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## **Title 2 – ADMINISTRATION**

### **Chapter 2.01 – GENERAL PROVISIONS**

#### **Section 2.01.010 – Change of District Name and Logo**

The Board of Directors does hereby change the name of the District to: Mission Springs Water District.

(Res. No. 87-7, § 1, 4-20-1987)

#### **Section 2.01.020 – District Seal**

An official seal shall be and the same is hereby adopted for said Water District, to consist of an impression made with a seal press, the inscription of which shall be the following:

“Mission Springs Water District, Riverside County, California, Incorporated February 16, 1953  
SEAL”

(Ord. No. 1, § 1, 3-7-1953)

#### **Section 2.01.030 – Smoking Prohibited within the Board Room**

Smoking of tobacco products shall be prohibited within the Board Room of the Mission Springs Water District

(Res. No. 86-3, 1-20-1986)

#### **Section 2.01.040 – Appeal of Certain Administrative Decisions**

It is hereby found and determined that the application of Section 1094.6 of the Code of Civil Procedure to administrative decisions of this District will provide an orderly and reasonable procedure for the review of certain decisions of the District.

- A. The provisions of Section 1094.6 of the Code of Civil Procedure are hereby made applicable to those decisions of the District defined in Section C.
- B. The provisions of Section 1094.6 of the Code of Civil Procedure shall prevail over any conflicting provision in any other applicable law relating to the subject matter, unless the conflicting provision is a state or federal law which provides a shorter statute of limitations in which case the shorter statute of limitations shall apply.
- C. The provisions of Section 1094.6 of the Code of Civil Procedure shall apply to decisions of the District which are subject to review pursuant to Section 1094.5 as follows: (a) suspending, demoting or dismissing an officer or employee; (b) revoking or denying an application for a permit, license or other entitlement; or (c) denying an application for any retirement benefit or allowance.
- D. Any petition for judicial review of a decision of the District shall be filed not later than the 90<sup>th</sup> day following the date on which the decision becomes final. If there is no provision for reconsideration of the decision in any applicable provision of any statute, charter or

rule, then for the purposes of this section, the decision is final on the date it is made. If there is such provision for reconsideration, the decision is final for purposes of this section upon the expiration of the period during which such reconsideration can be sought; provided, that, if reconsideration is sought pursuant to any such provision, the decision is final for the purposes of this section on the date the reconsideration is rejected.

- E. The complete record of the proceedings shall be prepared by the District or its commission, board, officer or agent which made the decision and shall be delivered to the petitioner within 90 days after he has filed a written request therefor. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record. Such record shall include the transcript of the proceedings, all pleadings, all notices and orders, any proposed decision by a hearing officer, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its commission, board, officer, or agent, all written evidence, and any other papers in the case.
- F. If the petitioner files a request for the record as specified in Section E within 10 days after the date the decision becomes final as provided in Section D, the time within which a petition pursuant to Section 1094.5 may be filed shall be extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to the petitioner or his attorney, if he has one.
- G. In making a final decision as defined in Section D, the District shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.
- H. As used herein “party” means an officer or employee who has been suspended, demoted or dismissed; a person whose permit, license or other entitlement has been revoked or suspended or whose application for permit, license or other entitlement has been denied; or a person whose application for retirement benefit or allowance has been denied.

(Res. No. 88-20, §§ 1-9, 7-18-1988)

## Section 2.01.050 – Secretary of the Board of Directors

The Secretary of the Board of Directors is authorized and directed to accept and consent, for purposes of recordation, to all deeds or grants conveying any interest in real property to the Mission Springs Water District.

(Res. No. 10-1965, 9-14-1965)

## Chapter 2.02 – BOARD OF DIRECTORS ELECTIONS

### Section 2.02.010 – Elections by Division

- A. Transition to By-Division Election – The District finds that its election system will transition from at-large elections to by-division elections, beginning with its next regular election of members of the Board of Directors in November 2020.

B. Establishment of Divisions – The District hereby establishes five Director divisions in the Mission Springs Water District. The boundaries and identifying number of each division shall be described on the Mission Springs Water District Division Map, a copy of which shall be on file in the District office.

C. Election Process-

1. Members of the Board of Directors shall be elected in the electoral divisions established by this Ordinance and subsequently reapportioned as provided for in State law and as set forth in Section E of this Ordinance. Elections shall take place “by division,” meaning that one Director shall be elected from each division, but the voters of the division alone.
2. No term of any member of the Board of Directors that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.
3. A Director elected or appointed to represent a division shall reside in that division and shall be a registered voter in that division, and any candidate for the Board shall reside in, and be a registered voter in, the division in which he or she seeks election at the time nomination papers are issued.
4. Notwithstanding any other provision of this Ordinance, the Directors in office at the time this Ordinance takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the expiration of the term of a Director in office at the time this Ordinance takes effect, a person who is appointed or elected by special election to fill such vacancy may reside anywhere in the District.
5. The term of each Director elected to the Board of Directors shall remain four (4) years.

D. Implementation – The by-division election system shall be implemented, beginning at the next regular election of the Board of Directors, as follows:

1. Members of the Board of Directors shall be elected in Divisions 2, 3, and 4 beginning at the next regular election of the Board of Directors, and every four years thereafter, and
2. At the next regular election of the Board of Directors following the election of Members of the Board of Directors in Divisions 2, 3, and 4, members of the Board of Directors shall be elected in Divisions 1 and 5, and every four years thereafter.

E. Adjustment of Boundaries – Pursuant to Elections Code 22000, the Board of Directors shall adjust the boundaries of any or all of the divisions following each decennial federal census to ensure that the divisions are in compliance with all applicable provisions of law.

(Ord. No. 2020-02, 6-24-2020)

### **Section 2.02.020 – Boundaries of Director Electoral Divisions**

Pursuant to the provisions of the Fair Maps Act of 2019 as amended in 2020, codified at Elections Code Section 21500 to 21509, after giving consideration to those provisions and applicable decisions of the courts, the Board hereby adjusts, changes, and establishes the boundaries of the director divisions as set forth on the Preferred Map considered by the Board at its public hearing on March 21, 2022, and reflected as Exhibits A and B hereto, and they shall constitute and are hereby established as the boundaries of the director divisions of the Mission Springs Water District for subsequent elections until further readjustments is required by law.

(Ord. No. 2022-01, 3-21-2022)

### **Section 2.02.030 – Expenses for Candidate’s Statements of Qualifications**

This District shall assume no responsibility for collection of expenses connected with publication of candidates’ statements of qualifications, and that any such payments shall be made by candidates directly to the County of Riverside.

(Res. No. 83-7, 5-16-1983)

### **Section 2.02.040 – Regular Election Date**

Pursuant to Elections Code §§ 1303(b) and 10404(b), MSWD hereby elects to change MSWD’s regular election date for election of the Board of Directors from the first Tuesday after the first Monday in November of odd-numbered years to the statewide general election date on the first Tuesday after the first Monday in November of even-numbered years.

Special elections called for the purpose of filling Board vacancies, submitting measures to MSWD’s electors for consideration, or other such matters, shall not be affected by this resolution and may be conducted on any date authorized by applicable law.

The Riverside County Board of Supervisors is hereby requested to consolidate all future MSWD regular elections with the statewide general elections to be conducted in November of even-numbered years. The President of this Board shall be authorized to take any and all actions, and to execute any documents necessary, to assist MSWD’s General Manager in presenting this resolution to the Riverside County Board of Supervisors for its approval.

The Secretary of the Board of Directors of MSWD shall transmit certified copies of this resolution to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for the County of Riverside.

(Res. No. 2017-07, §§ 1-4, 3-8-2017)

## Chapter 2.03 – BOARD OF DIRECTORS MEETINGS

### Section 2.03.010 – Regular Meetings of the Board of Directors

That the regular meetings of the Board of Directors of the Mission Springs Water District shall be held at the time and place specified as follows:

- A. Thursday prior to the third Monday of each calendar month at 3 p.m.  
Office of the District  
66575 Second Street  
Desert Hot Springs, CA 92240
- B. Third Monday of each calendar month at 3 p.m.  
Office of the District  
66575 Second Street  
Desert Hot Springs, CA 92240

That, unless a matter is deemed to require immediate action, the regular meeting established on the Thursday prior to the third Monday of each calendar month shall be devoted to review and study purposes.

(Res. No. 2001-12, §§ 1-3, 3-7-2001)

### Section 2.03.020 – Manner of Calling Special Meetings

That a special meeting may be called at any time by the presiding officer of the Board of Directors, or by a majority of the members of the Board of Directors, by delivering personally or by mail written notice to each member of the Board of Directors and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board of Directors.

That such written notice may be dispensed with as to any director who at or prior to the time the meeting convenes, files with the Secretary of the Board of Directors a written Waiver of Notice. Such Waiver may be given by telegram. Such written notice may also be dispensed with as to any director who is actually present at the meeting at the time it convenes.

(Res. No. 37-1971, §§ 1-2, 12-14-1971)

### Section 2.02.030 – Holidays

In the event that any day fixed for a regular meeting of the Board shall fall upon a holiday, then the meeting appointed for such day shall be held on the next day which may not be a holiday, at the same hour specified for the meeting to be held.

(Ord. No. 2, § 4, 3-7-1953)

## Chapter 2.04 – BOARD OF DIRECTORS HANDBOOK

### Section 2.04.010 – Introduction

Our democratic form of government requires that public officials be impartial, independent, and responsible to the people they represent, and that government decisions and policies are made through proper channels of government structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. This Board of Directors Handbook (“Board Handbook”) is intended to establish ethical standards of conduct for the Board of Directors of the Mission Springs Water District (“District”), by confirming the Board of Directors commitment to transparency; setting forth those acts or actions that are incompatible with the best interest of the District and the public: ensuring disclosure by the District’s elected and appointed officials of private financial or other interests in matters affecting the District: and ensuring compliance with applicable laws. The provisions and purpose of this Board Handbook are deemed by the Board of Directors (“Directors”) to be in the best interest of the District, and the standards established herein are intended to supplement and be cumulative to all applicable state and federal laws, policies and regulations otherwise applicable to the District and its elected and appointed officials. The policies and procedures set forth in this Board Handbook are intended to supplement, without preempting, existing state and federal laws.

The elected and appointed officials of the District, including the Board of Directors and the General Manager, hold office for the benefit of the public and are bound to uphold the Constitution and laws of the United States and the state of California, and to foster respect for all levels of government. They are bound to observe both the letter and the spirit of the law in their official acts, with the highest standards of morality, integrity and honesty, and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach at all times.

The development of the Board Handbook represents the commitment of the Mission Springs Water District Board of Directors to the development of specific best practice performance criteria essential to their role as elected public officials. This commitment also extends to the General Manager. This Board Handbook is considered a ‘living document’ and as such can be amended or modified at the discretion of the Board of Directors.

(Res. No. 2024-09, 5-20-2024)

### Section 2.04.020 – Executive Summary

The District’s core values of Professionalism, Accountability, Respect, Integrity, Servant Attitude, Excellence, and Stewardship serve as the foundation for development of this Handbook. These core values, along with specific criteria related to the performance of public officials, were used in identifying the appropriate Best Practices for members of the Board and the General Manager. An annual review of the approved and adopted best practices outlined in the Board Handbook

would serve as a continual reminder of the Board's role in policy governance and principles of behavior as a "Best of Class" water agency. The document will also serve as a valuable tool in the orientation and education of new Board members and staff in the future.

A. Board Best Practices

1. Ethical standards and accountable leadership
2. Public confidence and integrity
3. Compliance with the letter and spirit of existing laws and policies
4. Dedication to superior service
5. Personalized standards of conduct

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.030 – Culture: Vision and Core Values

The Board and the General Manager understand the importance and value of a positive and constructive culture to the overall performance of the District. This culture in large part is a product of the District's goal of performing as a "Best of Class" public agency, individually and corporately. Whether in the capacity of an elected or appointed Director, or as an employee of the District, our primary responsibility is to serve the District's customers.

A. Vision. Our Vision at MSWD serves as a compass, charting our course toward a future state that reflects our aspirations and commitment to excellence. It encapsulates not just what we aim to become by envisions the success we strive for and the positive transformations we aim to bring to all those we serve. The vision falls under the following categories:

1. **Trust:** Our Vision at Mission Springs Water District is to build a trusting community through open communication, accountability, collaboration, and mutual respect among the Board of Directors, staff, and our customers.
2. **Employees:** Our vision for Mission Springs Water District employees is to cultivate a workplace where each person is empowered as a steward of our community's water, fostering a culture of excellence, innovation, and service in alignment with our shared mission.
3. **Customers:** Our vision for Mission Spring Water District is to deliver reliable, sustainable, and community-focused service to our customers, ensuring you can trust us to meet your water needs while contributing to a healthier, vibrant community.
4. **Environment:** Our vision for the natural environment in Mission Springs Water District is harmonious coexistence through responsible management, aiming to be a model for environmental stewardship and sustainable practices, ensuring the health and vitality of our local ecosystems.



5. **Public Health:** Our vision for Mission Springs Water District is to serve as a cornerstone of community well-being by providing reliable and safe water services that protect and support a healthy and thriving community.
- B. **Core Values** – Our values at MSWD stand as the bedrock of our organization, shaping how we work and defining who we are. These guiding principles not only clarify our identity but also serve as a compass for our purpose, culture, and decision-making processes.
  1. **Accountability:** We are accountable for our actions, committed to transparency, integrity, and rectifying mistakes, ensuring the District’s operations are conducted with honesty and responsibility.
  2. **Leadership:** Leadership is a core value for us, representing a commitment to setting a positive example, inspiring others, and fostering innovation to address water management challenges and drive progress in our community.
  3. **Professionalism:** We maintain the highest standards of competence, ethics, and integrity in our actions, delivering water services with accountability and respect for the community, ensuring professionalism and expertise in every operation.
  4. **Service:** We ensure access to clean, reliable water and cultivate a positive, supportive, and respectful environment for our staff, recognizing that community well-being and employee satisfaction are integral to achieving our mission.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.040 – Authority, Role of the Board of Directors, and General Guidelines

- A. **Authority** – The District is an independent public agency, which provides water service to the land and inhabitants within its boundaries. The District operates under the authority of the County Water District Law, Division 12 of the California Water Code, commencing with Section 30000. The District is governed by an elected Board of Directors (“Board”) which has the authority to oversee the business and affairs of the District. The Board is authorized to delegate some of those powers. The Board has the power to employ and set terms and conditions for employment of the General Manager, who in turn has been delegated management authority over District employees.

In order for the Board to function in an effective manner, it is important that Directors understand their respective roles and relationship to other members of the Board and to staff. This also requires an understanding of the performance expectations necessary to carry out the duties of a Board member.

The officers of the Board consist of the President and Vice-President. Board members who wish to take on a leadership role with the Board are strongly encouraged to complete the CSDA Leadership Academy and/or any other Leadership program.

The General Manager of the District also serves as the Secretary of the Board. Officers of the District are appointed by the Board annually or as otherwise may be determined by the Board.

- B. Responsibilities of Office – Elected officials and appointed officials hold office for the benefit of the public and are bound to uphold the Constitution and laws of the United States and the State of California, and local public laws, and to foster respect for all levels of government. They are bound to observe and comply with both the letter and the spirit of the law in their official acts, the highest standards of morality and honesty and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in both their official and private affairs should be above reproach at all times. Signed copies of the Oath of Office taken by each Board Member and the General Manager are included in the Board of Directors Handbook.

District officials should never exceed their authority, violate the law or ask others to do so. They should work in full cooperation with other public officials and employees unless prohibited from doing so by law or by legally required or recommended confidentiality of their responsibilities or work.

As State law requires, no one who holds office, or who is seeking election or appointment to any office or employment with the District shall, directly or indirectly, use, promise, threaten, or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the State or the District, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used on behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition of consideration. This prohibition shall apply to urging or discouraging an individual employee's action inconsistent with the policies established herein, or the employee's terms or conditions of employment or the law.

- C. Role of the Board – The primary role of the Board of Directors is to establish policies that guide and direct activities of the District in fulfilling its mission. The decisions and actions of the Board constitute the “policy or action” of the Board and shall recognize the actions of the Board even when there may be opinions that differ from the majority opinion or action.

The Board has three (3) major responsibilities:

1. Promote the best interests of the District's customers by establishing policies that support the Board's vision and core values for the District and by ensuring the implementation of those policies. Policies include the governing principles, plans,

and approved actions of the organization. Policy-making is the process of visionary planning and should reflect the broadest possible principles and provide parameters within which staff can operate. Policy-making sets the overall direction for the District.

2. Assure the fiscal health of the District. The Board establishes policies that ensure fiscal stability and the effective use of funds. In order to achieve this, each fiscal year the Board adopts a budget covering the anticipated revenues and expenditures of the District. Additionally, the Board annually adopts and monitors cash reserves and investment policies.
3. Hire a General Manager to manage the day-to-day operations of the District. The Board holds the General Manager accountable for the effective operational management of the District. It also has a responsibility to properly evaluate the General Manager on an annual basis.

#### D. Best Practices General Guidelines

1. The Board of Directors provides policy direction and leadership for the District.
2. The Board is responsible for ensuring that the District is an innovative and well-managed agency.
3. The Board exercises authority only as the governing body of the District, and not as individuals.
4. The Board understands and provides leadership in regional, state and national issues affecting the operation and management of the District. The General Manager supports the Board as needed or required.
5. The Board respects the role of constituents in the governance of the District, encourages their participation and consults with key stakeholders when and where appropriate.
6. The Board recognizes and respects the distinctions between its policy-setting role and the day-to-day implementation of Board policy by staff. The Board does not direct the activities of staff, and communicates issues or concerns through the General Manager.
7. Board members are official representatives of the District and represent the District in various community and water industry events.
8. Board members model the highest levels of ethical and professional behavior as public officials and representatives of the District.
9. Board members maintain a high level of communication with the General Manager and notify the General Manager of their availability or unavailability in a timely manner. Board members inform the General Manager of any specific information related to the District's business that they want to receive from outside agencies or organizations, and are provided such information in a timely manner.

10. Board members may request information from the General Manager. The General Manager shall advise the Board if the requested information should be placed on the Board meeting agenda or the appropriate committee agenda to effect a policy change, or approve an expenditure of public funds.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.050 – Role and Responsibility of the President and Vice-President of the Board of Directors

### A. President of the Board

1. The President of the Board of Directors is selected annually, at the end of the calendar year, by a majority vote of the Board, unless otherwise modified by the Board.
2. The President is the head of the Board.
3. The President chairs the meetings of the Board, calls the meeting to order, presides over Board meetings, including the conduct of the Board and those in attendance, entertains and repeats motions properly before the Board, puts motions to a vote, and announces the results of votes taken by the Board.
4. The President votes with the Board members.
5. Each President's individual style is unique. Diversity is encouraged.
6. The President acts as the ceremonial head or representative of the District at various civic functions. In his/her absence, the Vice-President or other shall fulfill the President's role. If both the Board President and Vice President are unavailable, the Board President may designate a Board Member to represent the District.
7. The President is the designated spokesperson for the Board to the general public. The President may elect to appoint one of the other Board members to serve in this capacity.
8. The President acts as the signatory on all documents requiring execution by the Board.
9. The President is responsible for making appointments to Ad Hoc Board Committees and terminates the role and function of Ad Hoc committees as necessary.
10. To the extent possible, the President advises the Board of any formal or informal communication and correspondence sent or received by the President, regarding District business.
11. The President regularly communicates with the General Manager and keeps other Board members fully informed on matters of District business at the next Board Meeting in compliance with the Brown Act.

12. The President provides guidance to the Board fairly and impartially in the conduct of official business before the Board of Directors.
  13. The President personally addresses issues which may rise between and among members of the Board. Individual Directors or the General Manager may inform the President of any issue or concern brought to their attention related to the performance of any other member of the Board.
  14. The President is responsible for ensuring decorum at Board meetings and that they are conducted in an orderly, professional and respectful manor.
- B. Vice-President of the Board
1. The Vice-President of the Board of Directors is selected annually at the end of the calendar year, by a majority vote of the Board, unless otherwise modified by the Board.
  2. The Vice-President has no rights or authority different from any other member of the Board.
  3. In the event the position of the President is vacated prior to the expiration of the term, the Vice-President becomes the President for the remaining term, unless otherwise directed by the Board.
  4. In the event of an early vacancy in the position of Vice-President, the Board determines, by vote, a replacement for the remaining term.
  5. The Vice-President serves in the capacity of the President of the Board of Directors, pro tem, in his/her absence.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.060 – Principles of Behavior and Performance Expectations of the Board of Directors

- A. The Board and the General Manager act as a participatory team with respect to all of the District's functions. It is critical that Board members maintain informal and professional relationships with one another, and with the General Manager.
- B. The Board values a visionary, constructive, high-energy work environment, and the District, and its constituents benefit from that environment.
- C. Board members are representatives of the District's culture and core values at all times. As ambassadors, they lead by example in their interactions with one another and members of the public, and their behavior should be representative of the organization's values.
- D. The Board values open and honest communication, with open agendas. Board members communicate concerns and address those concerns, including controversial issues, in a timely, professional and appropriate manner in order to maintain a constructive functional relationship.

- E. Board members are knowledgeable and supportive of District policies and procedures, including rules and regulations governing communications among Board members, which include electronic, written and verbal communications.
- F. The Board works for the common good of its customers and stakeholders and not for any private or personal interest. Board members are trained and knowledgeable of conflict of interest requirements for holding public office. The Board receives regular training on conflicts of interest and their financial interest reporting requirements under state law.
- G. Board members always come to Board meetings prepared and are responsible for initiating resolutions. The Board and General Manager observe the “no surprises rule.” Issues are not used to surprise, embarrass or unduly draw attention to individual agendas or issues. The General Manager shall inform the Board President (and legal counsel where appropriate) of important issues that arise after the posting of the agenda.
- H. Board members practice continued professional development in their role as Directors of the District.
- I. Board members are respectful and considerate of each other, the General Manager and the District’s staff, as well as Board traditions. Every effort will be taken to foster a professional working relationship and refrain from personal attacks against one another and staff. This cooperative and respectful relationship extends to behaviors and actions by Board members within the community and away from an official public function or meeting.
- J. Board members should never exceed their authority or breach the law or ask others to do so.
- K. Board members conduct themselves in a professional manner modeling and enforcing the values of the organization as a “best of class” agency.

(Res. No. 2024-09, 5-20-2024)

## **Section 2.04.070 – Board of Directors’ Interaction and Communication**

- A. Board members maintain informal and professional relationships with each other.
- B. Board members will direct comments to the merits of issues and items before them through the Board President, while refraining from personal attacks against other Board Members, the General Manager, members of the public and District staff. If a Board member has a grievance with another Board member, he/she should first discuss it privately with that person. This should always be done in compliance with the Brown Act. If the matter is unresolved, the Board member should go to the General Manager and the General Manager shall work with Legal Counsel informally in an attempt to resolve the matter.
- C. Board members are representatives of the District’s culture and core values at all times, and lead by example in their interactions with others. Board Members should be accurate

and truthful in their communications with other members of the Board, the General Manager and the Public.

- D. Board members are responsible for being familiar with and knowledgeable of the District's travel and expense reporting policies for Board members. All expenses, travel, meals and meetings attended by Board members at District expense should be for District benefit and accurately reported when reimbursement is sought.
- E. When attending meetings or conferences, Board members are ambassadors and representatives of the District and should conduct themselves professionally.
- F. Board members shall not request the use of, use or permit others to use District-owned vehicles, equipment, materials, personnel or property for personal convenience or profit, except when such services are available to the public generally, or provided as a District policy for use of such official in the conduct of official business or otherwise as set by District policy.
- G. Board members are aware of the rules governing communication among themselves and others in compliance with the California Open Meetings Law (also known as the Brown Act). This includes communications by electronic, written and verbal means and methods, and through an intermediary. Board members receive regular training regarding the requirements of the Brown Act, the Political Reform Act (conflict of interest laws), and the Public Records Act.
- H. Board members shall be fair, accurate, and truthful when communicating with the general public and using social media regarding District issues, activities, and business.
- I. Board members function as a team to further the interests of the District and the members of the public it serves.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.080 – Role of the General Manager, Board Interaction with Staff, and Role of District Legal Counsel

- A. Role of the General Manager – One of the most important decisions the Board of Directors makes is the selection of a General Manager. The Board must be able to support the decisions of the General Manager and grant him/her the authority to manage and lead the District. The General Manager is the only employee and agent of the Board, and the individual to whom the Board delegates its authority to manage and administer the District's daily operations in accordance with policies approved by the Board. This position is important because to be successful, the District requires leadership and vision from its General Manager. The General Manager has two primary roles: as chief executive officer charged with the administration of the District's business, and as advisor or counselor to the Board on matters related to the fulfillment of their duties. The General Manager represents the District to its many constituencies.

The success of the relationship between the Board of Directors and the General Manager depends on a shared sense of purpose or vision, open and honest communication, and mutual support for their respective roles. Both parties must also understand that the relationship itself is paradoxical, with inherent tensions. The General Manager is charged with carrying out Board policy directives, and at the same time, looks to the Board for guidance and leadership.

It is the General Manager's responsibility to ensure that the Board members have the information needed to make informed decisions. The General Manager promptly alerts Board Members to problems and issues to prevent surprises or misinformation. Board members expect the General Manager to make recommendations on issues before the Board.

B. Board Interaction with the General Manager

1. The General Manager recommends annual goals, which are approved by the Board of Directors as a part of the General Manager performance review process.
2. The Board provides the General Manager with constructive feedback on his/her performance annually, in a written evaluation.
3. Board members are encouraged to contact the General Manager about any subject related to the operations of the District. Similarly, the General Manager may discuss District-related issues with any Board member, in compliance with the Brown Act.
4. The Board's concerns regarding overall District operations, specific issues or problems with District staff are addressed through the General Manager.
5. The General Manager is charged with handling internal District matters, including matters regarding District personnel.
6. Allegations against the General Manager shall be directed to Legal Counsel for further action.
7. The General Manager keeps the Board apprised of matters affecting the District.
8. Board members are encouraged to advise the General Manager or his designate when they will be unavailable to carry out their duties as Directors, or out of town.

C. Board Interaction with Staff – Board members shall not direct staff to take or refrain from taking a particular action related to District operations. Requests for staff time or assistance are made only through the General Manager.

Conducting the business of the District at official meetings of the Board should be done efficiently and professionally. Board members are encouraged to make every effort to contact the General Manager prior to a board meeting regarding questions related to agenda items so that the General Manager can provide the most accurate and prepared response.

D. Role of District's Legal Counsel



1. The District's legal counsel (Legal Counsel) represents the District as an entity and works in collaboration with the Board and General Manager, but does not represent individual Board members or the General Manager.
2. Legal Counsel's primary day-to-day point of contact is the General Manager.
3. Legal Counsel, as needed, consults with the Board and the General Manager on items of concern related to any facet of District operations.
4. Legal Counsel reviews all Board agendas, and is present in closed sessions where litigation and/or District liability will be discussed.
5. When it is in the best interests of the District to retain specialized legal advice in addition to that provided by the District's Legal Counsel, the General Manager and Legal Counsel will coordinate and oversee the special counsel work as appropriate.
6. Legal Counsel is pro-active in informing and protecting the District and the Board from any potential violations and conflicts that may arise in the performance of their duties. Board members should contact Legal Counsel in advance of meetings to discuss any legal concerns or seek advice regarding conflict of interest issues.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.090 – Customer and Public Communications

- A. Board members represent the District and its customers in a manner that best reflects the professional standards, values and mission of the District.
- B. Customer concerns and inquiries, including those generated through social media or electronic format, are referred to the General Manager or his/her designated staff member.
- C. The General Manager will provide the Board with a written or verbal report of customer concerns or inquiries that cannot be handled routinely, along with any response made by staff to the concern or inquiry.
- D. Customer inquiries at official meetings of the Board should be directed by the Board President to the General Manager for response.
- E. The Board is informed by the General Manager of significant, sensitive, urgent and/or repetitive communication inquiries. The General Manager will oversee any appropriate recommended follow-up and response.
- F. Board members refer responses and inquiries regarding customer concerns to the General Manager.
- G. Information or an action that may have the potential to expose the District to liability and possible legal action will be shared with the General Manager and legal counsel followed by the Board at a noticed, closed session meeting of the Board of Directors.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.100 – Conduct of Meetings of the Board of Directors

### A. General Guidelines for Conduct of Board Meetings – Rosenberg’s Rules of Order

1. All noticed meetings are conducted using Rosenberg’s Rules of Order (“Rosenberg’s Rules”) as a procedural guideline. Rosenberg’s Rules are intended to provide for constructive and efficient conduct of meetings.
2. Meetings of the Board are called, posted and conducted in accordance with the Open Meetings Law (“Brown Act”). A quorum of the Board must be present for a meeting to be held or decisions made.
3. The General Manager is responsible for setting the agenda for all Board meetings, in consultation with the Board President and Legal Counsel. Any Director may request that an item be placed on the agenda by request to the General Manager and President of the Board. Where appropriate, a requested item may be referred By the General Manager or Board President to a Board committee for study, review, decision or referral to the Board for determination.
4. The General Manager confers with the President of the Board regarding, and reviews agendas for upcoming meetings, prior to posting.
5. The General Manager informs the Board of significant items that will be placed on future agendas for Board consideration and/or decision.
6. Directors should refrain from responding directly to public comments at meetings of the Board. The Board President will refer matters raised by public comments to the General Manager for follow-up, as appropriate. Directors may briefly ask clarifying questions. Occasionally, a prompt response may be offered when an obvious answer or resolution is available, provided this is done in compliance with the Brown Act. Directors should refrain from debating or making decisions in response to public comments.
7. The President of the Board presides at all meetings, and decides all points of order and procedure during meetings. The President is responsible for the maintenance of order and decorum at all Board meetings. No person should be allowed to speak who has not first been recognized by the President. All questions and remarks should be addressed to the President as the presiding officer. No member of the Board should speak more than once upon any one subject until every other member of the Board wishing to speak on the subject shall have been given the opportunity to speak. No Board member shall interfere with the orderly progress of a Board meeting. The President will entertain a motion on any item on the Board agenda. Members of the public shall be given three minutes to speak on agenda items. In order to ensure the orderly progress of Board meetings, the Board President regulates the amount of time to be dedicated to a particular agenda item.
8. Each Director may be allowed to make technical points or ask clarifying questions prior to the making of a motion.

9. A roll call vote on any item may be requested by a Director, at the discretion of the President. The results of the roll call vote shall be recorded in the minutes of the action taken. Roll call votes are encouraged in connection with resolutions, ordinances and action after a public hearing.
10. The Board works diligently to achieve a common understanding of all action items. At the request of a Director, and the discretion of the President, an item on which unanimity may not be achieved may be referred to a committee to consider a resolution of the issue prior to a vote.
11. Once an agenda item has been approved by the Board of Directors, the disposition is considered the “action” of the Board, recognized by the individual members as the decision of the District. Board members shall at all times respect the will of the majority on matters properly before and acted upon by the Board.

B. Consent Agenda

1. The District utilizes a Consent Agenda to approve routine business matters, such as minutes, operational production reports, project status reports, cash reports and approval of previously approved budgetary items.
2. If a Director has a question on a Consent Agenda item, he/she is encouraged to contact the General Manager for clarification prior to the meeting, rather than having it pulled for separate discussion during the meeting.
3. Items may be pulled from the Consent Agenda for a separate vote, upon approval of the President of the Board. The balance of the Consent Agenda shall be voted on prior to consideration of any item pulled for separate vote.

- C. Closed Session – All Closed Session discussions and materials are considered legal and confidential information, and as such, shall not be shared or distributed outside the Closed Session unless reportable action has been taken, in which case Legal Counsel will make any required report of action taken, in open session. All Closed Sessions are conducted in accordance with the Brown Act. Documents shared in closed session shall not to be distributed or disclosed outside of Closed Session without clear authorization from Legal Counsel and the General Manager. This prohibition applies also to disclosure of confidential information to representatives of other agencies and/or the media.

Closed Sessions may be held at times other than the regular meetings of the Board of Directors so long as the meeting is posted pursuant to all applicable requirements of the Brown Act.

A Board Member should refer requests for information regarding Closed Session items to the General Manager who, in consultation with Legal Counsel, will provide an appropriate response.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.110 – Roles and Responsibility of Standing Committees and Special Meetings

- A. Committees of the Board of Directors, including Standing and Ad Hoc Committees, are given authority to obtain more information, investigate, and provide reports or recommendations to the full Board. The committee format allows the Board to conduct its business more efficiently.
- B. Standing Committees are established, and may be renamed or have their functions changed or terminated, by the Board. Standing Committees consist of two Board members, one of whom may be appointed as the Committee Chair. Standing Committee meetings are open to the public and subject to provisions of the Brown Act. Other Board members may attend Standing Committee meetings, but may not participate in the meetings.
- C. Staff, at the direction of the General Manager, may provide support for Standing Committees by preparing agendas, staff reports, distributing materials, and performing other administrative functions as directed and approved by the General Manager. Standing Committee members may request staff assistance only through the General Manager.
- D. Ad Hoc Committees are established for a limited purpose and duration, usually to review and report to the Board on an item of special but limited interest. Members of Ad Hoc Committees are appointed and serve at the pleasure of the President of the Board, and their terms expire upon completion of the project or issue for which the Committee was formed or at the recommendation of the Board President.
- E. Copies of Committee agendas are made available to the entire Board. If members of Committee are in disagreement on a recommendation, the issue may be brought to the full Board for consideration.

(Res. No. 2024-09, 5-20-2024)

## Section 2.04.120 – Complaint Resolution Procedures

- A. General Guidelines for Complaint Resolution Procedures – The Board Handbook establishes standards of performance and expectations for governance for members of the Board of Directors. The District's core values of Professionalism, Accountability, Respect, Integrity, Servant Attitude, Excellence, and Stewardship define the performance expectations for Board members and staff. As adopted, the Board Handbook is the policy of the Board related to the standards and performance expectations contained therein.

It is intended that the standards of conduct established in this Board Handbook be self-enforcing by the Board and its members. However, the Board recognizes that there may be instances where even after receiving guidance and counsel to resolve unintentional (or intentional) violation, a party may continue to violate the provisions hereof, or an individual's repeated or egregious disregard and conscious intent to violate the agreed-

upon standards of conduct are clearly demonstrated. In those cases, sanctions may apply and would occur in a public meeting. In the event that members of the Board breach this policy or any other applicable state, local or federal law, they may be subject to sanction or disciplinary action by the Board as outlined below.

- B. Informal Sanction – Admonishment – Admonishment is the least severe form of sanction or disciplinary action. A verbal or written admonishment may be directed to a Board member, reminding him or her that a particular type of behavior is in violation of this Board Handbook, District policy or law, and that, if it is found to have occurred, or is repeated, could subject the Board member to censure, the most severe disciplinary action.

An admonishment may be issued in response to a particular alleged action or actions. An admonishment may be issued by the Board prior to any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegations are true.

An admonishment should be directed to a particular member or members of the Board based on a particular action (or set of actions) that has been determined by the Board to be in violation of District policy or law but is considered by the Board to not be sufficiently serious to require censure or other form of disciplinary action.

An admonishment may be issued upon the Board's review and consideration of a written or verbal allegation of a Handbook or policy violation. The member accused of such violation shall be entitled to notice of the allegation and will have an opportunity to provide a written or verbal response to the allegation prior to any action by the Board. A sanction may be issued by the Board of Directors and because it is not punishment or discipline, would not necessarily require an investigation or separate hearings.

- C. Formal Sanction or Censure – Before the imposition of any formal sanction, the accused shall be entitled to a formal investigation, notice of the allegation, and opportunity to respond.
- D. Investigative Process – All complaints regarding Board member conduct shall be filed with the General Manager. Once the complaint is filed, the General Manager shall convene a meeting with the complainant, accused, and the District's Legal Counsel. Each allegation shall be considered in a manner that is fair to all parties involved in the allegation(s), ensuring that due process is respected and provided. This will include allowing all members of the Board named in the allegation(s) an opportunity to consider and respond to the allegation(s).

If the General Manager and Board President determines that it is warranted, the complaint may be referred to the appropriate enforcement authority or authorities for investigation. If the complaint has merit, a report of the findings along with the accused individual's defense is presented to the Board of Directors for majority action. If there is no merit, the matter is disposed of.

When the Board of Directors decides, based on findings of the investigation and the accused individual's defense, that a violation has occurred, the Board may decide, by resolution, take the further disciplinary action including censure.

- E. Censure – Censure is the most severe form of action contemplated in this Board Handbook. Censure is a formal statement of the Board of Directors officially reprimanding one or more of its members. It is punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the Board member as an elected official. Censure should be used only where the Board of Directors has determined that the violation of policy is a serious offense.

Any member of the Board of Directors who fails to comply with the terms of this Handbook, a Board or District policy or any applicable law or regulation is subject to censure by a majority vote of the Board. Censure by a majority vote of the Board may include revocation of appointment(s) to Standing Committees, Ad Hoc Committees or outside organizations. Examples of other punitive action that may be considered with censure include, but are not limited to, the following: issuance of an official letter of censure or reprimand, including denial of paid attendance at and travel to and from said functions or events not considered necessary to the censured Director's role as an elected official. The Board of Directors reserves the right to establish an ad hoc committee to:

1. Investigate and review allegations of unethical conduct, unlawful conduct or conduct that violates the terms of this Handbook, a Board or District policy or any applicable law or regulation; and
2. Make recommendations to the full Board for censure and/or discipline, as the majority of the Board deems appropriate.

(Res. No. 2024-09, 5-20-2024)

### **Section 2.04.130 – Commitment to Board of Directors' Best Practices**

As a member of the Mission Springs Water District Board of Directors, I have read the Board of Directors Handbook, and understand the expectations placed on me as an elected official and representative of the District. I am committed to upholding the public trust and representing the best interests of the District and its customers, by complying with the Board Handbook. By signing this letter commitment to Board of Directors Best Practices, I am pledging to comply with the terms of the Board of Directors Handbook, Board and District policies and all applicable laws and regulations. I further commit to conduct myself professionally as a Board Member and to carry out my duties with integrity and competence, which may be above and beyond what may otherwise be required by law, including but not limited to the following:

- A. I shall help create and maintain an atmosphere of professionalism, respect and civility where individual Directors, District staff and the public are free to express their ideas and strive to work together to their full potential.

- B. I shall conduct my personal business and public affairs with honesty, accuracy, integrity, fairness and respect for others.
- C. I shall keep the common good of the Mission Springs Water District and those it serves as my highest priority and focus on achieving constructive solutions for the benefit of the District and the public.
- D. I shall avoid and discourage conduct which is harmful to the best interests of the Mission Springs Water District.
- E. I shall respect the decisions of the Board of Directors, acting through its majority, including its policies and procedures, and avoid utilizing the District's financial resources in a wasteful manner.
- F. I shall not interfere with the orderly progress of District Board meetings or the meetings of its committees;
- G. I shall not interfere with the execution by the General Manager of his/her powers and duties or give direction, assignments or orders to his/her staff without the General Manager's prior consent;
- H. I shall be accurate and truthful when communicating as a Board Member of the District, including communications about District issues, activities and/or business;
- I. I shall treat all people with whom I come into contact in a professional and respectful manner and consistent with the way I wish to be treated by others.

(Res. No. 2024-09, 5-20-2024)