

RESOLUTION NO. 2024-24

A RESOLUTION TO THE BOARD OF DIRECTORS OF MISSION SPRINGS WATER DISTRICT AMENDING CERTAIN PROVISIONS OF TITLES 1, 2 AND 3 OF THE ADMINISTRATIVE CODE

WHEREAS, pursuant to its authority granted by County Water District Law (California Water Code §§ 30000, et seq.), the Board of Directors adopted its Administrative Code on July 15, 2024; and

WHEREAS, the Board of Directors wishes to amend certain portions of that Code.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of Mission Springs Water District as follows:

SECTION 1. On July 15, 2024, the Board of Directors adopted Resolution No. 2024-20, rescinding Resolution 2022-19 and amending the Mission Springs Water District Conflict of Interest Code, Codified at Administrative Code Section 1.02. Pursuant thereto, Administrative Code section 1.02 is amended to read as follows:

Section 1.02.010 – Adoption of Code by Reference

The Political Reform Act (“Act”) (Government Code Section 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“Commission”) has adopted a regulation (California Code of Regulations Section 18730 “Conflicts Code Regulation”) which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Commission to conform to amendments in the Act.

The terms of the Conflicts Code Regulation and any amendments to it duly adopted by the Commission are hereby incorporated by reference. This regulation and the attached Appendices “A” and “B” designating officials and employees and establishing disclosure categories, shall constitute the Conflict of Interest Code (“Code”) for the Mission Springs Water District (“District”)

Section 1.02.020 – Place of Filing

Designated employees shall file a statement of economic interests with the Secretary to the Board of Directors of the District (“Board”). Upon receipt of the statements of the Board, the Secretary to the Board shall make and retain a copy of the statements and forward the original statements to the County of Riverside. Statements for all other designated employees shall be delivered to the Secretary to the Board and retained by the District.

Section 1.02.030 – Violations

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, criminal and civil sanctions provided in the Act, as it may be amended from time to time.

Section 1.02.040 – Designated Filers and Disclosure Categories

A. Director of Operations	All (1-3)
B. Assistant General Manager	All (1-3)
C. Engineering Manager	All (1-3)
D. Human Resources Manager	All (1-3)
E. Legal Counsel	All (1-3)
F. Consultants	See below

Section 1.02.050 – Officials Who Manage Public Investments

- A. It has been determined that the positions listed below manage public investments and shall file a Statement of Economic Interests pursuant to Government Code Section 87200:
 - 1. Board of Directors
 - 2. General Manager
 - 3. Director of Finance
- B. Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitations:
 - 1. The General Manager may determine in writing that a particular consultant, although a “designated position”, is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determinations shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.
 - 2. The designated position of Consultants includes special legal counsel retained by the District as a position subject to the foregoing specialized disclosure category.

Section 1.02.060 – Disclosure Categories

- A. This Code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200. Such persons are covered by this Code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Sections 1.02.040 and 1.02.050 specify which kinds of financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in Sections 1.02.040 and 1.02.050. It has been determined that the

financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

- B. The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property, which the designated employee must disclose for each disclosure category to which he or she is assigned.
1. Category 1: Interest in real property.
 2. Category 2: All investments and business positions in any business entity and income from any sources which are (1) a private water company; or (2) an entity or person engaged in farming or real estate development or an owner of real property.
 3. Category 3: Investment and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery, or equipment of the type utilized by the District.

SECTION 2. Resolution No. 86-3, codified at Administrative Code section 2.01.030 is hereby amended to read as follows:

Section 2.01.030 – Smoking/Vaping Prohibited

Smoking or vaping of any kind (including but not limited to tobacco and/or cannabis products) on District property, and within twenty (20) feet of any District building/structure is prohibited, including within the Board Room or in any District building.

SECTION 3. Resolution No. 88-20, codified at Administrative Code § 2.01.040 is hereby amended to read as follows:

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.

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, and 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.

SECTION 4. Resolution No. 37-1971, codified at Administrative Code section 2.03.020, is hereby amended to read as follows:

Section 2.03.020 – Manner of Calling Special Meetings

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 providing notice in accordance with the provisions of the Ralph M. Brown Act (the "Brown Act") for such special meetings, as may be amended from time to time. Such notice must be delivered 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.

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 in accordance with the Brown Act. Such written notice may also be dispensed with as to any director who is actually present at the meeting at the time it convenes.

SECTION 5. Resolution No. 2024-09, the Board of Directors Handbook “Executive Summary,” codified at Administrative Code section 2.04.020 is hereby amended to read as follows:

Section 2.04.020 – Executive Summary

The District’s core values of Accountability, Leadership, Professionalism and Service are the foundation for 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

SECTION 6. The Mission Springs Personnel Rules and Regulations, Rule 8 “No Smoking Policy,” codified as Administrative Code section 3.01.080 is hereby amended to read as follows:

Section 3.01.080 – No Smoking Policy (Rule 8)

Smoking or vaping of any kind is prohibited in District vehicles, and within twenty (20) feet of any District building/structure. Employees shall be especially attentive to the sensitivities of the public and fellow employees who may object to smoking/vaping. Management reserves the right to limit employees from leaving their work area to smoke/vaping except at break and lunch time. However, employees should use reason and discretion in the frequency of leaving the work area to smoke/vape.

It is also a violation of California law for any person to smoke in a vehicle where minors are present. As such, any employee who smokes in a District vehicle while a minor is present may also be subject to criminal liability.

ADOPTED this _____ day of August, 2024, by the following vote:

Ayes:

Noes:

Abstain:

Ivan Sewell

President of Mission Springs Water District
and its Board of Directors

ATTEST:

Brian Macy

Secretary of Mission Springs Water District
and its Board of Directors