

**Del Paso Manor Water District  
Board of Directors Policy Manual  
2020**



**(ADOPTED) May 5, 2020**  
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## Table of Contents

POLICY NUMBER 1000: Adoption/Amendment of Policies .....	4
POLICY NUMBER 1005: Association Memberships .....	4
POLICY NUMBER 1010: Basis of Authority .....	5
POLICY NUMBER 1015: Board Secretary .....	5
POLICY NUMBER 1020: Board/Staff Communications .....	6
POLICY NUMBER 1025: Claims against the District .....	8
POLICY NUMBER 1030: Codes of Ethics.....	11
POLICY NUMBER 1035: Conflict of Interest .....	14
POLICY NUMBER 1040: Correspondence to the Board .....	14
POLICY NUMBER 1045: Legal Counsel and Auditor .....	14
POLICY NUMBER 1050: Overview of the General Manager’s Role.....	15
POLICY NUMBER 1055: Legislative Advocacy Policy.....	16
POLICY NUMBER 1060: Digital Signature Policy .....	20
POLICY NUMBER 2100: Accounts Receivable Policy.....	20
POLICY NUMBER 2105: Asset Protection and Fraud in the Workplace.....	20
POLICY NUMBER 2110: Budget Preparation.....	25
POLICY NUMBER 2115: Credit Card Use.....	25
POLICY NUMBER 2120: Employment of Outside Contractors and Consultants .....	26
POLICY NUMBER 2125: Expense Authorization .....	27
POLICY NUMBER 2130: Investment of District Funds.....	27
POLICY NUMBER 2135: Purchasing .....	30
POLICY NUMBER 2140: Receiving/Depositing Remittances .....	31
POLICY NUMBER 2145: Records Retention .....	31
Appendix A: Definitions for Records Retention and Disposal Policy .....	34
Appendix B: Records Retention & Storage Summary .....	38
POLICY NUMBER 2150: Reserve Policy (Check against our reserve policy).....	40
POLICY NUMBER 2155: Debt Management .....	41
POLICY NUMBER 2160: Internal Controls.....	44
POLICY NUMBER 2200: Disposal of Surplus Property or Equipment.....	45
POLICY NUMBER 2205: District Electronic Resources Policy and Procedures .....	46

POLICY NUMBER 2300: Emergency Preparedness.....	49
POLICY NUMBER 2305: Emergency Response Guideline for Hostile or Violent Incidents ....	50
POLICY NUMBER 2310: Workers’ Compensation.....	53
POLICY NUMBER 2400: Customer Relations .....	53
POLICY NUMBER 2405: Press Relations .....	54
POLICY NUMBER 2410: Public Complaints .....	54
POLICY NUMBER 2415: Social Media Use .....	55
POLICY NUMBER 2420: District Web Page.....	59
POLICY NUMBER 2425: California Public Records Act Response Procedures .....	61
POLICY NUMBER 2430: Electronic Document Retention Policy .....	64
POLICY NUMBER 3100: Attendance at Meetings.....	65
POLICY NUMBER 3105: Committees of the Board of Directors .....	65
POLICY NUMBER 3110: Duties of the Board President.....	66
POLICY NUMBER 3115: Ethics Training .....	67
POLICY NUMBER 3120: Members of the Board of Directors.....	67
POLICY NUMBER 3125: Training, Education and Conferences .....	68
POLICY NUMBER 3200: Board Actions and Decisions .....	70
POLICY NUMBER 3205: Board Meeting Agenda .....	71
POLICY NUMBER 3210: Board Meeting Conduct .....	73
POLICY NUMBER 3215: Brown Act Compliance – Open Meeting Requirements.....	74
POLICY NUMBER 3220: Minutes of Board Meetings.....	75
POLICY NUMBER 3225: Review of Administrative Decisions.....	76
POLICY NUMBER 3230: Rules of Order for Conduct of Board and Committee Meetings .....	77
POLICY NUMBER 3235: Types of Board Meetings .....	79
POLICY NUMBER 3240: Exhaustion Procedures .....	80

## **POLICY NUMBER 1000: Adoption/Amendment of Policies**

1000.1 Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the General Manager. The proposed new policy adoption or amendment shall be initiated by a Director or the General Manager by submitting a written draft of the proposed new or amended policy to the Board President and the General Manager, which may be submitted in person or by any communication method approved by the District, and requesting that the item be included for consideration on the agenda of the next appropriate meeting of the Board of Directors. Any member of the Board may place an item on a future agenda by making a formal request to the General Manager or Board President at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

1000.2 Adoption of a new policy or amendment of an existing policy shall be accomplished at a meeting of the Board of Directors in accordance with the District's state statutes regarding the constitution of a majority vote.

1000.3 Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review in accordance with the requirements under the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

## **POLICY NUMBER 1005: Association Memberships**

Purpose: This policy sets forth the rules for membership in associations and establishes who may represent the District.

1005.1 Appropriate Memberships: To take advantage of in-service training opportunities, the District may hold membership in industry related associations. Board Members and staff may attend meetings of national, state, and local associations directly related to the purposes and operations of the District. Decisions to continue, discontinue, or add new memberships shall occur through the annual budget process.

1005.2 Appointment of Representatives: The President shall appoint Board Members as representatives and alternates, as appropriate, to serve as contacts between the District, stakeholder groups, associations and others. The representatives and alternates shall report to the Board in a timely manner on their activities involving these associations. In some cases members may be allowed certain expenses for travel and membership in such associations. This shall be determined and approved by the full Board. All expenses shall be reimbursed pursuant to the District's current Director Compensation and Travel Allowance Policy.

1005.3 District Manager Memberships: The President may designate the District Manager as the appropriate representative or alternate in connection with memberships in any association. The District Manager may recommend those associations or industry specific organizations with which his/her association is necessary or desired.

### **POLICY NUMBER 1010: Basis of Authority**

1010.1 The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director. 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.

1010.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body that represents and acts for the community as a whole. Routine matters concerning the operational aspects of the District are delegated to District staff members.

### **POLICY NUMBER 1015: Board Secretary**

1015.1 Under the County Water District Act (Water Code §§ 30000 et seq.), the Del Paso Manor Water District is required to have a Board Secretary. The Secretary shall not be a member of the Board.. Due to the small number of personnel at Del Paso Manor Water District, the General Manager is eligible to serve as the Secretary of the Board and may be designated as such by Board action.

1015.2 If for any reason the President and Vice-President resign or are absent or disabled, the Secretary shall perform the President's duties until the position of President is filled, except presiding over Board meetings

#### 1015.3 Duties of the Secretary

The Board Secretary shall have the following duties:

- a) Certify or attest to actions taken by the Board and resolutions approved by the Board when required;
- b) Sign the minutes of the Board meeting following their approval;
- c) Countersign all contracts and agreements that have been approved by the Board and signed by the President of the Board in accordance with Del Paso Manor Water District Ordinance No. 2.
- d) Perform any other duties assigned by the Board; and
- e) Perform any other duties required under law.

#### 1015.4 Responsibilities of the Secretary

The duties of the Board Secretary, are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including preparing the agenda with the advice of the Board President and providing public notice of Board meetings in accordance with state law;
- c) Attend all Board meetings;

- d) Ensure accurate Minutes of each Board meeting are prepared and maintained;
- e) Maintain Board records and other documents and reports as required by law; and
- f) Disseminate correspondence to Board officers addressed to them.

## **POLICY NUMBER 1020: Board/Staff Communications**

**Objectives:** Effective governance of the District relies on the cooperative efforts of the District's elected Board, who set policy and priorities, and the District's staff members, who analyze problems and issues, to make appropriate recommendations, and implement and administer Board policies. It is the responsibility of District staff to ensure Board members have access to information and to ensure such information is communicated completely and with candor to those making the request. However, Board members should avoid intrusion into those areas that are the responsibility of District staff. Individual Board members must avoid intervening in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the General Manager and Board as a whole. This is necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities given by management and the Board without fear of reprisal.

**Role of the Board:** As the legislative body for the agency, the Board is responsible for approving the District's budget, setting policy goals, and objectives and adopting strategic plans. The primary functions of the District staff members are to execute Board policy and other Board actions and to keep the Board well informed.

Individual members of the Board should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities, without the prior knowledge and approval of the Board as a whole. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy. The General Manager will be responsible for carrying out the Board's directives.

Board members also have a responsibility of information flow. It is critical that they make extensive use of staff and agency reports and Board meeting minutes. Board members should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues. Additional information may be requested from staff, if necessary.

Individual Board members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or Legal Counsel will pass information to all Board members.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress) are under review and not available for release until complete and after review by District staff. In addition, there are legal restrictions on the agency's ability to release certain personnel information even to members of the Board. Any concerns Board members may have regarding the release of information or the refusal of staff to release information, should be discussed

with Legal Counsel for clarification.

There shall be mutual respect from both staff and Board members of their respective roles and responsibilities at all times. There is a need for access to staff by Directors and at the same time, unlimited access could result in work priority conflicts for staff.

Purpose: The purpose of the policies listed below is to facilitate Board/staff communications consistent with these principles.

1020.1 All requests for information or questions by the Board to staff outside of a Board or Committee meeting shall be directed to the General Manager or Legal Counsel, as appropriate, and shall include the desired time and date for receiving the information. Staff will confirm the date they can provide the information. If a Board member requests information from any other member of the staff, staff may either direct the matter to the General Manager or Legal Counsel, or may ask the Board member to contact the General Manager or Legal Counsel directly.

1020.2 Individual Directors cannot directly assign work to staff members. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- a) Directors should clear all short-term requests of Staff with the General Manager prior to contacting individual members of the staff and, in most cases, the General Manager should direct and handle the request for the Director.
- b) For long-term, involved studies or where the matter includes confidential material, the General Manager should be contacted and the subject matter discussed with the full Board at a Board meeting prior to staff working on the assignments.
- c) In the event that staff is a participant or representative of a Committee or Work Group of the Board, the Board may contact the staff member directly to request or provide information or confer regarding matters of the Committee or Work Group.

1020.3 At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions amongst each other regarding items under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. Staff must recognize that the Board, as the decision maker, is free to reject or modify a staff recommendation and that the Board's wishes will be implemented by staff even if it was contrary to a staff recommendation.

1020.4 Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction with staff.

Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

1020.5 Board members are encouraged not to make public comments critical of the performance of a District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to Legal Counsel.

1020.6 Staff will respect the right of Directors to refuse to provide information or answers to staff and recognize that Directors may be bound by other rules of law or procedure that do not permit the Director to speak about the subject matter presented. If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to request that the Director speak directly with the General Manager about the subject matter presented without any fear of reprisal.

## **POLICY NUMBER 1025: Claims against the District**

Purpose: The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) claims against the District. Inherent in this policy is the recognition that every claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim. When handling a claim, staff should also confer with Legal Counsel to determine the best approach in handling each claim.

### 1025.1 Property Damage Claims on District Form

All damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms with Section 910 and Section 910.2, of the California Government Code. Any letter that alleges damages shall be treated as a claim by letter by District staff. Section 910 specifies that a claim must include all of the following:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices to be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.



Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his/her behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code Section 910 and Section 910.2, then a letter shall be sent to the claimant informing them of this fact, within 20 days after the presentation of the claim.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document. A copy of claims presented to the District should be forwarded to Legal Counsel to determine the best approach in responding to the claim.

#### 1025.2 Property (Land and Improvements) Damage Claims

In the course of the District's operations, such as leak repair, excavation to locate shutoff valves, or infrastructure replacement, damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the information about the damage will document in writing the time and date and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions. The property owner shall be directed to file a claim with the District, as provided by Policy No. 1025.1.

As soon as possible after the property owner has filed a claim with the District, the claim shall be forwarded to the Field Manager, or his/her designee, who shall investigate the property owner's allegations by visiting the property to take photographs and make notes (with property owner present if possible).

If the owner of damaged property informs a member of the Board, the information will be given to the General Manager. Directors should not independently investigate claims or make any representations to the property owner, but may accompany staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- a) General Manager approves the work order;
- b) Property owner agrees that the proposed repairs are appropriate and adequate;
- c) Property owner agrees that the proposed repairs settle the claim;
- d) Property owner agrees to allow District personnel access to their property to perform the repair work;
- e) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- f) Repair work can be accomplished within a reasonable amount of time; and the cost of material for the repairs will not exceed five hundred dollars (\$500).

The General Manager shall review the damage claim and the proposed repair work within a reasonable amount of time. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed five hundred dollars (\$500). A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified, in writing, of any action by the General Manager regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed five hundred dollars (\$500), the claim will be submitted to the Board of Directors for decision. The Board shall review the claim and receive input from staff in closed session. The claimant shall be notified of any action, in writing, by the Board regarding their claim.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's Legal Counsel and insurance company.

### 1025.3 Property (Vehicles and Unsecured Property) Damage Claims

District Staff shall forward all claims of damage to vehicles or other unsecured property by a member of the public to the General Manager. He/she shall review the damage claim and the requested restitution within 45 days of receiving the claim. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed five hundred dollars (\$500). The General Manager, however, shall not authorize repairs or reimbursement of expenses unless the owner of the vehicle or unsecured property agrees that such repairs or reimbursements of expenses is a settlement of the claim. A report shall be submitted to Board of Directors describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified of any action, in writing, by the Board regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed five hundred dollars (\$500), the claim will be submitted to the Board of Directors for decision. The Board shall review the

claim and receive input from staff in closed session. The claimant shall be notified of any action, in writing, by the Board regarding their claim.

## **POLICY NUMBER 1030: Codes of Ethics**

### 1030.1 Background information:

Del Paso Manor Water District designed its Code of Ethics & Values (the “Code”) to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today's complex and diverse society.

### 1030.2 Goals of the code of ethics & values:

- a) To make Del Paso Manor Water District a better District built on mutual respect and trust.
- b) To promote and maintain the highest standards of personal and professional conduct among all involved in District government; District staff, volunteers, and members of the District's Board. All elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called “Officials” for the purposes of this policy.
- c) The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

### 1030.3 Preamble:

- a) The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The Del Paso Manor Water District has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government.
- b) All Officials, and others, who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

### 1030.4 Applicability:

This Code shall apply to all District Officials as defined in 1030.2 b of this Policy.

### 1030.5 Core Value:

As participatory Officials in the District's government, we subscribe to the following Core Values:

1030.6 As a representative of Del Paso Manor Water District, I will be ethical.

In practice, this value looks like:

I am trustworthy, acting with the utmost integrity and moral courage. I am truthful. I do what I say I will do. I am dependable.

- a) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
- b) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- c) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
- d) I show respect for persons, confidences, and information designated as "confidential."
- e) I use my title(s) only when conducting official District business for information purposes or as an indication of background and expertise carefully considering whether I am exceeding or appearing to exceed my authority.
- f) I will avoid actions that might cause the public or others to question my independent judgment.
- g) I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

1030.7 As a representative of Del Paso Manor Water District, I will be professional.

In practice, this value looks like:

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent and productive manner.
- b) I approach my job and work-related relationships with a positive, collaborative attitude.
- c) I keep my professional education, knowledge, and skills current and growing.

1030.8 As a Representative of Del Paso Manor Water District, I will be service-oriented.

In practice, this value looks like:

- a) I provide friendly, receptive, courteous service to everyone.
- b) I attune to and care about the needs and issues of citizens, public Officials and District workers.
- c) In my interactions with constituents, I am interested, engaged and responsive.

1030.9 As a representative of Del Paso Manor Water District, I will be fiscally responsible.

In practice, this value looks like:

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.
- b) I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.

- c) I make good financial decisions that seek to preserve programs and services for District residents.
- d) I have knowledge of and adhere to the District's Purchasing and Contracting and Allocation of Funds Policies.

1030.10 As a representative of Del Paso Manor Water District, I will be organized.

In practice, this value looks like:

- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
- b) I follow through in a responsible way, keeping others informed and responding in a timely fashion.
- c) I am respectful of established District processes and guidelines.

1030.11 As a representative of Del Paso Manor Water District, I will be communicative.

In practice, this value looks like:

- a) I positively convey the District's care for and commitment to its citizens.
- b) I communicate in various ways, that I am approachable, open-minded, and willing to participate in dialogue.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

1030.12 As a representative of Del Paso Manor Water District, I will be collaborative.

In practice, this value looks like:

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work towards consensus building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the District's decisions and issues.

1030.13 As a representative of Del Paso Manor Water District, I will be progressive.

In practice, this value looks like:

- a) I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- b) I display a style that maintains consistent standards; but is also sensitive to the need for compromise, "thinking outside the box" and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District services.
- d) I encourage a work environment that values the principles of continuous process improvement.

#### 1030.14 Enforcement:

Any Official found to be in violation of this Code may be subject to Censure by the District Board. Any member of any Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

### **POLICY NUMBER 1035: Conflict of Interest**

1035.1 The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code, which can be incorporated by reference as an agency’s conflict of interest code. After public notice and hearing, the standard code may be amended by the FPPC to conform to amendments in the Political Reform Act. Therefore, the Board may rely on the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the FPPC in adopting and reviewing its conflict of interest code during even number years as required under the Government Code.

1035.2 Employees designated in a District adopted conflict of interest code shall file statements of economic interests with the Clerk of the County of Sacramento annually using Form 700.

### **POLICY NUMBER 1040: Correspondence to the Board**

1040.1 All written or electronic correspondence addressed to the Board of Directors is to be sent to the District office. Copies of the written or electronic correspondence and written responses in reply thereto, if any, shall be distributed to each member of the Board, together with the next regular agenda or at the next regular meeting of the Board, depending on date of receipt or response. Individual Board members may receive correspondence addressed to him/her in his or her official capacity. However, Board members are not permitted to use agency resources for sending or receiving personal correspondence.

### **POLICY NUMBER 1045: Legal Counsel and Auditor**

1045.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole, the General Manager, and department heads. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation of legislative policies and projects. Legal

counsel also represents the District's interests as determined by the District, in litigation, administrative hearings, negotiations, and similar proceedings. Additional duties include keeping the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- a) The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

1045.3 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The duties of the District Auditor are to install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the District. The Board shall determine any additional duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years ,or as otherwise required by law. .a) The Board may appoint a committee to oversee the work of the Auditor and report back to the Board.

## **POLICY NUMBER 1050: Overview of the General Manager's Role**

1050.1 The General Manager is an employee of the District and has an employment agreement which specifies his/her terms of employment. The General Manager is the administrative head of the District under the direction of the Board of Directors. He or she shall be responsible for the efficient administration of all the District's affairs which are under the General Manager's control. The General Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with short and long range goals, policy statements, and directives from the Board.

1050.2 The General Manager's Duties are as described in the General Manager's Employment Agreement.

The District's General Manager shall be responsible and accountable for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The planning, direction, and coordination of the day-to-day operations of the District through the appropriate department heads or managers including administration, financing, maintenance, engineering, human resources, and others to effect operational efficiency;
- c) The appointment, supervision, discipline, compensation and dismissal of the District's employees, consistent with the employment policies established by the Board of Directors;
- d) Attend and participate in District Board meetings, prepare and present reports as necessary, represent the Board before external organizations including other agencies, governmental and regulatory entities, business and community groups;
- e) The supervision of the District's facilities and services; and

- f) The supervision of the District's finances.

1050.3 The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instruction to the General Manager on matters within the authority of the Board during duly-convened board 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. Members of the Board will refrain from making requests directly to District employees (other than the General Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees.

## **POLICY NUMBER 1055: Legislative Advocacy Policy**

### Purpose:

The purpose of the policy is to guide Del Paso Manor Water District officials and Staff in considering legislative or regulatory proposals that are likely to have an impact on Del Paso Manor Water District, and to allow for a timely response to important legislative issues. Although the expenditure of public funds for the purpose of supporting or opposing a ballot measure or candidate is prohibited,<sup>1</sup> the expenditure of public funds is allowed to advocate for or against proposed legislation or regulatory actions which will affect the public agency expending the funds.<sup>2</sup>

The purpose for identifying Legislative Advocacy Procedures is to provide clear direction to Del Paso Manor Water District Staff with regard to monitoring and acting upon bills during state and federal legislative sessions. Adherence to Legislative Advocacy Procedures will ensure that legislative inquiries and responses will be administered consistently with "one voice" as to the identified Advocacy Priorities adopted by the Board of Directors. The Legislative Advocacy Procedures and Advocacy Priorities will provide the Del Paso Manor Water District General Manager, or other designee, discretion to advocate in Del Paso Manor Water District's best interest in a manner consistent with the goals and priorities adopted by the Board of Directors. This policy is intended to be manageable, consistent, and tailored to the specific needs and culture of Del Paso Manor Water District.

### 1055.1 Policy Goals

- Advocate for the Del Paso Manor Water District legislative interests at the State, County, and Federal levels.
- Inform and provide information to the Board of Directors and district staff on the legislative process, key issues and legislation that could have a potential impact on the District.

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<sup>1</sup> Cal. Gov. Code § 54964.

<sup>2</sup> Cal. Gov. Code § 53060.5; *Stanson v. Mott* (1976) 17 Cal. 3d 206.



- Serve as an active participant with other local governments, state or local organizations such as the California Special Districts Association, the Regional Water Authority, and Association of California Water Agencies, on legislative and regulatory issues that are important to the District and the region.
- Seek grant and funding assistance for Del Paso Manor Water District projects, services, and programs to enhance services for the community.

## 1055.2 Policy Principles

The Board of Directors recognizes the need to protect Del Paso Manor Water District interests and local control, and to identify various avenues to implement its strategic and long-term goals. It is the policy of Del Paso Manor Water District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities, defined below, and by the specific direction of the Board of Directors.

This policy provides Del Paso Manor Water District's General Manager the flexibility to adopt positions on legislation in a timely manner, while allowing the Board of Directors to set Advocacy Priorities to provide policy guidance.

Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting the Del Paso Manor Water District, the matter shall be brought before the Board of Directors at a regularly scheduled board meeting for formal direction from the Board of Directors.

Generally, the Del Paso Manor Water District will not address matters that are not pertinent to the District's local government services, such as international relations or social issues.

## 1055.3 Legislative Advocacy Procedures

It is the policy of Del Paso Manor Water District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction with local, state, and federal government entities both in regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by the Del Paso Manor Water District, but participation in such organizations must be approved by the Board.

Monitoring legislation is a shared function of the Board of Directors and General Manager. The Legislative Advocacy Procedures are the process by which staff will track and respond to legislative issues in a timely and consistent manner. The General Manager will act on legislation utilizing the following procedures:

1. The General Manager shall review requests that the Del Paso Manor Water District take a position on legislative issues to determine if the legislation aligns with the district's current approved Advocacy Priorities.

2. The General Manager will conduct a review of positions and analysis completed by local government associations, when formulating positions.
3. If the matter aligns with the approved priorities, Del Paso Manor Water District response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the district, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the General Manager. The General Manager shall advise staff to administer the form of advocacy, typically via letters signed by the General Manager on behalf of the Board of Directors.
4. All draft legislative position letters initiated by the General Manager shall state whether the district is requesting “support”, “support if amended”, “oppose”, or “oppose unless amended” action on the issue, and shall include adequate justification for the recommended action. If possible, the letter should include examples of how a bill would specifically affect the district, e.g. “the funding the district will lose due to this bill could pay for X capital improvements.”
  - a. Support – legislation in this area advances the district’s goals and priorities.
  - b. Oppose – legislation in this area could potentially harm, negatively impact, undo positive momentum for the District, or does not advance the district’s goals and priorities.
5. The General Manager may also provide a letter of concern or interest regarding a legislative issue without taking a formal position on a piece of legislation. Letters of concern or interest are to be administered through the General Manager.
6. When a letter is sent to a state or federal legislative body, the appropriate federal or state legislators representing the Del Paso Manor Water District shall be included as a copy or “cc” on the letter. The appropriate contacts at local government associations, if applicable, shall be included as a cc on legislative letters.
7. A position may be adopted by the General Manager if any of the following criteria is met:
  - a. The position is consistent with the adopted Advocacy Priorities;
  - b. The position is consistent with that of organizations to which the district is a member; or the position is approved by the Board of Directors
8. All legislative positions adopted via a process outside of a regularly scheduled Board Meeting shall be communicated to the Board of Directors at the next regularly scheduled Board Meeting. When appropriate, the General Manager or other designee will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Directors.

#### 1055.4 Advocacy Priorities

#### Revenue, Finances, and Taxation

Ensure adequate funding for Special Districts’ safe and reliable core local service delivery. Protect

Special Districts' resources from the shift or diversion of revenues without the consent of the affected Districts. Promote the financial independence of Special Districts and afford them access to revenue opportunities equal to that of other types of local agencies. Protect and preserve Special Districts' property tax allocations and local flexibility with revenue and diversify of local revenue sources.

Support opportunities that allow the district to compete for its fair share of regional, state, and federal funding, and that maintain funding streams. Opportunities may include competitive grant and funding programs. Opportunities may also include dedicated funding streams at the regional, state, or federal levels that allow the district to maximize local revenues, offset and leverage capital expenditures, and maintain district goals and standards.

### Governance and Accountability

Enhance Special Districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits all approaches. Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preferences of each community.

Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources without effectively fostering public engagement and enhancing accountability of government agencies.

Promote local-level solutions, decision-making, and management concerning service delivery and governance structures while upholding voter control and maintaining LAFCO authority over local government jurisdictional reorganizations and/or consolidations.

### Human Resources and Personnel

Promote policies related to hiring, management, benefits, and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees.

Maintain special districts' ability to exercise local flexibility by minimizing state mandated contract requirements. Oppose any measure that would hinder the ability of special districts to maximize local resources and efficiencies through the use of contracted services.

### Infrastructure, Innovation, and Investment

Encourage prudent planning for investment and maintenance of innovative long-term infrastructure. Support the contracting flexibility and fiscal tools and incentives needed to help special districts meet California's changing demands. Promote the efficient, effective, and sustainable delivery of core local services.

Prevent restrictive one-size-fits-all public works requirements that increase costs to taxpayers and

reduce local flexibility.

### **POLICY NUMBER 1060: Digital Signature Policy**

1060.1 Policy. It is the policy of the Del Paso Manor Water District to not use or to accept electronic signatures.

### **POLICY NUMBER 2100: Accounts Receivable Policy**

2100.1 It is the policy of the District that accounts receivable be reviewed monthly, as it is critical to the cash flow of the District and requires continued follow-up and attention.

2100.2 Procedures:

- a) The accounts receivable balances are reviewed monthly by the General Manager along with assigned staff.
- b) Notices are sent for all accounts 30 or more days past their due date.
- c) Finance charges are assessed as per District Ordinance No. \_\_, as such may be amended from time to time.
- d) Credit memos are limited to control of the General Manager.
- e) At month-end closing, an accounts receivable schedule is prepared, reviewed, and reconciled to the General Ledger. The trial balance report is compared to the General Ledger for accuracy.
- f) An appropriate allowance for bad debt is carried on the Balance Sheet. Every attempt is made for collection. At year-end it is determined if there are uncollectible items. If so, those uncollectible items may be written off by the General Manager upon approval by the Board.

### **POLICY NUMBER 2105: Asset Protection and Fraud in the Workplace**

2105.1 Purpose and Scope: To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

2105.2 The District is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of the District to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the District and, when appropriate, to pursue available legal remedies.

2105.3 Definitions:

- a) Fraud – Fraud and other similar irregularities include, but are not limited to:

- 1) Claim for reimbursement of expenses that are not job-related or authorized by District policy;
  - 2) Forgery, falsification, or unauthorized alteration of documents or records (including but not limited to checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.);
  - 3) Misappropriation of District assets (including but not limited to funds, securities, supplies, furniture, equipment, etc.);
  - 4) Any use of company vehicles, equipment, or supplies for a strictly personal (non-business) use, in which there is no reasonably related District use or purpose.
  - 5) Inappropriate use of District resources (including but not limited to labor, time, and materials);
  - 6) Improprieties in the handling or reporting of money or financial transactions;
  - 7) Authorizing or receiving payment for goods not received or services not performed;
  - 8) Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned software;
  - 9) Misrepresentation of information;
  - 10) Theft of equipment or goods;
  - 11) Any apparent violation of federal, state, or local laws related to dishonest activities or fraud;
  - 12) Seeking or accepting anything of material value from those doing business with the District including vendors, consultants, contractors, lessees, applicants, and grantees. Materiality is determined by the District's Conflict of Interest Code which incorporates the Fair Political Practices Commission's regulations;
  - 13) Any other conduct, actions or activities treated as fraud or misappropriation under any federal or state law, rule or regulation.
- b) Employee – In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, including members of the Board of Directors, from the District. The term also includes any volunteer who provides services to the District through an authorized arrangement with the District or a District organization.
- c) Management – In this context, management refers to any manager, supervisor, or other designated individual who manages or supervises District's employees, resources or assets.
- d) External Auditor – In this context, External Auditor refers to independent audit professionals who perform annual audits of the District's financial statements and are appointed by the District's Board of Directors.

2105.4 It is the District's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the District of any party who might be or become involved in or becomes the subject of such investigation. An employee being investigated for fraud may request representation by a representative of any recognized bargaining unit that represents the employee.

2105.5 The General Manager is responsible for instituting and maintaining a system of internal controls to provide reasonable assurance of the prevention and detection of fraud, misappropriations, and other irregularities. Management staff should be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indications of such conduct.

2105.6 For claims of fraud not involving the General Manager, the General Manager shall have primary responsibility for investigation of activity covered by this policy. For claims of fraud involving the General Manager, the President of the Board shall have primary responsibility for investigation of activity covered by this policy. The District's General Counsel shall advise the General Manager or the Board President on all such investigations.

2105.7 An employee will be granted whistle-blower protection when acting in accordance with this policy so long as he or she has not engaged in activity that violates this policy. When informed of a suspected impropriety, neither the District nor any person acting on its behalf shall:

- a) Dismiss or threaten to dismiss an employee providing the information,
- b) Discipline, suspend, or threaten to discipline or suspend such an employee,
- c) Impose any penalty upon such an employee, or
- d) Intimidate or coerce such an employee.

Violations of this whistle-blower protection policy will result in discipline up to and including termination.

2105.8 Upon conclusion of the investigation, the results will be reported to the General Manager or, if the investigation involves the General Manager, the Board President, who shall advise the Board of Directors.

2105.9 Following review of investigation results, the General Manager or the Board President, as the case may be, will take appropriate action regarding employee misconduct. Disciplinary action can include termination, referral of the case for criminal prosecution, or both.

2105.10 The General Manager or the General Counsel will pursue every reasonable effort, including court-ordered restitution, to obtain recovery of District losses from the offender, other responsible parties, insurers, or other appropriate sources.

2105.11 Procedures:

2105.12.1 Board of Directors' Responsibilities

- a) If a Board Member has reason to suspect a fraud has occurred, he or she shall immediately contact the General Manager or, if the activity involves the General Manager, the Board President, and the District's Legal Counsel.
- b) The Board Member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager or Board President, as the case may be, and the District's Legal Counsel.
- c) The alleged fraud or audit investigation should not be discussed with the media by any person other than the General Manager or the Board President after consultation with the District's Legal Counsel.

2105.12.2 Management Responsibilities

- a. Management staff are responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.
- b. Each manager should be familiar with the types of improprieties that might occur in his or her area of responsibility and be alert for any indication that improper activity, misappropriation, or dishonest activity did occur or is occurring.
- c. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
- d. If a manager determines a suspected activity may involve fraud or related dishonest activity, he or she should contact his or her immediate supervisor or the District's General Manager. If the activity involves the General Manager, it shall be reported to the Board President or the District's Legal Counsel.
- e. Managers should not attempt to conduct individual investigations, interviews, or interrogations other than as directed by the General Manager or General Counsel. However, management staff are responsible for taking appropriate corrective actions to implement adequate controls to prevent recurrence of improper actions.
- f. Management staff should support the District's responsibilities and cooperate fully with any investigation, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
- g. Management staff must give full and unrestricted access to all necessary records and personnel to those responsible for identifying, investigating and remedying fraud and related dishonest acts. All District assets, including furniture, desks, and computers, are open to inspection at any time. No District officer, agent or employee has a reasonable expectation of privacy in District property and other resources to preclude such inspection.
- h. In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management staff should avoid the following:
  - 1) Incorrect accusations;
  - 2) Alerting suspected individuals that an investigation is underway;
  - 3) Treating employees unfairly; and
  - 4) Making statements that could lead to claims of false accusations or other offenses.
- i. In handling dishonest or fraudulent activities, managers have the responsibility to:
  - 1) Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc;
  - 2) Avoid discussing the case, facts, suspicions, or allegations with anyone outside the District, unless specifically directed to do so by the General Manager; and
  - 3) Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the General Manager, the District's Legal Counsel or law enforcement personnel.
  - 4) Direct all inquiries from the suspected individual, or his or her representative, to the General Manager, the Board President, or the District's Legal Counsel. All inquiries by an attorney of the suspected individual should be directed to the General Manager or the District's Legal Counsel. All inquiries from the media should be directed to the General Manager or the Board President, if the activity involves the General Manager.

- 5) Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the General Manager and Legal Counsel, in conformance with District policy and applicable law.

### 2105.12.3 Employee Responsibilities

- a) A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the proper management official.
- b) When an employee believes his or her supervisor may be involved in inappropriate activity, the employee shall make the report to the next higher level of management and/or the General Manager. If the activity involves the General Manager, it shall be reported to the Board President or the District's Legal Counsel.
- c) A reporting employee shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, the District's Legal Counsel, or law enforcement personnel.

### 2105.12.2 Internal Investigation Protocols

- a) Upon allegations of fraud being made, an internal investigation shall commence.
- b) In all circumstances where there is reason to suspect a criminal fraud has occurred, the District General Manager and Legal Counsel will contact the appropriate law enforcement agency. If the General Manager is suspected of involvement in the fraud, the Board President and Legal Counsel will contact the appropriate law enforcement agency.
- c) Any investigator of an alleged fraud shall be available and receptive to relevant, confidential information to the extent allowed by law after consultation with the District's Legal Counsel.
- d) If evidence is uncovered showing possible dishonest or fraudulent activities, the investigator will:
  - 1) Discuss the findings with the General Manager or the Board President, if the activity involves the General Manager;
  - 2) If the case involves District staff members, advise the General Manager to meet with the staff member to determine if disciplinary action should be taken;
  - 3) Report to the External Auditor such activities to assess the effect of the illegal activity on the District's financial statements;
  - 4) Coordinate with the General Manager regarding notification to insurers and filing of insurance claims;
  - 5) Take immediate action, after consultation with the Legal Counsel, to prevent the theft, alteration, or destruction of evidence. Such action shall include, but is not limited to:
    - a) Removing relevant records and placing them in a secure location, or limiting access to those records



- b) Preventing the individual suspected of committing the fraud from having access to the records.
- 6) In consultation with the District Legal Counsel and the local law enforcement agency, an investigator may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.
- 7) If an investigator is contacted by the media regarding an alleged fraud or audit investigation, the investigator will refer the media to the General Manager. . If the activity involves the General Manager the investigator will refer the media to the Board President and Legal Counsel.
- 8) At the conclusion of the investigation, an investigator will document the results in a confidential memorandum report to the General Manager or the Board President, if the activity involves the General Manager, for action. If the report concludes that the allegations are founded and the District's Legal Counsel has determined that a crime has occurred, the report will be forwarded to the appropriate law enforcement agency.
- 9) The investigator shall make recommendations to the appropriate department as to the prevention of future similar occurrences.
- 10) Upon completion of the investigation, including all legal and personnel actions; all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the investigator to that department.

#### 2105.13 Exceptions

There will be no exceptions to this policy. The Board of Directors reserves the right to amend, delete, or revise this policy at any time by formal action of the Board of Directors.

### **POLICY NUMBER 2110: Budget Preparation**

2110.1 An annual budget proposal shall be prepared by the General Manager.

2110.2 Before review by the Board of Directors, the Board's Finance Committee shall meet with the General Manager to review his/her annual budget proposal.

2110.3 The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board at its regular meeting in May.

2110.4 The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in June. The annual budget shall also be subject to a mid-year review and adjustment as may be determined by the General Manager, who shall submit such proposed adjustments to the Board of Directors for consideration at a meeting of the Board.

### **POLICY NUMBER 2115: Credit Card Use**

2115.1 Purpose: The purpose of this policy is to prescribe the internal controls for management of District credit cards.

2115.2 Scope: This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

2115.3 Implementation: A credit card shall be issued to the General Manager and Field Supervisor only . Credit cards shall not be issued to staff members or any member of the Board of Directors except for a gas only credit card issued to District employees as determined by the General Manager. Directors will use their personal credit cards for lawful expenses of the District and seek reimbursement on a form provided by the District for that purpose. If issued a credit card or gas card by the District:

- a) All credit card bills shall be paid timely to avoid late fees and finance charges.
- b) All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If a transaction involves both personal and District business, the employee shall pay for the transaction personally and request reimbursement by the District of the appropriate portion of the expense.
- c) All credit card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.
- d) All records of the District involving credit card use, including receipts, invoices, and requests for reimbursement are disclosable public records to be maintained consistently with the District's records management policy.

## **POLICY NUMBER 2120: Employment of Outside Contractors and Consultants**

2120.1 The District employs outside contractors or consultants for construction, engineering, planning, environmental review projects, auditing, and other purposes approved by the Board of Directors. The District's procedure is as follows:

- a) Construction projects over \$20,000 will be advertised for bid in at least one local newspaper of general circulation and the local contractors bidding news if available. The bid opening is open to the public and will be specified in the bid documents.
- b) If public bidding requirements apply under law or the terms of any grant contract, those requirements shall be complied with to the exclusion of the previous paragraph.

2120.2 All Consultants will be approved by the Board of Directors on the recommendation of the General Manager. The General Manager and/or Board of Directors will make their decision based on the consultant's experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete, and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering, architectural, and other professional services shall be evaluated based upon qualifications and not on cost of services per state law.

2120.3 Every person involved in the solicitation, selection, and approval of consultants shall comply with applicable conflicts of interest laws, including Government Code section 1090, the Political Reform Act of 1974, and the District's conflict of interests code. (See Policy No. 1035; Resolution No. 20140707 (adopted on 7/7/2014).

### **POLICY NUMBER 2125: Expense Authorization**

2125.1 All purchases made for the District by staff shall be authorized by the General Manager, and shall be in conformance with the approved District budget.

2125.2 Any commitment of District funds for a purchase or expense greater than \$2,500 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

2125.3 A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$500.00.

- a) Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the General Manager, and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$50.00
- b) No personal checks shall be cashed in the petty cash fund.
- c) The petty cash fund shall be included in the District's annual independent accounting audit.

2125.4 Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business, reimbursement shall be made pursuant to the District's current reimbursement policy. Reimbursement may be reimbursed from the District petty cash fund or by warrant request. . The District may establish a reimbursement request form and, if it does no reimbursement will be made without submission of a request on that form.

2125.5 Requests for reimbursement must have a good faith basis. Submission of a request for a reimbursement without such a basis shall subject the requestor to appropriate sanctions, up to and including termination of employment and referral to an appropriate law enforcement agency for prosecution.

### **POLICY NUMBER 2130: Investment of District Funds**

2130.1 This policy is reflected in District Resolution No. 20190402 and supersedes all previous Statements of Investment Policies.

The purpose of this "Policy", is to provide a framework for the management of Del Paso Manor Water District ("District") assets. The Policy is designed to monitor and forecast expenditures and revenues, keeping funds invested to the fullest extent. The Policy also encourages effective

communication, facilitates transparency and compliance, and provides a framework for investments.

The Policy sets forth the appropriate guidelines in consideration of the needs of the investment program. The Policy provides criteria against which investment results will be measured and serves as a review document to guide ongoing operations and oversight.

The Policy will be modified periodically to reflect the changing nature of the District assets and investment programs, benefit and structural changes, and economic conditions.

The District's general investment goals are broad in nature. The overall objective of the District's investment program is to provide members and beneficiaries with benefits as required by law. This will be accomplished through a carefully planned and executed long-term investment program that efficiently and effectively allocates and manages the assets of the District.

The Policy has been designed to allow the District to achieve a long-term total return. As such, prudent risk-taking is appropriate within the context of overall diversification to meet the District's long-term investment objectives. The assets of the District will be broadly diversified to minimize the effect of short-term losses within any investment program. In accordance with Government Code Sections 16429.1 and 53601, the District may invest in the following types of investments:

1. Bonds issued by the State of California and/or any local agency within the State of California
2. Securities of the U.S. Government, or its agencies
3. Certificates of Deposit (or Time Deposit) placed with commercial banks and/or savings and loan companies
4. Bankers Acceptances
5. Commercial Acceptances
6. Local Agency Investment Fund (State Pool) Demand Deposits
7. Investment Trust of California (CalTRUST)
8. Repurchase Agreements (Repos)
9. Passbook Savings Account Demand Deposit
10. Reverse Repurchase Agreements
11. Medium Term Corporate Notes
12. Mutual Funds holding the above allowable investments

Risk management is central to managing the assets of the District and to achieving the strategic objectives. A framework for risk management is established through the adoption of investment

policies for total fund strategic asset allocation, individual asset classes and portfolios with appropriate benchmarks and reasonable risk limits for the implementation of the program. The level of risk assumed will be monitored and reported.

Investment of District monies, not required for immediate expenditure, will be made as provided by law for the investment of public funds. Investments are made under the terms and conditions of Section 53600-53684 and Sections 16429.1 to 16429.3 of the Government Code of the State of California. The criteria for selecting investments and the order of priority are: safety, liquidity, and return on investment.

1. Safety of Principal - Safety of principal is the foremost objective of the District. Each investment transaction shall seek to ensure that capital losses are avoided, whether from institution default or erosion of market value of securities. The District shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.

a. Credit Risk – Credit risk, defined as the risk of loss due to failure of any issuer of a security, shall be mitigated by investing in only financially sound institutions and/or investment in State of California Local Agency Investment Fund (LAIF).

b. Market Risk – The risk of market value fluctuations due to overall changes in the general level of market interest rates. It is explicitly recognized herein that occasional losses in a diversified portfolio are inevitable, and must be considered within the context of the overall investment returns.

2. Liquidity - Liquidity is the second most important objective of the District’s investment policy. It is important that an investment contain the feature of being easily sold or withdrawn at any time with a minimal risk of loss of some portion of principal or interest. Investments shall be as liquid as required. Term investments shall be selected to anticipate cash needs to avoid forced liquidation and loss of interest or payment of penalties.

3. Return on Investment - The District shall seek to attain a market-average rate of return throughout economic cycles. The market-average rate of return is defined as the average return on two-year U.S. Treasury Bonds.

In accordance with section 53600 et. seq. of the Government Code of the State of California (Government Code), the authority to invest public funds is expressly delegated to the Board of Directors who may re-delegate to an appointed designee (the “Designee”) by Board action. The Designee will prepare a monthly transactions report for the Board of Directors in accordance with Section 53607 of the Government Code.

Within 30 days after the end of each quarter, the Designee will provide the Board of Directors a report which will include the investment type, issuer, maturity dates, and dollar value.

A. The Designee’s responsibilities include, but are not limited to:

1. Developing and adopting policies to achieve the District’s strategic objectives.
2. Reviewing policy recommendations made by the Board of Directors.
3. Recommending policies for the Board of Director’s consideration.

B. The Board of Director's independent investment consultants' responsibilities include, but are not limited to:

1. Providing independent review, analysis, and recommendations regarding the development and revision of policies to ensure overall consistency, use of best practices, a systemwide approach, and implementation of the District's policies.
2. Reporting to the Board of Director's and Designee as appropriate.

All money shall be deposited for safekeeping in state or national banks, state or federal savings and loan associations, or the State of California Local Agency Investment Fund (LAIF).

Investment of funds under the above provisions shall be limited as follows:

1. Non-transferable Certificates of Deposit that are insured by the FDIC, or in short term U.S. Treasury Certificates.
2. Funds invested in the Local Agency Investment Fund will be limited to an amount of \$4,000,000.
3. Funds invested in the Investment Trust of California (CalTRUST) will be limited to an amount of \$4,000,000.
4. LAIF funds and CalTRUST funds may exceed \$4,000,000 for up to three months. The Treasurer will present the Board with a revised investment policy if funds will exceed the stated limits.

### **POLICY NUMBER 2135: Purchasing**

2135.1 The General Manager shall have the discretion and authority to purchase small items — such as office supplies, auto parts, and other miscellaneous items costing less than \$500 — as he or she sees fit for the benefit of the District. The General Manager shall have the authority to execute contracts to purchase such items.

2135.2 To purchase items costing more than \$500 and up to \$2,500, quotations will be solicited from vendors and received by telephone, e-mail, written quotation, preferably from two or more sources, before selecting a supplier and processing a purchase order. The General Manager must approve purchase orders, and shall have the discretion to do so without Board action. The General Manager shall have discretion to execute contracts for the purchase of such items.

2135.3 For items over \$2,500 or orders of large quantities, the District will provide suppliers with a list of items to be purchased. Suppliers will provide written quotes for consideration and recommendation to the Board of Directors for award of contract. Items on the list will be purchased from the supplier quoting the best quality at the lowest price and having an acceptable delivery date.

2135.4 Vehicles will be purchased through the State's Vehicle Procurement Program, unless they can be acquired at the same cost or less expensively from local sources by competitive quotation

bids in accordance with section 2135.2.

2135.5 This policy covers the purchase of goods, not services and not public works construction services.

### **POLICY NUMBER 2140: Receiving/Depositing Remittances**

2140.1 It is the policy of the District that the General Manager shall cause appropriate staff to timely receive and deposit remittances and to ensure accountability.

2140.2 Procedures for incoming Checks:

- a) The Office Manager opens mail, receiving all checks and stamping “for deposit only”.
- b) Using approved account codes, the Office Manager logs each check on a weekly spreadsheet.
  - If the application of any check to a particular fund or account of the District is unclear, the Office Manager logs as “Miscellaneous”.
- c) The Office Manager stamps any accompanying paperwork “Paid” and forward to the General Manager
  - If there is no accompanying paperwork, the Office Manager will match check to open invoice(s) and proceed with above.
- d) Once a week, the spreadsheet is given to the General Manager.
- e) The designated staff person records each check in the accounting program.
  - Any checks logged as “Miscellaneous” go to the General Manager for appropriate coding.
- f) The Office Manager prepares the bank deposit.
- g) The Office Manager verifies correct dollar amount and coding. Accounting for any check classified as payment for an administrative service will be verified by the General Manager.
- h) The designated staff person deposits with bank.
- i) The designated staff person records the deposit in the General Ledger.

### **POLICY NUMBER 2145: Records Retention**

2145.1 The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and, ensure compliance with legal and regulatory requirements.

2145.2 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

2145.3 The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below, after consultation with the General Counsel.

2145.4 Pursuant to the provisions of Government Code §§ 60200 through 60203, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

2145.4.1 Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

2145.4.2 Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media except for permanent records of the District as defined in this policy.

2145.4.3 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

2145.4.4 Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

2145.4.4.1 The record, paper or document is photographed, micro-photographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standard, or copied to an approved electronic media;

2145.4.4.2 The device used to reproduce such record, paper or document on film, (or retrieves and prints the document from the electronic media,) is one which accurately reproduces the original thereof in all details; and,

2145.4.4.3 The photographs, micro-photographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

2145.4.5 Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

2145.4.5.1 There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

2145.4.5.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

2145.4.5.3 Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;



2145.4.5.4 Said audit or audits contain the expression of an unqualified opinion.

2145.4.6 Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time without Board authorization or consultation with the General Counsel:

2145.4.6.1 Duplicates (original-subject to aforementioned requirements).

2145.4.6.2 Rough drafts, notes or working papers (except audit).

2145.4.6.3 Cards, listings, nonpermanent indices, transitory files and other papers used for controlling work.

2145.4.7 All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years' retention, provided said records have been microfilmed and qualify for destruction section 2145.4, above. Payroll and personnel records include the following:

2145.4.7.1 Accident reports, injury claims and settlements.

2145.4.7.2 Medical histories.

2145.4.7.3 Injury frequency charts.

2145.4.7.4 Applications, changes and terminations of employees.

2145.4.7.5 Insurance records of employees.

2145.4.7.6 Time cards.

2145.4.7.7 Classification specifications (job descriptions).

2145.4.7.8 Performance evaluation forms.

2145.4.7.9 Earning records and summaries.

2145.4.7.10 Retirements.

2145.4.8 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if electronically copied as provided for in section 2145.4.4, above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less

than 10 years if microfilmed as provided for in section 2145.4.4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for 10 years.

2145.5 Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may, upon the General Manager's authorization, be destroyed if they are electronically copied as provided for in section 2145.4.4 above.

2145.5.1 Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

2145.5.2 Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

2145.5.3 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

## **Appendix A: Definitions for Records Retention and Disposal Policy**

1. AUTHORIZATION. Approval from the General Manager, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:
  - a. SOURCE DOCUMENTS
    - (1) Invoices
    - (2) Warrants
    - (3) Requisitions/Purchase Orders (attached to invoices)
    - (4) Cash Receipts
    - (5) Claims (attached to warrants in place of invoices)
    - (6) Bank Statements
    - (7) Bank Deposits
    - (8) Checks
    - (9) Bills
    - (10) Various accounting authorizations taken from Board minutes, resolutions or contracts
  - b. JOURNALS
    - (1) Cash Receipts
    - (2) Accounts Receivable or Payable Register
    - (3) Check or Warrant (payables)
    - (4) General Journal

(5) Payroll Journal

c. LEDGERS

- (1) Expenditure
- (2) Revenue
- (3) Accounts Payable or Receivable Ledger
- (4) Construction
- (5) General Ledger
- (6) Assets/Depreciation

d. TRIAL BALANCE

e. STATEMENTS (Interim or Certified - Individual or All Fund)

- (1) Balance Sheet
- (2) Analysis of Changes in Available Fund Balance
- (3) Cash Receipts and Disbursements
- (4) Inventory of Fixed Assets (Purchasing)

f. JOURNAL ENTRIES

g. PAYROLL and PERSONNEL RECORDS include but are not limited to the following:

- (1) Accident reports, injury claims and settlements
- (2) Applications, changes or terminations of employees
- (3) Earnings records and summaries
- (4) Fidelity Bonds
- (5) Garnishments
- (6) Insurance records of employees
- (7) Job Descriptions
- (8) Medical Histories
- (9) Retirements
- (10) Time Cards

h. OTHER

- (1) Inventory Records (Purchasing)
- (2) Capital Asset Records (Purchasing)
- (3) Depreciation Schedule
- (4) Cost Accounting Records

3. LIFE. The inclusive or operational or valid dates of a document.

4. RECORD. Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

5. RECORD COPY. The District copy of a document or file.

6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.
7. RECORDS CENTER. The site selected for storage of inactive records.
8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.
11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:
  - a. The resumption and/or continuation of operations;
  - b. The recreation of legal and financial status of the District, in case of a disaster;
  - c. The fulfillment of obligations to bondholders, customers, and employees.

Vital records include but are not limited to the following:

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements
- (7) Deeds
- (8) Depreciation schedule
- (9) Disposal of surplus & excess property
- (10) Disposal of scrap materials
- (11) District insurance records
- (12) District water rights
- (13) Employee accident reports, injury claims & settlements

- (14) Employee earning records
- (15) Employee fidelity bonds
- (16) Employee insurance records
- (17) Encroachment permits (by others)
- (18) Encroachment permits (by OWID)
- (19) Facility improvement plans
- (20) Improvement districts
- (21) Individual water rights
- (22) Individual claims/settlements
- (22) Inventory
- (24) Journal vouchers
- (25) Ledgers
- (26) Licenses & permits (to operate)
- (27) Loans & grants
- (28) Maps
- (29) Minutes of Board meetings
- (30) Payroll register
- (31) Policies, Rules & Regulations
- (32) Purchase orders & requisitions
- (33) Restricted materials permits
- (34) Rights of ways & easements
- (35) Spray permits
- (36) Statements of Economic Interest

## Appendix B: Records Retention & Storage Summary

Group	Title or Description	Original	Duplicate	Retention Periods		
				Office	Record Center	Retain or Destroy
1	Records affecting title to real property or liens thereof.	X		2 yrs.	OP	ES
2	Records required to be kept permanently by statute.	X		2 yrs.	OP	ES
3	Minutes, ordinances & resolutions of Board.	X		2 yrs.	OP	ES
4	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 yrs.	OP	ES
5	Correspondence, operational reports and information upon which District policy has been established.			2 yrs.	10 yrs.	12 yrs.
6	Duplicates of 5, above, when retention is necessary for reference.	X		2 yrs.		2 yrs.
7	Records requiring retention for more than five years, but no more than 15 years by statute or administrative value.	X		2 yrs.	13 yrs.	15 yrs.
8	Duplicates needed for administrative purposes for five to 15 years.		X	2 yrs.	13 yrs.	15 yrs.

9	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 yrs.	1 yr.	3 yrs.
10	Duplicates and other documents not public records required to be maintained for administrative purposes.	X	X	2 yrs.	3 yrs.	5 yrs.
11	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3 yrs.		3 yrs.
12	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 yr.		1 yr.
13	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, and other duplicate copies no longer needed.	X	X	3 mos.		3 mos.

14	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 yrs.	3 yrs.	7 yrs.
15	Policy files and reference sets of publications.		X	I		I
16	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.		X	I		I

OP= Original or photographic copy.

ES = May be destroyed if stored in electronic media.

I = Indefinitely

**POLICY NUMBER 2150: Reserve Policy (Check against our reserve policy)**

2150.1 Purpose: The District shall maintain reserve funds from existing unrestricted funds as designated by the District’s Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- a) Fund replacement and major repairs for the District’s physical assets.
- b) Fund regular replacement of computer hardware and software.
- c) Fund designated conservation projects/programs or other special uses not otherwise funded by grants or requiring additional monetary support;
- d) Fund capital improvements; and
- e) Maintain minimal operational sustainability in periods of economic uncertainty.

The District shall account for reserves as required by Governmental Accounting Standards Board Statement No. 54, which distinguishes reserves as among these classes: non-spendable, restricted, committed, assigned and unassigned. The reserves stated by this policy, unless otherwise required by law, contract, or District policy shall be deemed “assigned” reserves.

System maintenance policy

2150.3 Monitoring Reserve Levels: The General Manager, in collaboration with the Board President, shall perform a reserve status analysis annually, to be provided to the Board of Directors’ annual deliberation/approval of Budget and Reserve Funds.



Additional information may be provided to the Board of Directors upon the occurrence of the following events:

- a) When a major change in conditions threatens the reserve levels established by this policy or calls into question the effectiveness of this policy;
- b) Upon General Manager and/or Board request.

## **POLICY NUMBER 2155: Debt Management**

This Debt Policy is intended to comply with Government Code Section 8855(i), and shall govern all debt issued by the District. The District hereby recognizes that a fiscally prudent debt policy is required to:

- a) Maintain the District's sound financial position.
- b) Ensure the District has the flexibility to respond to changes in future service priorities, revenues, and operating expenses.
- c) Protect the District's credit-worthiness.
- d) Ensure that all debt is structured to protect current and future taxpayers, ratepayers and constituents of the District.
- e) Ensure that the District's debt is consistent with the District's planning goals and objectives and capital improvement program or budget, as applicable.

### 2155.1. Purposes for Which Debt May Be Issued

2155.1.1 Long-Term Debt. Long-term debt may be issued to finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and operated by the District. Long-term debt financings are appropriate:

- a) When a project to be financed is necessary to provide District services.
- b) When the project to be financed will benefit constituents over several years.
- c) When total debt does not constitute an unreasonable burden to the District and its taxpayers or ratepayers.
- d) When the debt is used to refinance outstanding debt to reduce the total cost of the debt or to realize other benefits of a debt restructuring, such as increased flexibility in the use of cash and reserves.

2155.1.1.2 Long-term debt financings will not generally be considered appropriate for current operating expenses and routine maintenance expenses. The District may use long-term debt financings subject to the following conditions:

- a) The project to be financed must be approved by the District Board.
- b) The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%.
- c) The District estimates that sufficient revenues will be available to service the debt through its maturity.
- d) The District determines that the issuance of the debt will comply with the applicable state and federal law.

2155.1.2 Short-term debt. Short-term debt may be issued to provide financing for the District's operational cash flows to maintain a steady and even cash flow balance as in anticipation of periodic receipts of property taxes and other revenues. Short-term debt may also be used to finance short-lived capital projects; for example, the District may undertake lease-purchase financing for equipment consistent with debt limit requirements of California Constitution, article XVI, § 18.

2155.1.3 Financings on Behalf of Other Entities. The District may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties to further the public purposes of District. In such cases, the District shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with this policy.

2155.2. Types of Debt - The following types of debt are allowable under this Debt Policy:

- a) General obligation bonds (GO Bonds)
- b) Bond or grant anticipation notes (BANs)
- c) Lease revenue bonds, certificates of participation (COPs) and lease-purchase transactions
- d) Other revenue bonds and COPs
- e) Tax and other revenue anticipation notes (TRANs)
- f) Land-secured financings, such as special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under applicable assessment statutes
- g) Tax increment financing to the extent permitted under State law
- h) Refunding Obligations
- i) State Revolving Loan Funds
- j) Lines of Credit

2155.2.1 The District Board may from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such amending this Debt Policy. Debt shall be issued as fixed rate debt unless the District makes a specific determination as to why a variable rate issue would be beneficial to the District in a specific circumstance.

2155.3. Relationship of Debt to Capital Improvement Program and Budget

2155.3.1 The District is committed to long-term capital planning. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District's capital budget and capital improvement plan.

2155.3.2 The District shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues ("pay as you go"). The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear.

2155.3.3 The District shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the District's public purposes.

#### 2155.4 Policy Goals Related to Planning Goals and Objectives

2155.4.1 The District is committed to long-term financial planning, maintaining appropriate reserves and employing prudent practices in governance, management and budget administration. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District's annual operations budgets.

2155.4.2 It is a policy goal of the District to protect taxpayers, ratepayers and constituents by using conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical total borrowing costs.

2155.4.3 The District will comply with applicable state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.

2155.4.4 When refinancing debt, it shall be the policy goal of the District to realize, whenever possible, and subject to any overriding non-financial policy considerations, (i) minimum net present value debt service savings approximately 3.0% of the refunded principal amount, and (ii) present value debt service savings equal to or greater than any escrow fund negative arbitrage. The cost of refinancing will always be less than the savings.

2155.4.5 The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements in circumstances when the sole purpose of such debt financing is to temporarily reduce annual budgetary expenditures. Capital investments intended to reduce District operating costs indefinitely, as by improving the efficiency of its operations, are appropriate for long-term debt.

2155.4.6 The District shall seek to time debt issues to avoid need for unplanned general fund expenditures for capital improvements or equipment.

#### 2155.5. Internal Control Procedures

2155.5.1 When issuing debt, in addition to complying with the terms of this Debt Policy, the District shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds. Without limiting the foregoing, the District will periodically review the requirements of and will remain in compliance with the following:

- a) Any continuing disclosure undertakings entered into by the District in accordance with SEC Rule 15c2-12.
- b) Any federal tax compliance requirements, including, without limitation, arbitrage and rebate compliance.
- c) The District's investment policies as they relate to the use and investment of bond proceeds.

2155.5.2 Proceeds of debt will be held either (a) by a third-party trustee or fiscal agent, which will disburse such proceeds to or upon the order of the District upon the submission of one or more written requisitions by the Finance Director of the District (or

his or her written designee), or (b) by the District, to be held and accounted for in a separate fund or account to ensure debt proceeds are expended only for the purposes for which the debt was issued, the expenditure of which will be carefully documented by the District in records compliance with current accounting standards and subject to the District's annual audit.

## **POLICY NUMBER 2160: Internal Controls**

A policy of the Board of Directors defining financial internal controls:

Whereas, the Del Paso Manor Water District is a district created pursuant to the California County Water District Law, Water Code §30000 *et seq.*; and

Whereas, the Board of Directors may establish, policies for the conduct of the District's business; and

Whereas, the Board of Directors has previously reviewed and approved several policies which reference an established a program of "internal controls"; and

Whereas, the Board of Directors is cognizant of its duty to ensure that proper controls are established and implemented to ensure the financial integrity of district operations; and

Whereas, the Board of Directors desires to formalize a policy to define the financial internal controls that have been developed through various practices and procedures to date;

Now therefore, the following is the internal controls policy of the Board of Directors of the District, until such policy is amended or rescinded:

2160.1 There will be established procedures for the adequate separation of duties, including at least the following:

- a) a receipt log of all cash/checks received will be prepared daily by the Office Manager
- b) the Office Manager prepares or oversees the deposit; ;
- c) the General Manager confirms that the daily deposits agree with the original of the receipt log which he/she maintains;
- d) all invoices presented for payment must be approved by an authorized person;
- e) every check must be signed by two authorized signers; and
- f) all paid invoices shall be so marked and filed for reference.

2160.2 There will be an annual financial audit and any finding(s) shall be reported directly to the President of the Board of Directors with simultaneous notice to the General Manager.

2160.3 There will be annual audits of the Property/Liability and Workers' Compensation Program claims paid by the District and those report(s) will be promptly presented to the Board of Directors.

2160.4 In regard to the District's cash reserve account in the Local Agency Investment Fund (LAIF), the District will maintain a balance for all programs, not to exceed the amount as currently authorized by LAIF guidelines and the District's investment policy, and that transfers out of LAIF must have the approval of the two following individuals: Board President and General Manager, ) . The requests for

such transfers out of LAIF shall be signed by the General Manager and Board President and be supported by detailed information which shall be maintained by the General Manager.

2160.5 That other excess funds shall be deposited in or transferred to such long-term investment accounts as the Board may, from time to time designate by resolution; and

2160.6 That funds in the investment account(s) shall only be withdrawn upon approval of the Board's President and General Manager. Such withdrawals must then be remitted only to another account maintained by the District. The requests for such transfers shall be signed by the Board President and General Manager and be supported by detailed information which shall be provided to Board of Directors. Such information shall be maintained by the General Manager

2160.7 To maximize interest earnings and manage district's cash flow needs, the General Manager will strive to maintain a reasonable balance in the checking accounts to off-set monthly bank charges, but at the same time recognizing that surplus funds should be transferred as appropriate to LAIF or other investment accounts in accordance with the District's investment policy.

2160.8 Templates for Fed-wire or Automated-Clearing House (ACH) Transfers out of the district's bank accounts may only be established by the General Manager. Subsequent use of these Fed-wire or ACH templates shall require the approval of the Board President and the General Manager.

2160.9 The signing of any checks written on the accounts of the District shall require the signatures of two Directors.

2160.11 The Board of Directors confirms that the Board will review these internal control policies upon completion of each year's audit with input from its external auditor.

This Policy No. 2160 supersedes any policy inconsistent with the provisions included above.

## **POLICY NUMBER 2200: Disposal of Surplus Property or Equipment**

2200.1 Sale of Surplus Equipment:

- a) Board of Directors takes action to declare equipment surplus.
- b) Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)
- c) Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.
- d) Bidders are notified of Board's action.
- e) Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

2200.2 Sale of Real Estate:

- a) Board takes action to declare property surplus and authorizes District staff to obtain appraisal.

- b) Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property before advertisement to the general public.)
- c) If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.
- d) Board takes action at the next regular Board Meeting to accept or reject highest bid.
- e) Bidders are notified of the Board's action.

2200.3 Conflicts of Interest: As required by Government Code section 1090, no officer or employee of the District who plays any role in declaring District property surplus may bid on that property.

## **POLICY NUMBER 2205: District Electronic Resources Policy and Procedures**

The District makes every effort to provide its employees with technology resources to conduct business more effectively. The District has installed personal computers, local area networks (LANs), electronic mail (email), cell phones and access to the Internet. The purpose of the District's Electronic Resources Policy and Procedures is to establish uniform guidelines for use of this technology, including the use of the Internet and email.

### **Policy**

2205.1 District technology, including computers, fax machines, and internet licenses are provided for District business and are not to be used for personal gain, private purposes (except as described in subsection 6), or to support or advocate non-District-related business or purposes. All data and electronic messages, including information accessed via the Internet and sent or received through electronic mail (email) systems, are the property of the District. All records whether paper or electronic, may be subject to disclosure under the California Public Records Act and are not private. Notwithstanding the foregoing, email should only be used for the transmission of information and should not be used for preserving information for future reference. Information to be retained may be stored electronically on the system/network and/or may be converted to a hard copy and archived in a District physical file cabinet.

2205.2 There is no expectation of personal privacy in any use of District computer systems and software, including email and the Internet. The District may, at any time, review the contents of all records, data and communication transmitted, received and stored by its electronic systems. This review may include accessing and disclosing all electronic documents, information and messages including email and Internet records.

2205.3 The District purchases, owns and administers the necessary software and licenses and cell phones to provide access to email and Internet services and voice communications in the office, in the field and for emergency communications. Users may not rent, copy or loan District software or its documentation, nor use alternative software to access District systems. Users may be subject to discipline for negligence for introducing unauthorized software or viruses into District systems whether or not damage arises from that conduct.

2205.4 The District is not responsible for items originating from the Internet and reserves the right to restrict employee access to the Internet or to certain Internet content.

2205.5 Examples of prohibited uses:

- a) Using the Internet to view, obtain or disseminate any sexually oriented material, images or messages.
- b) Using the Internet and/or email systems to send or distribute disruptive, offensive, abusive, threatening, slanderous, racial or sexually harassing materials
- c) Using District computer systems for private purposes, personal gain, solicitation of commercial ventures, religious or political causes, chain letters, or other non-job-related purposes (except as described in subsection 6 below).
- d) Downloading or installation of software that has not been approved by the District and scanned for viruses.
- e) Sending unencrypted confidential documents via the Internet with direction from District management to do so in the course of District business.
- f) Any other use that may compromise the integrity of the District and its business in any way.
- g) A good rule of thumb when using the computer and email is “never put anything in an email that you would not want to see on the front page of the newspaper.”

2205.6 To promote employee computer and Internet proficiency and as an employee benefit, certain incidental employee personal use is allowed. This use is only permitted during employee personal time. Examples include educational enhancement and personal communications, which conform to the above prohibited uses. Personal use is secondary, and should not (i) interfere with the agency’s operation of Electronic Communications Resources, (ii) interfere with the user’s employment or other obligations to the District, or (iii) burden the District with noticeable incremental costs. The District reserves the right to limit or discontinue incidental personal use of its technology resources at any time. More than occasional and incidental personal use of District resources is forbidden by State law.

2205.7 The acquisition of hardware and software shall follow the normal budgetary and purchasing procedures, ensuring budget authorization is in place. Requests for acquiring hardware and software shall be recommended to the General Manager for evaluation and recommendation to the Board of Directors.

2205.8 Equipment operation and maintenance:

- a) The authorized technology staff (in-house or agreement/contract) shall assist in evaluating District functional needs and recommend appropriate options for improvement of District technology resources.
- b) Technology staff shall maintain an on-site office automation library of proven and reliable software and hardware requiring minimum technical support that is easy to use, enhances District productivity, and is compatible with District technology systems.
- c) Technology staff shall maintain an on-site inventory control of all workstation hardware and software.
- d) Technology staff shall provide on-site training and consulting advice on approved software and make recommendations as appropriate.

- e) Technology staff shall maintain the District technology systems including all personal computer workstations and client server network for the purpose of retrieving data files, sharing licensed applications and nightly data backup.
- f) Technology staff shall periodically review the District technology systems for adherence to operating standards and implement approved upgrades.
- g) Technology staff shall backup District databases daily, weekly, monthly, quarterly and annually for archival and retrieval purposes.

2205.9 Security: The General Manager must approve remote access to District systems. All computer systems users are responsible for data residing on personal devices used to access District systems remotely. Employees may not access systems remotely so as to incur overtime compensation without advance authorization by District management.

Procedures:

2205.10 Passwords:

- a) Users dealing in confidential matters will define their own confidential password. Users should be aware that this does not imply that the system may be used for personal communication or that email is confidential or the property of the user.
- b) To ensure the security of the email system, the system will prompt the user to routinely change their password. Should the user forget their password, and attempt to input a password they are not sure of, the system may lock them out after three failed attempts.

2205.11 Internet and email access:

- a) Access to the Internet and email is restricted to authorized employees. The District may deny or restrict Internet and/or email access to any employee at any time.
- b) When using email and the Internet, employees are cautioned to remember they represent the District and must act professionally, courteously and so as to not bring an employee or the District into disrepute. Employees may not speak for the District unless they are authorized to do so.
- c) Email and Internet messages can be forwarded without the express permission of the original author. Users must use caution in the transmission and dissemination of messages outside the District and must comply with all State and Federal laws, rules and regulations and District policy.

2205.12 Electronic Document, Software and Mail Storage

- a) Electronic mail is backed-up on a regular basis. It is synchronized with the server on every start-up and shut-down. The District back-up procedures allow the District to restore current software, documents and electronic mail upon a system failure.
- b) Electronic mail is not intended to be a permanent storage medium. Electronic in-boxes and out-boxes should be regularly archived or purged. The District may, in its discretion, automatically purge older mail.
- c) To save critical electronic mail as a permanent record, employees should print out a hard copy for permanent filing or save the file on the "C" drive of the desktop or laptop computer assigned to them or to another electronic archive designated by District management.



- d) Signature Block: Email sent outside the District should include a signature block at the end of all messages. The block should include the sender's name, title, company name, direct telephone number, FAX number, email address, and be in a format approved by District management.

## **POLICY NUMBER 2300: Emergency Preparedness**

2300.1 It is the policy of the District to create and maintain an active emergency preparedness program to manage the District's critical functions during any emergency and to protect District staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency services.

2300.2 Emergency Defined: "Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to critical District functions, the health and safety of staff or the public, and property within the District, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, drought, water supply contamination, cyberterrorism, plants or animal infestation or disease and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and response to which may require the combined forces of other agencies.

2300.3 Emergency Preparedness: The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally-recognized four phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with other agencies on matters pertaining to response to the emergency and recovery of damaged systems and costs incurred during the emergency.

2300.4 Standardized Emergency Management System: The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created pursuant to Government Code § 8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.

2300.5 District Emergency Declaration: When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within 14 days at a regular, special or emergency Board meeting.

2300.6 Authorization During District Emergencies: The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and enter into emergency contracts of up to \$250,000.

2300.7 Mutual Aid: The California Master Mutual Aid Agreement (Government Code §§ 8561–8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

2300.8 Continuity of Management: The District’s emergency plan will list at least two successors to critical staff identified in the plan, including the General Manager. If the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary person.

2300.9 Status Reports: The General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within 60 days of the occurrence of a declared District Emergency.

## **POLICY NUMBER 2305: Emergency Response Guideline for Hostile or Violent Incidents**

2305.1 Purpose of the Policy:

To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents including possible armed intruders or related threats on District facilities or properties.

2305.2 Background:

The potential for hostile or violent incidents on District facilities or operational locations always exists. Recent incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities. Often, an intruder is a person who is an ex-employee, customer, or person known to the agency. The person often is upset at an event or person who works at the facility. However, armed intruders can be any person with or without a prior relationship with the District or its officers and employees. Incidents involving armed intruders can escalate to include multiple persons and potentially taking of hostages, including District customers.

Threats of these types are dire emergencies and the safety and well-being of employees and/or customers is the District’s highest priority.

2305.3 Response to an Incident:

Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously. Any District Director or employee observing or sensing that a violent or hostile situation is occurring or threatened should consider precautionary and safety actions. Any event resulting in awareness of a possible violent act including gunfire, explosion,

fighting, or scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises, including but not limited to:

- a) Attempt to communicate the situation to everyone in the facility by means of telephone, paging, email and/or radio system including basic information that a potential incident is occurring. If a perpetrator(s) is seen or known, information on the person(s) should be provided.
- b) Since different types and levels of workplace violence may require various responses, establishing basis information on the type of event is essential. Examples are:
  - 1) Gunfire: Awareness of gunfire in a District facility should result in evacuation to the extent possible. If not possible, securing of rooms or offices and notification of others by phone or email is encouraged. Calling emergency services via 911 is imperative once it is safe to do so. Remain in the most secure location possible until contacted by public safety personnel or a facility supervisor, etc.
  - 2) Explosion: An explosion could occur naturally or by violent intention. Awareness of an explosion or fire in the facility should result in immediate evacuation in accordance with established fire safety procedures. Response to a planned location is important so safety personnel can determine who is out of the facility.
  - 3) Physical or bomb threat: Awareness of a telephone or in-person threat to facility or staff should be met with action to evacuate and clear staff from the threatened area. Calling 911 as soon as it is safe to do so is imperative.
  - 4) Situations involving hostages: If a possible hostage incident is known, evacuation of the facility is paramount to safety of persons in the area. Contact 911 as soon as it is safe to do so.
  - 5)irate customer/threat at counter or meeting: When any person threatens a staff person or customer at a District facility in a manner causing fear for safety, action to summon public safety personnel by 911 should be taken. In no way should steps be taken to physically confront or subdue such a person except in defense of life at the facility. If a volatile situation occurs at a Board of Directors or other public meeting, the person chairing or hosting the meeting should take steps to control the situation or adjourn the meeting to abate the confrontation, if possible. In event of threatening or hostile situation, call 911 immediately and proceed with evacuation or other appropriate actions.

2305.4 Planning for Emergency Incidents: Steps should be taken to plan response capabilities for emergencies in addition to fires, earthquakes, etc. that may involve hostile situations. These include but are not limited to:

- a) Preparation of a facility evacuation plan for each room. Post the plan at each doorway and hallway exit. Establish a safe area zone for staging.
- b) Procedures to lock both exterior and interior doors to secure the facility.
- c) Develop an emergency notice code for intercom, email and radio to facility and District staff. Use of a code word/number is recommended.
- d) Develop a radio communication alert code word/number to notify other District staff so they will not return to the facility during the incident until cleared to do so by public safety personnel.
- e) Training of all personnel in dealing with customers, employees and other persons in threatening situations and in how to identify and assess potential threats or volatile situations.

All employees assigned or expected to serve at the front desk or counter shall receive such training regularly.

All employees and members of the Board of Directors shall receive training on response to violent or hostile incidents. In the event of a potential incident, employees should notify a supervisor or the General Manager immediately or call 911. If assessment of a possible threat is needed, the General Manager or ranking staff person shall be notified. Public safety agency shall be contacted by 911 whenever a perceived threat is considered valid.

2305.5 Actions for Violent or Armed Threat Situation: The existence or potential for an event involving a violent person or armed intruder at a District facility should be considered an emergency condition. Actions could include some or all of:

- a) Notify your supervisor or General Manager and other staff immediately if a threat is received but not actively in process. If validated, contact public safety by calling 911 immediately.
- b) The General Manager or ranking staff member shall evaluate the situation and consider appropriate actions including shutting down operations and evacuation and/or locking down the facility until public safety response abates the threat.
- c) Initiate notification of other facility staff of active threat by emergency code procedure. Evacuate the facility if possible. Secure money or computer equipment if time allows.
- d) Activate an alarm for notifying other staff or an alarm company if one is engaged by the District. A call contact would be included in procedure to double check for safety at the facility.
- e) Upon sighting an armed intruder, an alert to all employees should be made by page, email, or radio.
- f) Secure your work area or evacuate if safely possible. If not able to evacuate, find a safe hiding place and stay put until contacted by public safety personnel.
- g) Once outdoors after an evacuation, proceed to designated staging area to report in for identification. Inform public safety personnel of any information on the incident.
- h) Attempt to remain calm and assist others; wait for instructions from public safety or supervisory personnel.
- i) Do not attempt to look around to see what is happening. Evacuate whenever possible and with others in areas you see directly. Do not confront or attempt to apprehend a violent perpetrator unless directly attacked for self-defense. Do not assume someone already called 911, call them immediately.

2305.6 Post Event Actions: Following the clear announcement of ending of a violent or hostile-person situation, contact public safety or supervisory personnel for instructions. Report any first hand observations or other knowledge of the incident. Contact your family and immediate friends so they will not take any unnecessary actions to respond to new reports. Await direction as to return to work or other steps dependent on the level of the incident. If not able to do so, consult with your supervisor or notify the ranking person on-site.

The General Manager shall evaluate and debrief any major incident and take needed steps to abate the conditions after the event and prepare as necessary for continued operations. Planning and actions to address conditions are expected and your input via your supervisor is important. There may be the potential to lock-down or close the facility for some time or other corrective steps. If necessary, seek direction on what actions you should take to assist in procedure.

## **POLICY NUMBER 2310: Workers' Compensation**

2310.1 All employees are covered for Workers' Compensation, effective the first day of employment. Workers' Compensation provides employees and/or their beneficiaries with certain benefits in the event of a work related illness, injury, or accidental death. The District pays the full cost of this coverage, whether through a self-insurance mechanism or an insurance product. If an employee sustains a work-related illness or injury, he or she must report the illness or injury to the General Manager within 24 hours of the occurrence. Failure to do so could result in a delay of benefits.

2310.2 All payments for lost wages or salary due to a work-related illness or injury, medical treatment, and any other benefits will be made by the Workers' Compensation claims administrator or insurance carrier as required by law. Workers' Compensation benefit payments may be coordinated with any accrued sick leave or vacation leave as part of a medical or disability leave of absence. For more information about Workers' Compensation benefits, please contact the General Manager.

2310.3 The District provides medical treatment for work-related injuries and illnesses through designated hospitals or clinics. Clinics are selected due to their experience in treating work-related injuries; an emergency hospital may be needed in major injury situations and used for first treatment pending added review by the General Manager.

2310.4 Employees who are injured in a work-related accident will be referred to the designated clinic unless the District has received a written notice that the employee wishes to be treated by his/her own health care provider. This notification must have been submitted to the employee's supervisor before any injury.

2310.5 Any supervisor who learns that an employee has incurred a work-related illness or injury shall provide that employee with a notice of his or her right to seek workers' compensation benefits and shall promptly report doing so to the General Manager.

2310.6 Notices of workers compensation benefits shall be posted annually as required by California law by or at the direction of the General Manager. A form for such notices is available at: <https://www.dir.ca.gov/dwc/NoticePoster.pdf>.

## **POLICY NUMBER 2400: Customer Relations**

2400.1 Employees are expected to be polite, courteous, prompt, and attentive to every customer. Never regard a customer's question or concern as an interruption or an annoyance. All employees

must make every effort to achieve complete, accurate, and timely communications — responding promptly and courteously to all proper requests for information and to all complaints.

2400.2 Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a person requesting assistance, find someone who can.

2400.3 All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

2400.4 When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the General Manager should be called immediately for assistance. Employees should never argue with a customer. If a problem develops, or if a customer remains dissatisfied, ask your supervisor to assist in a resolution.

## **POLICY NUMBER 2405: Press Relations**

2405.1 Purpose:

The purpose of this policy is to provide for an orderly presentation to the press of factual information about District activities and Board action.

2405.2 Press Relations:

The General Manager is hereby designated as the official of the District to represent the District to the press. Employees of the District shall refer all press inquiries to the General Manager. Board members and other District officials are encouraged to refer press inquiries regarding District activities and Board actions to the General Manager or the President of the Board. Individual Board members should take care not to represent their own opinions as those of the Board or the District, even when those opinions coincide with formal Board action.

2405.3 Press Releases:

Press releases regarding the District shall be approved by the General Manager and the President of the Board. Whenever possible, all members of the Board shall be given an opportunity to review proposed press releases. Board members should take care not to comment on proposed press releases outside Board meetings in a way that might constitute a serial meeting violation of the Brown Act. Thus, comments should be directed to the President of the Board, the General Manager, or both, but not to other members of the Board.

## **POLICY NUMBER 2410: Public Complaints**

2410.1 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

2410.2 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal law by an individual who has been adversely affected by that alleged violation or misinterpretation.

2410.3 Complaints shall be resolved as follows:

- a) An individual with a complaint shall first discuss the matter with the Office Manager to resolve the matter informally if possible.
- b) If an individual registering a complaint is not satisfied with the disposition of the complaint by the Office Manager. The complaint will be transferred to the General Manager. The General Manager may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager shall memorialize his/her decision in writing, providing the individual registering the complaint with a copy.
- c) If an individual filing a complaint is not satisfied with the disposition of the matter by the General Manager he/she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's decision. The Board may consider the matter at its next regular meeting, call a special meeting, or decline to consider the matter further. In making a decision, the Board may conduct conferences, hear testimony, and review the materials provided to the General Manager. The Board's final decision shall be memorialized in writing and copied to the individual registering the complaint. The action of the Board, including an action to decline to consider a complaint, is the final action of the District, not subject to further internal appeal.

2410.4 This policy is not intended to prohibit or deter a member of the community or a staff member from appearing before the Board to orally present testimony, a complaint, or a statement in regard to actions of the Board, District programs and services, or pending considerations of the Board as permitted by the Brown Act. Noting in this policy shall alter the duties of District employees to protect the District's confidences and avoid insubordination and as otherwise provided by law and District policy.

## **POLICY NUMBER 2415: Social Media Use**

2415.1 Purpose:

The policy outlines the protocol and procedures for use of social media to publicize District services and events. In addition, this policy addresses the responsibilities of employees and District officials with regard to social media and the use of District resources (time/equipment), as well as responsibilities related to the public records and open meeting laws.

2415.2 Definitions:

- a) **Social Media:** Various forms of discussions and information-sharing, including social networks, blogs, video sharing, podcasts, wikis, message boards, and online forums. Technologies include: picture-sharing, wall-postings, fan pages, email, instant messaging and music-sharing. Examples of social media applications include but are not limited to Google and Yahoo Groups, (reference, social networking), Wikipedia (reference), Facebook (social networking), Instagram (social networking), Nextdoor (social networking) YouTube (social networking and video sharing), Flickr, (photo sharing), Twitter (social networking and

microblogging), LinkedIn (business networking), and news media comment sharing/blogging.

- b) **Social Networking:** The practice of expanding business and/or social contacts by making connections through web-based applications. This policy focuses on social networking as it relates to the Internet to promote such connections for District business and for employees, elected and appointed officials who are using this medium in the conduct of official District business.
- c) “Posts” or “postings” means information, articles, pictures, videos, or any other form of communication posted on a District social media site.

Policy:

2415.3 No district social media site may be created without the approval of the Board of Directors. All District social media sites created on behalf of the District, by its employees on District time, or using other District resources are the property of the District and shall be administered and regularly monitored by the General Manager or his/her designee. These social media sites shall be used only to inform the public about District business, services and events. Individual departments may not have their own pages/sites. Individual departments wishing to add content to District social media sites may submit a request to the General Manager. The District’s web site, <https://www.delpasomanorwd.org> will remain the location for content regarding District business, services and events. Whenever possible, links within social media formats should direct users to the District web site for more information, forms, documents, or online services necessary to conduct business with the District. District social media sites shall clearly state that such sites are maintained by the District and that the sites comply with this Social Media Policy.

2415.4 District employees and appointed and elected officials shall not disclose information about confidential District business on the District’s social media sites, personal social media sites, or otherwise. In addition, all use of social media sites by elected and appointed officials shall be in compliance with California’s open meeting laws, which prohibit serial meetings of a majority of the Board or another legislative body of the District via email or other electronic means. Members of the Board, committees and/or legislative bodies shall not respond to, “like”, “share”, retweet, or otherwise participate in any published postings, or use the platform or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body on which they serve. Employees and elected or appointed officials’ posts to non-District social media sites are a reflection of their own views and not necessarily those of the District and should not suggest otherwise.

2415.5 Posting/Commenting Guidelines:

- a) All postings made by the District to social media sites will contain information and content that has already been published or broadcast by the District. The District will not comment on other social media member’s sites. All official social media postings by the District will be done solely on the District’s social media sites or in response to postings made on the District’s social media sites. Officers, employees and agents of the District representing it on District social media sites shall conduct themselves professionally and in accordance with all District policies. All District social media sites shall use authorized District contact



information for account set-up, monitoring and access. Personal email accounts or phone numbers may not be used to set up, monitoring, or post to a District social media platform.

- b) The District reserves the right to remove from its social media sites content that it finds to violate this policy or applicable law. Any participants on the District's social media sites who are in continual violation of the postings/commenting guidelines may be barred from further use of the District's site. The District will only post photos for which it has copyright or the owner's permission.
- c) District social media platforms are subject to the California Public Records Act. Any content maintained on a District social media site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on District social media sites shall be sent to a District email account and maintained consistently with the Public Records Act. Any material removed from a District social media site consistent with this policy shall be considered a preliminary draft, note or memorandum. These are not retained by the District in the ordinary course of business and shall not constitute a public record of the District required to be retained in accordance with the District's records retention schedules.
- d) Chat functions in any social media sites will not be used.
- e) Links to all social media networks to which the District belongs will be listed on the District's website. Interested parties wishing to interact with these sites will be directed to visit the District's web site for more information on how to participate.
- f) The District reserves the right to terminate any District social media site without notice or to temporarily or permanently suspend access to District social media as to some or all persons at any time. The District reserves the right to implement or remove any functionality of its social media platforms, at the discretion of the General Manager or his/her designee. This includes, but is not limited to, information, articles, pictures, videos, or any other form of communication that can be posted on a District social media platform
- g) District social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the District has no control. The District does not endorse any hyperlink or advertisement placed on District social media sites by the social media site's owners, vendors, or partners.
- h) District employees may post to District social media platforms only during working hours. After-hours or weekend postings may only be made with prior approval of the General Manager or his or her designee.
- i) Any person authorized to post items on any of the District social media platforms shall review, be familiar with, and comply with this Policy and each social media platform's terms and conditions of use. Any person authorized to post items on behalf of the District to any of the District's social media platforms shall not express personal views or concerns through such postings. Instead, postings on any of the District's social media platforms on behalf of the District shall only reflect the views of the District.
- j) District posts must contain information that is freely available to the public and not be confidential as defined by any District policy or state or federal law.
- k) District posts may NOT contain any personal information, except for the names of persons being available for contact by the public as representatives of the District. Posts to District social media sites shall NOT contain any of the following:
  - 1) Comments that are not topically related to the information commented upon;

- 2) Comments in support for or in opposition to, political campaigns, candidates or ballot measures;
- 3) Profane language or content;
- 4) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or any other category protected by federal, state, or local law;
- 5) Sexual content or links to sexual content;
- 6) Solicitations of commerce;
- 7) Conduct or encouragement of illegal activity;
- 8) Information that may tend to compromise the safety or security of the public or public systems; or
- 9) Content that violates a legal ownership interest of any other party.

#### Procedures:

2415.6 The General Manager or his/her designee will be responsible for responding to comments and messages as appropriate. The District will direct users to the District's web site for more information, forms, documents or online services necessary to conduct business with the District.

2415.7 The District may invite others to participate in its social media sites. Such invitations will be based upon the best interests of the District as determined by the General Manager or his or her designee.

#### Responsibilities:

2415.8 It is the responsibility of employees, and appointed and elected officials to understand the procedures as outlined in this policy.

2415.9 Employees who are not designated by the General Manager to access social media sites for District business are prohibited from accessing social media sites utilizing the District computer equipment and/ or the District's web access. While at work, employees who are not granted access via District systems and computing equipment may use personal computing devices and personal web accounts to access social media sites only during non-working hours such as lunch periods and breaks. State law provides that more than occasional or incidental personal use of District resources is a crime.

2415.10 The General Manager will determine if a requested use of District social media sites or other District resources is appropriate and complies with this policy.

2415.11 All District content on District social media sites must comply with District web standards, the rules and regulation of the social media site provider, including privacy policies, and applicable law. Employee or District confidentiality shall be maintained in accordance with all applicable laws and District policies. If a question arises regarding the use or posting of confidential information on a social media site, the matter shall be referred to the General Manager. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by the General Manager or, at his/her request, Legal Counsel. Notwithstanding the opinion

of the District counsel, the General Manager reserves the right to restrict or remove District information from a District social media site if the General Manager concludes the information does not serve the best interest of the District.

2415.12 All social media-based services to be developed, designed, managed by or purchased from any third-party source for District use requires appropriate budget authority and approval from the Board of Directors.

2415.13 The District reserves the right to change, modify, or amend all or part of this policy at any time.

## **POLICY NUMBER 2420: District Web Page**

### Policy

2420.1 It is District policy to control the content and accuracy of the information provided on the District's Web page. All information will be directed to the General Manager acting in the capacity of the District Web Manager. All information posted on the District website must be consistent with the District's mission, public interest, and the District's social media policy.

### Procedure:

2420.2 Any District Board Director, official or employee may request postings to the District Web page through the General Manager or his/her designated representative. Postings must be non-political in nature. The General Manager shall approve, modify, or deny the request. Postings shall be submitted in Word format as an e-mail attachment unless only a hard copy is available. In either case, it is the submitter's responsibility to check the item for accuracy both prior to submission and after posting to the Web page to ensure no inadvertent errors appear on the final document. The submitter shall inspect the posted submission within 24 hours of posting.

- a) The General Manager or his/her designee shall approve the request for inclusion on the web page and, when necessary, suggest alternative solutions.
- b) The General Manager or his or her designee shall also manage removal of outdated postings.

2420.3 Privacy Policy.

The following privacy policy shall be posted to the District's website under a link on the home page.

The Del Paso Manor Water District is concerned about privacy issues and wants you to be familiar with how we collect, use and disclose information. We are providing this Privacy Policy to inform you of our practices regarding information that we collect through this website. Please note that this Privacy Policy applies only to our online information-gathering and dissemination practices conducted in connection with this website, and does not apply to any of our practices conducted offline. If you have any questions or comments about the Privacy Policy or our privacy practices, please contact us at (916)487-0419.

By accessing or using this website, you agree with all the terms of this Privacy Policy, so please do not access or use this website if you do not.

We may change this Privacy Policy at any time. Please take a look at the “Updated” legend at the top of this page to see when this Privacy Policy was last revised. Any changes to this Privacy Policy will become effective when posted to this website. By accessing or using the website after any such changes, you accept the revised Privacy Policy.

We may collect two types of information through this website: Personal Information and Other Information. “Personal Information” is information that identifies you or relates to you as an individual. “Other Information” is any information that does not reveal your specific identity or does not directly relate to an individual. Other Information is addressed below, under the heading “Other Information.”

We may collect Personal Information through the Sites such as:

- Name
- Email address
- Mailing Address
- Preferences for electronic or physical delivery of billing and/or newsletters

We may use Personal Information:

- to respond to your inquiries and fulfill your requests, such as to send you information, to register you for events, and to provide you District services.
- to keep a record of your contact information and correspondence, if you contact us through this website and to respond to you.
- to send you administrative information, including information regarding the websites and changes to our terms, conditions and policies.
- for our internal business purposes, such as improving or modifying this website and operating and expanding our services.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, or yours or others’; or (g) to pursue available remedies or limit the damages that we may sustain.

How Personal Information May Be Disclosed:

- to third-parties that provide us services such as website hosting, data analysis, IT services and infrastructure, customer service, email delivery, auditing and the like.
- to a third party (whether affiliated or unaffiliated with us) upon any reorganization of the District or transfer of some or all of its services to another entity.
- by you, on message boards, blogs and other services to which you are able to post information. Please note that any information you post or disclose through these services will

become public information, and may be available to visitors to this website and to the general public. We urge you to be thoughtful when disclosing your Personal Information, or any other information, on this site.

- to your friends associated with your social media account, to other website users as well as to your social media account provider, in connection with your social sharing activity, such as if you connect your social media account to your use of this website. By connecting your use of this website to your social media account, you authorize us to share information with your social media account provider and you understand that the use of the information we share will be governed by the social media site's privacy policy. If you do not want your Personal Information shared with other users or with your social media account provider, please do not connect your social media account with your use of this website and do not participate in social sharing on this website.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to allow us to pursue available remedies or limit the damages that we may sustain.

#### Other Information We May Collect:

“Other Information” is any information that does not reveal your identity or relate to an individual, such as:

- Browser information
- Information collected through cookies, pixel tags and other technologies
- Demographic information and Other Information you provide
- Aggregated information
- Zip codes

### **POLICY NUMBER 2425: California Public Records Act Response Procedures**

The California Public Records Act (Government Code, section 6250 et seq.) grants California residents important rights to obtain access to records held by public agencies. The Del Paso Manor Water District adopts this policy to clarify how it will respond to requests for records under the Public Records Act.

2425.1 All requests for public records shall be in writing on a form approved by the Board of Directors, unless the request is to review an agenda, agenda reports, or minutes of the Board or ordinances or resolutions of the Board or any of its committees, which are available in the District office.

2425.2 Staff will respond to all requests as soon as possible after they are received, but not later than the 10-day period, or extensions thereof, provided by Government Code section 6253.

- a) Staff shall review each request and determine whether it seeks identifiable records and, if not, staff shall help the requestor identify records responsive to the request.
- b) Staff shall request all Directors who may have the records requested to search their files and report whether they have the records and, if so, when the records can be made available to the requestor.
- c) Staff shall respond to the requestor, advising him or her in writing of the availability of the documents, a description of the medium (paper, electronic format, etc.) and location of the records, and whether any are exempt from disclosure under the Public Records Act. As the Public Records Act requires, to the extent feasible, staff will provide suggestions to overcome any practical basis for denying access to the records sought.
- d) If a request is made for copies of records, staff shall also advise the requestor of the estimated copying cost.
- e) The person requesting the copies shall pay the charges for the requested copies established by the Board. At present those are: \$.05 each page, \$.10 per page for Political Reform Act materials, CD's-\$5.00, DVD's \$10.00 and \$20.00 for USB Drives. Staff shall not make the requested copies until a deposit of the estimated copying cost is received and shall not release the copies until the actual copying cost is paid.

2425.3 In accordance with the Public Records Act, the administrative staff will provide records upon requests that reasonably describe the records Staff shall assist members of the public with making a focused and effective request that reasonably describes identifiable records.

2425.4 Administrative staff will respond to requests for public records in accordance with the Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.

2425.5 The District shall make the following form available for the public to make a request for records under the Public Records Act:



# Del Paso Manor Water District

## Public Records Request

Date Requested: \_\_\_\_/\_\_\_\_/\_\_\_\_

I wish to:

Review: \_\_\_\_\_

Obtain copies of the following public records: \_\_\_\_\_

*(Please list each document, file or record separately)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I / We, the undersigned, request the documents as indicated above and agree to pay Del Paso Manor Water District the rate of fifteen cents per page.

Name / Organization: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

\_\_\_\_\_

Signature

Estimated page count: \_\_\_\_\_ Date of Payment: \_\_\_\_\_

1817 Maryal Drive, Suite 300, Sacramento, CA 95864

Phone: (916) 487-0419 Fax: (916) 487-8534

[www.delpasomanorwd.org](http://www.delpasomanorwd.org)

Rev. 9.10.19

## **POLICY NUMBER 2430: Electronic Document Retention Policy**

The Electronic Document Retention Policy of the Del Paso Manor Water District governs the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of District business.

### 2430.1 Definitions

- a) Email Message: An electronic communication sent and received via web mail or email client.
- b) Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snapchat, and LinkedIn.
- c) Text Message: An electronic, written communication sent and received via telephone or Internet connection.
- d) Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

### 2430.2 Text Messages, Voicemail Messages, and Social Media

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Directors and District staff are not required to retain these electronic documents. Business done on behalf of the District that requires the creation and preservation of records should be conducted in other media.

### 2430.3 Email Messages

- a) Email messages sent or received by the District's computer systems from the date this policy is adopted will be preserved for two years and made available for public inspection on the same terms as other District records.
- b) Except as provided (c) of this policy, Directors and District staff are required to use (or copy to an address on) the District's computer systems for all email messages regarding District business. Such email messages are email messages covered by (a) of this policy, i.e., they will be preserved for two years and made available for public inspection on the same terms as other District records.
- c) The District will continue to comply with Government Code § 54957.5 which deems to be a public record any document communicated to a majority of the Directors, whether at the same time or seriatim, with respect to an item of District business regardless of the means of that communication, including via non-District email accounts. Directors are encouraged to forward such email messages not received by the District's computer systems nor copied to its staff or to an email address designated for that purpose so they can be preserved in the District's email retention system, relieving individual Directors of any duty to preserve such email messages or make them available for public inspection.
- d) This policy applies only to the conduct of District business that is subject to the Public Records Act. It has no application to communications to or from Directors in their other public and private capacities or communications to or from District staff that are personal, private or otherwise not District business.



## **POLICY NUMBER 3100: Attendance at Meetings**

3100.1 Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting.

Good cause for absence, including late arrivals or early departures, includes absences where a Director has provided notification of the absence to President of the Board prior to the meeting and temporary illness or other unavoidable circumstances. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity. A good cause absence requires the Director to notify the President of the Board prior to the meeting, if practical. If it is not practical to provide notification to the President of the Board prior to the meeting, then the Director must provide an explanation of the failure to contact the President that is satisfactory to the Board as soon as possible after the meeting. If the Director fails to provide a satisfactory explanation to the Board, then the absence will be without good cause.

A Board Member who will be absent for good cause may notify the President by electronic transmission (email), telephone communication, or letter. The President shall notify the General Manager and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, except as otherwise provided for by law or as authorized by the Board.

## **POLICY NUMBER 3105: Committees of the Board of Directors**

3105.1 Temporary (Ad Hoc) Advisory Committees:

The Board President shall appoint any such temporary (Ad Hoc) advisory committees (“Ad Hoc Advisory Committee”) as may be deemed necessary or advisable by the President or the Board. The purpose of an Ad Hoc Advisory Committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. An Ad Hoc Advisory Committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

3105.1.1 An Ad Hoc Advisory Committee shall be comprised solely of members of the Board, and shall consist of less than a majority of Board Members.

3105.1.2 An Ad Hoc Advisory Committee may make recommendations to the Board. The Board may not delegate any decision-making power to the Ad Hoc Advisory Committee.

3105.1.3 An Ad Hoc Advisory Committee shall meet on an as needed basis and shall not have a meeting schedule fixed by charter, ordinance, resolution, or formal action of the

Board. An Ad Hoc Advisory Committee shall not have jurisdiction or decisional authority over any matter requiring full Board action.

#### 3105.2 Standing Committees:

By formal action, the Board may create standing committees to review District functions, activities, and operations pertaining to their designated concerns. Any recommendations from standing committees shall be submitted to the Board via a written or oral report. All meetings of standing committees are subject to the requirements of all applicable open meeting laws, including but not limited to the Brown Act.

### **POLICY NUMBER 3110: Duties of the Board President**

#### 3110.1 Presiding Officer:

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

The presiding officer 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. The presiding officer may move, second, debate, and vote from the chair.

#### 3110.2 Duties Regarding Meetings:

The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- a) Call the meeting to order at the appointed time;
- b) Announce the business to come before the Board in its proper order;
- c) Enforce the Board's policies in relation to the order of business and the conduct of meetings;
- d) Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- e) Explain what the effect of a motion would be if it is not clear to every member;
- f) Restrict discussion to the question when a motion is before the Board;
- g) Rule on parliamentary procedure;
- h) Put motions to a vote, and state clearly the results of the vote; and
- i) Preserve order and decorum.

#### 3110.3 Responsibilities:

Responsibilities of the President include, but are not limited to, the following:

- a) Sign all instruments, act, and carry out stated requirements and the will of the Board;
- b) Sign the minutes of the Board meeting following their approval;
- c) Appoint and disband all committees, subject to Board ratification;

- d) Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
- e) Coordinate the preparation of meeting agendas with the General Manager;
- f) Confer with the General Manager or designee on crucial matters which may occur between Board of Directors meetings;
- g) Be responsible for the orderly conduct of all Board meetings;
- h) Be the spokesperson for the Board; and
- i) Perform other duties as authorized by the Board.

### **POLICY NUMBER 3115: Ethics Training**

3115.1 All Directors, designated staff, and members of all commissions, committees and other bodies that are subject to the Brown Act 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 et seq. as may be amended from time to time.

3115.1.1 All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

3115.1.2 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.

3115.1.3 Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.

3115.1.3.1 District staff shall maintain records indicating both the dates that attendees completed the ethics training and the name of the provider that provided the training. These records shall be maintained for at least five years after the date of training and may be public records subject to disclosure under the California Public Records Act.

3115.1.4 District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy at least once every year.

3115.1.5 A single training course may be used to satisfy the obligation to receive training for multiple agencies or positions.

### **POLICY NUMBER 3120: Members of the Board of Directors**

3120.1 Meeting Preparation:

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors may request information from staff before meetings.

3120.1.1 Requests by individual Directors for substantive information and/or research from District staff will be channeled exclusively through the General Manager.

3120.1.2 The General Manager shall be responsible for providing the requested information and shall make all information equally available to all Directors.

3120.1.3 If writings are distributed to a majority of the Board in connection with an agenda item, those writings shall be made available to the public in the manner required by law.

#### 3120.2 Meeting Decorum:

3120.2.1 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

3120.2.2 Directors shall defer to the President or, if absent, the presiding officer 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.

3120.2.3 Directors may request for inclusion into the meeting 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).

#### 3120.3 Abstentions and Failure to Vote:

Directors should not abstain from the Board's decision-making responsibilities unless a personal or financial conflict of interest exists. Directors abstaining due to a disqualifying conflict of interest will not be counted as part of a quorum and will be considered absent for the purposes of determining the outcome of a vote on the matter. Directors who fail to vote in the absence of a declared conflict of interest will be counted as part of a quorum and in effect consent that a majority of the quorum will determine the outcome of a vote on the matter.

### **POLICY NUMBER 3125: Training, Education and Conferences**

3125.1 Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. Unless otherwise restricted by the Director Compensation and Travel Allowance Policy, there is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the members of a body do not discuss issues related to their local agency's business. Directors shall not attend conference or training events at District expense when it is apparent that there is no significant benefit to the District. Directors shall not attend or engage in any tour or journey for pleasure at public expense

(e.g. “junkets” or other such events that are not beneficial to the District).

3125.2 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. All reimbursement shall be made pursuant to the District’s current Director Compensation and Travel Allowance Policy.

3125.2.1 The District shall reimburse Directors for approved conference tuition and registration expenses, and for per diem expenses. Per diem expenses, when appropriate, shall include 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 General Manager, together with validated receipts. All reimbursements shall be made in accordance with applicable State and federal law, including, but not limited to, Internal Revenue Service Guidelines.

3125.2.2 Attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to the District incurring any reimbursable costs.

3125.2.3 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 provided by the General Manager, and by:

3125.2.3.1 Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

3125.2.3.2 Directors traveling together whenever feasible and economically beneficial.

3125.2.3.3 Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

3125.3 A Director shall not be reimbursed for expenses incurred at any educational conference seminar, training, or professional meeting event if such event occurs after the District has announced that Director’s pending resignation, or if such event occurs after an election in which it has been determined that the Director will not retain his or her seat on the Board.

3125.4 Upon returning from educational conferences, seminars, trainings, and professional meetings where expenses are reimbursed by the District, Directors will either prepare a written or verbal report for presentation at 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.

## **POLICY NUMBER 3200: Board Actions and Decisions**

3200.1 Actions by the Board of Directors include but are not limited to the following:

3200.1.1 Adoption or rejection of regulations or policies;

3200.1.2 Adoption or rejection of a resolution;

3200.1.3 Adoption or rejection of an ordinance;

3200.1.4 Approval or rejection of any contract or expenditure;

3200.1.5 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

3200.1.6 Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

3200.2 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.

3200.2.1 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.

3200.2.1.1 Example. If three of five 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 Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

3200.2.1.2 Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

3200.2.1.3 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

3200.3 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.

3200.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

3200.3.2 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.).

3200.3.3 Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

3200.3.4 Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

### **POLICY NUMBER 3205: Board Meeting Agenda**

3205.1 Agenda preparation. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda. The Board President may approve or deny any Director's agenda item request. A Director's request to place an item on the agenda must be submitted no later than 5:00 P.M. two business days prior to the deadline for posting the agenda and Board packet for the next meeting date (72 hours before the regular monthly Board meeting and 24 hours before a special Board meeting).

3205.2 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:

3205.2.1 The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.

3205.2.2 The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

3205.2.3 No request related to a matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

3205.2.6 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. Del Paso Manor Water District allows the public to speak for 5 minutes during public comment or after Board Discussion on any agenda item. The Board President retains the discretion to adjust the speaking time limit, if the President deems it appropriate or necessary.

3205.3 Agenda descriptions. All Board agendas shall include an unambiguous description of each item on the agenda to be discussed, including closed session items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

3205.4 Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in advance of the meeting. Agendas and Board packets (if any) shall also be posted on the District's website within the applicable time frames indicated above. The posting must occur in a place that is freely accessible to the public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. The internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format by that date.

3205.5 Agenda packages. When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all members at the same time. Agenda packages, except for closed session materials, shall be made available to the public once distributed to the Board and posted on the District's website within the time frames set forth in Section 4205.4, above.

3205.6 Public comment.

3205.6.1 For regular meetings the Board shall provide the public with an opportunity to address not only any item on the agenda but any item within the subject matter jurisdiction of the District.

3205.6.2 For special meetings, the Board shall provide the public with an opportunity to address any item on the agenda.

3205.6.3 The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comment.

3205.6.4 The Board may not require members of the public to give names or sign a register as a condition of attendance or speaking.

3205.7 Closed sessions. The Board may conduct a closed session during a noticed meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private or for any other reason as authorized under the Brown Act. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending or potential litigation. The Board shall allow public comment on any closed session item before or after going into closed session, at the Board's discretion.

3205.8 Items not on the agenda. The Board shall not discuss or take action on any item that does not appear on the posted agenda except that the Board may act on items not on the agenda to address emergency situations, subsequent need items, and hold-over items from a continued previous meeting held within the prior five days. The Board may also respond to public comments and make announcements.



## **POLICY NUMBER 3210: Board Meeting Conduct**

3210.1 Rules of order. Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 4230, "Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol. Failure to strictly follow any procedural guidelines for meeting protocol shall not result in a reversal of a Board decision.

3210.2 Agenda timing. All Board meetings shall commence at the time stated on the agenda and shall be guided by same. The placement of an item on the agenda shall not be deemed a requirement that the items proceed in any particular order. The Board President, with concurrence of a majority of the Board, may alter the order in which agenda items shall be considered for discussion and/or action by the Board.

3210.3 Conduct of meetings. The following concepts shall be applied to Board meetings:

3210.3.1 The meetings shall be conducted in an open and fair manner.

3210.3.2 The public shall be given ample opportunity to participate in the meetings.

3210.3.3 Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.

3210.3.4 The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve the problems.

3210.3.5 The Board may receive, consider and take any needed action with respect to reports of accomplishment of District operations.

3210.3.6 Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

3210.3.7 The Board may weigh and determine the credibility of evidence and public comment.

3210.4 Public comment. Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as follows:

3210.4.1 Five minutes may be allotted to each speaker.

3210.4.2 The Board president may allow additional per speaker and per subject comment time when necessary for a full and fair proceeding.

3210.4.3 No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Board President, of that person's privilege of address.

3210.5 Disruption of meetings. Willful disruption that impedes the orderly conduct of any meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

3210.5.1 Notify the disrupting parties to immediately stop the conduct and that they will be asked to leave the meeting if the behavior continues.

3210.5.2 If the behavior continues after notice, order the disrupting parties out of the room and conduct the Board's business without them present.

3210.5.3 In cases of extreme disruption, clear the room of all members of the public, and conduct the Board's business without them present. If the disruptive members of the public refuse to leave the room, the Board President may adjourn the meeting.

3210.5.4 Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

## **POLICY NUMBER 3215: Brown Act Compliance – Open Meeting Requirements**

3215.1 The Brown Act. The Legislature adopted the Brown Act, commonly referred to as California's "Open Meeting Law" in 1964. The Brown Act is contained in Government Code section 54950 *et seq.* The Brown Act is broadly construed and compliance is constitutionally mandated.

3215.2 Compliance with Brown Act. All meetings of the Board of Directors shall comply with the Brown Act.

3215.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

3215.2.2 Member of the Board includes newly elected and appointed officials prior to assuming office.

3215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

3215.2.4 Meetings through the use of intermediaries, serial communications, social media or emails are prohibited.

3215.2.5 The Board shall only take action during a properly noticed meeting.

3215.3 Committees. Committees created by formal action of the Board shall comply with the Brown Act.

## **POLICY NUMBER 3220: Minutes of Board Meetings**

3220.1 Duty to keep minutes. The General Manager/Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

3220.1.1 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 fireproof vault or in a fire-resistant, locked cabinet and posted on the District's website.

3220.1.2 [reserved]

3220.1.3 Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

3220.1.4 All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year [e.g. "Resolution 2019-01"].

3220.1.5 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:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of staff reports;
- Summary record of public comment regarding matters not on the agenda including names of commenters, if provided;
- Approval of the minutes or modified minutes of preceding meetings;
- Approval of financial reports A record of all warrants approved for payment;
- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Resolutions and ordinances described as to their substantive content and sequential numbering;
- Record of all contracts and agreements, and their amendment, approved by the Board;
- Approval of the annual budget;

- Approval of all polices, rules and/or regulations;
- Approval of all dispositions of District assets;
- Approval of all purchases of District assets; and,
- Time of meeting's adjournment.

## **POLICY NUMBER 3225: Review of Administrative Decisions**

3225.1 Code of Civil Procedure § 1094.6. The provisions of California Code of Civil Procedure §1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

3225.1.1. All administrative decisions of the Board shall be in writing. An administrative decision of the Board becomes final once the decision is served first class certified mail, return receipt requested with a copy of the affidavit or certificate of mailing to the person seeking judicial review, and the Board's decision cannot be reconsidered. In making a final decision, the Board shall provide notice of the time period within which to seek judicial review is governed by this policy and Code of Civil Procedure § 1094.6

3225.1.2 In accordance with §1094.6, the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final. If a person seeking judicial review files a request for the record within 10 days after the date in which the Board's decision becomes final, the time to seek judicial relief shall be extended to no later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed by first class, certified mail, return receipt requested to the person seeking judicial relief, or the person's attorney of record.

3225.1.4 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

3225.1.5 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

3225.1.5 As provided by Code of Civil Procedure § 1094.6, any person requesting preparation of the administrative record shall be responsible for payment of the actual costs of transcribing or otherwise preparing the record. Actual costs shall include, but not be limited to: the salary and fringe benefit rates of pay by the District to personnel for the time consumed in typing a transcript and reproducing, assembling and compiling the transcript and exhibits; unit costs (including prorated rental) of equipment utilized in reproduction; the cost of materials and supplies; and the cost to the District of having a transcript typed when

testimony has been recorded by a court reporter. The Board may determine and promulgate unit costs of preparing the record by resolution.

3225.1.5.1 Before commencing preparation of a transcript, or other record, the officer or employee responsible for preparation shall estimate the actual total cost. Preparation of the record shall not be commenced until the person requesting preparation of the record has deposited the full amount of the cost estimate.

3225.1.5.2 If the deposit exceeds the actual costs, the difference shall be refunded. If the actual cost exceeds the estimate, the difference shall be paid when the record is delivered.

3225.5.3 The limitation of action period shall not be extended, pursuant to provisions of Section 1094.6(d) of the Code of Civil Procedure, beyond 90 days after the decision becomes final, unless the person seeking judicial review deposits pursuant to Section 4225.1.5.1 the estimated cost of preparing the transcript within 10 days after being furnished with the written estimate of such cost.

3225.2 Applicability. This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard has been provided.

3225.3 Purpose. The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

3225.4 Claims. Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

## **POLICY NUMBER 3230: Rules of Order for Conduct of Board and Committee Meetings**

3230.1 General:

3230.1.1 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 such as Robert's Rules of Order.

3230.1.1.1 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.

3230.2 Obtaining the Floor:

3230.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

### 3230.3 Motions:

3230.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

3230.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

3230.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

3230.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

3230.4 Secondary Motions: Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are 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.

3230.4.1 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.

3230.4.2 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.

3230.4.3 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.

3230.4.4 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.

3230.4.5 Motion to Close Debate and Vote Immediately: As provided above, any Director may move to close debate and immediately vote on a main motion.

3230.4.6 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.

### 3230.5 Decorum:

3230.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons that disrupts, disturbs or otherwise impedes the orderly conduct of the meeting..

3230.5.2 The President may also declare a short recess during any meeting.

#### 3230.6 Amendment of Rules of Order:

3230.6.1 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; b) amend these rules in whole or in part; or, c) both.

### **POLICY NUMBER 3235: Types of Board Meetings**

3235.1 Regular meetings: Regular meetings of the Board of Directors shall be held on the first Tuesday of each calendar month at 6:30 pm at 1817 Maryal Drive Suite 300, Sacramento, CA 95864. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board, or such other time as the Board may determine due to a change in District needs and circumstances. If the regular meeting falls on a recognized holiday, the meeting will be held at the same time and location on the following business day, unless changed by the Board at a prior regular meeting.

3235.2 Special meetings: Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

3235.2.1 All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.

3235.2.2 An agenda shall be prepared and posted at least 24 hours before the meeting as specified in Policy #4205 and shall be delivered with the notice of the special meeting to the Board of Directors.

3235.2.3 Notice of the meeting shall be provided to the local newspaper and any other media outlet or person who has requested to receive notices of meetings by serving a copy of the agenda at least 24 hours before the meeting.

3235.2.4 Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

3235.3 Emergency Meetings: In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice requirement. An emergency situation means a crippling disaster which severely impairs public

health, safety, or both, or as otherwise permitted under the Brown Act, as determined by a majority of the Board.

3235.3.1 When possible, notice shall be provided to the media outlets on record with the District as having requested notice of meetings, by telephone at least one hour before the meeting. If telephones are not working, notice to media outlets of the emergency meeting, the purpose of emergency meeting and any action taken at the meeting shall be provided as soon as possible after the meeting.

3235.3.2 Actions taken during an emergency meeting shall be by roll call vote.

3235.3.3 The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

3235.3.4 Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in the District office and on the District's website.

3235.4 Adjourned Meetings: A majority vote by Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the Board Secretary or the General Manager, may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

3235.5 Annual Organizational Meeting: The Board of Directors shall hold an annual organizational meeting at its regular meeting in January. At this meeting the Board will elect a President, Vice President and Clerk from among its members to serve during the coming calendar year, and will appoint the General Manager as the Board's Secretary.

## **POLICY NUMBER 3240: Exhaustion Procedures**

### **1. Overview of Exhaustion Procedure**

(a) In connection with any water rates, fees, charges, or assessments ("charge or charges") adopted by the District, no person or entity may bring a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution unless that person or entity has timely submitted a written comment to the District on any new, increased, or extended charge that identifies the alleged grounds for noncompliance.

(b) Prior to adopting any charge, the District will:



(1) Post the proposed charges and a written basis on the District website, and at least 45 days prior to the protest hearing required by Article XIII D of the California Constitution.

(2) Provide at least 40 days for a ratepayer to review the proposed charges and to timely submit a written comment alleging any grounds for noncompliance with Article XIII D of California Constitution. To be considered timely, written comments must be submitted by the deadline set forth in the "exhaustion notice", but in no event, less than 40 days after the local agency complies with section (b)(1) above.

(3) Consider and respond to any timely received written comments prior to the close of the Proposition 218 protest hearing.

## **2. Exhaustion Notice**

The exhaustion notice shall include an overview of the exhaustion procedure, specify how ratepayers can submit written objections, provide the date and time by which those objections must be received by the District, specify when written staff response will be presented to the public, and identify the point of contact to whom the objections will be sent. The exhaustion notice must notify ratepayers of the following or substantially similar terms:

“The exhaustion of administrative remedies procedure is separate from the Proposition 218 protest hearing. To exhaust your administrative remedies, you must submit a written objection that indicates the grounds for the District's/charges noncompliance with Proposition 218 (Cal. Const. Article XIII D) and in accordance with Ordinance No.22-1219/Board Policy 3240. Ratepayers who wish to submit a written protest for the Proposition 218 protest hearing must follow separate directions provided in the Proposition 218 notice letter. Written comments must be submitted within the written comment period defined in subsection to preserve any right to challenge the charges.”

## **3. Written Objections**

As stated above, to avoid confusion with written protests for the Proposition 218 process, a written objection must specify that it is submitted as part of the exhaustion procedure or in accordance with the exhaustion ordinance. All written objections shall state the specific grounds for concern with a proposed charge(s) and include a desired resolution or outcome. If the nature of the dispute is vague or unclear, the District board may request clarification. Objections shall include the name, phone number, street address, and e-mail address (if applicable) and preferred method of communication with the objecting ratepayer (also referred to as “objector”).

Any objection must be received by the District before the close of business on the stated deadline date, and a postmark will not be considered as sufficient. Verbal objections or written objections that are not received by the deadline specified in the exhaustion notice may be considered by the District board with an offer of proof of extraordinary circumstances. The District board has sole discretion to determine whether to consider those objections.

## **4. Staff Response**

At the close of the written objection period, District staff shall review timely submitted and otherwise compliant written objections in accordance with the requirements above and may respond.

District staff may present the findings to the District board at a board meeting that was specified in the exhaustion notice. The District board, in exercising its discretion, may determine whether further review is needed, whether the input gathered from written objections and the staff response warrant amendments to the proposed water rate, or whether to proceed to the Proposition 218 protest hearing.

### **5. Conclusion of Exhaustion Procedure**

Once the District board has made its final determination as to any objection, it may proceed to the Proposition 218 protest hearing (as previously noticed in accordance with Proposition 218).

### **6. Rate Challenger Must Exhaust Administrative Remedies**

No claim, suit for damages, suit for injunctive relief, petition for writ of mandamus, or administrative or judicial proceeding shall be brought against the District, the District board, or its employees, officers, or designees, regarding a challenge to a proposed water rate unless the challenging party first exhausts its administrative remedies by complying with the exhaustion procedure specified above.