

**EAST KERN HEALTH CARE DISTRICT
ADMINISTRATIVE CODE**

Resolution No. 2019-10-01

Adopted October 1, 2019

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ADMINISTRATIVE CODE

EAST KERN HEALTH CARE DISTRICT

TITLE 1. PRELIMINARY

Chapter 1. Adoption of Code

1-1.001 PURPOSE

This Code provides the Board and staff with instructions and policy to implement the Health Care District Law.

1-1.002 TITLE

This Code shall be known as the East Kern Health Care District Administrative Code and may be referenced as the Administrative Code or Code.

1-1.003 SCOPE

This Code consists of the regulatory, penal and administrative laws of general application of District, codified pursuant to the authority of The Local Health Care District Law.

1-1.004 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS

The adoption of this Code or the repeal of a resolution by this Code shall not affect:

- (a) The prosecution for violations of resolutions committed prior to the effective date of this Code;
- (b) Any fee or penalty due and unpaid under such resolutions;
- (c) The validity of a bond required to be posted, filed, or deposited pursuant to any resolution;
- (d) Vested rights and obligations pertaining to such resolutions; or
- (e) Deposits or other matters of record referring to resolutions and not included within this Code.

1-1.005 MAINTENANCE OF CODE

- (a) At least three certified copies of this Code shall be maintained on file in the District's offices as the official copies of this Code. Additional copies of this Code shall be distributed as directed by the General Manager.
- (b) Each resolution making a change in this Code shall be filed by the General Manager in books for such purpose, properly indexed for ready reference.
- (c) At least annually, and no later than September 31st of each year, the General Manager shall reproduce and distribute loose-leaf pages of this Code in which changes have been made with a notation as to the resolution number and date on which such change is adopted.

Chapter 2. Rules of Construction

1-2.001 SCOPE

Unless this Code indicates to the contrary, the general provisions, rules of construction, and definitions set forth in this Chapter govern the construction of this Code.

1-2.002 CONSTRUCTION

When this Code or other matter adopted by reference refers to an officer, employee, or other function, such references shall be to the appropriate or designated officer, employee, or function of this agency.

1-2.003 STATEMENTS AND CONTINUATIONS

This Code insofar as it is substantially the same as existing resolutions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

1-2.004 EFFECT OF HEADINGS

Title, Chapter, and Section headings shall not govern, limit or modify the scope, meaning, or intent of this Code.

1-2.005 REFERENCES TO ACTS OR OMISSIONS WITHIN THE DISTRICT

This Code refers only to the omission or commission of acts over which the agency has jurisdiction or control by virtue of the Constitution, any law, or by reason of ownership or control of property.

1-2.006 TENURE OF OFFICERS

Persons holding office under a resolution repealed by this Code shall continue to hold such offices in accordance with the tenure originally granted to such persons.

1-2.007 ACTS BY DEPUTIES

When a power is granted to, or a duty is imposed on an officer, the power may be exercised, or the duty may be performed by a deputy of such officer.

1-2.008 REFERENCES TO ORDINANCES OR RESOLUTIONS

When a reference is made to an ordinance or resolution, the reference is to an ordinance or resolution of this agency. Whenever a reference is made to a portion of this Code, or to an ordinance or resolution, the reference shall apply to amendments and additions.

1-2.009 NOTICES

- (a) When a notice is required to be given, such notice may be given by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person at last known business or residence address as the same appears in the records pertaining to the matter to which the notice is directed. Service by mail shall be deemed to have been completed when the notice is deposited in the post office.
- (b) Proof of giving any notice may be made by the certificate or the affidavit of a person over the age of 18 years, showing service in conformity with this Code or other applicable law.

1-2.010 SEVERABILITY

If a Section, Sub-section, sentence, clause or phrase of this Code is held invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Code.

1-2.011 STATUTE OF LIMITATIONS

When a limitation or a period of time prescribed in an existing ordinance, resolution, or statute for acquiring a right or a remedy has begun to run before this Code goes into effect, the time already run shall be deemed a part of the time prescribed as such limitation.

1-2.012 DEFINITIONS

Certain words and phrases used in this Code are defined as follows:

- (a) "Board" refers to the governing board of the District.
- (b) "Director" refers to a member of the Board.
- (c) "District" refers to East Kern Health Care District.
- (d) "Employee" refers to a District employee. An officer is not an employee.
- (e) "General Manager" refers to the chief executive officer of the District.
- (f) "Member" shall be one of the five (5) board member representatives or alternates serving on behalf of an absent Board Member.
- (g) "Officer" refers to a District officer. An employee is not an officer.
- (h) "President" refers to the presiding officer of the Board.
- (i) "Quarterly" where used to designate a period of time, shall mean the first three calendar months of any given year or any succeeding period of three calendar months.
- (j) "Secretary" refers to the Secretary to the Board.
- (k) "Treasurer" refers to the Treasurer of the District.
- (l) "Vice President" refers to the Vice President of the Board.

Chapter 3. Other Matters

1-3.001 DISTRICT HOLIDAYS

(a) The District office is closed on the following holidays:

- New Year's Day (January 1st);
- Martin Luther King's Day (The third Monday in January);
- President's Day (The third Monday in February);
- Memorial Day (The last Monday in May);
- Independence Day (July 4th);
- Labor Day (The first Monday in September);
- Veteran's Day (November 11);
- Thanksgiving and the day after;
- Christmas Day (December 25); and
- Other days designated by the Board.

(b) If a holiday falls on a Sunday, the following Monday shall be observed. If a holiday falls on a Saturday, the preceding business day shall be observed.

1-3.002 ETHICAL BEHAVIOR¹

Officers and employees shall disclose potential conflicts of interest and shall not participate in decisions which could have a reasonably foreseeable material financial effect on one or more of their economic interests.

1-3.003 CONFLICTS OF INTEREST DISCLOSURE

The model Conflicts of Interest Code of the Fair Political Practices Commission (FPPC), as from time-to-time amended, is adopted by the District.

1-3.004 DISCLOSURE CATEGORIES

The conflict of interest disclosure categories established by the FPPC, as from time-to-time amended, are adopted.

1-3.005 DESIGNATED EMPLOYEES

The General Manager, Directors, Treasurer and District Counsel are designated employees, as defined by the Political Reform Act. They shall disclose financial interests for all disclosure categories.

Consultants, as defined by the Political Reform Act, shall disclose financial interest for disclosure categories affecting their interests as determined by the General Manager.

¹ Amended per Reso. 2016-11-01 on Nov. 1, 2016.

1-3.006 FILING OF DISCLOSURE STATEMENTS

- (a) Designated employees shall file disclosure statements on forms designated by the FPPC.
- (b) Copies of the disclosure statements of Directors shall be filed with the Clerk of the Board of Supervisors. Other statements shall be filed with the General Manager and kept on file with the District.

1-3.007 INCOMPATIBLE OFFICES

No officer shall hold another public office incompatible with District office. No full-time officer or employee shall be employed elsewhere without the consent of the General Manager. The General Manager shall not be employed elsewhere without the consent of the Board.

1-3.008 NEPOTISM

No officer or employee shall supervise another person related by blood or marriage.

TITLE 2. PERSONNEL

Chapter 1. Board of Directors

Article 1. General

2-1.101 GENERAL

The Board shall establish policies and determine whether the General Manager is implementing policies. The Board is not responsible for the day-to-day management or operations.

2-1.102 RELATIONSHIP AMONG DIRECTORS

A quorum of the Board shall not discuss the business of the District directly, seriatim or through an intermediary except at a public meeting. A quorum of the Board may discuss the time, place and agenda for a meeting at any time. Less than a quorum of the Board (but not a committee) may discuss District business at any time.

2-1.103 RELATIONSHIP WITH OFFICERS AND EMPLOYEES

- (a) The Board and individual Directors may question the General Manager with respect to the development and implementation of District policy. The Board, but not the individual Directors, may direct the General Manager with respect to the development and implementation of District policy.
- (b) The Board and individual Directors are discouraged from dealing directly with any employee. Such contact shall be reported by the Director to the Board.

Article 2. Organization and Board Officers

2-1.201 GENERAL

The Board is organized as set forth in this Article.

2-1.202 OFFICERS OF THE BOARD

The President and Vice President shall be appointed by the Board from its members at the first meeting in the month of January of each year. A Secretary and Treasurer shall be appointed by the Board at the same time as the President and Vice-President but the Secretary and Treasurer need not be members of the Board.

2-1.203 POWERS AND DUTIES OF BOARD OFFICERS

Officers of the Board shall perform the following duties:

- (a) The President serves as presiding officer.
- (b) The Vice-President serves as parliamentarian and as presiding officer in the absence of the President.

- (c) The Secretary or as designated by the Secretary, the General Manager shall:
 - (1) record the minutes of the meetings;
 - (2) maintain the official record of ordinances, resolutions and orders passed or adopted by the Board;
 - (3) maintain documents filed with or by order of the Board;
 - (4) certify the official status, capacity and signature of officers and employees; and
 - (5) certify to matters appearing of record in the files and records of the District.
- (d) The Treasurer or as designated by the Treasurer, the General Manager shall:
 - (1) receive and deposit monies;
 - (2) certify that checks presented for Board approval in payment of obligations of the District are correct and supporting documents available; and
 - (3) certify funds are invested in accordance with District policy.

2-1.204 COMMITTEES

Committees shall be formed as soon as practical after the election of a President. The President shall designate the task of each committee and appoint persons to serve on each committee. In the absence of objection by a majority of the Board, the President’s action shall be final.

Article 3. Assumption of Office

2-1.301 GENERAL

A person may assume the office as Director by election or appointment.

2-1.302 ELECTION

Directors shall be elected in accordance with the Health Care District Law.

2-1.303 UNSCHEDULED VACANCIES

- (a) The office of director may become vacant before the end of the term because of death, resignation or other event causing vacancy. A written resignation is irrevocable and effective when filed with the General Manager. An oral resignation is irrevocable and effective when accepted by the Board.
- (b) A notice of intention to fill the vacancy by appointment shall be posted and communicated to the County Board of Supervisors by the Secretary or General Manager immediately when an unscheduled vacancy on the Board occurs. At least ten days after the notice is posted and within 60 days after the effective date of the vacancy, the remaining Directors may fill such vacancy by appointment or by calling an election. The Board of Supervisors may fill the vacancy if the Board fails to act within sixty days of the effective date of the vacancy.

- (c) If a vacancy is not filled by appointment, an election shall be held at the next regular election date at least 114 days after the effective date of the vacancy.
- (d) A person appointed or elected to fill an unexpired term shall hold office until the next regular district election held at least 114 days after the effective date of the vacancy.

2-1.304 OATH OF OFFICE

Persons elected or appointed to the Board shall take the oath of office prior to assuming office in the manner and at the time prescribed by law. The Secretary or other person authorized by law shall administer the oath, e.g., a notary, the county clerk, or an elected official.

Article 4. Meetings

2-1.401 MEETINGS: GENERAL

- (a) Meetings of the Board and committees shall be open to the public.
- (b) No action shall be taken by secret ballot.
- (c) The definitions contained in the Brown Act shall be used for this Article.

2-1.402 REGULAR AND SPECIAL MEETINGS

- (a) The Board shall hold regular meetings on the first Tuesday of each month at the hour of 5 o'clock p.m. at the District's headquarters.
- (b) The President, Vice President, or Secretary may call a special meeting upon a twenty-four hour actual notice to each Director. No business other than that officially noticed in the Agenda may be discussed.
- (c) Notice of all regular, special, and adjourned meetings must be provided and posted in accordance with the Brown Act: 72 hours' notice is required for regular meetings; 24 hour notice for special meetings. Notices of the meeting shall be posted at the District offices and District web site: <https://www.ekhcd.org/>
- (d) An emergency meeting may be called by a majority of the Board on less than 24 hour notice and without an agenda to deal with disruption or threatened disruption of service by work stoppage, crippling disaster, or other event severely impairing public health or safety.

2-1.403 RECORD OF PROCEEDINGS

- (a) Closed Sessions shall not be recorded. The Secretary or General Manager shall prepare written minutes of meetings available for public inspection when approved by the Board.
- (b) Person attending an open meeting of the Board may record the proceeding on audio or video media unless the Board finds the recording is a persistent disruption of proceedings.

2-1.404 ADJOURNMENT

- (a) A regular, adjourned regular, special or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment.
- (b) When there is no quorum, any member of the Board shall adjourn such meeting or, if no member of the Board is present, the General Manager shall adjourn the meeting. When a regular or adjourned regular meeting is adjourned, the resulting adjourned meeting is a regular meeting for all purposes.
- (c) A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When an order of adjournment fails to state when the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

2-1.405 CONTINUANCE OF HEARINGS

A hearing held or noticed to be held at a meeting may be continued or reconvened to a subsequent meeting in the same manner and to the same extent as the adjournment of meetings. If the hearing is continued to a time less than 24 hours after the time specified in the order, a notice of continuance of hearing shall be posted immediately following the meeting at which the order of continuance was made.

2-1.406 CLOSED SESSIONS

- (a) The Board may conduct a closed session to:
 - (1) Consider the appointment, promotion, or job performance of an employee or officer;
 - (2) Consider charges levied against an employee as a part of disciplinary proceedings unless the employee requests a public hearing.
 - (3) Establish the District's position for employee negotiations;
 - (4) Consider pending or potential claims or litigation;
 - (5) Consider property acquisition or disposition; or
 - (6) Conduct business when public session is not possible due to interruption.
- (b) The agenda shall state the purpose of the closed session unless the purpose of the closed session is to:
 - (1) Consider charges levied against an employee in which case, the identity of the employee shall not be disclosed unless already publicly known or requested by the employee;
 - (2) Discuss pending or potential claims or litigation and counsel announces disclosure of the identity of the claimant or litigant would prejudice the District; or
 - (3) Consider property acquisition when counsel announces disclosure of the identity of specific property would prejudice the District.

- (c) If possible, the Board shall avoid taking action in closed session. Action may be taken in closed session when necessary to avoid prejudice to the District. When the potential for prejudice does not exist, action taken in closed session shall be publicly announced at the same meeting as the closed session. If the action was taken by roll call vote, the vote shall be announced.
- (d) Counsel shall prepare a confidential memorandum stating the purpose of the closed session and action taken.

2-1.407 AGENDA

The General Manager shall prepare the agenda. The President shall approve the agenda before distribution.

- (a) The General Manager shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session at least seventy-two (72) hours before a regular meeting, or at least twenty-four (24) hours prior to a special meeting. Meetings to consider new or increased general tax or assessment shall be preceded by at least forty-five (45) days' notice. The posting shall be freely accessible to the public.
- (b) The agenda shall include the opportunity for the public to address the Board prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Board on matters within the jurisdiction of the District but not on the agenda.
- (c) The agenda shall include an opportunity for a Director to request a matter be included on the agenda for a future meeting. If another Director agrees, the General Manager shall arrange for the matter to be placed on a future agenda as promptly as feasible.
- (d) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to statements made or questions posed during public comment; request for clarification; provide a reference to staff or other resources for factual information; or request staff to report back to the Board at a subsequent meeting.
- (e) Prior to discussion of a matter on the agenda, the Board may add matters to the agenda upon a majority finding an emergency exists or upon at least a two-thirds vote finding there is a need to take immediate action and the need for action came to the attention of the District subsequent to the posting of the agenda. If only three Directors are present, the finding of the need for action shall be by unanimous vote.
- (f) The agenda shall describe matters to be discussed in closed session in substantially the form required by the Brown Act.

2-1.408 ORDER OF BUSINESS

- (a) Board Agenda Order. At every meeting of the Board, the order of business shall be discussed and acted upon in substantially the following manner, provided that the Presiding Officer may alter the order of business with the concurrence of a majority of the Board.
 - (1) Pledge of Allegiance
 - (2) Call to Order and Roll Call
 - (3) Approval of Agenda
 - (4) Public Comments for Agenda Items
 - (5) Consent Calendar
 - (6) Approval of Minutes of prior meeting
 - (7) Illustrative and/or Verbal Presentation Agenda Items
 - (8) Action Items
 - (9) Committee Reports
 - (10) Information Items
 - (11) Non-Action Items
 - (12) Future Agenda Items
 - (13) Public Comments for Non-Agenda Items
 - (14) Closed Session
 - (15) Open Session and Adjournment
- (b) Roll Call. Before proceeding with business, the General Manager or Secretary shall enter in the minutes the names of all members of the Board present. If any member of the Board arrives after the roll call or needs to leave prior to the adjournment of a meeting, the General Manager or Secretary shall enter in the minutes the time at which such member arrived or left.
- (c) Adoption of Agenda. After Roll Call, the Board shall review and approve the order of the items on the Agenda. At this time, any member of the Board may move to reorder the items on the Agenda and the Presiding Officer shall re-order the items on the Agenda if the majority of the members so consent.
- (d) Consent Agenda. The Consent Agenda shall consist of routine items for which staff contemplates no significant discussion by the Board. A Consent Agenda item may be removed for discussion at the request of any Board member. A removed Consent Agenda item will be considered after the Board acts upon the remainder of the Consent Agenda.
- (e) Special Presentation. Special presentations may be conducted at any meeting at the Board's discretion.
- (f) Public Comments for Non-Agenda Items. During Public Comment for Non-Agenda Items, the public is invited to comment on items within the jurisdiction of the Board but not on the agenda. See Section 2-2.120 below.
- (g) Committee Reports. Committees shall have an opportunity to submit a written report and/or address the Board to make advisory recommendations on items reviewed and discussed by the Committee.

2-1.409 CODE OF CONDUCT

- (a) The Board of Directors adopted the following norms of behavior and protocol (Code of Conduct) for conducting the District's business in an

ethical and professional manner. The norms are intended to serve as guidelines for Directors to maintain the credibility of the District and foster public trust.

(b) General

- (1) Treat other Directors, staff and the public with courtesy and respect.
- (2) Avoid criticizing individuals in public by focusing on the issues or work products.
- (3) Avoid misrepresenting facts or making assertions that are inaccurate or untrue.
- (4) Refrain from disrupting an opponent's campaign events; moving, removing or vandalizing campaign signs; or removing campaign flyers.
- (5) Avoid promulgating inaccuracies or falsehoods.
- (6) Stay abreast of issues affecting the District and other local agencies.
- (7) Refrain from communications that may constitute a violation of the Ralph M. Brown Act such as discussions among a quorum of Directors, at one time or serially, face-to-face or otherwise.
- (8) Maintain the confidentiality of non-public information.
- (9) Ensure public statements, op-eds or letters to the editor that do not reflect the policy of the majority of the Board are cited as personal opinion.

(c) Public Meetings

- (1) Inform other Directors and the General Manager of unexpected issues that may arise at a public meeting.
- (2) Be prepared for Board meetings by reviewing the agenda and supporting materials in advance.
- (3) Respect the Board President's responsibility to run meetings.
- (4) Seek recognition by the Board President before speaking and avoid interrupting other Directors.
- (5) Listen carefully to public speakers, avoid interrupting and do not engage in debate; limit questions to those aimed to understand the speaker's point of view.
- (6) Make remarks succinct and to the point in an effort to avoid tiring the public or engaging in tedious or repetitious discussion.

(d) Decision-Making

- (1) Make decisions based on public input.
- (2) Attempt to persuade other Directors through reasoned debate and accept the majority's decision graciously and as policy of the Board.
- (3) Articulate the reasoning for decisions for the benefit of the public, particularly when the Board is divided on an issue.

(e) Business Operations

- (1) Provide policy direction to the General Manager, and support the General Manager to implement policy through staff District business.
- (2) Avoid unnecessary individual requests for the General Manager's time or attention to matters that may not be of interest to the majority of the Board.
- (3) Obtain recommendations from the General Manager on District issues.

- (4) Inform the General Manager in advance when unavailable for District business.
- (5) Ensure direction to staff is supported by a majority of the Board and voice concerns timely with the direction provided.
- (6) Initiate action to resolve problems cooperatively with other Directors or the General Manager as soon as possible.
- (7) Demonstrate flexibility and cooperation to fill in for another Director at important meetings or functions.
- (8) Direct concerns or complaints about staff to the General Manager.
- (9) Avoid unduly influencing the content of staff reports.
- (10) Forward copies of complaints from the public to the General Manager and allow staff to seek resolution and respond accordingly.
- (11) Share copies of correspondence related to the District's business promptly with other Directors and the General Manager.
- (12) Direct inquiries, questions or requests of staff, and concerns or complaints about staff, to the General Manager, recognizing that employees report to the General Manager.

2-1.410 CONDUCT OF MEETINGS

- (a) The affirmative vote of at least three Directors is necessary for the Board to take action. The Board shall take action by motion, resolution or ordinance. The vote, including abstentions, shall be recorded in the minutes.
- (b) Committees shall adopt rules of order as needed and as appropriate to their work.
- (c) If a group or groups of persons willfully interrupts the meeting so as to make orderly conduct unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the Board may order the meeting room cleared and continue in closed session. The Board may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.
- (e) The Board shall not prohibit public criticism of the policies, procedures, programs or services of the District or of the acts or decisions of the Board. However, no privilege or protection is conferred for expression beyond that otherwise provided by law.
- (f) Directors shall not use electronic devices to communicate with other Directors or the audience during Board meetings and shall step out of the room if a personal communication requires immediate attention.

2-1.411 PUBLIC COMMENT

- (a) Public Comment. A person wishing to address the Board shall first be recognized by the Presiding Officer. Comments should focus on a specific matter within the jurisdiction of the Board. Each person shall address all remarks to The Board as a body, not to any member thereof and not to staff or the public. No person, other than a member of the Board and the person

having the floor, shall be permitted to enter into any discussion without recognition by the Presiding Officer. If during public comment, a person expresses a concern regarding the District's staff or service, the Board may refer the nature of the concern to staff for investigation, resolution or a report.

- (b) **Speaker Cards.** Speaker cards should be filled out and given to the Board Secretary prior to public comment. The Presiding Officer may request that speakers provide their name and address for the record, although persons who wish to speak are not required to provide their names or addresses. The Board Secretary shall indicate the order in which each card is received. The Presiding Officer will then call those speaker cards in the order received. The speaker card shall indicate whether the member of the public wishes to speak during public comment or during a particular business item.
- (c) **Timing of Public Comments.** Public comments on items not on the agenda shall take place during the public comment period described in Section 2-2.114. Members of the public may only provide comment on items not on the agenda during the public comment period. Public comment on items that are on the agenda shall take place during consideration of that item as described in Section 2-2.117.
- (d) **Written Comments and Presentations.** Videos, PowerPoint or similar presentations during public comment ordinarily are not permitted. Members of the public are encouraged to present written comments, preferably in advance of the meeting, as a way to fully communicate their thoughts on agendized or non-agendized items. When written materials are presented, they should be submitted to the Board Secretary for distribution and record keeping ahead of time. Written comments may be electronically submitted during the public comment period and will be noted or read into the record by the Board Secretary.
- (e) **Time Limits.** While the Board embraces the right of public participation, it acknowledges that public comments must, at times, be limited. Unless additional time is granted by the Presiding Officer, each person shall limit public comments to five minutes. The Presiding Officer may grant a representative of a large speaker group additional time to speak for the group on any agenda item. If one or more groups or sides on an issue wish to speak, the Presiding Officer shall endeavor to grant equal time to each group or side. The Presiding Officer has discretion to reduce the time limit for each person during public comments if necessary to ensure that all the public can be heard.

2-1.412 VOTING

- (a) **Duty to Vote.** When present, all members of the Board are to vote unless prohibited by law or conflict of interest.
- (b) **Roll Call Vote.** A roll call vote will be taken and recorded for every action taken and such roll call vote shall be entered in the minutes of the meeting showing those members of the Board voting aye, those voting no, abstentions, and those not voting or absent.
- (c) **Conflicts of Interest.** A conflict of interest shall be declared whenever

appropriate and in compliance with State law. The affected member of the Board will step down from the dais and leave the Board room as required by State law.

- (d) Reconsideration. Reconsideration of a Board action shall be allowed when a member of the prevailing majority of the Board when the vote on the original action was taken makes a motion for reconsideration during Board Comments at a meeting following that at which the original action was taken; provided that no motion for reconsideration will be entertained after one (1) year from the time the original action was taken unless the Board determines significant new information has arisen which warrants such action.

2-1.413 ACTIONS

- (a) Process for Action Items. Consideration of Action Items shall follow the following process:
 - (1) Announcement by the Presiding Officer. The Presiding Officer shall announce the item under consideration by reference to its listing on the agenda.
 - (2) Staff Report. Responsible Staff members shall present a report of staff regarding the action item.
 - (3) Questions of Staff. Members of the Board may ask questions of staff to clarify the report.
 - (4) Committee Report or Public Comment. Committees shall have the opportunity to address the Board with their advisory recommendation on any Action Item. If any public speaker cards have been received for the item, the public shall be invited to speak on the item using the process described in Section 2-2.120.
 - (5) Debate. Before or after any initial motion on any item by any member of the Board, the members of the Board may debate the item, make comments relevant to the item, respond to any questions related to the item and ask questions of staff related to the item.
 - (6) Motions. Any member of the Board may initiate an item for formal consideration by the Board by making a motion. A member of the Board may make an independent motion, may make a motion to implement staff recommendation, or may request assistance from the General Counsel as to the form of a proposed motion. Upon making of the motion, a second member of the Board may second the motion. A duly offered and seconded motion shall be restated by the Presiding Officer or General Counsel.
 - (7) Vote. Unless withdrawn, the Board shall vote upon the motion, as provided in Section 2-2.115.
- (b) Resolutions. A resolution is a formal document that records an action of the Board. Resolutions are considered by the Board upon motion and proper second. Resolutions are sometimes required by law or may be recommended by the General Counsel to record an action of the Board which is considered of particular importance. Resolutions shall be presented using the District's standard format. They shall be reviewed and approved by the General

Counsel prior to any presentation to the Board according to rules and procedures approved by the Board.

- (c) Correct Legal Document. Upon occasion, resolutions are submitted in longhand or in draft form with on-the-spot amendments. These preliminary papers may be re-typed in final form; such re-draft, when signed and attested, becomes the original and proper document to be retained in the files.

2-1.414 DEBATE AND PRECEDENCE OF MOTIONS

- (a) Processing of Motions. A motion shall be considered pending before the Board following a motion and second by the members Board as described in section 2-2.117(a)(6).
- (b) Division of Question. If the item contains two or more divisible propositions, the Presiding Officer may divide the question and require a vote on each portion of the question.
- (c) Precedence of Motions [Board Only]. Once a motion is pending before the Board, no other motion on the matter shall be entertained except those listed below. These motions have precedence in the order listed:
 - (1) Amendments. A motion to amend the motion may be entertained only with the consent of the member who originally made the motion and, if the motion has been seconded, by the member who seconded the motion. An amendment modifying the intention of a motion may be considered, but an amendment relating to a different matter or an amendment that would alter the original motion so that it relates to a substantially different matter shall not be considered. Motions to amend a motion shall be voted upon first, then the main motion, whether or not amended, shall be voted upon. In lieu of voting upon a motion to amend, the member who made the original motion may withdraw the original motion and restate a motion on the same subject with the consent of the member who seconded the motion. Any motion that has been validly amended or validly withdrawn and restated as provided in this section shall then be voted upon.
 - (2) Motion to Call the Question. A Motion to call the question is to close debate on the main motion. If the motion to call the question fails, debate is reopened; if the motion to call the question passes, then a vote on the main motion is in order.
 - (3) Withdrawing a Motion. A motion may be withdrawn only by the member who made the motion with the consent of the member who seconded the motion. A withdrawn motion does not appear in the minutes.

2-1.415 MANNER OF TAKING ACTION

- (a) The Board shall take action by motion, resolution or ordinance.
- (b) An affirmative vote of three board members is necessary to approve a motion, resolution or ordinance.

- (c) Motions may be adopted by voice vote. Resolutions may be adopted by voice vote but on demand of any member of the Board, the roll shall be called. The roll shall be called on ordinances.
- (d) Motions and resolutions shall be effective when adopted unless a different effective date is stated. Ordinances shall be effective immediately if: related to an election; necessary for the immediate preservation of the public peace, health or safety containing a declaration of the facts constituting the urgency passed by a four-fifths vote; or involving the levy of taxes for the usual and current expenses of the District. An urgency ordinance may be passed immediately on introduction at a regular, adjourned regular or special meeting.
- (e) Other ordinances shall be read in full at the time of introduction or passage except when reading by title only is approved by a unanimous vote of the directors present. Such ordinances shall not be passed within 5 days of introduction or at other than a regular or adjourned regular meeting. Within 15 days after passage, the General Manager shall cause such ordinances to be published once in a newspaper of general circulation published and circulated within the District with the names of the Directors voting for and against the ordinance. The Board may authorize the publication of a summary instead of the ordinance in accordance with Government Code Section 36933.

2-1.416 MINUTES OF BOARD MEETINGS

- (a) Meetings, except closed sessions, shall be reported in written minutes.
- (b) The minutes of the emergency meeting showing persons notified or attempted to be notified, the roll call vote and action taken shall be posted for at least 10 days as soon after the meeting as possible.
- (c) The written minutes of meetings need not be a verbatim transcription but shall reflect:
 - (1) official actions taken by the Board;
 - (2) disposition of items appearing on the agenda;
 - (3) statements requested by Directors to be included in such minutes when relating to reasons for voting.
 - (4) matters requested by a Director to be included as an agenda item and which item was not placed on the agenda.
 - (5) The number and title of ordinances and resolutions.
- (d) The written minutes are not official minutes until approved by the Board. Upon approval, the minutes will be signed by the President and attested by the Secretary.

2-1.417 THE MINUTES

- (a) Content. The minutes will be a clear and concise statement of the actions taken at the Board meeting, including the motions made and the vote thereon. The minutes shall include the date, hour and place of the meeting; whether it is a regular, adjourned regular or special meeting; the names of the members of the Board and staff present and absent; and any action

taken by the Board. If any member of the Board arrives late or departs before the adjournment, the minutes shall reflect his or her arrival or departure time. Whenever the Board acts in a quasi-judicial proceeding, the minutes shall include a complete summary of the witnesses.

- (b) Preparation. Minutes shall be prepared by the Secretary or General Manager and presented to the Board for approval. The Board may then, by motion, make such corrections as conform to fact and formally adopt the minutes. Members of the Board are not required to have attended the meeting that is the subject of the minutes as a condition to vote on approval.

Article 5. Compensation, Benefits and Expenses

2-1.501 COMPENSATION

- (a) Directors shall be paid \$100.00 for each day's attendance at meetings of the Board or for each day's service rendered as a Director by request of the Board not to exceed six in any calendar month. A Director shall not be compensated for more than one per diem per day even if more than one meeting is attended in one day.
- (b) At least annually, the board shall determine the meetings for which directors shall be compensated. Directors shall be compensated only for meetings approved by the board.

2-1.502 EXPENSES

- (a) If previously approved by the Board, a Director shall receive actually, reasonable and necessary reimbursement for travel, meals, lodging, registration and similar expenses incurred on District business. The rate for reimbursement shall not exceed the rate published by the IRS for deduction from taxes. However, if the expenses are incurred in connection with a trade conference, the reimbursement rates shall not exceed the posted rates for the conference and if the posted rates are not available, the reimbursement rate shall be comparable to the posted rates.
- (b) Directors shall be authorized in advance to incur expenses for District purposes and shall submit a written request for reimbursement.
- (c) During August of each year, the General Manager shall prepare a list of amounts paid during the prior fiscal year to reimburse a director or employee for individual expenses of \$100.00 or more. To determine the value of an item, the total charges for the item for the day shall be considered. For example, several transportation bills, each less than \$100.00, but totaling more than \$100.00, requires a report. During August of each year, the list shall be reviewed by each person receiving expense reimbursement. The General Manager shall consider suggested corrections and post the final list on the District's website and put on September agenda.

Chapter 2. Other Officers

Article 1. General

2-2.101 GENERAL

The officers of the District, other than Directors, are: the General Manager, General Counsel, Secretary, and Treasurer. This chapter covers officers, other than Directors.

2-2.102 RELATIONSHIP WITH BOARD

- (a) The General Manager shall recommend policy to the Board.
- (b) The General Manager shall implement policies approved by the Board.

2-2.103 RELATIONSHIP WITH STAFF

- (a) Directors may discuss District business with the General Manager. The General Manager shall supply information requested by Directors in writing if possible.
- (b) General Manager may discuss District business with Directors outside a public meeting but the General Manager shall not communicate the views of Directors to one another except at a Board meeting. The Board shall not consider or act on the General Manager's recommendations except at a public meeting.

Article 2. Organization

2-2.201 GENERAL MANAGER

- (a) The General Manager is the chief executive officer of the District. The General Manager shall report directly to the Board. The General Manager shall have full charge and control of the affairs of the District consistent with the policies established by the Board.
- (b) The General Manager shall plan facilities adequately to meet the needs of the District.
- (c) The General Manager shall administer the construction of facilities.
- (d) The General Manager shall supervise the operation and maintenance of facilities.
- (e) The General Manager shall administer personnel and implement policies approved by the Board.
- (f) If an emergency arises and there is insufficient time to notify the Board, the General Manager may take appropriate and reasonable action otherwise within the Board's jurisdiction. The General Manager shall report such action to the Board as soon as convenient, or no later than the next regular meeting.

Article 3. Appointment and Removal

2-2.301 GENERAL

Officers shall be appointed and removed as set forth in this Article.

2-2.302 APPOINTMENT

Officers shall be appointed by the Board. Officers shall serve at-will.

2-2.303 DISCIPLINE

The Board may terminate or discipline officers without cause. The General Manager may recommend discipline of officers. The decision of the Board is final.

Article 4. Compensation and Benefits

2-2.401 GENERAL

Officers shall be compensated as set forth in this Article.

2-2.402 COMPENSATION

Officers shall be paid amounts determined by the Board by resolution or minute order. Officers shall not earn overtime pay.

2-2.403 EXPENSE REIMBURSEMENT

Except as provided herein, officers shall be reimbursed for reasonable and necessary expenses incurred on District business in the same manner as employees.

2-4.404 AUDITOR

A part-time independent auditor shall perform an annual audit of the District's financial statements.

TITLE 3. FINANCE

Chapter 1. Budget and Reports

3-1.001 BUDGET

- (a) The Finance Committee shall present a proposed budget to the Board prior to May 1 of each year.
- (b) The Board shall approve a budget by July 1 of each year.
- (c) The Finance Committee shall recommend modifications of the budget to the Board if the approved budget is inadequate due to events occurring subsequent to the approval of the budget.
- (d) The Finance Committee shall implement the approved or revised budget. Expenditures shall be made in accordance with the purchasing procedures set forth in this Code.

3-1.002 FINANCIAL REPORTS

- (a) The District shall establish an appropriations limit by July 1 of each year.
- (b) The District shall request the board of supervisors and county auditor to levy and collect ad valorem taxes, other taxes and assessments by the third Monday in August of each year.
- (c) The General Manager shall annually file a copy of the budget with the Kern County Auditor by September 1.
- (d) An annual audit shall be filed with the board of supervisors by September 1 of each year.
- (e) An annual financial statement shall be filed with the State Controller by September 1 of each year.
- (f) Voter approved indebtedness shall be reported to the State Controller by October 1 of each year.

Chapter 2. Taxes and Assessments

3-2.001 GENERAL

Taxes and assessments shall be levied, collected and spent as provided in this Chapter.

3-2.002 AD VALOREM TAXES

- (a) The District shall spend ad valorem taxes levied to pay for indebtedness only to repay that indebtedness.
- (b) The District shall spend ad valorem taxes not levied to pay for indebtedness for any lawful purpose.

3-2.003 SPECIAL TAXES

The District may levy special tax after conducting a duly-noticed public hearing and securing voter-approval as required by law. Special taxes shall be spent for the purposes stated in the ballot measure approving the tax.

3-2.004 GENERAL TAXES

The District shall not levy general taxes.

3-2.005 GENERAL ASSESSMENTS

District may levy assessments, including standby charges, for operation and maintenance or to pay for capital improvements in accordance with the law.

Chapter 3. Rents and Charges

3-3.001 GENERAL

- (a) The Board shall establish rent rates and charges sufficient to recover the cost of operating and maintaining service. The rent rates and charges shall not exceed the reasonable cost of the service.
- (b) The Board shall establish rent rates and charges sufficient to recover the cost of constructing capital improvements requested by customers.

3-3.002 ANNUAL REVIEW

At least annually, the Board shall review the rent rates and charges. Adoption of the annual budget, with rate assumptions included therein, may constitute such review.

Chapter 4. Investments

3-4.001 GENERAL

The General Manager may deposit monies only as set forth in this Chapter. Investments shall be approved by the Board in accordance with the Government Code.

3-4.002 BASIC POLICY AND STATEMENT OF OBJECTIVES

In order of importance, the following criteria shall be followed in the investment program:

- (a) Safety - Investments shall be made in a manner which ensures the preservation of principal and accrued interest. Diversification in types of investments is required to meet this goal.
- (b) Return on Investment - Investments shall be made to produce an acceptable rate of return after first considering safety and liquidity.
- (c) Liquidity - Investments shall be made whose maturity date is compatible with cash flow requirements to permit rapid conversion into cash without a substantial loss of value.

3-4.003 PRUDENT PERSON

Investments shall be made as if by a prudent person using the same discretion and intelligence a person would use in managing personal affairs and certainly not for speculation.

3-4.004 PERMITTED INVESTMENT

- (a) The Finance Committee may invest monies not required for expenditure during the terms of the investment without first securing further Board approval if the investment is one of the following types:
 - (1) Local Agency Investment Fund of the State of California (LAIF).
 - (2) Time certificates of deposits issued by a nationally or state chartered bank or a state or federal association located within the State of California if fully secured by federal insurance or approved collateral at the required percentage of market value.
 - (3) United States treasury notes, bonds, bills, or certificates of indebtedness or those for which the full faith and credit of the United States are pledged for payment of principal and interest.
- (b) The Finance Committee may invest monies not required for expenditure during the term of the investment only after securing further Board approval if the investment is one of the following types:
 - (1) Bonds issued by the District.
 - (2) Registered state warrants or treasury notes or bonds of the State of California or by a department board, agency or authority of the State.
 - (3) Bonds, notes, warrants for other evidences of indebtedness of any local agency within this state.

- (4) Obligations issued by banks or cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participation or other instruments of or issued by or fully guaranteed as to principal and interest by the Federal National Mortgage Association; or in guaranteed portions of Small Business Administration notes; or in obligations, participation or other instruments of, or issued by a federal agency, or a United States Government sponsored enterprise.
 - (5) Repurchase agreements for securities.
 - (6) Time certificates of deposit issued by a nationally or state-chartered bank or a state or federal association located outside of the State of California if secured by federal insurance.
- (c) No investment shall be purchased:
 - (1) On margin;
 - (2) "Forward" or "in the future";
 - (3) Based on foreign currency; or
 - (4) Which are shares of beneficial interest issued by diversified management companies as described in Government Code Section 53601(l).
 - (d) No investment shall be made with a maturity date greater than five years from the date of purchase unless specifically authorized by the Board or as a part of a program no less than three months prior to the date of purchase.

3-4.005 INVESTMENT PROCEDURE

- (a) In making investments the District shall observe the limitations contained in Government Code, including Section 53601, and stated herein.
- (b) The Finance Committee is responsible for selecting the proper mix of investments taking into account limits imposed by law and the need for liquidity. When deposits or investments owned by the District mature or when other monies are available for investment or deposit, the monies may be deposited or invested in the Local Agency Investment Fund or other permitted investments.
- (c) Investments shall be held in the name of the District. Investment documents shall be held for safekeeping in the District vault or in a depository approved by the Board. The Board shall execute such documents necessary to provide evidence of the Treasurer's trading authority as set forth herein.

3-4.006 REPORTS

- (a) The General Manager shall present quarterly reports on investments to the Board. The report shall show: the type of investment, how title is held, institution, date of maturity, amount of deposit, current market value for all securities with a maturity of more than 12 months, rate of interest, the relationship of each investment to this investment policy, information showing that expenditure requirements can be met in the following quarter and specify investments made pursuant to Government Code Section 53601(i), 53601.1 and 53635(i).

- (b) The finance committee shall review investments held by the District on or about January 1 and July 1 of each year and shall make a report and recommendation to the Board concerning implementation or changes in this policy after each such review.
- (c) This investment policy shall be reviewed annually or more often, as necessary.

Chapter 5. Savings Deposit and Checking Accounts

3-5.001 DEPOSITS

- (a) The District shall establish one or more deposit accounts with State or national banks or savings associations upon such terms and conditions as may be agreed upon. The President and Treasurer shall establish such accounts in the name of the District for general fund and bond interest and redemption fund expenditures.
- (b) Upon maturity, investments shall be deposited into the District's checking or savings accounts on the approval of one of the following officers: Assistant Secretary-Treasurer, President or Treasurer.

3-5.002 SAFE DEPOSIT BOXES

The General Manager may obtain safe deposit boxes at State or national banks or savings associations for use of the District. Two of the following must agree for access: General Manager and a Director.

3-5.003 PETTY CASH ACCOUNT

The President and Treasurer shall create and the District shall maintain an imprest fund, known as the petty cash account, in the amount of \$100.00 Disbursements shall be accompanied by paid receipts. The General Manager shall report to the Board on disbursements from the petty cash account.

3-5.004 REVOLVING ACCOUNT

The President and Treasurer shall create and the District shall maintain an imprest fund, known as the "revolving account," in the amount to be established by the board from time to time. The account may be used to make emergency expenditures. Withdrawals from the revolving account shall be made upon the signature of a Director and the General Manager without prior Board approval. The General Manager shall report to the Board on disbursements from the revolving account.

3-5.005 ACCOUNTING PRACTICES

- (a) The District shall maintain books of account in accordance with generally accepted accounting practices as promulgated by governmental accounting standards board showing the status of monies received and disbursed.
- (b) Funds and accounts shall be maintained as necessary to accomplish this purpose, as follows:
 - (1) General (may be used for any lawful purpose):
 - (i) Petty cash;
 - (ii) Revolving; and
 - (iii) Other.

- (2) Special (may be used only for specified purposes):
 - (i) Bond proceeds (construction);
 - (ii) Tax proceeds (bond interest and redemption);
 - (iii) Tax proceeds.

3-5.006 CHECK REGISTER

- (a) A check register showing the check number, payee, amount, the fund upon which it is drawn and the purpose of each check, shall be prepared by the General Manager, and presented to Directors at regular board meetings. Invoices and other supporting documents will be available with the checks at the meetings for inspection by any Director. Checks will be disbursed after approval by the Board.
- (b) Checks to pay utility bills, postage, emergencies and invoices subject to discount and inter-fund transfers may be disbursed prior to Board approval if such amounts are included in the budget approved by the Board. Such items shall be set forth on a supplemental check register or included on the next regular check register and presented to the Board dependent on timing of actual check delivery.
- (c) Checks drawn to pay demands which have been approved by the Board shall be signed by the Treasurer and the General Manager or a director, other than the Treasurer.

3-5.007 OTHER

- (a) Transactions described herein, including opening or closing checking accounts, shall be accomplished by the designated officer in the name of the District. Action by the Board is required for each transaction unless otherwise indicated above. Withdrawals shall be supported by receipts indicating the purpose of the withdrawal, the amount and the employee responsible for the withdrawal.
- (b) An officer may receive non-negotiable instruments on behalf of the District, but such instruments shall be forthwith remitted to the Treasurer or the General Manager for handling.

Chapter 6. Claims

3-6.001 CLAIMS: GENERAL

Claims against the District for money or damages covered by Chapter 1 (commencing with 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of the Government Code or other statute shall be presented and processed in accordance with the statute. Claims not covered by state law shall be presented and processed in accordance with this Chapter.

3-6.002 PRESENTATION OF CLAIM

Claims, and amendments to claims, shall be presented personally or mailed first class delivery to the Secretary or General Manager at the District's offices.

3-6.003 CONTENTS OF CLAIM

A claim shall be presented by the claimant or by a person acting on the claimant's behalf and shall show:

- (a) The name and post office address of the claimant;
- (b) Post office address to which the person presenting the claim desires notice to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction giving rise to the claim asserted;
- (d) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at 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;
- (f) The amount claimed 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 presentation of the claim, together with the basis of computation of the amount claimed; and
- (g) The signature of the claimant or some person on the claimant's behalf.

3-6.004 INSUFFICIENT CLAIMS

- (a) The General Manager shall notify the claimant if the claim fails to include the information required by statute or this Chapter. Such notice shall be given within twenty days after the claim is presented. The claimant shall file an amended claim within ten days of the Administrator's notice.
- (b) The amended claim shall be considered in lieu of the original claim. If an amended claim is not filed, the original claim shall be presented to the Board for action.

3-6.005 TIME FOR PRESENTATION OF CLAIMS

A claim relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented not later than six months after accrual

of cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

3-6.006 LEAVE TO PRESENT LATE CLAIM

When a claim is not filed on time, an application shall be made to the District for leave to present a late claim. Government Code Sections 911.4 (b), Section 911.6 through 912.2 inclusive, and 946.4 and 946.6 are applicable to such requests. The deadline for filing an application under this section shall be as specified in Government Code Sections 911.2, 911.6 and 946.6.

3-6.007 TIME FOR ACTION

The Board shall act on the claims, amended claims, and applications to file late claims within 45 days after the application, the claim or amended claim has been presented.

3-6.008 NOTICE OF INSUFFICIENCY OR REJECTION OF CLAIM

Written notice of any action taken by the Board acting on a claim or application to file a late claim shall be given to the person who presented the claim by the General Manager within ten days of the Board's action.

3-6.009 CLAIM AS PREREQUISITE TO SUIT

- (a) No action for money or damages may be brought against the District, an officer or employee on a cause of action for which a claim is required by this Chapter until the claim has been acted on by the Board.
- (b) No action may be brought against the District officer or employee on a cause of action for which a claim is required by this Chapter unless such action is commenced within six months after the claim is acted on or deemed to have been rejected by the Board.

3-6.010 CLAIMS UNDER \$100.00

The General Manager may allow, compromise or settle claims if the amount to be paid does not exceed \$100.00 The General Manager shall advise the Board when there has been allowance, settlement or compromise of a claim under this Section.

3-6.011 REVIEW OF CLAIMS

General Counsel shall examine claims and lawsuits and provide the Board with a written report describing and evaluating the claim or lawsuit. Counsel shall recommend goals, attorney assignment and a target budget for each lawsuit.

3-6.012 DEFENSE OF CLAIMS AND LAWSUITS

- (a) The District shall defend officers or employees named as defendants or respondents in a lawsuit arising within the course and scope of employment if the officer or employee did not act with fraud or malice.
- (b) An officer or employee named in a lawsuit who wishes to obtain defense by the District shall file a written request with the Secretary within three days of

service of the complaint or petition. General Counsel shall provide the Board with a written report and recommendation with respect to the request. The Board may approve or deny the request, or the Board may agree to defend and reserve the decision on the indemnity pending the outcome of the case.

- (c) If the District agrees to defend, the employee or officer shall fully cooperate with the attorney assigned to the case by the Board. The failure to fully cooperate can result in the revocation of the agreement to defend.
- (d) The officer or employee may obtain reimbursement in accordance with law if the Board refuses to indemnify and defend.

3-6.013 JUDICIAL REVIEW OF CERTAIN DECISIONS

The provisions of Code of Civil Procedure Section 1094.6 shall be applicable to the judicial review of the decisions of the Board by administrative mandamus.

Chapter 7. Purchasing

3-7.001 PURPOSE AND SCOPE

This Chapter provides procedures for the purchase of supplies, equipment and public works. Nothing herein shall abrogate State or Federal law establishing a more stringent purchasing procedure.

3-7.002 PURCHASES OF \$1,000.00 OR UNDER

The General Manager may purchase supplies, equipment and public works estimated to cost \$1,000.00 or less without solicitation of bids.

3-7.003 PURCHASES COSTING MORE THAN \$1,000.00

Supplies and services estimated to cost \$1,000.00 or more may be purchased by the Board from the lowest, responsible bidder after the publication of a notice inviting proposals, once a week for two successive weeks, the last publication to be made not less than one week prior to the opening of proposals.

3-7.004 PUBLIC WORKS

A contract for the construction of a work estimated to cost \$25,000 or more shall be let pursuant to the Public Contract Code.

3-7.005 EXCEPTIONS

- (a) Procedures relating to the purchase of supplies, equipment or public works may be dispensed with when the price is established by Federal, State or local regulation.
- (b) When supplies, equipment or public works cannot be described by appropriate specifications, suppliers of known repute shall be requested to submit proposals for designing the works or providing the supplies and equipment in the same manner as professional services are obtained. Such proposal shall contain a cost estimate and a sufficient explanation to permit the Board to decide upon alternative proposals.
- (c) When emergency exists, the General Manager may purchase the goods, services or works necessary to meet the emergency without soliciting bids.
- (d) When supplies, equipment or public works are readily available from only one or two sources the reason for specifying the article shall be noted on the purchase order.

3-7.006 PROFESSIONAL SERVICES

Professional services shall be obtained in accordance with procedures recommended by the ethics of the discipline. The General Manager shall solicit proposals from qualified professionals. Proposals shall consist of a statement of qualification and an outline of the work to be accomplished. The General Manager shall recommend the best proposal to the Board to accept or reject. The General Manager may negotiate a contract for Board approval with the professional selected by the Board.

3-7.007 OTHER PROCEDURES

The procedure, personnel and forms used in the purchasing of supplies, equipment or public works shall be approved by the General Manager and in clear and concise written form consistent with this Chapter.

3-7.008 DISPOSAL

The General Manager shall present recommendations to the Board for the disposal of surplus property.

TITLE 4. PROPERTY

Chapter 1. Environmental Review Of District Projects

Article 1. General

4-1.101 GENERAL

- (a) District projects shall be undertaken with due regard for the environmental consequences. This article implements the regulations adopted by the Secretary of Resources (hereinafter "State Guidelines") to be followed by local agencies to implement the California Environmental Quality Act (CEQA). The State Guidelines are incorporated by this reference.
- (b) This article applies to discretionary activities directly undertaken by the District, discretionary activities financed in whole or in part by the District, and private activities, which require discretionary approval from the District.
- (c) Any designated 'project' shall require the General Manager or their designee to comply with current CEQA guidelines as outlined in Public Resources Code 21000–21189 and the State Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

4-1.102 PROCESS

- (a) The District shall consider environmental documents prepared for a project before taking action on the project.
- (b) As a "lead agency", the District shall decide whether to prepare environmental documents and which environmental document to prepare, as follows:
 - (1) The General Manager will first determine whether the activity is a project. The activity is not a project if the District lacks discretion to disapprove or modify the proposed activity. Nothing further is required if the activity is not a project.
 - (2) If the activity is a project, the General Manager will next determine if the project is exempt. A notice of categorical exemption will be filed if the activity is exempt.
 - (3) If the project is not exempt, the General Manager will prepare an initial study to determine whether the project may have a significant effect on the environment.
 - (4) If the initial study discloses the project is not expected to have a significant effect on the environment, the General Manager will prepare a negative declaration.
 - (5) If the initial study discloses that project is expected to have a significant effect on the environment, the General Manager will prepare an environmental impact report (EIR).
- (c) When another agency is the lead agency, the District may be a "responsible agency." As a responsible agency, the General Manager will comment on the

environmental documents prepared by the lead agency and use the environmental documents prepared by the lead agency during the District's decision-making process.

- (d) The Board shall consider approval of a negative declaration, shall review and consider the final environmental documents, and shall making findings of significant environmental impact and of any overriding considerations prior to approving a project.

4-1.103 LEAD AGENCY PROCESS

- (a) Where a project is to be carried out or approved by more than one public agency, one public agency shall be responsible for preparing an EIR or negative declaration for the project. This agency is the lead agency. The determination of which agency will be the lead agency shall be governed by the criteria set forth in the State Guidelines.
- (b) An agency which will carry out a project but which is not the lead agency is a responsible agency. The decision-making body of each responsible agency shall consider the lead agency's EIR or negative declaration prior to acting upon or approving the project. The responsible agency shall assume the role of the lead agency only when conditions set forth in the State Guidelines exist.
- (c) The determination of the lead agency on whether to prepare an EIR or a negative declaration shall be final and conclusive on all persons, including responsible agencies, unless the decision is challenged under CEQA, circumstances or conditions change, or a responsible agency becomes a lead agency.
- (d) If there is a dispute over which of several agencies should be the lead agency for a project, the disputing agencies shall resolve the dispute in accordance with the State Guidelines.

4-1.104 ACTIVITIES NOT SUBJECT TO CEQA REVIEW

- (a) The following activities are not "projects" within the meaning of CEQA and this Part:
 - (1) A project involving only feasibility or planning studies for possible future actions which the District has not approved, adopted, or funded. Such projects still require consideration of environmental factors.
- (b) The District shall incorporate written findings in the record of any proceeding in which an exemption under this section is claimed setting forth with specificity the basis for the claim of exemption. In addition to the categorical exemptions specified in the California Code of Regulations Section 15300 *et seq.*, the following activities are exempt from the requirements of CEQA:
 - (1) Approval of individual utility service connections and disconnections.
 - (2) Leasing of District owned, existing property where the use of the premises is not significantly changed.
 - (3) Construction of a pipeline of less than one mile in length within a public street or highway or any other public right-of-way or the maintenance, repairs, restoration, reconditioning, relocation, replacement, removal or demolition of an existing pipeline. For the

purposes of this subsection, "pipeline" includes subsurface facilities but does not include any surface facility related to the operation of the underground facility.

- (4) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the governor pursuant to the California Emergency Services Act commencing with Government Code Section 8550.
- (5) Emergency repairs to public service facilities necessary to maintain service.
- (6) Specific actions necessary to prevent or mitigate an emergency.
- (7) Projects which are rejected or disapproved.
- (8) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges for the purpose of: Meeting operating expenses, including employee wage rates and fringe benefits; Purchasing or leasing supplies, equipment, or material; Meeting financial reserve needs and requirements, or Obtaining funds for capital projects necessary to maintain service within existing service areas.

4-1.105 INITIAL STUDY

- (a) Unless an activity is not subject to review or an exemption applies (or unless the District can determine the project will clearly have a significant effect, and an EIR is ordered), during the first step in the CEQA process, the General Manager shall prepare an initial study to determine if the project may have a significant effect on the environment.
- (b) If the project is to be carried out by a private person or private organization, the person or organization carrying out the project shall submit data and information, which will enable the District to prepare the initial study.
- (c) As soon as the District has determined that an initial study will be required for the project, the District shall consult informally with all responsible agencies and trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a negative declaration should be prepared.

4-1.106 DETERMINING SIGNIFICANT EFFECT

- (a) In evaluating the significance of the environmental effects of a project, the General Manager shall consider both primary (or direct) and secondary (or indirect) consequences. Social and economic changes alone resulting from a project shall not be treated as significant effects on the environment. If physical changes cause or result from adverse economic or social changes, the economic or social changes may be used as the basis for determining that the physical changes are significant.
- (b) The General Manager shall find that a project may have a significant effect on the environment and require an EIR where any of the following conditions occur:

- (1) The project has the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.
- (2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.
- (3) The project has possible environmental effects, which are individually limited but cumulatively considerable. As used in this subsection, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
- (4) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

4-1.107 NEGATIVE DECLARATION

- (a) A Negative Declaration shall be prepared for a project which could potentially have a significant effect on the environment, but which the General Manager finds on the basis of an Initial Study will not have a significant effect on the environment.
- (b) Before completing a Negative Declaration, General Manager shall consult with responsible agencies.
- (c) A Negative Declaration shall include:
 - (1) A brief description of the project, including a commonly used name for the project if any;
 - (2) The location of the project and the name of the project proponent;
 - (3) A finding that the project will not have a significant effect on the environment;
 - (4) An attached copy of the Initial Study documenting reasons to support the finding;
 - (5) Mitigation measures, if any, included in the project to avoid potentially significant effects.
- (d) Notice of the preparation of a Negative Declaration shall be provided to the public twenty-one (21) days prior to consideration by the Board. The noticed review period shall be long enough to provide members of the public with sufficient time to respond to the proposed finding before the Negative Declaration is approved. Notice shall be given to all organizations and individuals who have previously requested such notice and shall be given by at least one of the following procedures as selected by the General Manager:
 - (1) Publication by the District no fewer times than required by Section 6061 of the Government Code in a newspaper of general circulation in the area affected by the proposed project.
 - (2) Posting of notice by the District on and off site in the area where the project is to be located.

- (3) Direct mail notice shall be given to owners of property contiguous to the project as such owners are shown on the latest equalized assessment roll.
- (e) The Board may approve the Negative Declaration if it finds on the basis of the initial study and comments received that there is no substantial evidence the project will have a significant effect on the environment. The Board shall then consider the Negative Declaration together with comments received during the public review process prior to approving the project.
- (f) After the Negative Declaration is approved, the General Manager shall file a Notice of Determination with the County Clerk of the County or Counties in which the project will be located. If the project requires a discretionary approval from a state agency, the Notice of Determination also shall be filed with the Secretary for Resources.
- (g) The provisions of this section 6-2.303 shall apply in the same manner to declarations deemed "mitigated negative declarations."

4-1.108 ENVIRONMENTAL IMPACT REPORT

- (a) An Environmental Impact Report shall be prepared if the General Manager determines there is substantial evidence the project may have a significant effect on the environment.
- (b) The draft and final EIR shall be prepared in accordance with CEQA and the State Guidelines.
- (c) The Board shall certify the final EIR has been completed in compliance with CEQA and the Board has reviewed and considered the information contained in the EIR prior to approving the project.
- (d) The Board shall not approve or carry out a project for which an EIR has been completed which identifies one or more significant effects of the project unless the Board makes one or more written findings for each of those significant effects, accompanied by a statement of the facts supporting each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (e) The District shall not approve or carry out a project as proposed unless the significant environmental effects have been reduced to an acceptable level. Mitigation measures and a program to monitor the mitigation measures shall be described in the findings. As used in this Section, the term "acceptable level" means that:
 - (1) All significant environmental effects that can feasibly be avoided have been eliminated or substantially lessened as determined through findings as described in subsection (d); and,

- (2) Any remaining, unavoidable significant effects have been found acceptable.
- (f) Where the decision of the Board allows the occurrence of significant effects which are identified in the final EIR but are not mitigated, the Board must state in writing the reasons to support its action based on the final EIR or other information in the record. This statement may be necessary if the Board also makes findings. If the Board makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.
- (g) The District shall file a Notice of Determination following each project approval for which an EIR was considered.
- (h) The District shall include the final EIR as part of the regular project report which is used in the existing project review and budgetary process, if such a report is used. The District shall retain one or more copies of the final EIR as public records for a reasonable period of time. The District shall require a copy of the certified, final EIR to be filed with each responsible agency. When the Board has approved a project after requiring measures to mitigate or avoid significant environmental impacts, the General Manager shall monitor compliance with such measures by periodic review of the final EIR.

4-1.109 CONSULTATION

- (a) The General Manager shall respond to consultation by lead agencies to assist lead agencies in preparing environmental documents.
 - (1) Where the General Manager disagrees with the lead agency's proposal to prepare a negative declaration for a project, the General Manager should identify the significant environmental effects that could result from the project and recommend an EIR be prepared or the project be modified to eliminate the significant effects.
 - (2) As soon as possible, but not longer than 45 days after receiving a notice of preparation from the lead agency, the General Manager shall send a written reply by certified mail which specifies the environmental information germane to the District's statutory responsibilities over the proposed project.
- (b) The General Manager shall comment on draft EIRs and Negative Declarations for projects which the District will be asked to approve. The comments may deal with any aspect of the project or its environmental effects.
- (c) If the General Manager believes the final EIR or Negative Declaration prepared by the lead agency is not adequate for use by the District, the District must take the issue to court within 30 days after the lead agency files a Notice of Determination, or prepare a subsequent EIR if permissible under the State Guidelines.
- (d) Prior to reaching a decision on the project, the Board must consider the environmental effects of the project as shown in the EIR or Negative Declaration.
- (e) When an EIR has been prepared for a project, the Board shall not approve the project as proposed if the Board finds feasible alternatives or feasible mitigation measures within its powers that would substantially lessen a significant effect the project would have on the environment. When

considering alternatives and mitigation measures as a responsible agency, the Board is more limited than when acting as a lead agency. The District has responsibility for mitigating or avoiding only the environmental effects of those activities which the Board decides to carry out, finance, or approve.

- (f) The Board shall make the findings required by the State Guidelines for each significant effect of the project and shall make the required findings if necessary.
- (g) The General Manager should file a notice of determination in the same manner as a lead agency, except the notice does not need to state the EIR or Negative Declaration complies with CEQA. The notice should state that the Board considered the EIR or negative declaration as prepared by the lead agency.

4-1.110 TIME LIMITS

- (a) The District shall determine whether a project application is complete within 30 days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application will be deemed complete on the 30th day.
- (b) When the District acts as the lead agency, the District shall determine within 45 days after accepting an application as complete, whether it intends to prepare an EIR or a negative declaration.
- (c) When the District acts as a responsible agency, the District shall provide a response to a notice of preparation to the lead agency within 45 days after receipt of the notice.
- (d) When the District acts as the lead agency, the District shall convene a meeting with agency representatives to discuss the scope and content of the environmental information a responsible agency will need within 30 days of the date that the meeting is requested. The meeting may be requested by the lead agency, a responsible agency, a trustee agency, or by the project applicant.
- (e) The public review period for a draft EIR should not be less than 30 days nor longer than 90 days, except in unusual circumstances.
- (f) The public review period for a Negative Declaration shall be a reasonable period of time that is sufficient to allow members of the public to respond to the proposed finding before the Negative Declaration is approved. The General Manager shall allow other public agencies and members of the public at least 14 days within which to comment upon any Negative Declaration which the District proposes to adopt
- (g) When a draft EIR or Negative Declaration is submitted to the State Clearinghouse for review, the normal review period is 45 days for draft EIRs and 30 days for Negative Declarations. The State Clearinghouse may set shorter review periods when requested by the lead agency due to exceptional circumstances.
- (h) With a private project, the Negative Declaration must be completed and ready for approval within 105 days from the date when the lead agency accepted the application as complete.

- (i) With a private project, the lead agency shall complete and certify the final EIR within one year after the date when the lead agency accepted the application as complete.
- (j) An unreasonable delay by an applicant in providing information requested by the lead agency for the preparation of a Negative Declaration or an EIR shall suspend the running of the time periods described herein for the period of the unreasonable delay.
- (k) At the request of an applicant, the lead agency may waive the one year time limit for completing and certifying a final EIR or the 105-day period for completing a Negative Declaration if:
 - (1) The project will be subject to CEQA and to the National Environmental Policy Act.
 - (2) Additional time will be required to prepare a combined EIR-EIS or combined Negative Declaration-finding of no significant impact as provided herein, and
 - (3) The time required to prepare the combined document will be shorter than the time required to prepare the documents separately.
- (l) The time limits for taking final action on a permit for a development project may also be waived where a combined EIR-EIS will be prepared.
- (m) The time limits for processing permits for development projects under Government Code Section 65950-65960 shall not apply if federal statutes or regulations require time schedules which exceed the state time limits.

4-1.111 PROJECTS WITH SHORT TIME PERIODS FOR APPROVAL

- (a) An application for a project is not received for filing under a permit statute or ordinance until such time as the environmental documentation required by CEQA has been completed and the following conditions are met:
 - (1) The enabling legislation for a program, other than Chapter 4.5 (commencing with Section 65920) or Division 1 of Title 7 of the Government Code, requires the District to take action on an application within a specified period of time that is six months or less, and
 - (2) The enabling legislation provides that the project will become approved by operation of law if the District fails to take any action within such specified period, and
 - (3) The project involves the issuance of a lease, permit, license, certificate, or other entitlement for use.
- (b) In any case described in this section, the environmental document shall be completed or certified and the decision on the application shall be made within one year from the date on which an application requesting approval of such project has been received and accepted as complete for CEQA processing by such agency. This one-year time limit may be extended once for a period not to exceed 90 days upon consent of the District and the applicant.

Chapter 2. Records

Article 1. Inspection

4-2.101 PURPOSE AND SCOPE

This Article provides criteria and procedures for the inspection of records.

4-2.102 GENERAL

District records are open to inspection during the office hours and every person has a right to inspect the records.

4-2.103 DEFINITIONS

As used in this Article.

- (a) "Public Records" includes writing containing information relating to the conduct of District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.
- (b) "Writing" means handwriting, typewriting, printing, photostatting, photographing, and other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents. Writing does not include compilations of writings not created in the normal course of business.

4-2.104 EXCEPTIONS

Nothing in this Article requires disclosure of the following records:

- (a) Preliminary drafts, notes, or intra or inter agency memoranda not retained by the District in the ordinary course of business, if the public interest in withholding such records clearly outweighs the public interest in disclosure;
- (b) Records pertaining to pending litigation which the District is a party or to claims made pursuant to Division 3.6 (Commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- (c) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- (d) Geological and geophysical data, plant production data and similar information relating to utility systems development obtained in confidence from any person;
- (e) Test questions, scoring keys, and other examination data used to administer examinations for employment;

- (f) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made for or by the District relative to the acquisition of property, or to prospective supply and construction contracts, until such time as the property has been acquired or the contract agreement obtained. The law of eminent domain shall not be affected by this provision;
- (g) Records exempted or prohibited pursuant to provisions of Federal or State Law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- (h) Other records the disclosure not required by law.

4-2.105 ADDITIONAL PUBLIC RECORDS

Notwithstanding the foregoing:

- (a) Every employment contract between the District and a public official or public employee is a public record.
- (b) An itemized statement of the total expenditures and disbursements of the District provided for in Article VI of the California Constitution shall be open for inspection.

4-2.106 JUSTIFICATION FOR WITHHOLDING OF RECORDS

The District shall justify withholding a record by demonstrating the record is exempt under the express provisions of this Article or the public interest served by not making the record available clearly outweighs the public interest served by disclosure of the record. Notice of intent to withhold records shall be provided to the person who requested the record within ten days of the request for inspection.

4-2.107 COPIES OF RECORDS

- (a) A person may obtain a copy of an identifiable record. On written request, an exact copy shall be provided in a form determined by the General Manager. Officers, agents, and employees of the District are not required to request records in compliance with this section when acting within the course and scope of employment or office holding. The copy shall be provided within ten days or the person requesting the records shall be notified within ten days when the record will be provided.
- (b) A payment shall be made in the amount of \$0.20 per page or, in the case of blueline records, the amount charged shall be the actual cost charged by an outside blueline print company. A certified copy of such record shall require an additional payment of \$1.00. No charge shall be imposed for research.
- (c) The General Manager may require a person who desires to obtain a copy of a record to deposit an amount equal to the estimated fees for copying prior to receiving the record. The portion of the deposit not required shall be refunded. If the deposit is insufficient an additional deposit will be required.

4-2.108 PUBLIC COUNTER FILES

- (a) Except for writings exempt from public disclosure, the General Manager shall maintain a duplicate copy of approved minutes, the agenda and written

materials distributed to the Board for discussion or consideration at the next scheduled Board meeting, at the public counter located in the District's offices. Public records discussed during a public meeting but not previously available shall be made available before the commencement of discussion at such meeting and shall be made available for public inspection immediately or as soon thereafter as practicable.

- (b) No charge will be imposed for the use of the records described in this section, unless a copy is requested in which case a copy charge shall be imposed.
- (c) The Secretary or General Manager shall also maintain a record of requests for inspection that are approved and declined, including the reason.

Article 2. Retention or Destruction

4-2.201 PURPOSE AND SCOPE

This Article provides criteria and procedures for the retention or destruction of records.

4-2.202 RETENTION OF ORIGINAL RECORDS

The following original records shall be maintained in perpetuity in the District's files:

- (a) The Certificate of Incorporation of the District;
- (b) Certifications of annexation proceedings;
- (c) Certificates of the Secretary of State reciting the filing of annexation papers by the District in his office;
- (d) Certifications by the Secretary of State that detachment papers have been received and area is excluded from the District;
- (e) Resolutions and Ordinances;
- (f) Minutes of meetings of the Board;
- (g) Certificates of Assessed Valuation prepared by the Auditor of each County in which property taxable by the District lies;
- (h) Documents received from the Tax Assessor detailing District taxes collected;
- (i) Ballot arguments pro or contra on bond issues;
- (j) Results of bond propositions received from the canvassing bodies;
- (k) Results of elections for the directors received from the canvassing body;
- (l) Records of securities acquired with surplus moneys;
- (m) Receipts for securities from banks;
- (n) Documents received relating to claims against the District.
- (o) Documents received pursuant to eminent domain proceedings by the District;
- (p) Records affecting title to land or rights of way owned by the District or liens thereon;
- (q) Records determined by the Board to be of significant and lasting historical, administrative, legal, fiscal or research value; and
- (r) Records required by law to be filed and preserved.

4-2.203 RETENTION OF DUPLICATE ORIGINAL RECORDS

The following original records may be destroyed if a copy is maintained in perpetuity:

- (a) Financial records summarizing the financial status of the District other than reports prepared pursuant to Article 9 (commencing with Section 53891) of Part 1 of Division 2 of the Government Code;
- (b) Oaths of Office and related materials depicting the authenticity of the appointment of director or officer;
- (c) Paid vouchers with attached documents, summary of collections, registers of demands issued and journals of warrants paid, if the original is maintained in the District's files for a period of five years;
- (d) Reports of the District in correspondence not covered in another section of this Article; and
- (e) Records received pursuant to State statute not expressly required by law to be filed and preserved.

4-2.204 RETENTION OF RECORDS FOR TIME CERTAIN

The following records may be destroyed after the passage of time, without maintenance of a copy;

- (a) Unaccepted bids or proposals for construction may be destroyed after two years;
- (b) Work orders or in-house records of time spent on work assignments may be destroyed after two years;
- (c) Records created for a specific event or action may be destroyed after five years following the end of the fiscal year in which the event or action was completed;
- (d) Canceled checks for the payment of bond interest and redemption may be destroyed after ten years;
- (e) Tape recordings of the Board meetings may be erased after thirty days; and
- (f) Any record, paper or document more than two years old and prepared or received in a manner other than pursuant to State statute.

4-2.205 RETENTION OF OTHER RECORDS

The following records may be destroyed at any time, without maintenance of a copy:

- (a) Duplicates, the original or a permanent photographic record of which is on file;
- (b) Rough drafts, notes and working papers accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document representing the work of any employee, including but not limited to meter books after the contents thereof have been transferred to other records;

- (c) Cards, listings, non permanent indices, other papers used for controlling work and transitory files including letters of transmittal, suspense letters, and tracer letters;
- (d) Canceled coupon sheets from registered bonds; and
- (e) Shorthand note books, telephone messages and inter departmental notes.