ORDINANCE NO. 18__

AN ORDINANCE OF THE BOARD OF DIRECTORS OF MOJAVE WATER AGENCY ESTABLISHING GUIDELINES FOR THE CONDUCT OF ITS PUBLIC MEETINGS AND ACTIVITIES

WHEREAS, the Board of Directors of the Mojave Water Agency finds as follows:

A. The Mojave Water Agency ("the Agency") is a local agency organized and operating pursuant to California Water Code Appendix Section 97-1 et seq.

B. The Agency is governed by an elected Board of Directors ("the Board") whose meetings are subject to the requirements of the Ralph M. Brown Act, California Government Code Section 54950 et seq. ("the Brown Act"), pursuant to Section 54951 of the Brown Act and California Water Code Appendix Sections 97-3 and 97-9.

C. The Board is authorized by Government Code Section 54953.7 to impose requirements upon itself which allow greater access to its meetings than statutorily prescribed by the Brown Act.

D. The purpose of this ordinance is to ensure that the Board's deliberations are open to the public to the fullest extent permitted by law and its activities are performed in a manner that reflects a dedication to the highest standards of integrity and accountability so as to continue to earn the trust and confidence of the public served by the Agency.

THEREFORE, THE BOARD OF DIRECTORS of the Mojave Water Agency does hereby adopt and ordain as follows:

Section 1. **COMPLIANCE WITH STATUTORY REQUIREMENTS**.
All meetings of the Board and all committees thereof shall be conducted in compliance with all applicable requirements of the Brown Act.

Section 2. **ADDITIONAL REQUIREMENTS**.
2.1. **Regular Meetings**. Pursuant to Government Code Section 54954(a), all regular meetings of the Board shall be held at 9:30 a.m. on the second and fourth Thursdays of each month at the Agency Board Room located at 13846 Conference Center Drive, Apple Valley, California.
2.2. **Special Meetings**. Special meetings of the Board shall be called and conducted in accordance with Government Code Section 54956. The Board shall not add any non-agendized item to the agenda of a special meeting.
2.3. **Agendas**.
2.3.1. Descriptions.
(a) *Open Session.* The agenda for all Board meetings and all committee meetings that are open to the public shall contain a brief, general description of each item of business to be transacted or discussed during the meeting and shall avoid the use of undefined abbreviations or acronyms not in common usage and terms whose meaning are not known to the general public. The description of an agenda item is adequate if it is sufficiently

clear and specific to alert a person whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information about the item.

(b) *Closed Session.* Substantial compliance with the permissive provisions of Government Code Section 54954.5, as generally reflected in Exhibit A attached hereto and incorporated herein by this reference, is mandatory under this Ordinance with respect to the description of any closed session items on any Board meeting agenda.

2.3.2. Public Comment. The agenda for all meetings of the Board shall include an item for Public Comment so as to provide an express opportunity for members of the public to directly address the Board in accordance with the requirements of Government Code Section 54954.3(a) prior to the Board's consideration of the merits of any item placed on the agenda. During the Board's consideration of items discussed after the Public Comment portion of the agenda, the President of the Board should exercise best efforts to recognize any member of the public who wishes to speak on that issue prior to any action thereon that is taken by the Board. While testimony and input received from the public during Board meetings is a valuable part of the Board's decision-making process, the Board President is nevertheless authorized pursuant to Government Code Section 54954.3(b) to limit the total amount of time allocated for public testimony on particular issues to a reasonable length of time, to limit public testimony to five (5) minutes or less for each individual speaker (although individual speakers will be permitted on a reasonable basis to transfer their unused allotment of time to another speaker), and to prevent a person who is unduly repetitive from continuing to speak.

2.3.3. Background Material. Staff material, consisting of agendas, staff reports, and other material prepared and forwarded by staff which provide background information and recommendations regarding agenda items, when distributed to all or to a majority of the members of the Board in connection with a matter which is subject to discussion or consideration in open session at a public meeting, shall be made readily available to the public on the Agency's website, at the Agency's offices, and upon request. If a member of the public requests that a copy of such material be delivered by e-mail, Agency staff shall e-mail a copy of, or website link to, the documents as requested unless Agency staff determines that delivery by e-mail or by other electronic means is technologically infeasible, in which case Agency staff must send the documents by mail in accordance with the mailing requirements of the Brown Act.

2.4. **Posting**. The agendas of all Board meetings and all committee meetings that are open to the public shall be posted in the following locations: (1) an exterior window or bulletin board located outside of the Agency's administration office which is accessible twenty-four (24) hours a day; and (2) as soon as possible, the full agenda packet shall be posted on the Agency website: www.mojavewater.org.

2.5. **Board Member Teleconferencing and Ex Officio Committee Participation Policy**. A Board member wishing to participate in a meeting from a remote location pursuant to Government Code Sections 54953(b), 54953(c), 54953.8.2, or 54953.8.3 must notify Agency staff at the earliest opportunity as soon as possible so that the agenda for the meeting can be prepared and/or amended accordingly and that all other necessary accommodations can be arranged, and the meeting conducted, in a manner generally consistent with Articles I - VIII of the Board Member Teleconferencing and Ex Officio Committee Participation Policy attached hereto as Exhibit B and incorporated herein by this reference ("Teleconferencing Policy"). In the event a Board member appointed to any committee of the Board is unable to attend a meeting

of said committee, the Board member must comply with the provisions of Articles I, II, and IX of the Teleconferencing Policy.

Section 3. **ANNUAL REVIEW**.

Each year the Board shall review this Ordinance to determine its effectiveness and the necessity for its continued operation. The Agency's General Manager shall report to the Board on the operation of this Ordinance and make any recommendations deemed appropriate, including proposals to amend the Ordinance. Upon conclusion of its review, the Board may take any action it deems appropriate concerning this Ordinance. Nothing herein shall preclude the Board from taking action on this Ordinance at times other than upon conclusion of the annual review.

Section 4. **SEVERABILITY**.

If any provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. **EFFECTIVE DATE**.

This Ordinance shall supersede Ordinance No. 17 adopted by the Board on November 14, 2024, and shall take effect immediately upon adoption.

Adopted this 26th day of February, 2026.

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

EXHIBIT A

Under Government Code Section 54954.5, the following language has been provided by the State Legislature as sample language which will meet the mandate of the Brown Act for properly identifying closed session items on the Board's agenda:

LICENSE/PERMIT DETERMINATION (Government Code Section 54956.7)

Applicant(s): (Specify number of applicants)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: (Specify street address; parcel number if no street address; or other unique reference of parcel under negotiation)

Agency Negotiator: (Specify names of negotiators attending closed session) (If the specified negotiator is to be absent, an agent or designee may participate provided the name of the agent or designee is announced publicly prior to the closed session.)

Negotiating parties: [Specify name of party (not agent)]

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code Section 54956.9(d)(1)]

Name of case: (Specify by reference to claimant's name, name of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (Specify number of potential cases)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (Specify number of potential cases)

LIABILITY CLAIMS (Government Code Section 54956.95)

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

THREAT TO PUBLIC SERVICES, FACILITIES, OR CRITICAL INFRASTRUCTURE [Government Code Section 54957(a)]

Consultation with: (Specify name of law enforcement agency and title of officer if applicable; or name of security personnel, consultant, or manager if applicable; or name of applicable Agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT [Government Code Section 54957(b)]

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION [Government Code Section 54957(b)]

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE [Government Code Section 54957(b)]

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release.)

CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6)

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of negotiations)

CASE REVIEW/PLANNING (Government Code Section 54957.8)

(No additional information is required in connection with a closed session to consider case review or

planning.)

EXHIBIT B

Board Member Teleconferencing Policy

Article I. Policy:

The policy set forth herein ("Policy") shall govern the Agency's use of Teleconferencing for participation at Meetings of the Members of its Legislative Bodies. The Global Teleconferencing Policies (Article III) and Standard Teleconferencing Procedures (Article IV) shall apply in all instances, except when (1) a Member has a Disability requiring Reasonable Accommodation Procedures (Article V), or (2) a Member has "just cause" so as to permit the use the Expanded Teleconferencing Procedures (Article VI), or (3) a State of Emergency or Local Emergency is in effect sufficient to trigger the use of the Emergency Teleconferencing Procedures (Article VII). The Ex Officio Policies (Article IX) shall apply to Meetings of Standing Committees of the Board.

Article II. Definitions:

Unless otherwise defined herein, the following definitions shall apply to this Policy:

Ad Hoc Committee – shall refer to a Legislative Body of the Agency comprised of less than a quorum of the Board whose (1) existence is restricted to a relatively short period of time, (2) purpose is limited to a single and specific task; (3) subject matter jurisdiction is without any independent discretionary authority to make ultimate decisions on behalf of the Board with respect to the final resolution of the task, (4) charge is not be automatically renewed upon completion of its particular assignment or expiration of its fixed term, (5) meeting schedule is not on a regular basis or established by formal action of the Board, and (6) formation is publicly noticed in a timely manner.

Agency – shall refer to the Mojave Water Agency.

Board – shall refer to the Agency's Board of Directors.

Brown Act / Ralph M. Brown Act – shall refer to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the California Government Code, known as the "Ralph M. Brown Act" pursuant to Government Code section 54950.5, as such shall be amended from time to time.

Disability – shall have the same meaning as provided by Government Code Section 54953(e)(1).

Ex Officio Member – shall mean the President of the Board, as long as said Member does not occupy an appointed seat on any Standing Committee.

Legislative Body – shall have the same meaning as provided by Government Code Section 54952, including the Board, Standing Committees, and Ad Hoc Committees.

Local Emergency – shall refer to a condition of extreme peril to persons or property within the boundaries of the Agency proclaimed by the governing body of the local agency affected in accordance with Government Code Section 54953.8.2(e)(1).

Member – shall have the same meaning as provided by Government Code Section 54952.1.

Meeting – shall have the same meaning as provided by Government Code Section 54952.2.

Standing Committee – shall refer to a Legislative Body of the Agency comprised of less than a quorum of the Board that is not an Ad Hoc Committee.

State – shall mean the State of California.

State of Emergency – shall mean a state of emergency proclaimed by the California Governor or such others as may be empowered pursuant to Section 8625 of the California Emergency Services Act, as set forth in Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2 the California Government Code.

Teleconferencing – attendance from different locations, other than the physical location of a meeting, by way of an audio device, whether it be telephone, audio-only internet connection, or otherwise.

Videoconferencing – attendance from different locations, other than the physical location of a meeting, by way of a dual audio and visual device, whereby participants can be both seen and heard. For purposes of this Policy, Videoconferencing may include attendance by way of a single device or software package, or attendance via an audio-device with synced camera or webcasting.

Article III. Global Teleconferencing Policies:

At the discretion of the Legislative Body and/or the Agency's General Manager, any employee, consultant, vendor, or individual presenting or attending a Meeting of a Legislative Body, other than a Member of the Legislative Body, shall be permitted to attend and participate via teleconference or videoconference without compliance with the rules or conditions set forth herein. Members of the Legislative Body may only participate via teleconference or videoconference as permitted by this Policy.

To the extent a Member desires to participate in a Meeting via teleconference or videoconference, the Member shall generally be required to comply with the foregoing "Standard Teleconferencing Procedures" (Article IV) unless the circumstances exist to justify the use of the "Reasonable Accommodation Procedures" (Article V), "Expanded Teleconferencing Procedures" (Article VI), or "Emergency Teleconferencing Procedures" (Article VII).

In all instances in which a Member is participating in a Meeting via Teleconferencing or Videoconferencing, the Legislative Body shall:

1. Take all votes by roll-call;
2. Conduct the Meeting in a manner that protects the statutory and constitutional rights of the parties and public appearing before the Legislative Body;
3. Provide notice and post agendas as otherwise required by the Brown Act; and
4. Permit members of the public access to the Meeting and an opportunity to address the Legislative Body as required by the Brown Act.

Article IV. Standard Teleconferencing Procedures:

A Member may participate in a Meeting via Teleconferencing or Videoconferencing if the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participate in the Meeting from locations within the boundaries of the Agency;
2. The agenda posted for the Meeting is posted at all teleconference locations, each of which are identified in the notice and the agenda for the Meeting; and
3. Each teleconference location is accessible to the public, and the public is permitted to comment at each teleconference location.

Article V. Reasonable Accommodation Procedures for Members with Disabilities:

A Member with a Disability may participate in a Meeting via Teleconferencing or Videoconferencing, without the need to comply with the Standard Teleconference Procedure requirements to notice and post at the agenda location or make such locations accessible to the public, as a reasonable accommodation pursuant to applicable law as follows:

1. The Member shall participate through both Videoconferencing and Teleconferencing, except that a Member may participate only by Teleconference if a physical condition related to the Disability results in a need to participate off camera; and
2. The Member shall disclose at the Meeting before any action is taken, whether any individuals 18 years of age or older are present in the room at the remote location with the Member, and the general nature of the Member's relationship with any of those individuals.

Article VI. Expanded Teleconferencing Procedures (Effective Thru January 1, 2030):

A Member may participate in a Meeting via videoconference only (Teleconferencing will not be permitted under these procedures), without the need to comply with the Standard Teleconference Procedure requirements to notice and post at the agenda locations or make such locations accessible to the public, if the following conditions are satisfied:

1. At least a quorum of the Members of the Legislative Body participate in-person from a single physical location accessible to the public, which is within the boundaries of the Agency and clearly identified in the posted agenda;
2. The public is permitted to attend the Meeting either by teleconference or videoconference in a manner such that the public can remotely attend and offer real-time comment during the Meeting;
3. Notice of the means by which the public can remotely attend the Meeting via teleconference or videoconference and offer comment during the Meeting is included within the posted agenda;
4. The Member attending remotely has "just cause" that justifies the Member's attendance via videoconference.
    a. A Member shall only have "just cause" for remote attendance if such participation is for one of the following reasons:
        i. To provide childcare or caregiving need to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner, with such terms having the same meaning as those terms are defined in Government Code Section 12945.2;
        ii. Due to a contagious illness that prevents the Member from attending in-person;
        iii. Due to a need related to a physical or mental disability as defined in Government Code Sections 12926 and 12926.1 not otherwise accommodated.
        iv. Due to travel while on official business of the Legislative Body or another state or local agency;

v. Due to an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the Member that requires the Member to participate remotely;

vi. A physical or family emergency that prevents the Member from attending in person; and

vii. Military service obligations that result in the Member being unable to attend in person because the Member is serving under official orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the Member to be at least 50 miles outside the boundaries of the Agency.

b. The minutes for the Meeting shall identify the specific provision under Article VI.4.a. above that the Member relied upon to participate remotely.

5. The Member has not attended a Meeting remotely on the basis of "just cause" for more than five Meetings in the current calendar year; and
6. The Legislative Body has, and has implemented, a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the Meeting is otherwise given or the agenda for the Meeting is otherwise posted, the Legislative Body shall also give notice of the procedure for receiving and resolving requests for accommodation.
7.

In order to utilize the Expanded Teleconference Procedures, a Member shall:

1. For a "just cause" circumstance, notify the Legislative Body at the earliest opportunity, including at the start of a regular Meeting, of their need to participate remotely for just cause, including a general description of the circumstance relating to their need to appear remotely at the given Meeting;
2.
3. The Member shall publicly disclose at the Meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the Member, and the general nature of the Member's relationship with such individuals; and
4. Participate through Videoconferencing, with both audio and visual technology.

Upon receipt of notice from a Member to utilize the Expanded Teleconference Procedure, the Legislative Body shall, in the event of a disruption that prevents the broadcast of the Meeting to members of the public, or in the event of a disruption within the Agency's control that prevents members of the public from offering public comment using the Teleconferencing or Videoconferencing options, take no further action during a Meeting until such access is restored.

Article VII. Emergency Teleconferencing Procedures:

Notwithstanding the Standard Teleconferencing Procedures, a Legislative Body may elect to use these "Emergency Teleconferencing Procedures" to allow Teleconferencing if any of the following circumstances apply:

1. The Legislative Body holds a Meeting during a proclaimed State of Emergency or Local Emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or

2. The Legislative Body holds a Meeting during a proclaimed State of Emergency or Local Emergency and the Legislative Body has determined, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.

If utilizing the Emergency Teleconferencing Procedures, the Legislative Body shall:

1. Give notice in the agenda for such Meeting of the means by which members of the public may access the Meeting and offer public comment via a Teleconferencing or Videoconferencing option, which shall include an opportunity for public comment in real-time;
2. In the event of a disruption that prevents the broadcast of the Meeting to members of the public, or in the event of a disruption within the Agency's control that prevents members of the public from offering public comment using the Teleconferencing or Videoconferencing options, take no further action during a Meeting until such access is restored; and
3. Not close the public comment period, or the opportunity to register to comment, until the time that the general public comment period has elapsed.

The Legislative Body may continue use of the Emergency Teleconferencing Procedures for as long as the State of Emergency or Local Emergency remains active, provided that, not later than 45 days after Teleconferencing for the first time, and every 45 days thereafter, the Legislative Body finds by majority vote that:

1. The Legislative Body has reconsidered the circumstances of the State of Emergency or Local Emergency; and
2. The State of Emergency or Local Emergency continues to directly impact the ability of the Members to meet safely in person.

In the event of the use of these Emergency Teleconferencing Procedures, it shall not be necessary for the Agency to provide a physical location from which the public may attend or comment.

Article VIII. Miscellaneous Teleconferencing Provisions:

With respect to the Standard Teleconferencing Procedures, Expanded Teleconferencing Procedures, and Emergency Teleconferencing Procedures set forth herein, such are intended to comply with Government Code Sections 54953(b), 54953(c), 54953.8.3, and 54953.8.2, respectively, and, as such, in the event of a conflict between this Policy and such statutory provisions, the statutory provisions shall control and be implemented as if set forth in full in this Policy.

Article IX. Ex Officio Committee Participation Provisions:

In the event an appointed Member of a Standing Committee is unable to attend a Meeting of said Legislative Body, the Ex Officio Member may personally replace the absent Member at such Meeting so long as no more than three (3) Members discuss any business that is before the Standing Committee at the Meeting and/or the procedure is not otherwise abused as a subterfuge to obtain collective concurrence of a quorum of the Members of the Board outside of a duly-noticed and agendized Meeting of the Board.

The Ex Officio Member is not authorized to replace an absent Member of an Ad Hoc Committee at any Meeting of said Legislative Body.

A Member who is not the Ex Officio Member is not authorized to replace an absent Member of a Standing Committee or an Ad Hoc Committee at any Meeting of said Legislative Bodies.