



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460
PHONE 661-821-4428 • FAX 661-821-0180

ADMINISTRATION COMMITTEE AGENDA

August 21, 2019

11:00 am

Chair: Jane Baron; Vice-Chair: Terry Quinn
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Sharon Groen; Lisa Perez

1. **Approval of Agenda**
2. **Approve Minutes of the June 19, 2019 meeting.**
3. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

4. **Information & Discussion Items:**
 - A. Personnel Policy Review & Recommendation
 - i. Review Section X
 - B. Special District Leadership Foundation Certifications
 - i. District of Distinction
 - ii. Special District Administrator
 - iii. Certificate of Transparency
 - C. Related Policy Review & Recommendation
 - i. Brown Act Compliance Policy
 - ii. Public Records Request Policy

5. **Committee Member Comments**
6. **Staff Comments**
7. **Adjournment:** The next regularly scheduled meeting of the Administration Committee is October 16, 2019.

Signed August 13, 2019

Kristy McEwen, Secretary of the Board



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ADMINISTRATION COMMITTEE MINUTES

June 19, 2019

11:00 am

ROLL CALL: Chair: Jane Baron; Vice-Chair: Terry Quinn
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board
Citizen Volunteers: Sharon Groen (absent); Lisa Perez

1. **Approval of Agenda**

The Agenda was approved unanimously by the Committee.

2. **Approve Minutes of the April 17, 2019 meeting.**

The Minutes were approved unanimously by the Committee.

3. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

- None

4. **Information & Discussion Items:**

A. Personnel Policies Review & Recommendation

- Review Sections VIII - IX
- Vehicle Use Policy
- Electronic Communications Systems Policy
- Employee Development, Training and Reimbursement Policy
- Drug Free Workplace Policy

Motion: The Administration Committee recommend that the Board of Directors adopt the above policies, upon addressing proposed non-substantive amendments: Quinn. Second: Perez

Yea: 3

No: 0

5. **Committee Member Comments**

Director Quinn: Asked about District Code and enforcement provisions for weed abatement and illegal dumping.

6. **Staff Comments**

None

7. **Future Agenda Items:**

- Personnel Policies: Section X & XI - XII
- FMLA/CFRA/PDL Leave Policy
- Water Service Shut-Off Policy

8. **Adjournment:** The next regularly scheduled meeting of the Administration Committee is August 21, 2019.

Signed June 11, 2019

Kristy McEwen, Secretary of the Board

DRAFT

RULE X ATTENDANCE AND LEAVES

A. Attendance.

Employees must be in attendance on time at their work station or location in accordance with these Policies or Department policies regarding hours of work, holidays, and leaves. Employees must make every effort to schedule personal appointments outside their working hours. Employee adherence to the Policies governing attendance, procedures governing use of leaves of absence, and tardiness will be reviewed and evaluated during the employee's annual performance evaluation. All departments will keep daily attendance records of employees, which will be reported to Human Resources in the form and on the dates specified. Employees will be required to complete appropriate attendance records. The appropriate forms will be signed by the employee and immediate supervisor and then forwarded to the payroll department immediately but no later than the day following the end of the pay period.

B. Unauthorized Absence/Job Abandonment.

1. When an employee has been absent without authorization from work for more than three consecutive workdays, and in the opinion of the Department Head the employee has abandoned his/her position, the Department Head must notify the General Manager.
2. The Human Resources Representative will notify the employee that the District has determined he/she has abandoned his/her position. If the employee can demonstrate to the satisfaction of the General Manager that it was impractical or impossible to obtain approval for the absence, approval may be given retroactively. This determination is made at the sole discretion of the General Manager.
3. Job abandonment may include, but is not limited to:
 - a. Where an employee fails to return to his/her employment upon conclusion of any authorized leave of absence without requesting and submitting medical certification in support of, additional time off work;
 - b. Where an employee fails to properly notify by telephone or in writing his/her supervisor of absence due to sickness or injury, except as provided in **Section TBA**, regarding pregnancy disability or family care or medical leave;
 - c. Where an employee fails to appear for work without notification or express agreement between the supervisor and the employee as to the use of any leave time set forth under these Policies or other applicable District personnel policies;
 - d. Where an employee fails to keep his/her immediate supervisor reasonably apprised of disability status for which the employee is off work and fails to respond to inquiries from the District regarding disability status or intent to return to work, whether or not subject to medical restrictions.

4. Abandonment of position constitutes an automatic resignation from District employment.

C. Scheduling Leaves of Absence.

All scheduled leave will need to be coordinated on a District-wide basis in order to ensure appropriate staffing and coverage in all departments. Unless otherwise provided in these Policies, all leave must be approved by the supervisor, Department Head, and in some cases, the General Manager.

D. Vacation.

1. Eligibility. The District provides vacation benefits to all eligible full-time employees. Employees are eligible to take accrued vacation only after completing one year of employment.

2. Accrual.

- a. Newly-appointed employees. Vacation time is earned and accrues on a bi-weekly pro-rated basis. Newly appointed employees earn and accrue vacation during their first year of employment but are not eligible to utilize it until completion for their first full year of employment.

- b. Accrual based on years of service. Vacation time is accrued based on length of service according to the following formula:

<u>Service Year</u>	<u>Monthly Accrual Rate</u>	<u>Days/Year Equivalent</u>
1 - 5	6.67 hrs	10
6 - 15	10 hrs	15
16 - 20	13.34 hrs	20
21 +	16.67 hrs	25

- c. Cap. Employees may accrue or “carry over” earned but unused vacation time up to a maximum of 320 hours. Once an employee accrues the maximum entitlement of earned but unused vacation time, the employee will cease to earn or accrue additional vacation time until he/she has taken vacation and dropped below the maximum accrual level.
3. No cash-out during employment/No borrowing. The District will not purchase back from current employees unused vacation time. In addition, employees do not accrue vacation time while absent from work on any unpaid leave of absence. Employees may only use vacation time earned and may not "borrow" toward future vacation accrual.
 4. Procedure to Request Use of Vacation. Employees requesting vacation must complete and present a written and dated “Leave/Overtime Request Form” to their supervisor at least one week in advance of the requested leave. Vacation leave is granted at the sole discretion of the supervisor, Department Head, and in some

cases, the General Manager. The District reserves the right to refuse an employee's application for vacation if, in the District's sole judgment, scheduling the vacation at the time requested will have an adverse effect on the operation of the District's business. Use of vacation time in emergency situations is subject to approval by the General Manager.

5. Vacation Leave must be taken in one-hour increments. Exceptions to this minimum increment must be authorized in advance by a supervisor.
6. Payment upon Separation. Employees who separate from District service under **Rule TBA** will be paid for the full balance of their accrued but unused vacation pay.

E. Sick Leave

Terms and conditions of use of Sick Leave are set forth in the District's Sick Leave Policy, included as Attachment E.

F. Personal Leave.

1. Full-time employees will be credited with twenty-four (24) Personal Leave hours on July 1 of each year. Newly appointed employees will be credited on a pro-rated basis of two (2) hours per month for each full month remaining in the fiscal year at the time of hire.
2. Any credited Personal Leave hours not used by June 30 will not be carried over to the next fiscal year.
3. Procedure to Request Use of Personal Leave. Employees requesting Personal Leave must complete and present a written and dated "Leave/Overtime Request Form" to their supervisor at least one week in advance of the requested leave. Personal Leave is granted at the sole discretion of the General Manager or Department Head. The District reserves the right to refuse an employee's application for Personal Leave if, in the District's sole judgment, scheduling the Personal Leave at the time requested will have an adverse effect on the operation of the District's business. Use of Personal Leave time in emergency situations is subject to approval by the General Manager.
4. Personal Leave must be taken in one-hour increments. Exceptions to this minimum increment must be authorized in advance by a supervisor.
5. Paid Personal Leave does not count as "hours worked" for purposes of calculating an employee's entitlement to overtime during the week
6. Full-time employees will be granted an additional eight (8) hours of Personal Leave, ("Safety Day") upon achievement of a full year of employment without any safety violations or discipline. The District Safety Coordinator or Human Resources Representative will be the final authority concerning employees entitled to (or not entitled to) this benefit in a given year.

7. No Payment upon Separation. Credited but unused Personal Leave hours will not be paid out to employees who separate from District service under **Rule TBA.**

G. Administrative Leave.

1. Exempt Employees. Exempt full-time employees shall be entitled to paid Administrative Leave of eight (8) hours each month and is capped at fifty-six (56) hours. At the discretion of the General Manager, accrued and unused administrative leave may be redeemed at the employee's current hourly rate.
2. "Relief of Duty". During an investigation of alleged misconduct, or pending potential disciplinary action, or other approved personnel-related circumstances, the Department Head in consultation with the District Manager has the right to place affected employee(s) on leave with full pay until the personnel matter has been resolved. An employee assigned to administrative leave will be required to be reasonably available by phone during his/her regular working hours. In addition, employees on an administrative leave are prohibited from entering District facilities or property or communicating with District employees, except to the extent that non-employees may access District facilities, property, or employees. The General Manager may place other reasonable restrictions on an employee during the period of administrative leave, depending on the circumstances.

H. Bereavement Leave

1. Full-time employees may receive up to thirty-six (36) hours of paid bereavement leave in the event of a death or funeral of a member of the employee's Immediate Family, upon approval of the General Manager. For purposes of this provision, "Immediate Family" has the same meaning as in Section H.1.e. of Rule II. Reasonable proof of death and/or relationship to employee may be required.
2. Bereavement Leave is granted on July 1 of each year and is capped at thirty-six (36) hours. Any credited Bereavement Leave hours not used by June 30 will not be carried over to the next fiscal year.
3. The availability of unpaid bereavement time off beyond that described immediately above must be discussed with the employee's supervisor and approved by the General Manager.

I. Leave of Absence Without Pay.

1. When an employee has exhausted all of his or her paid leaves, he or she may request a leave of absence in accordance with this Section. The employee must submit a written request to the General Manager for a leave of absence without pay, along with any supporting documentation addressing the expected length of the requested absence.
2. The General Manager, solely at his/her discretion, may grant a regular or probationary employee a leave of absence without pay for a period not to exceed

three months. After three months, the leave of absence may be extended if authorized by the General Manager, based on a case-by-case determination. The employee will be notified in writing of the General Manager's approval or rejection of each request for unpaid leave of absence or extension of a previously-approved unpaid leave of absence.

3. Vacation, Personal and sick leave will not accrue during any unpaid leave, including Workers' Compensation, short-term disability leave or long-term disability leave, unless otherwise required by applicable state or federal law.
4. Upon expiration of an approved unpaid leave of absence, the employee will be entitled to be returned to the position held at the time leave was granted, if that position continues to exist. Otherwise, the employee will be subject to the provisions of Section TBA regarding employees whose positions have been eliminated.

J. Military Leave.

Employees who require time off from work to fulfill military duties will be treated in accordance with the applicable requirements of state and federal law. An employee requesting leave for this purpose must notify the General Manager, whenever possible, and provide a copy of the military orders specifying the dates, site and purpose of the activity or mission.

K. Jury Duty.

1. An employee summoned to and serving on jury duty must submit evidence of the Summons to the supervisor and discuss any possible jury duty commitment with his/her supervisor to attempt to plan the District's work with as little disruption as possible.
2. All full-time employees who are summoned for jury duty are entitled to be absent from District duties during the period of this service. The District will pay each full-time employee up to a maximum 10 working days for participation in jury duty. Any pay received by the employee for jury duty during the 10-day period must be submitted to the District.
3. Non-exempt employees who are released from jury service or who are not asked to serve on a jury panel at least four hours before the end of their regularly scheduled shifts, are required to report to work.
4. Probationary employees are encouraged to request to postpone jury duty service until after they have completed probation.

L. Voting Leave.

Employees will be granted time off with pay to vote in any general, direct primary or presidential primary election in accordance with Elections Code section 14000. Employees must give their supervisor at least two working days-notice to of their need to take such time off.

M. School Leave.

1. Any District employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands *in loco parentis* of one or more children enrolled in kindergarten or grades 1 through 12, or attending a licensed child care facility, will be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, without pay, to participate in activities of the school or licensed child care provider for his/her child. This leave may also be used for the purpose of finding a school or child care, or enrolling or reenrolling a child with a school or licensed care provider.
2. In addition, this leave may be used to address a child care provider or school emergency, including a request that a child be picked up due to the child's behavioral/discipline problems or other reason under the school or child care provider's policy; the closure or unexpected availability of the school or child care provider, excluding planned holidays; or a natural disaster. Leave used for these emergency purposes is not limited to eight hours per month, but is subject to the 40-hour limit for the school year.
3. The employee must provide reasonable advance notice of the planned absence where practicable. The employee may be required to use Vacation, Personal Leave and/or Compensatory Time to cover the absence.
4. The District may require the employee to provide documentation from the school or child care provider as verification that the employee participated in school activities on a specific date and at a particular time.

N. Student Suspension Leave.

Any District employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 will be allowed to leave work to attend a school meeting after the child has been suspended. The employee must provide reasonable advance notice of the need for the absence, and may be required to use Vacation, Personal Leave and/or Compensatory Time to cover the absence. The District may also require the employee to provide documentation from the school as verification of his/ her attendance at a school meeting regarding the child's suspension.

O. Compensatory Time Off (CT).

Employees who request to use CT will be permitted to use the compensatory time within a reasonable period after making the request if the use of CT does not unduly disrupt the operations of the District as determined in accordance with Section K.5.c. of Rule IX.

P. Pregnancy Disability Leave, Reasonable Accommodation, or Transfer.

1. Employees who are actually disabled due to pregnancy, childbirth, or related medical conditions are entitled to up to four months (equivalent to 17 1/3 weeks) of Pregnancy Disability Leave in accordance with the California Pregnancy

Disability Leave Law and the District's Family Care and Medical Leave, Pregnancy Disability Leave and Military Family Leave Policy, included as Attachment F.

2. In addition, an employee affected by conditions related to pregnancy, childbirth, or related medical conditions is entitled to temporarily transfer to a less strenuous or hazardous position or duties, or request other form of reasonable accommodation upon the certification of the employee's health care provider that the transfer or other request is medically advisable, and can be reasonably accommodated. Further details are contained in the District's Family Care and Medical Leave, Pregnancy Disability Leave and Military Family Leave Policy, included as Attachment F.

Q. Family Medical and Care Leave.

The federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) provide that a leave of absence may be granted to eligible employees for the following reasons:

1. Baby bonding: leave taken because of the birth of a child of the employee and in order to care for that child, or because of the placement of a child with the employee for adoption or foster care of the child by the employee and in order to care for that child, is referred to as "baby bonding leave."
2. Medical leave: leave taken to care for a spouse, registered domestic partner, child, or parent with a serious health condition, or leave taken because of an employee's own serious health condition, which makes the employee unable to perform the functions of his/her position, other than pregnancy-related disability, which is subject to the terms of Section P. above.

To qualify for this leave, the employee must have completed one year of employment with the District and have worked at least 1250 hours during the twelve-month period immediately preceding the leave. The maximum duration of a leave under FMLA or CFRA is twelve weeks in a twelve-month period. Further details are contained in the District's Family Care and Medical Leave, Pregnancy Disability Leave and Military Family Leave Policy, included as Attachment F.

R. Work-related Injury/Illness Leave.

District employees who are injured or have an illness as a result of a work-related incident are entitled to Workers' Compensation benefits, in addition to family medical leave benefits, as appropriate. For continued payment, employees who become injured or ill as a result of a work-related incident must use accrued sick leave after the third day of absence. Thereafter, upon the exhaustion of sick leave balances, the employee may choose to use any additional leave balances. Any compensation for use of paid leaves will be coordinated with any disability payments paid under Worker's Compensation benefits.

S. Long-Term Disability Payments

1. In General. Employees who are unable to work because of an illness or injury which is not related to the job may be eligible to receive State Disability Insurance (SDI).

This benefit is paid for by the employee by means of a payroll deduction. Eligibility information may be obtained by calling the State Employment Development Department (EDD).

In case of a lengthy illness, employees may apply for and collect State Disability Insurance and use accrued sick and vacation leave time to make up the difference between the weekly SDI payment and the regular paycheck.

2. Long Term Disability benefits are offered under a contract between the District and the LTD carrier, which is subject to change at any time.
3. Maximum Amount. LTD benefits equal 60% of an employee's base salary, up to a maximum of \$6,500.00 per month.
4. Elimination Period. Employees who are unable to work due to a continuous disability are eligible to receive LTD payments on the 91st day following the first date of injury or illness, as identified in the medical certification.
5. Use of Paid Leaves.
 - a. At any time during the Elimination Period, an employee may submit an irrevocable request to Human Resources to use available, accrued paid leave to maintain his/her full salary for one or more days for the remainder of the Elimination Period.
 - b. An employee who remains eligible for LTD benefits may request to coordinate any remaining vacation leave with LTD benefits for days 91 and onward.
 - c. At no time will an employee's use or coordination of paid leave result in compensation greater than 100% of the employee's current base rate of pay.
 - d. Paid leaves must be used in the following order (where available): sick leave, personal leave, administrative leave, compensatory time off, and vacation leave.
 - e. An employee will not receive pay for any holiday during the Elimination Period on which the employee is not using paid leave. Employees who are using paid leave during the Elimination Period will receive the paid holiday and will not be required to use accrued leave time to cover that day.
6. COBRA Eligibility. Employees who are in an unpaid status while receiving LTD benefits will be given the opportunity to continue their medical/dental/vision benefits through COBRA.

T. Fitness for Duty Leave.

1. In General. Employees are expected to report to work fit for duty, which means able to perform their job duties in a safe, appropriate, and effective manner, with or without reasonable accommodation. If an employee feels that he/she is not fit to perform his/her duties, he/she must notify his/her supervisor immediately.
2. Reasons for Fitness for Duty Leave. A paid Fitness for Duty Leave may be ordered by the District in any of the following situations:
 - a. An employee is involved in the interactive process with the District under **Section TBA.**
 - b. A supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations and reports may be based on, but are not limited to factors such as an employee's own statements regarding impairment or difficulty performing job duties or other indication of potential unfitness; objective evidence of impaired dexterity, coordination, alertness, speech, vision acuity, or concentration in performance of job duties; disproportionate response to criticism; or inappropriate or uncharacteristic interactions with the public, co-workers, or supervisors.
 - c. Fitness for duty examinations based on a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol will be conducted in accordance with the District's Drug-Free Workplace Policy included as Attachment B.
3. Procedures for Ordering a Fitness for Duty Examination. When a supervisor becomes aware of or observes behavior that makes him/her reasonably suspect that the employee may not be fit for duty, the supervisor must notify the Human Resources Representative who will determine whether to schedule the employee for a fitness for duty examination. If the circumstances warrant it, the Human Resources Representative, after conferring with the employee's Department Head, may place the employee on paid Fitness for Duty leave pending the results of the employee's fitness for duty examination. The examination will be paid for by the District.
4. Procedure Following Receipt of Examination Results.
 - a. Fit for Duty. If the doctor finds the employee is fit for duty, the employee will return to work immediately and perform all duties of his/her position.
 - b. Fit for Duty with Restrictions. If the doctor finds the employee is fit for duty with restrictions, the doctor will specifically enumerate what functional restrictions are necessary in relation to the employee's job duties and for how long those restrictions are necessary.

- c. Unfit for Duty. If the employee is found to be unfit for duty in his/her current position, he/she will not be permitted to return to work in that position.
- d. Interactive Process: For employees found unfit for duty or fit with restrictions, the District will evaluate the restrictions, if any, and engage in the interactive process as set forth in [Section TBA](#) to determine whether a reasonable accommodation is available.

DRAFT

Promoting good governance.

The Special District Leadership Foundation (SDLF) is an independent, non-profit organization formed to promote good governance and best practices among California's special districts through certification, accreditation and other recognition programs. The SDLF and its activities are supported by the California Special Districts Association and the Special District Risk Management Authority.



Recognition in Special District Governance

Designed to honor special district board members and trustees, and is comprised of two distinct parts: the completion of the Special District Leadership Academy and 10 hours of continuing education. The Special District Leadership Academy is comprised of four courses unique in that the curriculum has been created by special districts and agreed upon as what governing officials of special districts should know. SDLF has endorsed the Academy as the core special district governance training in California.



District of Distinction Accreditation

In a time where proper fiscal management and responsibility in public agencies is paramount and the task of governing these agencies has become even more complex, regulated and costly, it has become increasingly important to demonstrate to constituents that districts have sound fiscal management policies and practices in place among other areas of importance in district operations. This accreditation is designed as a way for districts to highlight their prudent fiscal practices along with other areas important to effectively operate and govern a special district.



Special District Administrator Certification

This is a voluntary designation sought by individuals who strive to be the best. Administrators with various academic and professional backgrounds can be candidates for the program. Guided by the SDLF Board, Certification Advisory Committee, and under direction by a professional examination development firm, this certification will give successful candidates recognition unmatched by other programs. This certification helps document and recognize a candidate's knowledge, skills and capabilities as a special district administrator.



District Transparency Certificate of Excellence

This program was created in an effort to promote transparency in the operations and governance of special districts to the public and to provide special districts with an opportunity to showcase their efforts in transparency. There are no fees for this certificate and recognition is two years. Three main subject areas: Basic Transparency Requirements; Website Requirements; and Outreach Requirements - These are only a sampling of all the requirements needed to complete the transparency certificate.





SHOWCASE YOUR COMMITMENT TO EXCELLENCE

District of Distinction Application

The District of Distinction is an accreditation program that enables districts to demonstrate to their communities, the media and legislators their commitment to operate in a sound, responsible manner. Districts apply for designation as a District of Distinction by submitting financial audits, policies and procedures and proof of training received by directors and executive staff.

Requirements:

FINANCIAL AUDITS

Districts must demonstrate they undergo regular financial audits, have no major deficiencies and apply any recommendations to future years.

What to submit:

- Copies of the three most recent district audits, including financial statements (3), SAS 114 and management letters (3). Each audit, including findings and recommendations, will be reviewed by a member of the Certification & Audit Review Advisory Committee. Committee members are volunteers from the special district community, including district controllers, directors of finance and SDA certified general managers.

POLICIES AND PROCEDURES

Districts must demonstrate that their operations conform to all statutes and regulations under state law as reflected in a policies and procedures manual. Policies and procedures should focus on governance, ethics, board conduct, district finances, reserves, reimbursement/compensation, etc.

What to submit:

- Copy of your district's current approved policies and procedures manual.
- Copy of your district's Board minute action adopting and/or having reviewed the policies and procedures manual within the past year.

TRAINING

What to submit:

Documentation showing class attendance, such as certificate of completion for each board member, general manager and other executive staff members (as identified by the board) in the following areas:

- Governance Training:** Six hours of basic governance training within the past five years. *Governance Foundations*, offered by CSDA's Special District Leadership Academy, satisfies this requirement. Other courses may qualify as well, however will need to be submitted for review by SDLF. Also, *Board Member Best Practices* (3 hours) plus 2 approved webinars will satisfy that requirement. Approved webinars are:
Board Member and District Liability Issues, Must Have Communication Protocols for Board & Staff, and Who Does What? Best Practices in Board Staff Relations.
**Districts with boards larger than 7 need at least a majority of total board members completing this training requirement.*
- Ethics Training:** Documentation verifying completion of AB 1234 ethics compliance training within the last two years.
- Harassment Prevention Training:** Documentation verifying completion of AB 1825 harassment prevention training within the last two years.

OTHER

Districts must also include the following items with the accreditation/re-accreditation application:

What to submit:

- Board of Directors roster
- List of executive staff, including titles
- Completed application for accreditation/re-accreditation
- Accreditation/re-accreditation application fee
- Completed SDLF District Transparency Certificate of Excellence

Who should apply to be a District of Distinction?

Any California special district that wants to demonstrate publicly the effectiveness of its operations. Applying for this designation shows that your district understands and respects the responsibilities inherent to providing essential public services in a fiscally responsible manner.

What does a district receive for completing the program?

Districts of Distinction earn the right to use the program’s seal on district materials and a plaque honoring their accomplishment. SDLF will also send a letter to a local publication and notify legislators on a district’s behalf. The District will also receive a Legislative Resolution.

How does a district apply?

Districts interested in earning the Districts of Distinction designation must complete the application and submit it along with the required documentation. Applications must also be accompanied by an application fee.

If my district is a member of the Special District Risk Management Authority (SDRMA), will getting a District of Distinction accreditation save me money on my premiums?

Yes. SDRMA offers Credit Incentive Points (CIPs) if your district earns the District of Distinction accreditation which can provide significant premium discounts. For more information, contact SDRMA at 800.537.7790 or visit www.sdrma.org.

RE-ACCREDITATION

For how long is the designation valid?

The Districts of Distinction designation is valid for two years and a district may be re-accredited by submitting the application and all current required documents for review along with the re-accreditation fee.

Fees

The fees are on a sliding scale, based on a district’s budget:

INITIAL ACCREDITATION & RE-ACCREDITATION

Annual operating budget	Fee
\$0-299,999	\$125
\$300,000-749,999	\$150
\$750,000-999,999	\$175
\$1,000,000--2,999,999	\$200
\$3,000,000 or more	\$250

Submit this application along with all required documentation and payment to:

Special District Leadership Foundation
 1112 I Street, Suite 200
 Sacramento, CA 95814
 Phone: 916-231-2909 • Fax: 916-442-7889 • sdlf.org

Electronic filing is preferable.

Contact SDLF for instructions.

District:		
Mailing Address:		
City:	State:	Zip:
Contact Name:	Title:	
Phone:	Fax:	
Email:	Website:	
Assembly Member(s)*:		
Senator*:		
Local Newspaper(s):		
I certify that the information submitted is accurate and complete to the best of my knowledge.		Signature:

SILVER, GOLD OR PLATINUM RECOGNITION

Board Members who have received Recognition in Special District Governance: (attach additional pages if necessary)

	Date:
	Date:
	Date:

General Manager:

Has completed Recognition in Special District Governance

Has completed Recognition in Special District Administrator

PAYMENT

Total: \$ Check Visa Mastercard Discover American Express

Acct. Name: Acct. Number:

Expiration Date: Authorized Signature:



FOR GENERAL MANAGERS AND TOP MANAGEMENT

Special District Administrator Certification

The Special District Administrator (SDA) Certification is a voluntary designation sought by individuals who strive to be the best in their field. Special District Administrators with various academic and professional backgrounds can be candidates for the program.

Qualifying For The Exam

The certification application in special district administration is built around specific categories. These factors include professional special district and related experience; related continuing education; community service and higher education background.

CURRENT EXPERIENCE

In order to earn the SDA Certification, an individual must have:

- Worked three out of the last five years in a position of management in a California special district. Related work experience with other public agencies or private firms may be considered by application to the Certification and Audit Review Advisory Committee. A current resume is required with your application.

ACCEPTED COURSES

All courses offered by the California Special Districts Association (CSDA) or any statewide association specializing in local government are valid for the certification program and can count as continuing education. Applicants submitting course credits from other organizations, academic institutions or private firms, must include:

- General course descriptions for consideration by the Certification and Audit Review Advisory Committee. A written notification will be provided if course work is not accepted. The applicant then has an opportunity to appeal.
- All continuing education submitted for review must be from within the last five years.

Examination

A total of 400 points is required to qualify for the opportunity to take the examination based on the identified categories. **The points listed to the right of each section in the application indicate the minimum/maximum points a candidate must have in each area.** You can submit excess points for review, however must have at least 400 qualified points to move forward.

Upon determination of eligibility and qualification, an individual will be scheduled for the examination. Qualified applicants will be notified regarding the annual examination schedule. Applicants will also be notified of examination results within 30 days of taking the exam.

The exam consists of 100 total questions across many areas related to special district management, operations and governance and must be completed within two hours. A score of 70 or more is required to pass the exam. If unsuccessful on the first attempt, the exam may be re-taken once at a different time with no additional charge or application.

Fees - All fees are non-refundable.

ONE-TIME APPLICATION FEE

There is a \$300 application fee for the Certification in Special District Administration Program. This fee includes the SDA study guide and review and evaluation of points earned prior to taking the examination. In the event that an applicant does not initially meet the minimum point requirement for taking the examination, the fee submitted remains valid for three years to allow ample time for accumulation of points.

EXAM FEE

The fee for the certification examination is \$150. The exam may be re-taken once at a different time with no additional charge or application.

RECERTIFICATION FEE

The fee for recertification is \$50 and must be submitted in accordance with the requirements for maintaining SDA certification as listed below.

Maintaining SDA Certification

The SDA Certification is valid for four years from the date of successfully passing the exam. It can be kept current by completion of 75 continuing education points and a nominal recertification fee submitted to SDLF within each additional four-year period.

SDA EMERITUS STATUS

Any current SDA in good standing automatically becomes an SDA Emeritus upon retirement. There is no renewal or fee for SDA Emeritus status. Please notify SDLF within three months of your retirement date.

Special District Administrator (SDA) Certification Application

Please provide details, dates and appropriate documentation. Use additional pages if necessary.

Professional Special District & Related Experience				(120 - 200 POINTS)
1. District/General Manager Experience				
From:	To:	Years In Position:	(X) 35 =	
2. Assistant General Manager/Sr. Management Experience				
From:	To:	Years In Position:	(X) 25 =	
3. Other Related Management Experience				
From:	To:	Years In Position:	(X) 15 =	
Higher Education Background (Only Highest Degree Earned May Be Used Toward Your Total Score)				(0 - 125 POINTS)
Degree	Institution	Location	Date	
Associate (50 Points)				
Bachelor (75 Points)				
Master (100 Points)				
Doctorate (125 Points)				
Community Service (5 points per activity per year)				(10 - 25 POINTS)
Service to the community in the spirit of maintaining a connection to special districts and local government. This section was designed to account for volunteer activities outside the scope of your everyday job responsibilities, while still relating specifically to your local community. Please describe your contribution, level of involvement from the experience and the relevancy to special districts, local government and/or the community.				
Activity	Date	Briefly describe your contribution and the relevancy to districts, local government and/or community.		
1.				
2.				
3.				
4.				
5.				

**attach additional pages as necessary*

Special District Administrator (SDA) Certification Application

Please provide details, dates and appropriate documentation. Use additional pages if necessary.

Related Continuing Education (8 points - full day, 4 points - half day, 1 point - per hour)			(160 - 240 POINTS)
<p>All courses offered by the California Special Districts Association, any statewide association specializing in local government and/or an organization with a focus in the areas outlined in the SDA Study Guide (public policy, management, administration, governance, etc.) are valid for the certificate program.</p> <p>REQUIREMENTS:</p> <ul style="list-style-type: none"> • At least 50% of continuing education points submitted are in trainings focused on performance in special district operations and governance. • All continuing education needs to have been completed within five years of application submission. • Continuing education must include current AB 1234 Ethics Training (2 hours) and AB 1825 Harassment Prevention Training (2 hours). This applies to recertification also. <p>NEW & RENEWING SDAS:</p> <ul style="list-style-type: none"> • Completion of SDA Study Group – 50 points (monthly calls and online participation; allow for 2 missed calls for 12-month period for full points) • Writing an article that is published or teaching a workshop – 15 points (per item) <p>RENEWING SDAS ONLY:</p> <ul style="list-style-type: none"> • Serving as a panelist and/or coach at “So, You Want to Be a GM?” workshop – 10 points (per item) • Volunteering as a coach in CSDA’s “Coaches Corner” – 10 points (per year) <p>ADDITIONAL POINTS FOR SPECIFIC EVENTS</p> <ul style="list-style-type: none"> • General Manager Leadership Summit – 25 points • CSDA Annual Conference & Exhibitor Showcase – 25 points 			
Sponsor & Title of Program	Date(S)	Number Of Hours	
1.			
2.			
3.			
4.			
5.			
6.			
TOTAL			

Submit this application along with all required documentation and payment to:
 Special District Leadership Foundation, 1112 I Street, Suite 200, Sacramento, CA 95814
 Phone: 916-231-2909 • Fax: 916-442-7889 • sdf.org

(Min. 400 points needed)

Name:		
District:		
Mailing Address:		
City:	State:	Zip:
Phone:	Fax:	
Email:	Website:	
<p>In completing this application, I fully understand that it an application for enrollment purposes only. In order to complete registration I will submit to an examination and supply further information as required by the Certification and Audit Review Advisory Committee. I further understand and, by my signature, acknowledge that any false statement or misrepresentation I may make in the course of these proceedings and application may result in the revocation of this application.</p>		
Applicant’s Signature:		Date:

PAYMENT	
Total: \$	<input type="checkbox"/> Check <input type="checkbox"/> Visa <input type="checkbox"/> Mastercard <input type="checkbox"/> Discover <input type="checkbox"/> American Express
Acct. Name:	Acct. Number:
Expiration Date:	Authorized Signature:

The Special District Administrator Certification does not discriminate on any basis, including race, sex, age, religion, national origin, sexual orientation or disability.



SHOWCASE YOUR DISTRICT'S COMMITMENT TO TRANSPARENCY

District Transparency Certificate of Excellence

Purpose

To promote transparency in the operations and governance of special districts to the public/constituents and provide special districts with an opportunity to showcase their efforts in transparency.

Duration

2 Years

Application Cost

FREE

District Receives

- Certificate for display (covering 2 years)
- Press release template
- Recognition on the SDLF website
- Letter to legislators within the district's boundaries announcing the achievement
- Recognition in social media, letter to the editor of local media outlet, and the CSDA eNews
- Window cling

Basic Requirements

Current Ethics Training for All Board Members *(Government Code Section 53235)*

- Provide names of board members and copies of training certificates along with date completed

Compliance with the Ralph M. Brown Act *(Government Code Section 54950 et. al)*

- Provide copy of current policy related to Brown Act compliance
- Provide copy of a current meeting agenda (including opportunity for public comment)

Adoption of Policy Related to Handling Public Records Act Requests

- Provide copy of current policy

Adoption of Reimbursement Policy, If District Provides Any Reimbursement of Actual and Necessary Expenses

(Government Code Section 53232.2 (b))

- Provide copy of current policy

Annual disclosure of board member or employee reimbursements for individual charges over \$100 for services or products. This information is to be made available for public inspection. "Individual charge" includes, but is not limited to: one meal, lodging for one day, or transportation. *(Government Code Section 53065.5)*

- Provide copy of the most recent document and how it is accessible.

Timely Filing of State Controller's Special Districts Financial Transactions Report -

Includes Compensation Disclosure. *(Government Code Section 53891)*

- Provide copy of most recent filing.

SDLF staff will verify that district is not listed on the State Controller's 'non-compliance list'

Conduct Audits As Required By Law *(Government Code Section 26909 and 12410.6)*

- Provide copy of most recent audit, management letter, and a description of how/where documents were made available to the public

Other Policies – Have Current Policies Addressing the Following Areas

Provide copies of each:

- Conflict of Interest
- Provide copies of Form 700 cover sheet for board members and general manager
- Code of Ethics/Values/Norms or Board Conduct
- Financial Reserves Policy

Website Requirements

Maintain a district website with the following items Required. (provide direct website links for each item) - Required items available to the public:

- Names of board members and their full terms of office to include start and end date
- Name of general manager and key staff along with contact information
- Election/appointment procedure and deadlines
- Board meeting schedule
(Regular meeting agendas must be posted 72 hours in advance pursuant to *Government Code Section 54954.2 (a)(1)* and *Government Code Section 54956 (a)*)
- District's mission statement
- Description of district's services/functions and service area
- Authorizing statute/Enabling Act (Principle Act or Special Act)
- Current District budget
- Most recent financial audit
- Archive of Board meeting minutes for at least the last 6 months
- Link to State Controller's webpages for district's reported board member and staff compensation (*Government Code Section 53908*)
- Link to State Controller's webpages for district's reported Financial Transaction Report (*Government Code Section 53891 (a)*)
- Reimbursement and Compensation Policy
- Home page link to agendas/board packets (*Government Code Section 54957.5*)
- SB 272 compliance-enterprise catalogs (*Government Code Section 6270.5*)

Additional items – website also must include at least 4 of the following items:

- Post board member ethics training certificates
- Picture, biography and e-mail address of board members
- Last (3) years of audits
- Financial Reserves Policy
- Online/downloadable public records act request form
- Audio or video recordings of board meetings
- Map of district boundaries/service area
- Link to California Special Districts Association mapping program
- Most recent Municipal Service Review (MSR) and Sphere of Influence (SOI) studies (full document or link to document on another site)
- Link to www.districtsmakethedifference.org site or a general description of what a special district is
- Link most recently filed to FPPC forms
- Machine readable/searchable agendas (*required in 2019*)

Outreach/Best Practices Requirements - (Must complete at least 2 of the following items)

Regular district newsletter or communication (printed and/or electronic) that keeps the public, constituents and elected officials up-to-date on district activities (at least twice annually)

- Provide copy of most recent communication and short description on the frequency of the communication, how it's distributed and to whom.

Community notification through press release to local media outlet announcing upcoming filing deadline for election or Appointment and process for seeking a position on the district board, prior to that election (or prior to the most recent deadline For consideration of new appointments for those districts with board members appointed to fixed-terms).

- Provide copy of the press release (and the printed article if available)

Complete salary comparison/benchmarking for district staff positions using a reputable salary survey (at least every 5 years)

- Provide brief description of the survey and process used as well as the general results

Special Community Engagement Project

Designed and completed a special project promoting community engagement with the district (potential projects may be broad in nature or focus on specific issues such as rate-setting, recycled water, identifying community needs, etc.)

- Submit an overview of the community engagement project reviewing the process undertaken and results achieved

Hold annual informational public budget hearings that engage the public (outreach, workshops, etc.) Prior to adopting the budget

- Provide copy of most recent public budget hearing notice and agenda.

Community Transparency Review

The district would be required to obtain a completed overview checklist from at least 2 of the following individuals (the district may choose to conduct the overview with these individuals simultaneously or separately):

- Chair of the County Civil Grand Jury
- Editor of a reputable local print newspaper (only one may count toward requirement)
- LAFCO Executive Officer
- County Auditor-Controller
- Local Legislator (only one may count toward requirement)
- Executive Director or President of local Chamber of Commerce
- General Manager of a peer agency (special district, city, county, neighborhood association, community organization or county administrative officer)

- Provide proof of completion signed by individuals completing Community Transparency Review



SHOWCASE YOUR DISTRICT'S COMMITMENT TO TRANSPARENCY

District Transparency Certificate of Excellence

Submit Application

Submit this application along with all required documentation to:

Special District Leadership Foundation
1112 I Street, Suite 200
Sacramento, CA 95814
Phone: 916-231-2909 • Fax: 916-442-7889

Electronic filing is preferable.

Contact SDLF for instructions.

District:		
Mailing Address:		
City:	State:	Zip:
Contact Name:		
Contact Title:		
Phone:	Fax:	
Email:	Website:	
Assembly Member(s)*:		
Senator*:		
Local Newspaper(s):		
I certify that the information submitted is accurate and complete to the best of my knowledge.	Signature:	

**include all state legislators representing the district's area of operation*



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460

PHONE 661-821-4428 • FAX 661-821-0180

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BROWN ACT COMPLIANCE POLICY

I. RALPH M. BROWN ACT

The Brown Act or "Open Meeting Law" is officially known as the Ralph M. Brown Act and is found in the California Government Code § 54950 et seq. The Brown Act was enacted in 1953 to guarantee the public's right to attend and participate in meetings of local legislative bodies, and as a response to growing concerns about local government officials' practice of holding secret meetings that were not in compliance with advance public notice requirements. The Brown Act is pivotal in making public officials accountable for their actions and in allowing the public to participate in the decision-making process.

II. APPLICABILITY

The Brown Act governs local agencies, legislative bodies of local government agencies created by state or federal law and any standing committee of a covered board or legislative body, and governing bodies of non-profit corporations formed by a public agency. Examples of these would be city council, county board of supervisors, special district, school boards, and standing committees.

III. AGENDAS

1. The General Manager shall prepare an agenda for each Regular and Special meeting of the Board in accordance with the Ralph M. Brown Act (California Government Code Section 54950).
2. The Board shall receive public comments at Regular and Special meetings of the Board on matters which are not on the agenda that a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting, other than providing brief general directions to staff regarding the matter, if appropriate.
3. At least 72 hours prior to the time of all Regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). If the District maintains a website, the agenda shall be posted on the website for public information at the same time. All information made available to the Board (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.
4. The agenda for a Special meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).
5. The General Manager of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board, subject to re-ordering of the agenda by the Board at the meeting.

IV. MEETINGS

37 1. **Definition:** A meeting, as defined by the Brown Act, is "any congregation of a majority of the
38 members of a legislative body at the same time and place to hear, discuss or deliberate upon
39 any item that is within the subject matter jurisdiction of the legislative body" (§ 54952.2 (a)). For
40 instance, when the quorum for the District's Board of Directors reaches the number necessary
41 to be a majority (i.e. 3 out of 5), that is considered a meeting under the Brown Act. Also, when
42 the same or a greater number of directors are attending a social gathering, for which no
43 meeting notice was given, and they start discussing business under the jurisdiction of their
44 legislative body, that would be considered a meeting that falls under Brown Act regulations.

45 The key elements for a meeting are quorum and discussion, hearing or deliberation of issues;
46 the meeting needs not to be formally convened in order to be subject to the act. That means
47 that "informal", "study," "discussion," "informational," "fact-finding," or "pre-council"
48 gatherings of a quorum of the members of a board are within the scope of the Act as meetings.

49 2. **Exceptions (Meetings not covered by the Brown Act):** Conferences and retreats, other public
50 meetings, meetings of other legislative bodies, social or ceremonial events are exempt from the
51 Brown Act provided that legislative members follow certain rules such as limiting the discussion
52 to the agenda in the conference; or that legislative members do not discuss amongst themselves
53 business of their legislative body (§ 54952.2(c)). Also excluded from the application of the Brown
54 Act are individual contacts or conversations between a member of a legislative body and any
55 other person (§ 54952.2(c) (1)). Any other person is defined as a non-staff or non-board member.

56 3. **Meetings of the Board of Directors:**

57 a. **Regular Meetings** of the District Board of Directors shall be held on the second
58 Thursday of each calendar month at 6:00 p.m. in the District Administration Office or
59 other designated location within District boundaries.

60 b. **Special Meetings** of the Board may be called by the President of the Board or by a
61 majority of the Board by delivering written notice to each member of the legislative
62 body and to each local newspaper of general circulation and radio or television stations,
63 requesting notice, in writing and posting a notice on the District's web site. The notice
64 shall be delivered personally or by any other means at least 24 hours before the time of
65 the meeting as specified in the notice. The call and notice shall specify the time and
66 place of the Special meeting and the business to be transacted or discussed. No other
67 business shall be considered by the Board at these meetings.

68 c. **Emergency Meetings.** In the event of an emergency situation involving matters upon
69 which prompt action is necessary due to the disruption or threatened disruption of
70 public facilities, the Board may hold an Emergency Special meeting without complying
71 with the 24-hour notice. An emergency situation means a crippling disaster which
72 severely impairs public health, safety, or both, as determined by the President of the
73 Board or a majority of the Board. Newspapers of general circulation in the District, radio
74 and television stations which have requested notice of Special meetings shall be notified
75 by at least one hour prior to the emergency meeting. In the event that telephone
76 services are not functioning, the notice requirement of one hour is waived, but the
77 Board, or its designee, shall notify such newspapers, radio stations, or television stations
78 of the fact of the holding of the Emergency Special meeting, and of any action taken by
79 the Board, as soon after the meeting as possible.

80 Closed session may be held during an Emergency meeting by a unanimous vote of the
81 members present, and all other rules governing Special meetings shall be observed with

82 the exception of the 24-hour notice. The minutes of the Emergency meeting, a list of
83 persons the Board or designee notified or attempted to notify, a copy of the roll call
84 vote(s), and any actions taken at such meeting shall be posted for a minimum of ten
85 days in the District office as soon after the meeting as possible.

86 d. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any
87 Board meeting at any place in the agenda and adjourn the to any time and place
88 specified in the order of adjournment, except that if no Directors are present at any
89 Regular or Adjourned Regular meeting, the General Manager may declare the meeting
90 adjourned to a stated time and place, and he/she shall cause a written notice of
91 adjournment to be given.

92 e. **Standing Committee Meetings.** The meetings of standing Committees are subject to the
93 notice and open meeting provision of the Brown Act.

94 The Secretary of the Board shall ensure that all required and appropriate information is available for the
95 audience at meetings of the Board of Directors, and that physical facilities for said meetings are
96 functional and appropriate for all persons.

97

DRAFT



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460

PHONE 661-821-4428 • FAX 661-821-0180

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PUBLIC RECORDS REQUEST POLICY

3

I. PURPOSE:

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To establish District policy and guidelines concerning accessibility of District records.

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II. BACKGROUND:

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Section 6253 of the Government Code provides that every person has a right to inspect any public record except those specifically exempted by law.

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"Public record" is defined by law to include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.

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A "writing" for purposes of public access may be a handwriting, typewriting, printing, photocopy, photograph, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or any combination thereof, regardless of the manner in which the record has been stored.

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III. POLICY:

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Records of Bear Valley Community Services District (District) are open to inspection at all times during normal office hours at District's headquarters located at 28999 S. Lower Valley Road, Tehachapi, California. Every person has the right to inspect any District record except those records exempted by statute from public disclosure.

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All requests for inspection or photocopies of District records other than typical billing and account information shall be forwarded to the Secretary of the Board of Directors ("Secretary") for processing.

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When a member of the public requests the inspection of a public record, or requests a copy of a public record, and to the extent such records are not exempt, the Secretary shall, to the extent reasonable, assist the individual in identifying records that are responsive, describe the information technology in which the record exists, and provide suggestions for overcoming any practical basis for denying access to the record.

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To the extent identifiable public records exist in electronic format, and access to which is not otherwise restricted by law, and to the extent the information is not exempt from disclosure, the information shall be made available to the public in such format, but only if the production will not jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained. The person requesting the information shall bear the cost of producing the record, including the cost to construct the record, and the cost of programming and computer service to produce the record when the District is requested to produce a copy of an electronic record that is produced only at

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1 otherwise regularly scheduled intervals or that request requires data compilation, extraction, or
2 programming to produce.

3 **IV. PROCEDURE:**

- 4 1. District staff shall provide a "Request for Public Records" form to each individual who requests
5 the inspection or photocopies of District records and shall assist the individual in completing the
6 form if so requested.
- 7 2. Upon receipt of a completed Request, the District will, when appropriate:
 - 8 a. Indicate the place within which the inspection must be made and the time limitation, if
9 any, for return of the documents.
 - 10 b. Supervise and assist the requestor in reviewing the records.
 - 11 c. Provide copies upon request and after payment of the appropriate fees.

12 The District may temporarily deny or restrict inspection of public records under the following
13 circumstances:

- 14 1. At the time of the request the records are required by District staff in performing their duties.
- 15 2. Other persons are inspecting or are waiting to inspect the records.
- 16 3. The records need to be retrieved from storage.
- 17 4. At the time of the request supervision of inspection of the records is not possible because of the
18 unavailability of appropriate District personnel.
- 19 5. A question exists as to the possible exemption of the record from disclosure and the matter
20 must be referred to legal counsel for determination.
- 21 6. Any notification of denial of any request for records shall set forth the name and title or position
22 of the District personnel responsible for the denial.

23 **V. RESPONSE:**

- 24 1. The Secretary will respond to all requests as soon as possible, but not later than the ten-day
25 period, or extensions thereof, as provided by Government Code Sections 6256 and 6256.1
- 26 2. The Secretary shall review the request and determine whether the request seeks identifiable
27 records and, if not, the Secretary shall so advise the person making the request.
- 28 3. The Secretary shall request all District Departments which may have the records being
29 requested to search their files and report back to the Secretary on whether the Department has
30 the records and, if so, when the records can be made available to the person seeking them.
- 31 4. The Secretary shall respond to the person requesting records by advising him or her in writing of
32 the availability of the documents and whether disclosure of any of the documents is exempt
33 under the provisions of the Public Records Act.
- 34 5. If a request is made for copies of the records, the Secretary shall also advise the person
35 requesting copies of the estimated costs of copying the records requested.
- 36 6. The person requesting the copies shall pay the per page charge for copying as set forth by
37 resolution of the Board of Directors for all copies requested. The Secretary shall not make the
38 requested copies until a deposit in the amount of the estimated costs of copying is received and
39 shall not release the copies until the full cost of copying is paid to the District.

1 7. In accordance with the Public Records Act, the District will provide only specific identifiable
2 records but will not research District records for particular types of information or analyze
3 information which may be contained within public records.

4 **V. FEES:**

5 Requests for copies of an identifiable public record are subject to payment of the appropriate fee as
6 determined by District staff based on cost to the District. Any fee established may be modified from
7 time to time by the Board of Directors to reflect actual chargeable costs, and any fee schedule
8 developed shall be made available by the District's Secretary of the Board. Where the State Legislature
9 has established a statutory fee for any given record, the statutory fee shall be charged.

10 **VI. RECORDS NOT OPEN FOR INSPECTION:**

11 The following records are not open for public inspection:

- 12 1. Preliminary drafts, notes or interagency or intraagency memoranda which are not retained by
13 the District in the ordinary course of business.
- 14 2. Records pertaining to pending litigation to which the District is a party, or to claims made
15 pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until
16 such litigation or claim has been finally adjudicated or otherwise settled.
- 17 3. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted
18 invasion of personal privacy.
- 19 4. Geological and geophysical data, plant production data, and similar information, relating to
20 utility systems development, or market or crop reports, which are obtained in confidence from
21 any person.
- 22 5. Test questions, scoring keys, and other examination data used to administer a licensing
23 examination, examination for employment, or academic examination.
- 24 6. The contents of real estate appraisals or engineering or feasibility estimates and evaluations
25 made for or by the District relative to the acquisition of property, or to prospective public supply
26 and construction contracts, until all of the property has been acquired or all of the contract
27 agreement obtained.
- 28 7. Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or
29 state law, including, but not limited to, provisions of the Evidence Code relating to privilege.
- 30 8. Statements of personal worth or personal financial data required by the District acting in the
31 capacity of a licensing agency and filed by an applicant with the District to establish his personal
32 qualifications for the license, certificate, or permit he seeks.
- 33 9. Memoranda, correspondence, and writings submitted to the District or its Board of Directors by
34 District's legal counsel pursuant to the attorney-client privilege.
- 35 10. The District is prohibited from allowing public access to "trade secrets." "Trade secrets" as used
36 in this context may include, but is not limited to, any formula, plan, pattern, process, tool
37 mechanism, compound, procedure, production data, or compilation of information which is not
38 patented, which is known only to certain individuals within a commercial concern who are using
39 it to fabricate, produce, or compound an article of trade or a service having commercial value
40 and which gives its user an opportunity to obtain a business advantage over competitors who do
41 not know or use it.

- 1 11. Records pertaining to a utility customer, except to an agent or authorized family member of the
- 2 customer in question, governmental or law enforcement agencies when appropriate, or unless
- 3 disclosure is specifically required by law.
- 4 12. Documents related to Vulnerability Assessment.
- 5 13. The District also possesses the discretion to claim an exemption in those instances where the
- 6 public interest served by not making the record public clearly outweighs the public interest
- 7 served by disclosure.
- 8

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