updated existing equipment including procurement of new extension and A-frame ladders to provide new, safe equipment for staff as well as initiated device identification tags which are to be used with new inspection forms and inclusion on a new safety equipment master list used to review, manage and update existing and new safety equipment.

Staff also procured new equipment including a towable arrow board to assist traffic control in high hazard areas as well as a towable light tower to assist during night work. In addition, new Class III reflective clothing and light batons have been procured to assist in night time construction flagging activities.

Finally, Staff revised safety equipment protocols to include Class II reflective tee shirts (with employee name and District logo) for use during public right of way construction work when temperatures exceeding 80 degrees F. The District also procured a towable water tank (water buffalo) and deployed said item as a safety component for water supply for the suppression of Silica dust which requires mitigation during construction activities such as portland cement and asphalt concrete pavement cutting and removal activities.

### **2019 Safety Initiatives, Safety Practices, Safety Training Activities, and Safety Equipment Updates and Equipment Procurement**

Staff plans to continue improving safety programs, practices and training in 2019 and into the future. To that effect, District Staff's audit of current safety equipment and programs has identified the need to purchase a confined space retrieval system, install additional eyewash/shower stations at a number of well sites to improve employee safety, and have a consultant perform an arc flash survey of all District electrical panels for identification of arc flash risk and ensure that proper labeling of hazards are provided to the Staff and public as well as identify any necessary PPE necessary to perform inspection and/or maintenance activities at said District Facilities.

As part of the overall improvement work, Staff surveyed District Facilities with our ACWA/JPIA insurance personnel related to confined space facilities. Said personnel have provided feedback on the type of retrieval system that they identify might be most appropriate to accommodate our specific facilities. Staff is in the process of soliciting quotes and scheduling on-site demonstrations from a number of vendors to ensure that a retrieval system recommended meets actual District needs.



Staff has also performed a comprehensive eyewash/shower assessment survey with equipment supplier representatives to ensure District sites comply with OSHA, CALOSHA requirements and comply with ANSI/ISEA Z358.1 standards. This survey suggested that improvements could be made to District Facilities to better provide for staff safety. Staff is currently soliciting quotes for materials and equipment necessary to improve said District facilities.

Finally, arc flash from an electrical energy source is an extremely dangerous condition. To properly understand, label equipment, and recommend PPE for the degree of hazard, District Staff recommends that a consultant be engaged to assess the electrical panels and devices at each of the District's facilities and provide a report identifying recommendations and improvements, labeling requirements and PPE necessary at each site. After said assessment, Staff will most likely need to make improvements which will at least include identification labeling and associated PPE's necessary to protect against Arc Flash conditions (in the event the District's existing PPE's are not sufficient). Staff will be soliciting quotes from consultants to perform work related to producing a comprehensive Arc Flash assessment in early 2019.

### **Fiscal Impact**

The cost of the safety improvements are unknown at this time but will be budgeted in the Capital Improvement Plan.

Report prepared by James Bean, Assistant Director of Operations