

Mojave Water Agency

Board of Directors Policy

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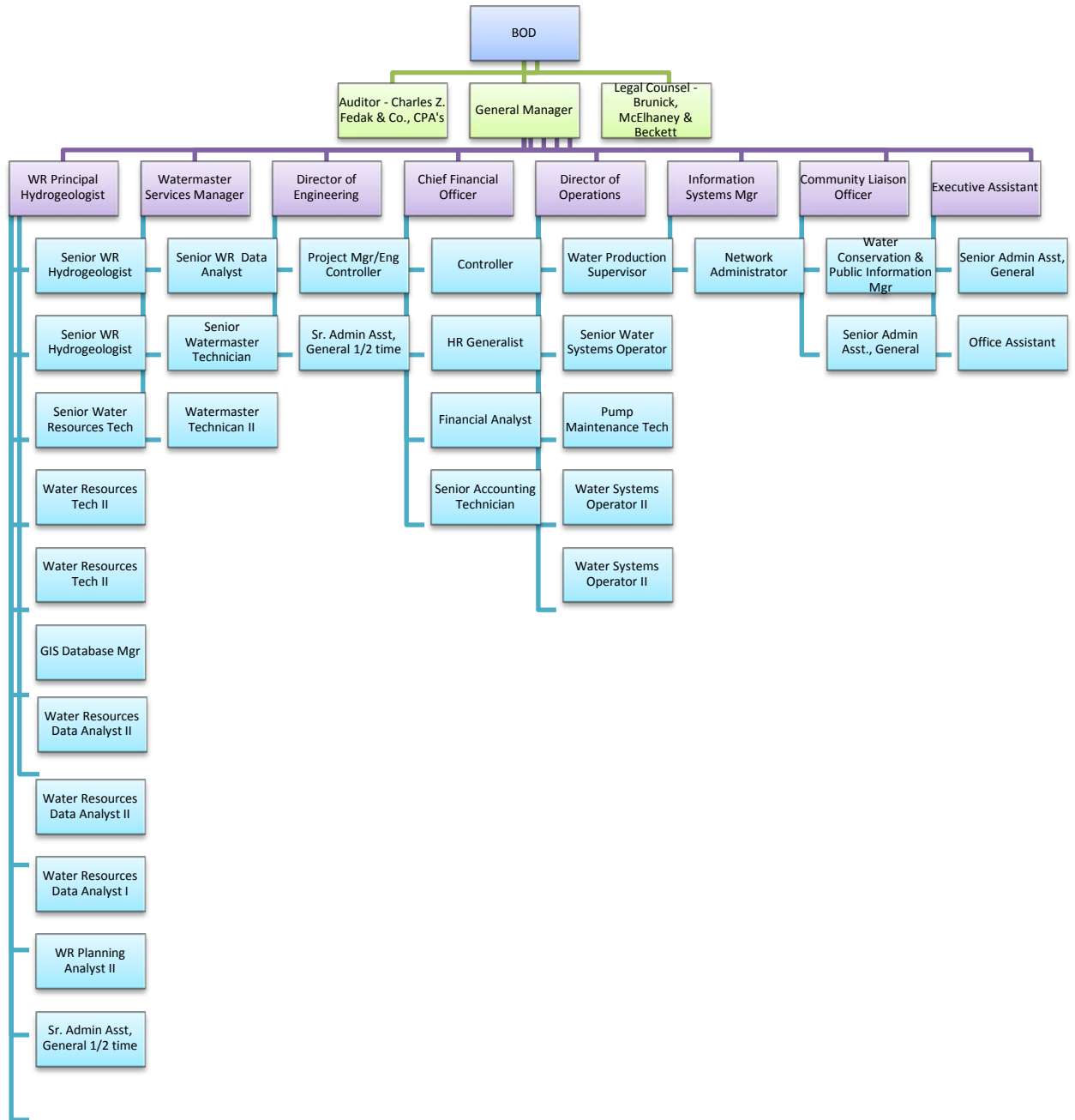
I. PURPOSE AND SCOPE

The policy of the Mojave Water Agency is to maintain the highest ethical standards for its Board members. The proper operation of the Agency requires decisions and policies to be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Board members remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the Agency that Board members and Agency employees will maintain the highest standard of personal honesty and fairness in carrying out their duties. This policy sets forth the basic ethical standards to be followed by the Board of Directors of the Mojave Water Agency. The objectives of this policy are to (1) provide guidance for dealing with ethical issues, (2) heighten awareness of ethics and values as critical elements in Board members' conduct, and (3) enhance ethical decision-making and values-based management.

II. AGENCY BACKGROUND

A. ORGANIZATIONAL CHART

The organizational chart, which appears on the next page, will be replaced as needed throughout the year. This chart identifies the chain of command starting with the Board of Directors and their direct reports; the General Manager and those staff members reporting directly to him; and a breakdown of department heads and those staff members who report to them.



B. STRATEGIC PLAN

The Strategic Plan contains the Agency's Mission and Vision Statements, defines the Agency's goals as a public agency, and establishes our culture as an organization of individuals. The primary purpose of the Plan is to provide the framework and focus for the Agency that will facilitate the organization fulfilling its legislative mandate. It is also intended to be a clear and concise statement of the organizational philosophy and values. It forms our response to the challenges that we must address in managing this vital resource by providing a venue to develop specific goals and objectives for the organization, including key elements, or concepts, management plans, and programs that require action by the Agency. The Strategic Plan serves as the template upon which the Agency's management decisions are to be made.

1. Mission Statement

Manage the region's water resources for the common benefit to assure stability in the sustained use by the citizens we serve.

2. Vision Statement

To become a recognized and respected leader in the community we serve through demonstrated knowledge, integrity and the quality of our actions.

3. Values

- ❑ Service to the Community
- ❑ Integrity
- ❑ Innovation and Creativity
- ❑ Teamwork
- ❑ Employee Growth and Reward

4. Goals

The goals as set forth in the Strategic Plan are designed to be tangible targets that assist the Agency in fulfilling its legislative mandate, vision and mission.

- ❑ **Goal 1** – Develop sound fiscal and organizational policies that allow the Agency to be effective, innovative and responsive.
- ❑ **Goal 2** – Manage water resources through or in conjunction with the State Water Project to meet future demands while maintaining independence during periods of water shortages.

- **Goal 3** – Coordinate efforts to maintain adequate water quality so that groundwater is safe for drinking and other beneficial uses.
- **Goal 4** – Develop public awareness so that individuals and stakeholder organizations support our efforts and understand their role in contributing to the Agency’s mission.
- **Goal 5** – Advance scientific understanding of the region’s water resources to support efficient management of water resources.
- **Goal 6** – Promote efficient use of the region’s water resources through regional conservation programs.

C. MAJOR MILESTONES

1957: The Department of Water Resources releases the California Water Plan, identifying critical water shortages in the Mojave Desert.

1959: The State legislature passed the Burns-Porter Act, authorizing \$1.75 billion in bonds to construct an aqueduct from Sacramento to the Perris Reservoir in northern Riverside County.

1959: The Feather River Project, later to be known as the State Water Project, establishes a 444-mile conveyance system to deliver State water to Southern California.

1960: Mojave Water Agency is established by overwhelming popular vote.

1960: State Water Resources Board Act passed to finance the construction of the California Aqueduct

1964: Mojave Water Agency initiates the first adjudication to allocate groundwater rights in response to concerns that local water use is exceeding the long-term supply.

1965: The Local Agency Formation Commission (LAFCO) approves the annexation of 35.5 square miles of the Morongo Basin to the Mojave Water Agency.

1971: The West Forks Dam is dedicated.

1977: Construction of the sewer plant in Victorville begins. A joint power agency is created and given all authority and assets for the sewer plan and was transferred to the Victor Valley Wastewater Reclamation Authority.

- 1990: Voters in the Morongo Basin approve a \$70 million bond measure to construct the Morongo Basin Pipeline.
- 1990: Court action was filed by the City of Barstow and Southern California Water Company in an effort to stabilize the High Desert's water supply.
- 1991: MWA filed a lawsuit to have all of the High Desert's major water suppliers within the Mojave River Basin area included in the adjudication, essentially joining in the preliminary action.
- 1992: Construction of the Morongo Basin Pipeline begins.
- 1992: Parties to the lawsuit filed in 1991, including attorneys, engineers and other individuals began negotiations lasting 18 months, which resulted in a proposed settlement in the Stipulated Judgment.
- 1993: Mojave Water Agency is appointed to serve as Watermaster of the Mojave River Basin.
- 1993: The agriculture-based Cardozo group makes a legal attempt to be excluded from the adjudication.
- 1993: The Stipulated Judgment was entered by the court on September 22.
- 1994: Design work begins on the Mojave River Pipeline Project.
- 1995: The Morongo Basin Pipeline Project is completed.
- 1995: A trial for the claims of the non-stipulating parties began and was completed on March 21, 1995.
- 1995: The Mojave Water Agency receives a \$10 million EPA grant to fund the construction of the Mojave River Pipeline.
- 1996: Construction of the first Reach of the Mojave River Pipeline Project begins.
- 1996: Final Judgment adopting the physical solution set forth in the Stipulated Judgment was entered on January 10.
- 1996: Riverside County Superior Court Judge E. Michael Kaiser upholds the adjudication. This decision was appealed by the Cardozo Group and Jess Ranch Development.
- 1997: MWA purchases 25,000 acre feet of State Water Project entitlement.

- 1998: The Appellate Court issued a Tentative Opinion in April and received oral arguments from both the stipulating and non-stipulating parties.
- 1998: In April, the MWA Board of Directors voted to seek California Supreme Court Review of the Appellate Court's decision.
- 1998: On June 1, the Appellate Court issued its final opinion in favor of the Cardozo-led group.
- 1998: A petition for review was filed with the Supreme Court in July. The Supreme Court granted review of the case on August 26.
- 2000: Oral arguments were heard by the Supreme Court on June 5, and rendered its opinion in favor of MWA on August 21.
- 2000: The California Appeals Court ruling upholds the adjudication, but stipulates that the Cardozo Group be treated separately.
- 2001: The Cardozo Group petitions the California Appeals Court to have Judge Kaiser removed from the case.
- 2002: Legal challenges to the adjudication by the Cardozo Group are settled through an agreement facilitated by California Appeals Court Justice James Ward.
- 2002: The Technical Advisory Committee (TAC) is formed to give stakeholders a voice in regional water management planning.
- 2003: The third Reach of the Mojave River Pipeline Project is completed. The fourth Reach begins construction.
- 2003: The Alliance for Water Awareness and Conservation (AWAC) is formed to facilitate regional conservation efforts.
- 2004: As a result of findings from hydrogeologic analyses, Mojave Water Agency purchases property in Newberry Springs for the Mojave River Pipeline Project terminus.
- 2005: MWA adopts one of the first of its kind Integrated Regional Water Management Plan.
- 2005: Post 2020 Water Supply Study identifies demand for additional State Water Project entitlement.
- 2006: Strategic Financial Plan identifies revenue sources to implement Integrated Regional Water Management Plan projects.

2006: Groundwater Banking Policy adopted.

2006: Final reach of the Mojave River Pipeline completed to recharge sites in Yermo and Newberry Springs.

2008: Water Conservation Incentive Program begins.

2009: MWA purchases 14,000 acre feet of State Water Project entitlement.

2009: Groundbreaking on Regional Recharge and Recovery (R³) Project

2010: Groundbreaking on new Agency Facility.

2010: Groundbreaking on Oro Grande Wash Recharge Project.

2010: MWA celebrates 50 Years of Sustained Service providing innovative solutions based on science and regionally appropriate programs designed to assure sustainability for the common benefit of all the citizens we serve.

2011: MWA staff moves into new facility at 13846 Conference Center Drive, Apple Valley, California.

2011: Adoption of Urban Water Management Plan

2012: MWA's Cash for Grass Program surpasses 5 million square feet of turf removal as part of its Water Conservation Incentive Program conceived in 2008.

2012: Groundbreaking on new Agency Central Operations Facility and High Desert Interpretive Center.

2012: Oro Grande Wash Recharge Project Phases A, B, and C-1 were completed.

2013: The Regional Recharge and Recovery (R³) Project was completed.

2013: The Central Operations Center Facility and High Desert Interpretive Center was completed.

D. MAJOR FACILITIES

Regional Water Management Plan

In 1994, the Mojave Water Agency Board of Directors adopted the Regional Water Management plan to address continuing population growth and to assure

sufficient long-term, balances water supplies for the region. As a result of court decisions and changes in California water policy, in May 2002 the Agency embarked on an update of the Plan. The three-phase plan, which is expected to be complete by early 2005, concentrates on increasing availability and reliability of ground and surface water resources into 2020 and beyond. Additionally, it will provide the basis for future State and Federal funding of the region's groundwater management programs.

Mojave River Pipeline Project

Construction of the Mojave River Pipeline Project began in 1996 to offset growing depletion of native water supplies caused by the region's growth and the over-pumping of wells. The pipeline project is over 75 miles in length and includes four groundwater recharge facilities located along the Mojave River at Hodge, Lenwood, Daggett/Yermo, and Newberry Springs, with a total recharge capacity of 45,600 acre-feet. The project includes a total of 48.3 miles of 48-inch diameter pipe; 6.3 miles of 42-inch pipe; 6.4 miles of 36-inch pipe; 5.8 miles of 24-inch pipe, and 8.5 miles of 20-inch pipe. The pipeline, which runs parallel to the Mojave River and serves all communities along the river, will bring water to the basins where it will percolate underground into the aquifers that provide the High Desert's water supply. The Mojave River Pipeline Project was completed in 2006.

Morongo Basin Pipeline and Hi-Desert Extension

The Morongo Basin Pipeline (MBP) and Hi-Desert Extension, an 80-mile long underground pipeline project which began construction in 1992 and was completed in 1995, benefits nearly 60,000 people and businesses over a 450 square mile area in the Morongo Basin. The Site 3 Recharge Facility and Pipeline Extension were added in 2006, and these projects have played a crucial role in protecting and enhancing precious groundwater resources in the Morongo Basin. The MBP and subsequent extensions deliver water to percolation ponds that act as natural filtration systems as the water seeps back into the ground to recharge the aquifer. These projects became a reality as a result of cooperative efforts between the Mojave Water Agency, the County of San Bernardino Service Area 70, Hi-Desert Water District in Yucca Valley, Joshua Basin Water District in Joshua Tree, and Bighorn-Desert View Water Agency in Landers.

Oro Grande Wash Recharge Project

The Oro Grande Wash Recharge Project will deliver State Project water to recharge basins in the Oro Grande Wash, west of I-15 and south of Bear Valley Road in Victorville. When complete, the project will recharge up to 8,000 acre-feet per year to support groundwater in the western part of the Alto Subarea. Construction of the project consists of connecting to an existing turnout on the California Aqueduct, moss screen and metering facilities at the turnout, and a

conveyance pipeline and outlet in the wash. Recharge facilities will be constructed within a future detention basin being developed by the County of San Bernardino as part of a dual-purpose recharge and flood control detention basin.

Deep Well Project

In keeping with the Agency's goal of advancing scientific understanding of the region's water resources to support efficient management of those resources, and through a \$250,000 grant from the Department of Water Resources, Mojave Water Agency installed a 1,750-foot deep multi-port well in the Oro Grande Wash near Hesperia. This project allows for the retrieval of geologic sampling at various levels deep into the well shaft, providing valuable information regarding the status of groundwater supply and quality, and allowing the Agency to anticipate supply and distribution needs in the area.

Transition Zone Monitoring Project

Approximately 14 miles in length, the Transition Zone has been a key stretch of the Mojave River in terms of evaluated water supply needs and conditions of the Mojave River Basin. The area extends from the U.S. Geological Survey Gauging Station at the Lower Narrow downstream to the Helendale fault near Silver Lakes. The Transition Zone has hydrologic properties which are key to the movement of water from the upper Mojave River Basin (Alto Subarea) to the middle Mojave River Basin (Centro Subarea), and it has specific performance functions under the Mojave Basin Area Judgment. The Agency has consequently developed monitoring systems within the Transition Zone, and in 2003 completed a hydrogeologic analysis to assess the potential for recharge in that area. As a result of this technical analysis, in 2004-2005 Mojave Water Agency will be installing monitoring wells in the Transition Zone so as to focus on imported water needs in the upper Mojave River and possible locations for recharge facilities in that region.

Groundwater Monitoring Well Program

In 2002, the Agency expanded its groundwater monitoring program to ensure a stable and secure water supply. Approximately 140 groundwater monitoring wells have been installed since the 1990's. These wells are frequently monitored to track changes in the underground aquifers. The water is sampled periodically to ensure that there are no new contaminants in local aquifers. This is of particular importance as California water laws regarding detectable arsenic are becoming stricter, making early detection of even the smallest traces of arsenic in groundwater of extreme importance.

Regional Recharge and Recovery Project (R³)

The Regional Recharge and Recovery Project, known as “R³,” is a conjunctive use project that will store State Water Project (SWP) water underground in the local aquifer and later recover and distribute the water to local retail water purveyors. R³ is part of a comprehensive solution developed by the MWA and the region’s stakeholders to ensure a sustainable water supply for the region. R³ is an integral part of the Regional Water Management portfolio identified in MWA’s 2004 Regional Water Management Plan. The project will deliver SWP water from the California Aqueduct in Hesperia to recharge sites in the floodplain aquifer along the Mojave River in Hesperia and southern Apple Valley. MWA-owned production wells on either side of the Mojave River located immediately downstream of the recharge area will then recover and deliver the stored water through pipelines directly to retail water agencies. This project provides a new source of supply for major water providers in the Mojave Basin and offset their need to continue excessive pumping within the declining regional aquifer system. Water providers that benefit from the R³ Project include the Apple Valley Ranchos Water Company, City of Adelanto, City of Hesperia, Golden State Water Company, San Bernardino County Service Area 64 and the Victorville Water District. Phase 1 of the project (15,000 acre-feet per year of supply) was completed in 2013, and was designed to accommodate future capacity expansions up to 40,000 acre-feet per year.

Central Operations Center

In March, 2010, MWA signed an agreement with the County of San Bernardino whereby the County would provide 44.9 acres of a 74.3 acre parcel along the east side of the Mojave River, south of Rock Springs Road, to MWA to construct the new Central Operations Center. In exchange for, and in lieu of the appraised value of the land, MWA agreed to construct the San Bernardino County Museum High Desert Interpretive Center, and enter into a cooperative agreement whereby the MWA will provide access to the conference room for public presentations. This location is ideal, since it is strategically located with direct access to the Mojave River allowing MWA Operations staff to enter and exit the river to construct and maintain recharge facilities. The new Operations Center includes a 5,100 square foot administration building and a 3,600 square foot high-bay warehouse. Construction of the Operations Center was completed in 2013.

E. DEPARTMENT OVERVIEW/FUNCTION

Administration: This division handles the Agency's finances, personnel, record keeping, public information, and other similar functions.

Operations and Maintenance: This department is in charge of engineering and infrastructure, as well as water distribution, storage, water transfers and exchanges, and other resource management requirements.

Water Resources: This department tracks and manages the Agency's various water resource, production, and conservation efforts.

Watermaster: This division oversees the adjudication settlement that controls how much and when water may be pumped from High Desert aquifers.

III. BOARD OF DIRECTORS – ROLE AND RESPONSIBILITIES

Board members are obligated to uphold the Constitution of the United States and the Constitution of the State of California, and to comply with the applicable laws regulating their conduct, including conflict of interest, financial disclosure, and open government meeting laws. Board members will strive to work in cooperation with other public officials unless prohibited from doing so by law or officially recognized confidentiality of their work.

A. BOARD MEMBER ORIENTATION

1. Orientation

New Board members will be invited by the General Manager to attend an Agency orientation, which will include an overview of the Agency, a tour of each department and its function within the Agency, and a tour of Agency facilities. This is to occur within 60 days of the Board member being sworn as an officer of the Agency, which occurs generally on the date of the first Board meeting in December of the election year.

2. Compensation and Expense Reimbursement

Each Board member is entitled to receive compensation for travel, mileage, meetings, etc. attended on behalf of the Agency. For more information, please see the Board Compensation, Reimbursement and Ethics Training Policy in Section IV. It is important to note that the Board Compensation, Reimbursement and Ethics Training Policy is a Board approved policy separate from this policy, and is subject to amendment or modification, or may be superseded from time to time.

In connection with all issues arising out of compensation and expenses, it is appropriate that elected directors pose this series of questions:

- *Does the law allow me to use public resources in this manner?*
- *How does this particular expenditure benefit the public's interest as opposed to my own personal interest?*
- *What is my motivation for an expense a desire to personally curry favor with the would-be beneficiary of an expense?*
- *How would I feel if a particular expenditure were reported in the local newspaper? How about a political hit piece?*
- *How would my next-door neighbor feel about my spending his or her tax dollars this way? Would they feel resentful?*

- *Am I making a spending decision out of a sense of reward or entitlement?*

3. Fair Political Practice Commission Forms

****It is important to note that the filing officer (Executive Assistant to the General Manager) must permit any member of the public to inspect and/or be provided a copy of any FPPC form filed by any Board member or staff member upon request and completion of an Agency Public Information Request form.*

Form 700 (Statement of Economic Interest)

Form 700 is a public document that must be filed by Agency staff each year on April 1 with the San Bernardino County Clerk of the Board of Supervisors. Form 700 provides a mechanism for the Board member to mandatorily report investments, business positions in business entities, real property, and income from sources that are located or doing business within the Agency's jurisdiction for the prior calendar year. Gifts of any type, regardless of source, are reportable regardless of the jurisdiction. Details regarding filing tips and specifics as to the types of expenses that must be disclosed on each statement are included with each Form 700. Form 700 will be provided to each Board member by Agency staff as soon as the most updated version is available from the FPPC, which is generally by no later than the end of January. Form 700 and all statements are also available by accessing the Fair Political Practices Commission (FPPC) website at www.fppc.ca.gov. An interactive version for ease of completion by computer is also available at that site.

Agency staff will provide a workshop regarding conflict of interest issues and an update of the Brown Act annually at the second Board meeting in February in odd-numbered years. This will provide the Board of Directors an opportunity to be advised of the most recent changes and updates in reporting requirements in advance of the April 1 due date. The Board may also refer to the Conflict of Interest Code), a copy of which is included in Section IV of this policy. It is important to note that the Conflict of Interest Code is a Board approved policy separate from this policy, and it is subject to amendment or modification, or may be superseded from time to time. For specific assistance with completion of Form 700 and its accompanying statements or in determining disclosure requirements, one may access the FPPC website at www.fppc.ca.gov, or contact the FPPC Help Line at 1-866-275-3772.

****Exception: New Board members having filed a Form 700 "assuming office" statement in December of the year in which that individual was elected is not required to complete another Form 700 for that year;*

however, when such individuals complete a Form 700 for the next reporting year, that individual will file Form 700 from the date the office was assumed (generally the date of the first Board meeting in December of the year in which the election occurred) through the end of the reporting year.

Form 470 (Officeholder and Candidate Campaign Statement)

The reporting period for Form 470 is January 1 through December 31 of the prior year. Form 470 must be filed by July 31 each year, but must not be filed or executed prior to the closing date of June 30. Form 470 is for use by officeholders and candidates who:

- do not have a controlled committee
- do not anticipate receiving contributions totaling \$1,000 or more during the calendar year; and
- do not anticipate spending \$1,000 or more during the calendar year

Form 470 is generally routed directly to the officeholder at their home address; however, Agency staff will be pleased to assist Board members with timely filing of the form with the County of San Bernardino Clerk of the Board of Supervisors on the Board members' behalf.

Form 470 Supplement (Officeholder and Candidate Campaign Statement)

The supplement to Form 470 is used when the officeholder or candidate has filed Form 470 in connection with an election and subsequent to that filing receives contributions (including monetary and non-monetary contributions, loans, and the candidate's personal funds) totaling \$1,000 or more prior to the election.

Notification via the Form 470 supplement must be sent within 48 hours of receiving contributions totaling \$1,000 or more or when making expenditures totaling \$1,000 or more. Notification must include the name and address of the candidate, the elective office, and the date of election for which the Form 470 was filed, and the date contributions or expenditures totaling \$1,000 or more were received or made.

Form 460 (Recipient Committee Statement)

All filing requirements for Form 470 as identified above apply to Form 460 as well. Form 460 is for use by officeholders and candidates who:

- have a controlled committee or who have raised or spent \$1,000 or more, or who anticipate raising \$1,000 or more during the calendar year

Late filing of any FPPC form following the deadline date subjects the filing individual to a mandatory \$10 per day fine, not to exceed \$100. Agency staff will be diligent in assisting all Board members and staff members in order to assure a timely filing; however, ultimate responsibility for timely filing is the responsibility of the filing party.

B. RESPONSIBILITIES

The primary responsibilities of the Board of Directors include:

- defining Agency goals and objectives
- act as custodian of Agency property and resources
- act as managers of entitlement allocation of water delivered through the State Water Project
- establish Agency policies
- review all Agency operations
- direct development of management plans
- communicate with Agency stakeholders and the general public
- employ the General Manager, who shall implement the goals, plans and policies established by the Board of Directors
- appointment of the Agency legal counsel and auditor

Policies that supplement obligations of the Agency as set forth in the law are established by ordinances, resolutions, or motions passed by the Board of Directors.

1. Continuing Education

Continuing education for the Board of Directors is anticipated and encouraged so that all Board members are up-to-date on the water industry and the many changes that consistently occur within the industry.

Conventions and seminars are held throughout the year, including those scheduled through the Association of California Water Agencies, California Special Districts Association, Special Districts Institute, etc. The Board members will receive notification of upcoming events through mail delivered to the Agency. Directors are encouraged to notify the General Manager's office of their desire to attend a conference as soon as possible so that the request can be agendized for consideration and approval by the Board of Directors at a regularly scheduled Board meeting. Once approved, designated Agency staff will handle arrangements for registration, air travel if applicable, lodging, etc. Details regarding reimbursable expenses are addressed in the Board of Directors Expense Reimbursement Policy, which is a Board approved policy separate from

this policy, and it is subject to amendment or modification, or may be superseded from time to time.

Reasonable expenses incurred with attendance at seminars, retreats and conferences will be reimbursed upon completion of an expense reimbursement form, which is available through the Agency's accounting department.

C. POWERS AND DUTIES

1. Board of Directors

The Board of Directors shall have and exercise all powers and responsibilities of the Mojave Water Agency as directed by State law. The Board shall have the following powers and duties.

- a) To establish and enforce all policies, rules and regulations necessary for the administration, governance, protection and maintenance of the Mojave Water Agency facilities.
- b) To appoint a General Manager who will be responsible for the management of all operations and affairs of the Agency, and to define the qualifications, powers and duties of such appointee, and evaluate performance.
- c) To appoint the Agency's legal counsel.
- d) To appoint the Agency's auditor. The auditor shall be evaluated on an annual basis and rotated at least every five years.
- e) To delegate certain powers to the General Manager in the operation of Agency affairs.
- f) To do any and all acts and things legally necessary to carry out the mission of the Mojave Water Agency.

2. Officers

The officers of the Board, as dictated by Mojave Water Agency Act, shall consist of a President, Vice President, Secretary and Treasurer. Any changes to the current positions or addition of other officer positions will require an amendment to the Mojave Water Agency Act.

President

The Board of Directors shall elect one of the Directors to act as Board President. If at any time the Board President shall be unable to serve in that capacity, the Vice President shall act in his or her place. If the Vice President shall also be unable to act, the Board may appoint another member of the Board to do so, and such person shall be vested

temporarily with all the authority and responsibilities of the office of Board President.

The Board President, or member of the Board acting as such as above noted, shall:

- a) Preside over all meetings of the Board.
- b) Appoint members to serve on all standing and ad hoc committees of the Board, the definitions of which are available in Section III.H.4.f. and III.H.4.g., respectively.
- c) Sign as Board President on the Agency's behalf all instruments in which the Board President has been specifically authorized by the Board to sign.
- d) Subject to the advice and control of the Board, have general responsibility for making sure a General Manager is in place during the President's term of office.

Vice President

The Vice President shall, in the event of death, absence, or other inability of the Board President, fulfill the duties of the President, and exercise all the powers and perform all of the duties herein given to the Board President. The Vice President shall have such other powers and perform such other duties as may be prescribed from time to time by the Board.

Secretary

The Secretary shall keep, or cause to be kept, accurate and complete minutes of all meetings of the Board, attend to all correspondence of the Board, and perform such other duties as ordinarily pertain to his or her office or as may be prescribed from time to time by the Board.

Treasurer

The Treasurer duties shall be to ascertain that all receipts are deposited and disbursements made in accordance with the direction of the Board and within the Agency's policies. The Treasurer shall have such other powers and perform such other duties as may be prescribed from time to time by the Board. The Treasurer will assure that financial records and reports are maintained in accordance with Board policies. The Treasurer will also serve as a member of the Personnel, Finance and Public Information Committee.

D. DEFINITIONS

1. Number of Board Members and Qualifications

As prescribed by the Mojave Water Agency Act, the Board of Directors shall consist of seven (7) members, with each Director representing one of

each of the seven (7) divisions within the Mojave Water Agency service area. A Director must be a registered voter residing within their respective division.

2. Elections and Term of Office

A Director shall be elected for a term of four years, or until his or her successor is elected and qualified. The election of a Director shall be consolidated with the county-wide election and shall be held in each even-numbered year. The terms of Directors shall be staggered such that the election for Divisions 1, 3, 5 and 7 will be held in one year, and the election for Divisions 2, 4 and 6 will be held two years thereafter.

3. Vacancies

Any vacancy on the Board may be filled by appointment by the remaining members of the Board. Any person appointed to fill such vacancy must reside within the division where the vacancy has occurred and shall hold office for such term and under such conditions as specified by California Water Code Appendix Section 97-4.

4. Attendance

All Directors shall notify the Board President or designee not later than 24 hours prior to any Board of Directors meeting if they do not plan to attend the meeting. For standing committees, notification should be given to the committee chair not later than 24 hours prior to the meeting.

5. Terminology

Agenda item: This relates to a report prepared by Agency staff for meeting agenda packets that provides detail regarding an agenda item, including staff's recommendation, background information and fiscal impact.

Motion: A formal suggestion made in any meeting of the legislative body. In order for discussion to ensue on a subject on which a motion was made, another member of the legislative body must offer a second to that motion.

Ordinance: A rule or law made by the legislative body.

Resolution: A formal action by the legislative body for adoption of a policy or as a means of support of a cause.

Following are water-related terms one may find useful in dealing with day-to-day matters involving the Agency:

Acre-foot: The volume of water necessary to cover one acre to a depth of one foot. An acre-foot is equal to 43,560 cubic feet or 325,851 gallons.

Adjudication: A judicial process to determine the extent and priority of the rights of all persons to use water in a river system.

Aquifer: An underground geological formation or structure that stores and/or transmits water.

Base flow: The amount of water in a surface stream that comes from underground sources rather than above ground sources such as rainfall and runoffs.

Conjunctive Use: The planned use of both groundwater and surface water in an overall management system to optimize total water resources.

Conservation: The management of water resources so as to eliminate waste or maximize efficiency of use.

Consumptive use: A use that makes water unavailable for other uses, usually by permanently removing it from local surface or groundwater storage as the result of evaporation and/or transpiration.

Discharge: The volume of water that passes a given location within a given period of time.

Drainage basin: Land area where precipitation runs off into streams, rivers, lakes and reservoirs.

Evaporation: The process of liquid water becoming water vapor, including vaporization from water surfaces and land surfaces, but not from leaf surfaces.

Excess capacity: Unused capacity to deliver water in a system of canals and reservoirs.

Export: Water physically conveyed out of an area.

Ground water: The supply of fresh water found beneath the Earth's surface, usually in aquifers, which supplies wells and springs.

Ground water basin: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water stored in the reservoir.

Ground water table: The upper surface of the zone of saturation

Infiltration: Flow of water through the ground surface into the subsurface.

Injection well: A well used for injecting water or other fluid into a ground water aquifer.

Interrupted flow: Water flowing alternately on the channel surface in some stream stretches and disappearing underground in others.

Monitoring flow: A non-pumping well used for drawing water quality samples.

Perched water table: A relatively small groundwater body lying above the general ground water body.

Percolation: The downward movement of water through the soil to the ground water table.

Permeability: The ability of a material to transmit water through its pores when subjected to pressure.

Potable water: Water of a quality suitable for drinking.

Riparian: Of, or pertaining to, rivers and their banks.

Stream reach: A specific portion of the length of a stream.

Stream flow: The discharge that occurs in a natural channel.

Subsidence: Downward movement of the land surface associated with groundwater pumping, especially where such pumping exceeds safe yield and the water table has dropped.

Subsurface water: All water below the land surface, including groundwater.

Transpiration: Water used by plants.

Water demand: The amount of water used over a period of time at a given price.

Water quality: The physical, chemical and biological characteristics of water and how they relate to a particular beneficial use.

Water table: The top level of water stored underground.

Water transfer: A legal change in a water right reflecting some combination of a change in ownership, point of diversion and place of use.

Watershed: That surface area that contributes to the drainage or catchment area above a specific point on a stream or river.

E. CONDUCT AND ETHICS

1. Fair and Equal Treatment

Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Board member will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances, except as prescribed by law.

2. Use of Agency Property and Resources

Except as specifically authorized, a Board member will not use or permit the use of Agency-owned vehicles, equipment, telephones, materials or property for personal benefit or profit. A Board member will not ask or require an Agency employee to perform services for the personal benefit or profit of a Board member or employee.

3. Use of Confidential Information

A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit any of the following:

- 1) making a confidential inquiry or complaint to a District Attorney or Grand Jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Agency, an elected official or employee.

- 2) expressing an opinion concerning the propriety or legality of actions taken by the Agency in closed session, including disclosure of the nature and extent of the alleged illegal action.

Prior to disclosing confidential information pursuant to #1 or #2 above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

A Director who willfully and knowingly discloses for financial gain confidential information received by him or her in the course of his or her official duties may be guilty of a misdemeanor under Government Code Section 1098.

4. Conflict of Interest

A Board member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency or a vendor at a purchase made by the Agency, unless the Board member's participation was authorized under Government Code Sections 1091 or 1091.5, or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use their official position to influence a decision of the Board, if the Board member has a prohibited interest with respect to the matter as defined in the Political Reform Act, Government Code Sections 81000 and following relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public generally on:

- a) business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations.
- b) real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations.
- c) a source of income of the Director in the amount specified in FPPC regulations within 12 months before the Board decision.
- d) a source of gifts to the Director in an amount specified in FPPC regulations within 12 months before the Board decision.
- e) a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director or the

Director's spouse, dependent child or agent owns directly, indirectly or beneficially a 10 percent interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Board members will report all gifts, campaign contributions, income and financial information as required under the Agency's Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC regulations.

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

- a) if the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the Agency's General Manager and the Agency's legal counsel of the potential conflict of interest so that a determination can be made whether it is a disqualifying conflict of interest.
- b) if it is not possible for the Director to discuss the potential conflict with the General Manager and the Agency's legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting so that there can be a determination as to whether it is a disqualifying conflict of interest.
- c) upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and (2) leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. The Director may speak on an uncontested matter during the time the general public speaks on the issue.

A Board member will not recommend the employment of a relative by the Agency. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the Agency.

A Board member who knowingly asks for, accepts or agrees to receive any gift, reward or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code Section 70.

5. Soliciting Political Contributions

Board members are prohibited from soliciting political funds or contributions at Agency facilities or from Agency employees. A Board member will not

accept, solicit or direct a political contribution from (a) Agency employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the Agency. A Director will not use the Agency's seal, trademark, stationery or other indicia of the Agency's identity, or facsimile thereof, in any solicitation for political contributions contrary to State or Federal law.

6. Incompatible Offices

Any Board member appointed or elected to a public office of another public entity, the duties of which may require action contradictory or inconsistent with the interests of the first entity (as determined under applicable law), will resign from the former office.

7. Whistle Blower Protection

The General Manager has primary responsibility for:

- 1) ensuring compliance with the Agency's Personnel Policies and Procedures, and ensuring that Agency employees do not engage in improper activities.
- 2) investigating allegations of improper activities.
- 3) taking appropriate corrective and disciplinary actions.

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

A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that demonstrates a perceived illegal activity or which could pose risk to the Agency. As to Agency employees, the matter is to first be brought to the attention of the employee's supervisor or to the General Manager. Should the matter not be resolved after following this chain of

command, the employee may then address the matter with the Board President.

Examples or reportable actions or activities include:

- a) a work-related violation by a Board member or Agency employee of any law or regulation
- b) gross waste of Agency funds
- c) gross abuse of authority
- d) a specified and substantial danger to public health or safety due to an act or omission of a Agency official or employee
- e) use of an Agency office or position or of Agency resources for personal gain
- f) a conflict of interest of an Agency Board member or Agency employee.

A Board member will not use or threaten to use any official authority or influence to effect any action as a reprisal against an Agency Board member or Agency employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

8. Violation of Ethics Policy

A perceived violation of this policy by a Board member should be referred to the President of the Board or the full Board of Directors for investigation and consideration of any appropriate action warranted. A violation of this policy may be addressed by the use of such remedies as are available by law to the Agency, including but not limited to: (a) adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy, (b) injunctive relief, (c) censure, (d) discipline, or (e) referral of the violation to the District Attorney and/or the Grand Jury.

F. INTERACTION WITH STAFF

1. General

The Board of Directors will deal with the administrative services of the Agency only through the General Manager. The General Manager is the Board's only link to operational achievement and conduct; all authority and accountability of staff is considered the authority and accountability of the General Manager. In the event that the General Manager is unavailable, the next designated staff member would be accountable (see organizational chart). Members of the Board will refrain from making requests directly to Agency employees (other than to the General Manager) to undertake analyses, perform work assignments, or change the priority of work assignments; however, members of the Board may

request non-confidential, factual information regarding Agency operations from Agency employees. Additionally, Directors are to refrain from having open discussions regarding the Agency's operations or topics of a potentially sensitive nature with any staff member other than the General Manager, as doing so could undermine management, jeopardize the organization's credibility, or even put the Agency at risk legally. The Board, as a whole, will not evaluate, either formally or informally, any staff member other than the General Manager. In seeking clarification on informational items, Directors should contact the General Manager to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making. Any Board member requests that require substantial work, as determined by the General Manager, will be addressed with the Board President.

2. Division of Responsibilities

The Board of Directors is responsible for setting Agency policy since each individual Director is accountable to the public as an elected official. The Board appoints the General Manager and defines the duties of his position. The Board is not to instruct management on the implementation of Agency policies.

The Board of Directors is responsible for:

- Establishing policies, i.e. programs, at public meetings.
- Appointing a General Manager, who will be responsible for the management of all operations and affairs of the Agency
- Delegating certain powers to the General Manager in the operation of Agency affairs.

The General Manager is responsible for:

- Recommendation of policies to the Board of Directors.
- Recommendation of programs to the Board of Directors for implementation of Agency policies.
- Carrying out policies and projects approved by the Board of Directors.
- Responding to the Board of Directors on the status of projects.
- Arranging an orientation of Agency departments and facilities for all new Board members (and re-orientation for current Board members indicating an interest) within 60 days of the Board member being sworn as an officer of the Agency.

3. Board of Directors/General Manager

The Board sets the policy for the Agency. The Agency's General Manager (a) has full charge and control of the construction, maintenance and operation of the water system and other facilities of the Agency; (b) has full power and authority to employ and discharge employees, consistent with Agency policy and other provisions of law; (c) prescribes the duties of employees, consistent with Agency policy; and (d) fixes and alters the compensation of employees, subject to approval by the Board. The Chief Financial Officer will oversee and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the Agency in accordance with generally accepted accounting principles and legal requirements. The Board will retain and periodically review the work of an auditor as an independent contractor of the Agency (other than the Chief Financial Officer), who will report to the Board on an annual basis the results of an audit of the Agency's books, records and financial affairs.

The Agency's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board of Directors and Board committee meetings.

Members of the Board will deal with matters within the authority of the General Manager through the General Manager, and not through other Agency employees. Members of the Board will refrain from making requests directly to Agency employees (other than to the General Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding Agency operations from Agency employees.

4. General Management Performance Evaluation

The Board of Directors will evaluate the General Manager's performance qualitatively in conjunction with the annual anniversary of the General Manager's hire date, using as guidelines the General Manager's stated annual objectives. Adjustments in the General Manager's remuneration or contract will be consistent with the Board's evaluation of performance and achievement of stated objectives.

G. **MEETINGS**

1. General

All meetings of the Board, whether regular, special or adjourned, shall be open to the public, except for closed or executive sessions authorized by law. Members of the public may address the Board on matters of interest to the public if such matters are within the subject matter jurisdiction of the Board, and provided further that no action shall be taken by the board on any item arising out of such speeches unless the matter already appears on the agenda for that meeting. The Board may adopt reasonable regulations which limit the total amount of time allotted for each speaker and in total.

2. Brown Act

The Ralph M. Brown Act (G.C. 54950) is essentially known as the "Open and Public Meeting" Act. It was established to ensure that all meetings of legislative bodies are open and public so that the public has an opportunity to participate in the decision-making process.

3. Voting

Directors shall have one (1) vote each at any meeting of the Board of Directors. There shall be no voting by proxy.

4. Procedures (general)

Agendas for all meetings of the Board of Directors and standing committees shall be posted in accordance with the Brown Act. Additionally, the entire agenda packet for each of these meetings will be available for public review at Mojave Water Agency at 13846 Conference Center Drive, Apple Valley, California, and the packet is also available in the calendar section of the Agency website at www.mojavewater.org.

5. Definitions of Meetings

A. Regular Meeting:

Regular meetings of the Board of Directors shall be scheduled for the second and fourth Thursday of each month at 4:30 p.m.. The Board may, from time to time, change the day of the month and/or the time of such regular meetings as dictated by holiday schedules or changing circumstances and in accordance with Section 54954 of the California Government Code (or California Water Code). Agendas shall be posted as required by law. The agenda for a regular meeting must be posted at

the Agency's headquarters address at least 72 hours prior to the date and time the meeting commences.

B. Adjourned Meeting:

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment. If no time is stated, the meeting is continued to the hour for regular meetings. Less than a quorum may so adjourn a meeting, and if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. A copy of the order of adjournment must be posted within 24 hours after the adjournment at or near the door of the place where the meeting was held. If a meeting is adjourned for less than five calendar days, no new agenda need be posted as long as a new item of business is not introduced.

C. Special Meeting:

A special meeting of the Board of Directors may be called by the Board President or at the written request of four Directors. Notice of such special meeting shall be delivered personally, by email or fax, or by mail to each member of the Board, and said notice shall be received at least 24 hours before the meeting. Written notice may be dispensed with in the case of Directors who are actually present at the meeting when it convenes or who, at or prior to the time of the meeting, files a written waiver of notice with the Secretary of the Board. Public notice shall be given as required by law, except for emergency meetings held in compliance with California Government Code Section 54956.5. This notice shall state the time and place of the special meeting and the business for which the special meeting has been called, and no business other than that stated in the notice shall be transacted at such special meeting.

D. Emergency Meeting:

A public agency can hold an emergency meeting when prompt action is needed due to the actual or threatened disruption of public facilities. An emergency situation exists if the legislative body determines a work stoppage, crippling disaster, or other activity that would severely impair public health, safety or both. Emergency meetings do not need to adhere to the 24-hour notice or posting requirement for special meetings.

E. Closed Session Meetings:

Part or all of a regular or special meeting may be closed to the public under specified conditions as noted below. However, notice and posting of the meeting is still required even if no action is contemplated.

Following are the topics that may discussed in closed session. Additional details may be found by referring to the Brown Act (G.C. 54950):

- Personnel
- Pending litigation
- Existing litigation
- Threatened or anticipated litigation against the local agency
- Potential litigation initiated by the local agency
- Real estate negotiations
- Labor negotiations

F. Standing Committee Meeting:

A standing committee of the governing body is one that has a continuing subject matter and/or that has a schedule fixed by formal action of the governing body. All standing committees serve only in an advisory capacity to the Board of Directors and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors. Board Members attending as a member of the audience, which do not sit on the Committee, are to remain non-participatory in that Committee Meeting. This also includes the Technical Advisory Committee (TAC) to the Agency.

Standing committees are comprised of three members of the Board, appointed annually by the Board President. Standing committees currently in place at the Agency include:

- Engineering/Operations Committee
This committee addresses issues regarding engineering and operations activities within the Agency, including capital projects that are under various stages of design and construction, and operation of Agency facilities.
- Legal/Legislative and Public Information Committee
The Legal/Legislative Committee addresses issues involving legal matters associated with the Agency and regional, state and federal legislation that could impact the Agency or its constituents, as well as issues in relation to public information and dissemination of information and events.
- Morongo Basin Pipeline Commission
The Commission is comprised of five officials, one from each of the member entities of Improvement District M, including: Mojave Water Agency, County of San Bernardino Service Area 70, Bighorn-Desert View Water Agency, Hi-Desert Water District, and Joshua Basin Water District. This Commission addresses issues of interest to the residents in the Morongo Basin and pertinent to the pipeline project.

- Personnel, Finance and Security Committee
This committee reviews all issues related to changes in personnel policy and financial matters, and receives updates and make recommendation to the Board of Directors on issues relating to public information matters, as well as issues involving the security of all Agency facilities.
- Planning, Resources and Technology Committee
The Planning, Resources and Technology Committee is updated by Agency staff and makes recommendation to the Board of Directors on all issue involving planning for a future water supply for the region, resources associated with those efforts, and information technology matters.

Those committees referenced above will remain in existence until discharged by majority vote of the Board of Directors. Committee members shall serve a term of one year, or until such time as successors are appointed. Directors appointed to one of these committees are required to attend the regularly scheduled meetings. Committee members absent from three consecutive meetings of a committee, or from three or more of five meetings of a committee, may be replaced by another Board member by the Board President. In the event a committee member is absent from a meeting, the Board President may participate in the meeting as an ex-officio member.

G. Ad Hoc Committee Meeting:

An ad hoc committee is made up solely of members of the Board of Directors, constitutes less than a quorum of the legislative body, and is not considered a legislative body subject to the Brown Act. An ad hoc committee is established to deal with a single and specific subject on a short-term basis, and once the issue for which the committee was established has been resolved, the committee will cease to exist. All ad hoc committees serve only in an advisory capacity and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors.

H. Quorum:

A majority of the members of the Board shall constitute a quorum for the transaction of business at any duly convened meeting of the Board or a standing committee.

I. Adjournment:

A quorum of the Board may adjourn any Board meeting to meet again at a stated day and hour provided, however, that in the absence of a quorum, a majority of the Board members present at any Board meeting, either

regular or special, may adjourn from time to time until the time is fixed for the next regular meeting of the Board.

J. Actions/Minutes:

The Secretary of the Board shall cause to be kept at the principal office of the Agency a complete record of minutes for all meetings of the Board of Directors and all committees of the Board. Minutes shall identify the meeting date, time and place, whether regular, special, etc., and a brief detail of the actions taking place at the meeting.

IV POLICIES

Note – this section is to include, but is not limited to, the following:

- A. Brown Act
- B. Board Compensation, Reimbursement and Ethics Training Policy and Expense Voucher
- C. Conflict of Interest code
- D. Debt Management Policy
- E. Fixed Asset Policy
- F. Judgment After Trial – Case No. 208568
- G. Mojave Water Agency Act/Law
- H. Ordinance No. 9
- I. Personnel Policies and Procedures
- J. Purchasing Policy
- K. Reserve Fund Policy
- L. Statement of Investment Policy
- M. Strategic Plan
- N. Water Banking Policy