



# Big Bear Municipal Water District

## Lake Management

### Board of Directors

Steve Ludecke – Division 1  
Vacant – Division 2  
Craig Brewster – Division 3  
Mark Lee – Division 4  
Tom Bradford – Division 5

## AGENDA NOTICE OF SPECIAL MEETING February 12, 2026

**PLACE:** Big Bear Municipal Water District: 40524 Lakeview Drive, Big Bear Lake, CA 92315

**NOTICE IS HEREBY GIVEN** that the Big Bear Municipal Water District will be having a Special Board meeting on **Thursday February 12, 2026 at 9:00 AM.**

Next Resolution Number: 2026-03

**OPEN SESSION: 9:00 A.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. PUBLIC FORUM
4. BUSINESS:
  - A. ADMINISTRATIVE COMMITTEE (LUDECKE & BREWSTER) RECOMMEND EMPLOYEE HANDBOOK – GENERAL UPDATES FOR FULL BOARD DISCUSSION AND POSSIBLE APPROVAL.
  - B. THE ADMINISTRATIVE COMMITTEE (LUDECKE & BREWSTER) RECOMMEND RESOLUTION 2026-03 “RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2026-01 (ADMINISTRATIVE CODE) AS IT RELATES TO GENERAL UPDATES” FULL BOARD DISCUSSION AND POSSIBLE APPROVAL.
5. ADJOURNMENT

**NEXT MEETING:** Open Session at 1:00 P.M.  
Thursday, February 19, 2026  
Big Bear Municipal Water District  
40524 Lakeview Drive, Big Bear Lake, CA

*Elsa Donoho*

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Elsa Donoho, Office Manager  
Secretary to the Board of  
Big Bear Municipal Water District

[SEAL]

**PLEASE NOTE:**

Agenda related writings or documents provided to the Board of Directors are available for public inspection at [www.bbmwd.com](http://www.bbmwd.com) or in the District office during business hours, 8:00 am – 4:30 pm Monday – Friday.

Five (5) minutes may be allotted to each speaker for an item on the agenda and three (3) minutes may be allotted to each speaker for an item that is not on the agenda up to a maximum of thirty minutes for each subject matter. A speaker who utilizes a translator, except if the speaker uses simultaneous translation equipment, shall receive twice the time allotted for a speaker that does not utilize a translator. (Cal. Gov. Code § 54954.3.)

No disruptive conduct shall be permitted at any Board meeting. Persistence in boisterous or disruptive conduct (including but not limited to what the general public would consider profane, explicit, or obscene language) shall be grounds for a summary termination, by the President, of that person's privilege to address the Board and the President may take such other actions in accordance with the Brown Act including, but not limited to, clearing the room of those willfully interrupting the meeting. (Cal. Gov. Code § 54957.9)

Individual should contact the General Manager or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

**BIG BEAR MUNICIPAL WATER DISTRICT  
REPORT TO BOARD OF DIRECTORS**

**MEETING DATE:** February 5, 2026

**AGENDA ITEM:** 6A

**SUBJECT:**

**ADMINISTRATIVE COMMITTEE (LUDECKE & BREWSTER) RECOMMEND EMPLOYEE HANDBOOK – GENERAL UPDATES FOR FULL BOARD DISCUSSION AND POSSIBLE APPROVAL.**

**RECOMMENDATION:**

The General Manager and Administrative Committee recommend that the attached updated Employee Handbook be considered by the full Board for approval.

**DISCUSSION/FINDINGS:**

The Administrative Committee reviewed the Employee Handbook with staff and recommends updates to clarify clerical and title changes, accrued time off provisions, insurance coverage start dates, performance evaluation and COLA adjustments consistent with the Administrative Code, and emergency evacuation procedures.

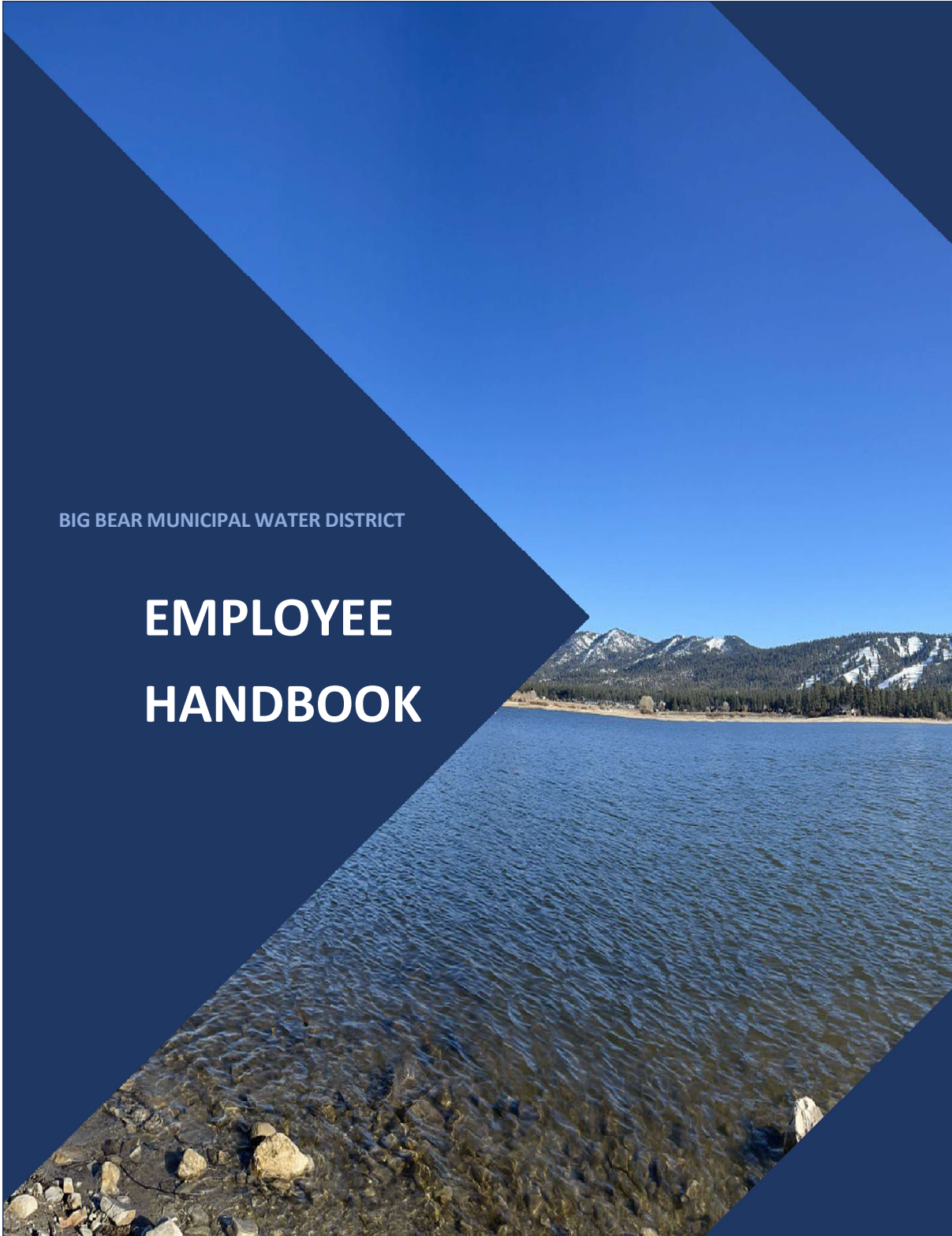
If approved today, the Employee Handbook changes will take effect immediately.

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** None

BIG BEAR MUNICIPAL WATER DISTRICT

# EMPLOYEE HANDBOOK



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## I INTRODUCTORY POLICIES

### *INTRODUCTORY STATEMENT*

Welcome! As an employee of Big Bear Municipal Water District (the "District"), you are an important member of a team effort that includes supporting the District's mission statement, the mission of the District is to "Maintain Big Bear Lake for Recreation and Wildlife". We hope that you will find your position with the District rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of the District.

This employee handbook is intended to provide a summary of the District's policies applicable to ALL employees. Employees are expected to comply with all District policies. Failure to comply with any policy will subject the employee to discipline, which could include termination.

This handbook summarizes the policies and practices in effect at the time of distribution. This handbook supersedes all previously issued employee handbooks, and any policy or benefit statements or memoranda, that are inconsistent with the policies described here. Human Resources will be happy to answer any questions you may have about this handbook.

### *RIGHT TO REVISE*

Big Bear Municipal Water District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook except for the policy of at-will employment.

Any changes to this handbook will be distributed to all employees so that employees will be aware of any revisions to employment policies or procedures. No oral statements or representations alter the provisions of this handbook.

## *EQUAL EMPLOYMENT OPPORTUNITY*

### Equal Opportunity

The District affords equal opportunity in all aspects of employment to all employees and applicants for employment without regard to race, religion (including religious dress or grooming), creed, sex (including pregnancy, childbirth, reproductive health decision making, breastfeeding, or related medical conditions), gender, national origin, ethnicity, ancestry, citizenship, age, physical or mental disabilities, color, marital status, registered domestic partner status, sexual orientation, gender identity or expression, genetic information, medical condition, military or veteran status, exercise of rights under the Pregnancy Disability Leave Law or the California Family Rights Act, or any other basis protected by applicable law. This policy applies to all employees and applicants for employment, and extends to all phases of employment, including but not limited to: recruitment, hiring, training, promotion, discharge or layoff, rehiring, compensation, and any benefits.

Any applicant or employee who believes they need an accommodation to perform the job should contact Human Resources and make such a request. The District will conduct an interactive meeting with the applicant or employee to discuss possible accommodation and will provide reasonable accommodation in accordance with the law.

## *SOLICITATION AND DISTRIBUTION OF LITERATURE*

To ensure efficient operation of the District's business and to prevent annoyance to employees, it is necessary to exert reasonable control of solicitations and distribution of literature on District property and/or during working time. Working time means the working time of both the employee doing the soliciting and distributing as well as the working time of the employee to whom the solicitation/distribution is being directed.

The following rules apply, subject to applicable law:

- 1) Persons who are not employed by the District may not solicit or distribute literature on District property at any time for any purpose.
- 2) Employees are prohibited from soliciting or distributing literature during working time.
- 3) Employees are prohibited from distributing literature at any time for any purpose on District premises.

No employee shall promote any cause or organization during the Employee's working hours. No employee who is not authorized to do so shall represent the District at any cause or organization.

### *CATEGORIES OF EMPLOYMENT*

#### **FULL-TIME EMPLOYEES**

Full-time employees are those who are regularly scheduled to work, and do work, a minimum of 30 hours per week. Full-time employees are generally eligible for all employee benefits described in this handbook.

#### **SEASONAL EMPLOYEES**

Seasonal employees are those who are generally scheduled to work at the public launch ramps as a Lake Ranger I or Lake Ranger II during the boating season, generally April 1<sup>st</sup> through November 30<sup>th</sup>. Seasonal employees may be eligible for some, but not all, employee benefits described in this Handbook.

#### ***AT-WILL EMPLOYMENT STATUS***

Big Bear Municipal Water District's personnel are employed on an at-will basis. Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or the District. Nothing in this handbook shall limit the right to terminate at-will employment. No manager, supervisor, or employee of the District has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the General Manager has the authority to make any such agreement, which is binding only if it is in writing.

## II EMPLOYMENT POLICIES AND PRACTICES

### *POLICIES AND PRACTICES*

#### *JOB DUTIES*

Your supervisor will explain your job responsibilities and the performance standards expected of you and is available to answer questions you may have regarding job duties and performance standards. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects or to assist with other work necessary or important to the operation of your department or the District.

#### *OPERATING HOURS*

The District main office is normally open for business between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Your supervisor will assign your individual work schedule. The public launch ramp offices are open only during the boating season, generally April 1<sup>st</sup> through November 30<sup>th</sup>.

### *WAGES*

#### *PAYMENT OF WAGES*

District employees are paid every two weeks on Thursday for work performed during the previous two-week pay period. Forty hours constitutes a normal work week. The workday (a consecutive 24-hour period) begins at 12:01 a.m. and ends at midnight. The workweek begins on Thursday at 12:01 a.m. and ends on the following Wednesday at midnight.

Paid or unpaid time off, whether for duty-free meal periods or any other unworked time, is not included in calculating the number of hours worked for overtime purposes.

If a regular payday falls on a holiday, employees will be paid on the preceding workday.

Employees who do not participate in Direct Deposit will have their paychecks normally available by 8:00 a.m. (every other Thursday) at the District main office. If there is an error on your check, please report it immediately to your supervisor.

#### *ADVANCES OF WAGES*

The District does not permit advances against paychecks or against unaccrued paid time off.

## OVERTIME

As necessary, non-exempt employees may be required to work overtime. For purposes of calculating overtime, only actual hours worked are counted.

The District attempts to distribute overtime evenly and to accommodate individual schedules. All overtime work must be previously authorized by a supervisor. All hours worked in excess of 40 hours in one workweek are treated as overtime. Overtime is compensated at time and a half the regular rate.

## EMERGENCY CALL-OUT/IN.

Whenever an employee is called out/in on an emergency basis when otherwise off-duty, the employee shall be entitled to at least two (2) hours of pay at the regular hourly rate. Time worked on a call-out after the first 2 hours is compensated at their regular hourly rate compensation. Any portion of the call-out which places the employee over 40 hours in the workweek shall be paid at time and one-half the regular rate.

## INCLEMENT WEATHER/NATURAL DISASTER

If inclement weather or natural disaster make it impossible for an employee to reach the workplace, time off shall be unpaid. Supervisors will attempt to schedule make-up time requested by the employee and if feasible during the same pay period. If no make-up time occurs, employees may use accrued vacation during the otherwise unpaid time off.

## *MEAL AND REST PERIODS*

Employees are generally provided with a minimum of a half-hour duty-free meal period when they are scheduled to work at least five hours in a workday.

In addition, employees are generally permitted to take a ten-minute paid rest break during each four-hour period of work.

## *TIMEKEEPING REQUIREMENTS*

All non-exempt employees are required to accurately record all time worked, including overtime, on an approved time sheet for payroll purposes.

Employees must clock in and clock out using the District approved Human Resources Management System (HRMS). Clocking in and clocking out must be done while on District property using a District approved device.

Employees who wish to request time off, subject to approval from their supervisor, must also use the HRMS to make such request. Employees are responsible to check the system to ensure requested time off is approved and entered into the HRMS in advance of taking time off.

Employees also must record their time whenever they leave the building for any reason other

than the District's business, except for authorized break times. Changing or altering another employee's timesheet without authorization is not permitted.

Any errors on your timesheet should be reported in writing immediately to your supervisor.

### *PUNCTUALITY AND ATTENDANCE*

As an employee of the District, you are expected to be punctual and regular in attendance. Excessive and/or unauthorized tardiness and absence may cause problems for District operations, as the work must still be completed, regardless of employee absence. Accordingly, excessive and/or unauthorized tardiness and absence is not permitted.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at the worksite for their entire work schedule, except for meal periods or when required to leave on authorized District business. Late arrival, early departure or other unauthorized absences from scheduled hours are disruptive and are not permitted.

If you are unable to report for work timely, or at all, on any particular day, you must call your [managersupervisor](#) at least one hour before your scheduled starting time. In all cases of absence or tardiness, employees must provide their [managersupervisor](#) with an honest reason or explanation.

While the determination of "excessive" or "unauthorized" tardiness or absence is up to the discretion of the District under the particular circumstances. Below are some examples of this misconduct:

- \* An example of excessive tardiness may occur when a non-exempt employee, without authorization, is late to work or late to return from breaks three or more times during any 30-day period.
- \* An example of excessive absenteeism may occur when the number of unauthorized absences, taken for a reason that is not protected by state or federal law, exceeds three days in any three-month period.

### *EXPENSE REIMBURSEMENT*

An employee may incur expenses on behalf of the District only if expressly authorized by the General Manager. The General Manager may delegate such responsibility to department heads for specific types of expenses. Employees must submit a written claim for reimbursement together with appropriate documentation. Employees shall be reimbursed for travel, meals, lodging, or miscellaneous expenses while on District business in amounts approved by the General Manager.

## *EXTERNAL EMPLOYEE EDUCATION/TRAINING AND REIMBURSEMENT*

It may be necessary for employees to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of the District or the individual employees.

Attendance at such activities may be required by the District or requested by individual employees. However, attendance will generally not be considered an officially authorized activity, subject to the following policy on reimbursement and compensation, unless prior written approval has been issued by the ~~supervisor or~~ General Manager. To obtain approval, employees wishing to attend an activity must present a written request detailing all relevant information, including date, hours, location, cost, expenses, ~~and~~ nature, purpose, and justification for attendance.

### *Reimbursement for Business-Related Expenses*

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Where attendance is required or authorized by the District, a per diem check will be issued to the employee attending, based on the federal GSA travel rates.

Mileage shall be reimbursed at the rate per mile established by the IRS once an employee returns from training. Trip mileage is calculated from the District main office, to training location and back. Any additional miles for meals and/or other work-related task will need to be documented by the employee and turned into the Accountant I within a week of travel.

Customary and reasonable expenses generally may include registration fees, materials, meals, transportation, and parking. To qualify for reimbursement, the employee must submit an expense form issued from the Accountant I for General Manager approval if not approved before travel.

### *Compensation for Training Time*

The District compensates employees for their time in attendance at meetings, lectures, and training programs unless all ~~of~~ the following are true:

- a) the employee's attendance is voluntary;
- b) the activity is outside of normal working hours;
- c) the employee performs no productive work at the activity; and
- d) the activity is not directly related to the employee's job.

## *AUTOMOBILE EXPENSES*

From time to time, it is advantageous to the District to require Board Members or employees to use their personal vehicles on District business or to provide the use of District vehicle for District business. The District strives to make its vehicles available to its employees for District-related business. Employees who are required to use a personal vehicle for District purposes shall be reimbursed for such use at the maximum amount permitted under the Internal Revenue Service Code without creating a liability for Federal Income Tax. To be eligible for reimbursement, the

Board Member or employee shall be authorized in advance to use his or her vehicle for District purposes and shall submit a written request for reimbursement.

*EMPLOYEES WHO ARE REQUIRED TO DRIVE*

Employees who are required to drive a District vehicle or their own vehicle on District business will be required to show proof of current, valid drivers' licenses.

The District participates in a system that regularly checks the DMV records of all employees who drive as part of their job.

Employees who drive their own vehicles on District business will be reimbursed at the approved IRS rate.

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If an employee is involved in an auto accident while driving their own vehicle on District business, the employee's personal automobile coverage would be the primary source of financial recovery.

Gas tank on District vehicles must remain at no less than ½ tank. If you use the vehicle and the tank goes below half full, obtain one of the District gas cards and fill the vehicle before returning the keys for communal use.

Whenever possible, employees are encouraged to use District vehicles while on District business.

Refer to Policy 2024-01 for full District Vehicle Use.

*CELL PHONE REIMBURSEMENT*

This District will reimburse \$50 towards a personal cell phone bill of those employees who are required by the District to use their cell phones for District business. Employees wishing to request such reimbursement must submit their request to be reviewed and approved by the General Manager.

Once approved, an employee can request no more than one cell phone bill for reimbursement every 30 days. No bills greater than 30 days will be paid.

### III EMPLOYEE BENEFITS

#### HOLIDAYS

The District observes the following paid holidays (paid holiday is defined as 8 ~~straight~~ hours of pay at the regular rate):

Day Holiday Observed On (Main Office Closed)	Holiday Observed
January 1 <sup>st</sup>	New Year's Day
3 <sup>rd</sup> Monday in January	Martin Luther King Day
3 <sup>rd</sup> Monday in February	President's Day
Last Monday in May	Memorial Day
June 19 <sup>th</sup>	National Independence Day
July 4 <sup>th</sup>	Independence Day
1 <sup>st</sup> Monday in September	Labor Day
November 11 <sup>th</sup>	Veteran's Day
Fourth Thursday in November	Thanksgiving Day
Friday after Thanksgiving	Thanksgiving Friday
December 25 <sup>th</sup>	Christmas Day
December 26 <sup>th</sup>	Day After Christmas

Those eligible to receive holiday compensation are full-time employees who are regularly scheduled to work 40 hours per week. Seasonal employees who work at least 72-hours before the holiday are eligible for holiday pay. If a seasonal employee takes sick or any days off during the pay period with a holiday, they are no longer entitled to holiday pay.

When a paid holiday falls on Sunday, the following Monday shall be deemed the paid holiday; when a paid holiday falls on a Saturday, the previous Friday shall be deemed the paid holiday.

Any full-time employee who is on vacation or paid sick time when a District-paid holiday occurs will not be charged for a vacation/ paid sick day for that day but instead will be paid for the holiday. Employees on unpaid status at the time of the District holiday do not receive pay for the holiday. Exempt employees who work on a District holiday will receive a floating holiday, which must be used within the same calendar year it was earned, or it is forfeited after December 31. Floating hours may not be cashed out.

#### VACATIONS / PAID TIME OFF (PTO)

##### *Full Time Employees*

Full-time employees shall be eligible to accrue up to the amount of vacation shown below based

upon the number of years of continuous service:

<u>Years of Service</u>	<u>Accrual Rate</u>
1 through 5	<del>.0385</del> <u>3.08</u> hrs. per <del>hr.</del> <u>worked pay period</u>
6 through 10	<del>.0577</del> <u>4.62</u> hrs. per <del>hr.</del> <u>worked pay period</u>
11 or more	<del>.0770</del> <u>6.16</u> hrs. per <del>hr.</del> <u>worked pay period</u>

Vacation Cap: Accrued vacation time for Employees is limited to three hundred twenty (320) hours. Once an Employee accrues three hundred twenty (320) hours of vacation, no further accrual will be posted until the Employee uses the vacation time.

Accrued vacation benefits shall be paid to the employee upon termination of employment.

Employees wishing to request vacation must provide a request to their supervisor through the current HRMS as far in advance as possible. Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. Supervisors make the final determinations about whether or not to approve vacation request.

Employees on unpaid leave for any reason do not accrue vacation time. If a holiday occurs during your vacation period, eligible employees will be paid for the holiday day, and will not be charged for the vacation day.

#### *SEASONAL EMPLOYEES*

- a) Seasonal employees shall accrue at the same rate as fulltime employee sick leave during a season. When PTO is paid, the amount shall be deducted from PTO entitlement. Seasonal employees requesting any time off from their regular scheduled shifts are required to use PTO. If the seasonal employee is still entitled to leave, but has exhausted all accrued PTO, the employee shall be placed on unpaid status.
- b) Employees can use PTO beginning on the 30th day of employment.

#### *EMPLOYEE PAID SICK TIME*

Employees may request to use paid sick time only when required for the diagnosis, care, or treatment of a health condition, or for preventive care, for the employee or the employee's designated person. In addition, if an employee becomes a victim of a violent crime, including domestic violence, stalking, or sexual assault, the employee may use sick leave for after-care, and otherwise as permitted by law. Paid sick time may not be used for any other purpose.

Beginning on their date of hire, each employee shall accumulate ~~.0462~~ 3.70 hours of paid sick time for each ~~hour~~ worked pay period. This typically equates to accrual of one day of paid sick time for each calendar month of District service. Employees can use sick time beginning on the

90th day of employment.

Employees will not be provided with paid sick time in advance of it being accrued.

Employees who have exhausted paid sick time and who remain unable to work due to illness or injury will typically be provided with unpaid medical leave and will be required to exhaust all other applicable accrued paid time off.

Employees on unpaid status for any reason do not continue to accrue paid sick time.

Accrued Sick benefits shall be paid to the employee upon termination of employment.

For purposes of this policy, “designated person” is defined as the employee’s: child, parent, grandparent, grandchild, spouse, domestic partner, or sibling.

#### *PAID SICK TIME BUYOUT*

The District will offer a buyout option of accrued paid sick time for Employees under the following conditions only:

1. The Employee has accrued at least 100 hours of paid sick time.
2. The Employee can only choose to exercise a sick time buyout on either their work anniversary or during a life-changing event which is approved by the General Manager.
3. The Employee cannot have fewer than 100 hours in their accrual account after the buyout is complete.

#### *PAID SICK TIME DONATIONS*

If an employee would like to donate their accrued paid sick time, both the requesting and donating employee must be employed with the District. The request must be related to, e.g., a medical emergency or major disaster. The eligibility of the request shall be determined by the General Manager. The donation of accrued paid time is strictly voluntary. If the recipient employee has available accrued time off, this time will be used. prior to use of any donated time. Donated time may only be used for time off related to the approved request. The donating employee shall not donate more than fifty (50) percent of their paid sick time accrual and cannot exceed an 80-hour donation. An employee may ask for only one paid time off donation during their tenure of employment. Paid accrued time donated is calculated based on the value of the donor's accrual, not the receiving employee's accrual value.

#### *ADDITIONAL OPTIONAL/UNPAID LEAVE*

The District may grant unpaid and paid leaves of absence to employees in certain circumstances. It is important to request any leave in writing as far in advance as possible, to keep in touch with your supervisor during your leave, and to give prompt notice if you become aware of any change in your return date. If your approved leave expires and you have not contacted your supervisor or the District, or returned to work, the District may assume that you do not plan to return to

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work. Paid time off does not accrue during any leave of absence that is unpaid by the District.

The District grants leaves of absence in accordance with applicable law and District policy. A summary discussion of certain types of leaves granted by the District is included below. Upon submission of a medical certification that an employee is able to return to work from a workers' compensation leave, the employee will generally be reinstated to their same position held at the time the leave began or to an equivalent position, if available, to the extent required by law.

#### Jury Service

Regular full-time employees required to serve jury duty are provided with their normal compensation for up to ten days (2-weeks). Employees who are required to serve jury duty in excess of thirty days, or who are not eligible for paid jury duty time, are provided an unpaid leave of absence to serve on a jury. Employees on unpaid jury service leave may request to use their applicable accrued paid time off. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of having served.

If work time remains after any day of jury service, you are expected to return to work for the remainder of your work schedule.

#### Bereavement

Employees may request up to a maximum of five (5) workdays off with pay following the death of a family member for the purpose of attending the funeral and/or making necessary arrangements. For purposes of this policy, members of the immediate family are: spouse, children, step-children, parents, step-parents, grandparents, grandchildren, father-in-law, mother-in-law, domestic partner, and siblings. All bereavement requests are considered for approval by General Manager.

#### Personal Leave

A personal leave of absence for up to three (3) months without pay may be granted to an employee who has a minimum of one year of service with the District. Requests for personal leave should be limited to unusual circumstances requiring an absence of a minimum of two weeks. The employee will be required to exhaust all applicable accrued paid time off in connection with any approved personal leave. For example, if an employee wishes to travel to Europe during the personal leave, they would not be eligible to use accrued paid sick time.

### *EMPLOYEE INSURANCE BENEFITS*

#### *MEDICAL AND DENTAL INSURANCE*

The District provides, at District expense, a comprehensive medical insurance plan and dental plan for eligible full-time employees and their eligible dependents. A full-time employee is typically eligible for these benefits ~~upon completion of the applicable waiting period established by the insurance plan.~~ [The first day of the month following their start date.](#)

#### *SOCIAL SECURITY*

Social Security is an important part of every employee's retirement benefit. The District pays a matching contribution to each employee's Social Security benefits.

### *WORKERS' COMPENSATION*

The District, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include: medical care; cash benefits, tax free, to replace lost wages; assistance to help qualified injured employees return to suitable employment, etc.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to: immediately report any work-related injury or illness to your supervisor; seek medical treatment and follow-up care if required; and timely complete a written Employee's Claim Form (DWC Form 1) and return it to District. The DWC Form 1 is available from HR.

Employees who are injured in a work-related incident will be referred, at least initially, to the District's designated physician for medical treatment, unless prior to a work-related injury, the District has received from the employee a written notice that the employee wishes to be treated by their own physician.

Employees who are ill or injured as a result of a work-related incident will generally be provided a leave of absence, to the extent required by law. For such employees who are also eligible for medical leave under the California Family Rights Act (CFRA), they will be placed on CFRA leave during the time they are medically precluded from returning to work.

### *RETURN TO WORK*

In an effort to return employees to productive work status as soon as possible following a work-related illness/injury, Big Bear Municipal Water District ("District") has developed a return-to-work policy. The program will consist of a team effort among our workers' compensation insurance carrier, the medical provider, the injured employee, and District management. All team members are asked to take an active role in returning the injured/ill employee to a productive work status in compliance with their medical restrictions.

Managers are responsible to direct the employee to appropriate care and they assist in timely and accurate reporting of the injury or illness while maintaining a positive and open channel of communication with the injured worker. Managers also assist in devising an appropriate temporary "light duty" assignment, if available, to reduce lost productive time. A temporary light duty assignment may not be provided in excess of 60 days.

After your first appointment with a health care provider following the work-related illness/injury, return the doctor's note stating any work restrictions to your supervisor. The District will attempt to accommodate, which may include devising a temporary light duty assignment, if appropriate.

If you are temporarily medically precluded from working, advise your supervisor.

Once back at work, either with or without work restrictions, **the employee** is responsible for:

- Working at all times within the physical limitations set by the health care provider and performing only those duties assigned by the supervisor.
- Letting the supervisor know if the employee is having any difficulties performing the assigned tasks or if the employee feels they can do more than is assigned, but still within the limits set by the physician.
- Telling the supervisor in advance about any medical appointment scheduled during the workday.
- Informing the District of any changes in your work restrictions.

### *RECREATIONAL ACTIVITIES AND PROGRAMS*

The District is not liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

### *PREGNANCY-RELATED DISABILITY LEAVE*

Employees are granted unpaid pregnancy disability leave ("PDL") for up to four months when they are certified by their health care provider as being temporarily unable to work due to pregnancy-related disability.

- Employees requesting PDL must inform HR when the leave is expected to begin and how long it will likely last. If the need for a leave is foreseeable, employees must provide at least 30 days' advance notice;
- If 30 days' advance notice is not possible, notice must be given as soon as practical;
- Upon the request of an employee and recommendation of the employee's health care provider, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and/or the child;
- Requests for temporary transfers are reasonably accommodated;
- Requests for PDL, like requests for any medical leave, must be supported by a certification from a health care provider confirming the need for leave. The certification should include:
  - The date on which the employee became disabled due to pregnancy, childbirth or related condition; and
  - The probable duration of the period of disability.
- Employees returning from PDL must provide a release to return, with or without work restrictions, from their health care provider.
- Employees taking PDL are required to use any accrued paid sick time. An employee may elect to use any other applicable accrued time off during the otherwise unpaid leave.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.

Employees returning from PDL are reinstated to their same position, or to an equivalent position, to the extent required by law.

The District continues the group health insurance coverage for employees on PDL on the same

terms as if the employee had continued to work.

### *FAMILY/MEDICAL LEAVE (California Family Rights Act)*

The District provides eligible employees with up to 12 workweeks of unpaid family and medical leave in a 12-month period in accordance with state law entitled "California Family Rights Act" or "CFRA." To be eligible for CFRA leave:

- The employee must have provided at least 12 months of service to the District in the preceding year; and
- The employee must have worked at least 1,250 hours during the previous 12-month period before the need for leave

CFRA leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the Employee for adoption or foster care;
- To care for the employee's designated person (defined as any individual related by blood or whose association with the employee is equivalent to a family relationship.)
- For a serious health condition that makes the employee temporarily unable to perform the job; or
- For a "qualifying exigency" arising out of the fact that the employee's spouse, domestic partner, child, or parent is on, or has been notified of an impending call to, "covered active duty."

For purposes of calculating the 12-month period during which 12 weeks of leave may be taken, Big Bear Municipal Water District measures rolling 12-month period measuring backwards from the date the employee uses any CFRA leave.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a CFRA leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. Any baby-bonding leave taken must be concluded within one year of the birth or placement of the child with the employee.

The following procedures apply when an employee requests CFRA leave:

Please contact the General Manager or HR, as soon as you realize the need for family/medical leave.

If the leave request is due to the expected birth of a child, or the placement of a child for adoption or foster care, or for planned medical treatment of a serious health condition of the

employee or a family member, the employee must notify the District at least 30 days before leave is to begin.

For employees requesting leave for their own serious health condition, or to care for a family member with a serious health condition, the District requires the employee to provide medical certification supporting the need for leave within 15 days of the request, unless it is not practicable to do so. The District may require recertification from the health care provider if additional leave is required.

If the leave is needed for to care for a family member with a serious health condition, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- 12-week leave for baby-bonding
- Confirmation that the serious health condition warrants the participation of the employee.

If an employee requests leave for their own serious health condition, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or perform any one or more of the essential functions of the position because of the serious health condition.

Employees returning from CFRA leave for their own serious health condition must provide a release to return to work, with or without medical restrictions, from their health care provider.

The District will continue to provide health insurance coverage to any employee taking approved CFRA at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if the employee had continued working.

#### Intermittent Leave

Employees may take CFRA leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee or their immediate family member and the intermittent leave schedule is medically necessary as determined by the health care provider.

#### *VICTIMS OF CRIME LEAVE*

An employee who is themselves a victim, or who is the family member of a victim, of a violent or serious felony may take unpaid time off from work to attend judicial proceedings related to the

crime.

For purposes of this policy, an immediate family member is defined as: a spouse or registered domestic partner, child, stepchild, sibling or step-sibling, parent or step-parent

Before your absence can be approved, you must provide the District with documentation of the scheduled proceeding. Such notice is typically given by a court or government agency setting the hearing, a district attorney or prosecuting attorney's office or a victim/witness office.

In cases of domestic violence or sexual assault, unpaid time off work will be provided an employee requesting this time off to help ensure the health and safety of the employee or their child, including for reasons such as: counseling, seeking a restraining order, testimony and/or relocation. Appropriate documentation must be produced.

If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence.

Any absence from work under this policy is unpaid, unless the employee chooses to take accrued paid time off, such as accrued vacation time.

#### *TIME OFF FOR VOTING*

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable them to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances an employee will be allowed a maximum of two hours on the election day without loss of pay. Where possible, the employee shall give their supervisor at least two days' notice of the request for time off to vote.

#### *VOLUNTEER CIVIL SERVICE PERSONNEL*

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel.

#### *SCHOOL ACTIVITIES*

##### SCHOOL CONFERENCES INVOLVING SUSPENSION

If it becomes necessary for an employee who is the parent or guardian of a child to attend the child's school to discuss possible suspension, the employee should alert their supervisor as soon as possible so that alternative work arrangements may be made. The District does not discriminate against any employee for taking time off for this purpose.

## SCHOOL ACTIVITIES

Employees are permitted to participate in the school activities of their child(ren). This unpaid absence is subject to the following provisions:

1. Parents, Guardians or Grandparents having custody of one or more children in kindergarten or grades 1 to 12 may take time off for a school activity.
2. The time off for school activity participation cannot exceed eight hours in any calendar month, or no more than a total of 40 hours each school year.
3. Employees must provide as much advance notice as possible to their supervisor.
4. If both parents are employed by the District, the first employee to request such leave will receive the time off; the other parent will receive the time off only if the leave is approved by the supervisor.
5. Employees must use applicable accrued time off to receive compensation for this time off. Accrued paid sick time is not available for this purpose.
6. Employees who do not have paid time off available may take the time off without pay.
7. Employees must provide their supervisor with documentation from the school indicating that the employee participated in a school activity on the day of the absence.

## *DRESS CODE*

Because each employee is a representative of the District in the eyes of the public, it is important that each employee report to work properly groomed and wearing appropriate and safe attire. Employees are expected to dress neatly, professionally, and in a manner consistent with the nature of the work performed. Clothing should be untorn, clean and tasteful. Avoid clothing that can create a safety hazard.

Supervisors may issue more specific guidelines, and uniforms will be issued, as required for certain positions. Employees who report to work in attire which is unsafe or otherwise violates this policy may be asked to clock out and to return in acceptable attire.

## *ADMINISTRATIVE STAFF*

It is expected that you will dress in a professional manner consistent with good business practices. The basic rule is: "Nothing too casual, unprofessional, short, ragged or dirty. If in doubt, don't wear it!"

The following are not appropriate at work or in a work-related situation;

- shorts and mini-skirts;
- athletic clothing;

- non-opaque clothing, i.e. sheer clothing;
- tank tops and the like; shirts exposing the stomach, back or shoulders;
- clothing with messages or artwork that may violate any District policy, including but not limited to the policy prohibiting unlawful harassment or discrimination.

Visible tattoos should be covered if reasonably feasible.

*Causal Casual Day:*

On days approved by the General Manager (usually Friday) office staff may be allowed to wear jeans and a District provided/approved t-shirt, polo shirt, or flannel.

## *MAINTENANCE & OPERATIONS EMPLOYEES*

Maintenance & Operations employees (including seasonal employees) are required to wear uniforms provided by the District. These employees must take care of their uniforms and report any wear or damage to their supervisors. These uniforms should only be worn during working hours unless specific approval is received from the General Manager. The following safety standards also apply:

Hair: Must be neat and tied back securely if performing any task other than office work.

Facial Hair: Beards and mustaches must be well maintained, neatly trimmed, and must not exceed ½" in length.

Jewelry: Shall not be excessive. Dangling jewelry is not suggested because the job requires physical labor and excessive/dangling jewelry could cause harm to employee.

## *BREAK ROOM*

The District has a great kitchen for employees use during breaks and at lunch. Employees are expected to clean up after themselves. Do not leave any dirty dishes, wipe off the counters, and clean the inside of the microwave if there is any splattering of food during cooking. Cover items when using the microwave.

- Coffee/Tea/Hot Chocolate: These items are available for your use and convenience, so help yourself.
- Making Coffee: If you find that the coffee in the pot is running low, please make the next pot of coffee. If you're not sure how to make the coffee, ask someone to help you. When the coffee has been made, throw the grounds in the garbage (not in the sink), rinse the basket, and place it in the sink for the next person to use.
- Refrigerator: The refrigerator is available for your convenience. However, there are many employees using it, so please limit the amount of items you put inside. Also, the refrigerator is cleaned out every Friday afternoon, so please throw away any old items and take home any dishes, Tupperware, etc., that belong to you. If you have items that you want to keep past the regular clean out day, please put your name on them. Do not help yourself to items you did not bring.

## *SMOKING POLICY*

Smoking/Vaping is not allowed anywhere inside any District facilities, District vehicles, equipment or on any District boats or vessels.

Smoking/Vaping is allowed in designated areas. The designated smoking areas for each District location are outlined below. Yellow receptacles will be made available for employees who smoke outside in designated areas on District property.

Main Office Designated Area: outside to the west side of the shop at the provided smoking/Vaping location.

East Ramp Designated Area: picnic bench to the west of decontamination station A.

West Ramp Designated Area: the area north/east of the water storage tank.

### *PERFORMANCE EVALUATIONS*

Supervisors/Managers complete performance reviews on employees and discuss the reviews with the applicable employee. Performance evaluations are conducted ~~at least~~ annually on or around the or about the last month in the fiscal year anniversary of the employee's hire date. ~~The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems.~~

Your performance evaluations may include a review of factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude and your attitude toward others. The performance evaluation should help you become aware of your progress, areas for improvement, and objectives or goals for future work performance.

Positive performance evaluations do not guarantee increases in salary or promotions.

### *COST OF LIVING ADJUSTMENTS*

Cost of Living Adjustment Increases, "COLA", may be provided annually at the discretion of the General Manager and will be evaluated with the approval of the Budget and in accordance with the Administrative Code.

### *COMPENSATION*

Merit step increases and promotions are solely within the discretion of the District and depend upon many factors in addition to performance. There are no automatic step increases, and no guarantee of wage increase at any time.

### *PERSONNEL RECORDS*

You have a right to inspect certain documents in the personnel file maintained on you by the District as provided by law, in the presence of a District representative at a mutually convenient time.

The District restricts disclosure of personnel files only to authorized individuals with a "need to know" within the District. Any request for information from personnel files from third parties must be directed to the General Manager and HR.

### *EMPLOYEE REFERENCES*

All requests for references from third parties about current or former employees must be directed to the General Manager or HR. No other manager, supervisor or employee is

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authorized to release any information about current or former employees.

The District discloses only the following information about current or former employees: the dates of employment and the title of the last position held. If the employee authorizes in writing additional disclosure the District will also provide a prospective employer with the information on the amount of salary or wage last earned by the employee.

#### *OPEN-DOOR POLICY*

Suggestions for improving the work environment and/or operations at District are always welcome. If you have a complaint, suggestion or questions about your job, your working conditions or the treatment you are receiving, we ask that you take your concerns first to your supervisor, manager, or HR. (If your concern falls under the "Unlawful Harassment" policy, please use the separate complaint procedure under that policy.)

This procedure, which we believe is important for both you and the District, may not result in every problem being resolved to your satisfaction. However, the District values your input and encourages you to raise issues of concern, in good faith, without the fear of retaliation at any time.

#### *CONFLICTS OF INTEREST*

Situations of actual, perceived, or potential conflict of interest are to be avoided by any employees. Any relationship with a competitor, supplier or other employee of the District which impairs an employee's ability to exercise good judgment on behalf of the District creates potential or actual conflict of interest and is not permitted.

- (a) Employees are not permitted to have a financial or personal interest in the affairs of any vendor with whom the employee or subordinate employees deal on behalf of the District.
- (b) No full-time employee shall conduct business with, or be employed by, a public or private business which deals with the District and/or which causes the employee to be unable to devote adequate time and attention to District business.

#### *OUTSIDE EMPLOYMENT*

No District employee shall conduct business with, or be employed by, a public or private business which deals with the District, or which causes the employee to be unable to devote adequate time and attention to District business, or which does or may create a conflict of interest. If an employee wishes to engage in outside employment, the employee must inform, and seek authorization from, the [their manager supervisor](#) and the General Manager in advance.

Employees who wish to engage in outside employment must submit a written request to the General Manager explaining the details of the outside employment.

Outside employment will not be permitted if it:

- (1) involves the use of the District's time, facilities, equipment and supplies; or the District's logo, uniform, prestige, or influence; or
- (2) involves outside work which may later be subject to the control, inspection, review, audit, or enforcement of the District;
- (3) involves time demands that would render the employee less efficient at the District; or
- (4) involves any other reason that is, or appears to be, a conflict with the interests of the District.

The General Manager will review/ [and may](#) approve the requested outside employment.

Authorization to engage in outside employment may be revoked at any time consistent with this policy.

### *Cellular Phone and VHF Radio USE AND SAFETY IN DISTRICT VEHICLES*

#### Cellular Phones

Cellular phones must not be used while driving for work unless *hands free feature* and equipment is used. Even with the hands-free feature in use, the following guidelines must be observed:

Avoid using a cellular phone while the vehicle is in motion.

- Keep calls brief.
- Use the phone's voice dialing feature if equipped.
- Never allow a phone call to distract you from driving.
- While talking, keep your head up and eyes on the road. Remember, while operating a vehicle, your primary task is driving.
- Don't take notes or try to look up phone numbers or other information while driving. If you must write information down, you are required to pull over to a safe spot or arrange a callback.
- When driving with a passenger, have them conduct the conversation or relay information to you.

#### *Mobile and Handheld VHF Radios*

Unlike cellular phones, two-way radios are generally not as distracting to use. There is no dialing, and you don't have to hold anything to your ear. However, use of radios while driving is also considered to be a safety issue. The following guidelines apply:

- Keep radio traffic brief.
- Place microphones or handheld radios in a convenient spot, where the driver does not have to reach for them.
- Never allow the radio to distract you from driving.
- While talking, keep your head up and eyes on the road. Remember, while operating a vehicle, your primary task is driving.

- Don't take notes or try to look up information while driving. If you must write information down, you are required to pull over to a safe spot or arrange a callback.
- Operate the radios while it is safe to do so.

### *ADMINISTRATIVE GRIEVANCE PROCEDURES*

#### GRIEVANCE

A Grievance is an alleged violation, misinterpretation, or misapplication of an existing District personnel policy.

#### GRIEVANT

A Grievant is a current employee who believes they are adversely affected by such alleged violations, misinterpretation, or misapplication.

#### GENERAL RULES

The following rules apply:

1. Employees are not subject to retaliation for utilizing the grievance procedure.
2. The grievance shall be prepared on the employee's personal time and not during working hours.
3. Board Directors are not involved in the grievance process.
4. The employee's failure to process a grievance within the time limits set forth below shall cause the grievance to be deemed resolved in accordance with the last answer.
5. Any step in the procedure or any time limit may be waived or extended by mutual consent of the General Manager and the Grievant.
6. Any grievance must be filed within ten (10) days of the alleged violation, misinterpretation, or misapplication, or be barred from this procedure.
7. Human Resources can also be contacted concerning any grievance.

#### INFORMAL GRIEVANCE PROCEDURE

Prior to the formal filing of a grievance, an employee shall discuss informally any potential grievance with the immediate supervisor who shall respond to the employee's concerns in writing within three (3) working days. If, within five (5) working days after receiving the supervisor's response, the grievant believes the problem has not been resolved to the employee's satisfaction, the employee may begin the formal grievance procedure.

## FORMAL GRIEVANCE PROCEDURE

STEP 1 - The Grievant shall submit to the immediate supervisor a written statement outlining the grievance that specifies the particular personnel policy claimed to be violated, the date of the violation, the names of individuals involved and any other pertinent information. The immediate supervisor shall provide a written response to the Grievant within ten (10) working days of receipt of the grievance.

STEP 2 - If the Grievant is not satisfied with the response of the immediate supervisor, the Grievant may, within five (5) working days from the date of receipt of the written Step 1 response, file a Step 2 written statement to the Department Manager, attaching the Step 1 grievance and response, and explaining why the Step 1 response was unsatisfactory. The Department Manager shall respond in writing to the Grievant within ten (10) working days of receipt of the Step 2 grievance.

STEP 3 - If the Grievant is not satisfied with the Step 2 response, the Grievant has five (5) working days after receipt to file a Step 3 grievance with the General Manager. The Step 3 grievance must attach the Step 1 and 2 grievances and responses and explain why the Step 2 response is unsatisfactory. Within ten (10) working days of receipt of a Step 3 grievance, the General Manager will provide the Grievant a written Step 3 response. The Step 3 response is final and binding.

## TECHNOLOGY POLICY

This policy governs the use of the District internet, computer, and technology systems, including electronic mail ("e-mail"), (collectively the "District Systems"). Employees should understand that any document or other material or information that is stored, created, sent from, or received on District Systems is District property, and is subject to review and monitoring by the District [and may be subject to disclosure under the public records act](#). Therefore, employees have no expectation of privacy in their use of District Systems.

### USES OF DISTRICT SYSTEMS THAT ARE ACCEPTABLE:

- Communications and information exchanges directly relating to the mission, charter and work tasks of the District;
- Announcements of District regulations, procedures, hearings, policies, services or activities;
- Use for work, standards, research, analysis, and professional society or development activities related to the user's District duties; and
- Use in applying for or administering grants or contracts for District research programs.

### USES THAT ARE UNACCEPTABLE:

It is unacceptable for anyone to use the District Systems to use, submit, publish, display or transmit any information which:

- Violates or infringes on the rights of any other person, including the right to privacy;

- Contains defamatory, false, inaccurate, abusive, obscene, pornographic, profane, offensive, threatening, or illegal material;
- Violates the District's prohibition of unlawful harassment or discrimination or violates any other District policy; or
- Uses the system for any other illegal purpose.

IT IS ALSO UNACCEPTABLE TO USE DISTRICT SYSTEMS TO:

- Conduct any non-approved business;
- Conduct any non-District-related activities;
- Engage in any activity for personal gain or personal business transactions; or
- Make purchases on behalf of the District that are unauthorized.

*Electronic Mail (E-mail)*

The District's e-mail system is part of the District Systems. Thus, use of District e-mail is subject to this policy regarding acceptable/ unacceptable uses. Moreover, users of District Systems should not consider e-mail sent from, stored, created, or received on, District Systems to be either private or secure.

The e-mail sent or received on the District's Systems is for District business. Incidental and occasional personal use of the District's electronic mail is permitted. Any such messages are the property of the District and are subject to this policy. The District may inspect any e-mail on the District Systems for compliance with this policy.

Under no circumstances may District e-mail be used for an employee's non-work related commercial or business activities.

Employees may not retrieve or read e-mail that was not sent to them unless authorized by the District or by the e-mail recipient. Any questions regarding proper use of electronic mail will be resolved by the General Manager or HR. Employees may not divulge passwords for District Systems to anyone.

*SOCIAL NETWORKING*

Employees are permitted to use their own personal devices to engage in social media only during non-working time, such as breaks and meal periods. The General Manager is the only employee of the District authorize to speak on behalf of the District on any media platform.

*COMPUTER SOFTWARE POLICY*

It is the policy of Big Bear Municipal Water District to use computer software in strict accordance with the license agreement, and solely for District business.

### *CONDUCTING PERSONAL BUSINESS*

Employees are to conduct only District business while at work. Employees may not conduct personal business, or business for another employer, during their scheduled working hours, except during breaks or meal periods.

### *RADIO COMMUNICATIONS*

The MWD operates on an emergency radio frequency band much like the Sheriff and Fire Department. All radio communications must be professional. The following rules will be enforced:

- Jokes, inappropriate remarks, or unnecessary comments are not permitted to be made over the radio;
- If you have a radio with you “after hours” or on your days off, you will use the radio for emergencies only. No “personal use” is permitted;
- If you have a long conversation, or lengthy instructions to give out, then you must use a “break,” so other traffic can call in;
- Radio traffic should be kept short; dispatchers should only repeat the minimum amount of traffic back. (For example, if a patrol officer tells the dispatcher that they are on a tow from the west ramp to the east ramp, the dispatcher only needs to acknowledge, 10-6 tow, not the entire conversation.);
- Dispatchers are not to ask for an entire account of an incident over the radio. If they need the information immediately, the communication should be moved to a phone call;
- Remember to stay calm, speak slowly, and distinctly;
- When calling Waterbase during weekdays, call them first and wait for a response before giving information. This cuts down on unnecessary radio time if Waterbase is unable to hear your traffic the first time.

## IV STANDARDS OF CONDUCT

### *PROHIBITED CONDUCT*

The following is a summary of the type of workplace conduct that is not tolerated by Big Bear Municipal Water District. This list of prohibited conduct is illustrative only.

- Falsifying employment records, employment information, or other District records;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card;
- Theft, unauthorized use, damage, or destruction of any District property, or the property of another;
- Fighting, violence, threats, horseplay, bullying, or other unprofessional conduct, during working hours or on District property;
- Carrying firearms or any other dangerous weapons on District premises at any time;
- Using abusive language at any time on District premises;
- Violating any District policy, including but not limited to the policy prohibiting unlawful

- workplace harassment;
- Sleeping or loafing on the job;
- Violating any safety, health, security or District policy, rule, or procedure;

### *UNLAWFUL HARASSMENT*

Big Bear Municipal Water District is committed to providing a work environment free of unlawful harassment and discrimination. District policy prohibits sexual harassment and also unlawful harassment based on pregnancy, breastfeeding, childbirth or related medical conditions, reproductive health decision making, race, religion, creed, color, sex, gender, gender identity or gender expression, national origin or ancestry, citizenship, physical or mental disability, medical condition, marital status, registered domestic partner status, age (40 and older), sexual orientation, genetic information, military or veteran status, or any other basis protected by federal, state or local law or ordinance or regulation (collectively referred to as the "Protected Characteristics"). The District also prohibits unlawful harassment based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. All such harassment is not tolerated and violates the District's rules of conduct.

The District's anti-harassment policy applies to all persons involved in the operation of the District and prohibits unlawful harassment by any employee of the District, including supervisors and managers, as well as by vendors, service providers, customers, and any other persons.

Prohibited harassment includes, but is not limited to, the following behavior that is based on, or a result of, a Protected Characteristic:

1. Verbal (either oral or written) conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work;
4. Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors; and
5. Retaliation for having reported or threatened to report harassment or discrimination.

Sexual harassment under these laws includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### *Complaint Procedure*

If you believe that you have been unlawfully harassed, or if you believe you have observed conduct in violation of this policy, notify your own or any other District supervisor as soon as possible. If possible, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the General Manager or Designee. The District will conduct a fair, timely, and thorough investigation in a confidential manner, to the extent possible. The investigation will be performed by impartial and qualified personnel and will be appropriately documented.

### *Corrective Action*

Following the investigation, the District determines that any conduct in violation of this policy has occurred, effective remedial action will be taken and the District will timely close the matter. Any employee determined by the District to have violated this policy is subject to appropriate disciplinary action, up to and including termination. To the extent appropriate and permitted by law, a District representative may advise all parties concerned of the results of the investigation.

### *No Retaliation*

The District does not retaliate against employees for filing a complaint or participating in an investigation under this policy, and does not tolerate or permit retaliation by management, employees or co-workers.

### *Agency Complaint Procedure*

You should be aware that the Federal Equal Employment Opportunity Commission ("EEOC") and Civil Rights Department ("CRD") address unlawful discrimination in employment. If you think you have been harmed by an unlawful practice, and you are not satisfied with the District's response to the problem, you may file a complaint with the appropriate agency. The local address for the CRD is the Riverside office located at 1325 Spruce Street, Suite 320, Riverside CA, 92504, 800.884.1684 or [email](mailto:contact.center@calcivilrights.ca.gov) at [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov).

### *WORKPLACE ANTI-VIOLENCE POLICY*

The District is committed to providing a safe work environment that is free of violence. Violence of any type is not tolerated by the District. Prohibited violence includes but is not limited to: threats, harassment, abuse, bullying, intimidation or inappropriate physical contact. Prohibited physical contact may include, but is not limited to: hitting, shoving, pushing, kicking, fighting, assaults, etc.

Reporting any behavior that may violate this policy is mandatory. If you witness, or believe you are the victim of, any conduct that you believe violates this policy, you must provide a complaint to your supervisor or the General Manager as soon as possible after the incident. Your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors shall refer violence complaints to the General Manager.

The District will investigate the matter as appropriate, and remedial action will be taken in accordance with the circumstances. The District does not tolerate retaliation against employees for filing a complaint.

### *OFF-DUTY CONDUCT*

While the District does not seek to interfere with the lawful off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the District's standing in the community and legitimate business interests. Accordingly, employees are expected to conduct their personal affairs in a manner that does not adversely affect the District. Off-duty conduct by an employee that adversely affects the District's legitimate business interests or the employee's ability to perform their job is not tolerated.

### *DRUG AND ALCOHOL ABUSE*

Big Bear Municipal Water District is concerned about the use of alcohol, drugs, or controlled substances as they do or may affect the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of others and exposes the District to the risks of property loss or damage.

The following rules and standards of conduct apply to all employees either on District property, including District parking lots and in District vehicles, or during the workday or while engaged in work-related activities:

- (a) Employees must not use or possess illegal drugs or alcohol while on duty, and shall not manufacture, distribute, dispense, sell, or provide illegal drugs or controlled substances to any person, and must not be "under the influence" of any drug (legal or illegal) or alcohol.
- (b) If the use of a prescription drug may affect the employee's ability safely and effectively to perform their job, the employee must report this fact to the General Manager prior to reporting to work.

Reasonable Suspicion Testing: Employees may be referred for drug and alcohol testing if a District manager reasonably suspects the employee of being under the influence of drugs and/or alcohol.

A reasonable suspicion determination is based on significant and observable changes in, e.g., employee performance, appearance, behavior, or speech, such that the trained manager reasonably suspects the employee to be under the influence. If such reasonable suspicion exists, the employee will be referred to a licensed and certified laboratory for drugs and/or alcohol

testing. An agreement or other return-to-work agreement will be entered into individually with the employee at the time.

Post-Accident Testing: Testing may be required in connection with a work-related accident when there is a reasonable suspicion that alcohol or drug use contributed to the occurrence of the accident. Where appropriate, post-accident alcohol/drug tests are administered as soon as possible following the accident. Employees involved in an accident where there is a reasonable suspicion determination must not consume drugs (unprescribed) and alcohol until the test is completed.

Notification of Arrest or Conviction of Employee Required: Employees must notify their supervisor of any arrest or conviction under a criminal drug statute within five (5) days of the arrest or conviction/

Process:

- A. District will make every effort to protect the confidentiality of drug and/or alcohol test results.
- B. Employees who voluntarily self-disclose and request leave for treatment of alcohol and/or drug dependency may be granted a reasonable amount of leave for this purpose.
- C. All test results are reviewed by an appropriate licensed medical professional using sensitive accurate methodology to avoid false positive results and to ensure any positive results were not caused by legitimate use of prescription medication. An employee will have the opportunity to consult with the District's designated medical professional about a positive result. An employee will also have the opportunity to supply evidence of a legitimate prescription.

### *CUSTOMER RELATIONS*

Employees are expected to be polite, courteous, prompt, and attentive to [external customers and internal customers. \(co workers\)every customer.](#)

We are a service business and all employees must remember that the customer always comes first.

Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concerns as an interruption or an annoyance. Customer inquiries, whether in person or by telephone or email, must be addressed promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

Through your conduct, show your desire to assist the customer in obtaining the help they need. If you are unable to help a customer, find someone who can.

Never argue with a customer. If a customer-related situation arises where the employee does

not feel comfortable or capable of handling the problem, or if the customer remains dissatisfied for any reason, the employee should call a Supervisor or the General Manager for assistance immediately.

All work-related correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

### *CONFIDENTIALITY*

Each employee is responsible for safeguarding confidential information obtained in connection with their District employment. In the course of your work, you may have access to confidential information regarding the District, its suppliers, its customers, or perhaps even fellow employees. It is your responsibility to maintain the confidentiality of any such information and not to reveal or disclose it, unless it is necessary for you to do so in the performance of your duties.

### *BUSINESS CONDUCT AND ETHICS*

No employee may accept a gift or gratuity valued in excess of \$25 from any customer, vendor, supplier, or other person or entity doing business with the District. Employees are not permitted to accept any gift or gratuity from any outside person or entity that may influence a District business decision, transaction, or service.

### *MEDIA CONTACTS*

Employees may be approached for interviews or comments by the news media. Only certain employees designated by the General Manager are authorized to comment on the District's behalf, about District policy or events that may have an impact on the District.

Nothing in this policy is intended to impair an employee's right to speak on matters of public concern as a private citizen. If an employee does so, they should make it clear to the media that the employee is not speaking on behalf of the District.

## V OPERATIONAL CONSIDERATIONS

### *WORKPLACE SAFETY*

Those employees with the authority and responsibility for implementing the District's Injury and Illness Prevention Program ("IIPP") is the Lake Operations Supervisor.

The District's program for ensuring that employees comply with safe work practices includes recognition of employees who follow safe and healthful work practices, training and re-training programs, corrective action as needed, or other means to ensure employee compliance with safe and healthful work practices.

The District provides occupational safety and health information to all affected employees that includes meetings, training programs, postings, and written communications. Employees are encouraged to report any workplace safety concerns to their Supervisor. Further, a suggestion box is provided in the employee breakrooms which District employees can submit notification of health and/or safety hazards anonymously if they prefer.

Site safety inspections are performed at regularly scheduled intervals and also when:

- New substances, processes, procedures, or equipment are introduced to the work place that do or may represent a new occupational safety and health hazard;
- Whenever the employer is made aware of a new or previously unrecognized hazard.

In the event of an occupational injury or illness, the District will conduct an investigation to determine the cause and prevent recurrence in the future.

Whenever the District is made aware of an unsafe or unhealthy workplace condition, corrections will be made in a timely manner, based on the severity of the hazard. In the event that the cited condition poses an imminent hazard that cannot be immediately abated without endangering employee(s) and/or property, all exposed personnel will be removed from the area, except those necessary to correct the condition. Employees necessary to correct the hazardous condition shall be provided with the necessary safeguards.

### *ERGONOMICS*

The District's goal is to minimize workplace repetitive motion injuries. The District makes necessary adjustments to meet ergonomic standards through modifications to equipment and processes. The District also provides employee training. The District requires all employees to follow safety instructions and guidelines as well as proper work procedures.

### *EMERGENCY EVACUATION PROCEDURES*

Should a warning alarm sound or an evacuation announcement be made at the workplace or a work site, please take the following minimum actions:

1. Take whatever immediate steps are necessary and feasible to minimize any hazard in leaving the work area unattended. Time permitting, shut off heaters, radios, coffee warmers, etc.
2. Take your personal items with you, e.g., purses and briefcases, time permitting.
3. Do not re-enter the building until advised to do so.
4. In the event of an earthquake, you are to get under your desk or the nearest table (staying away from windows if possible) until further notice.
5. In the event of an emergency taking place in the front desk area, evacuate through the ~~back~~[small conference room](#) exit, ~~or proceeding out~~ through the exit inside of the Lake Operations Supervisor's office.
6. In the event of a small fire, a conservative approach should be taken when deciding to use a fire extinguisher or calling 9-1-1.

## SECURITY

Employees are expected to assist in maintaining a secure workplace.

For example, be aware of persons loitering for no apparent reason (e.g., in parking areas, walkways, entrances/exits, and service areas). Report any suspicious persons or activities to a supervisor. Secure your desk and/or work area at the end of the day or when called away from your work area for an extended length of time and do not leave valuable and/or personal articles in or around your workstation.

If you are the last employee to leave a District facility, be certain to follow proper closing procedures and if applicable, set the alarm. Do not share your alarm code or safe combination with another person under any circumstances. If you feel a code or combination has been compromised, notify your supervisor immediately.

## SECURITY CAMERAS

Video security cameras are located throughout District facilities, (excluding restrooms, locker rooms, or any clothes changing areas) to monitor and surveil District property for safety, security, and to aid law enforcement. They can be monitored remotely any time by Management. ~~All recording shall be done with recognition of the reasonable expectation of privacy among District employees.~~

## EMPLOYER PROPERTY

District property, including but not limited to lockers, desks, filing cabinets, files, and vehicles, as well as District computer, technology, and internet systems (hereafter the District "Technology Systems"), must be maintained according to District rules and regulations as seen in this handbook. Property must be kept clean and be used only for work-related purposes.

The District reserves the right to inspect any and all District property, as well as all property brought onto District facilities (including parking lots). The District further reserves the right to monitor and inspect all Technology Systems, including but not limited to District email accounts, and electronic media storage devices and systems. That means that employees have no expectation of privacy in any document, communication, or other item they create, receive, send, or store on the Technology Systems.

These searches and inspections may be carried out with or without notice to the employee and/or in the employee's presence or absence.

Employees are not permitted to remove any District property from District premises without prior authorization from the General Manager.

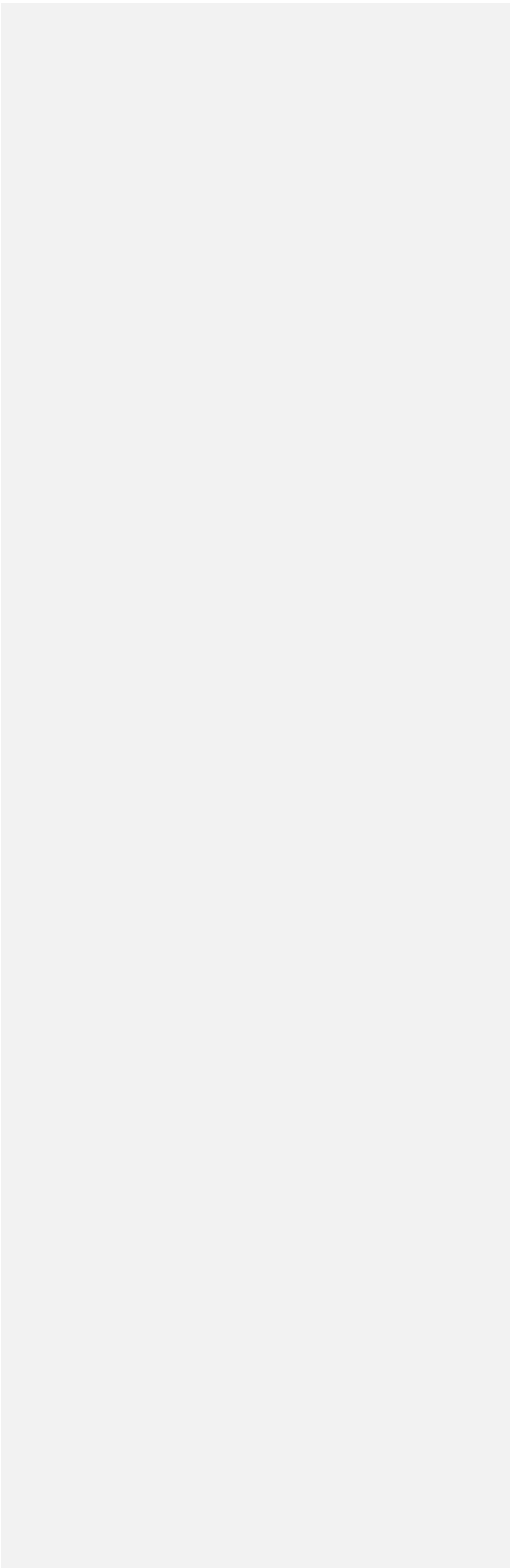
For security reasons, employees should not leave personal belongings of value in the workplace.

## CHILDREN AT WORK

For the safety and security of employees and children, children are not permitted in the

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workplace. In the event of an "emergency situation" where you believe it is necessary to bring your child to the workplace, you must seek and obtain prior approval from the General Manager before bringing the child on-site.



**BIG BEAR MUNICIPAL WATER DISTRICT  
REPORT TO BOARD OF DIRECTORS**

**MEETING DATE:** February 5, 2026

**AGENDA ITEM:** 6B

**SUBJECT:**

**ADMINISTRATIVE COMMITTEE (LUDECKE & BREWSTER) RECOMMEND RESOLUTION 2026-03 "RESOLUTION OF THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2026-01 (ADMINISTRATIVE CODE) AS IT RELATES TO GENERAL UPDATES" FULL BOARD DISCUSSION AND POSSIBLE APPROVAL.**

**RECOMMENDATION:**

The General Manager and Administrative Committee recommend Resolution 2026-03 be considered by the full Board for approval.

**DISCUSSION/FINDINGS:**

The Administrative Committee reviewed the Administrative Code with staff and recommend changes to clarify Cost of Living Adjustments and Merit Step eligibility, approval thresholds, CPI calculation methodology, performance evaluation standards, and limits on retroactive adjustments. Attachment A reflects the proposed revisions in redline format.

**OTHER AGENCY INVOLVEMENT:** None

**FINANCING:** None

**RESOLUTION NO. 2026-03**

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
BIG BEAR MUNICIPAL WATER DISTRICT  
AMENDING RESOLUTION NO. 2026-01 (ADMINISTRATIVE CODE) AS IT  
RELATES TO GENERAL UPDATES**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF BIG BEAR MUNICIPAL WATER DISTRICT as follows:

**Section 1. Purpose**

This resolution amends Resolution 2026-01 (Administrative Code) as it relates to general updates. Revisions include changes to clarify Cost of Living Adjustments and Merit Step eligibility, approval thresholds, CPI calculation methodology, performance evaluation standards, and limits on retroactive adjustments.

**Section 2. Exhibit 'A' Administrative Code**

Exhibit 'A' of this resolution is the Administrative Code. The document, including red-lined revisions, will become rule upon the approval of the majority vote of the Board of Directors.

**Section 3. Other**

Except as provided herein, Resolution No. 2026-03 is hereby reaffirmed and readopted.

**PASSED, APPROVED AND ADOPTED** this 5th day of February, 2026.

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Tom Bradford, President

ATTEST:

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Elsa Donoho, Secretary to the Board

(SEAL)



# Big Bear Municipal Water District Administrative Code

Resolution 2026-031 (Exhibit 'A')

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## CHAPTER 1. GENERAL PROVISIONS

### Section 1.101 Purpose.

This Resolution provides the members of the Board and the District's staff with a statement of instructions and policy to implement the Municipal Water District Law of 1911. This Resolution, and any future amendments thereto, may be referred to as the District's "Administrative Code."

### Section 1.102 Mission and Goals.

The mission of the District is to maintain Big Bear Lake for recreation and wildlife.

### Section 1.103 Scope.

This Code consists of the regulatory, penal, and administrative laws of general application, codified pursuant to the authority of the Municipal Water District Law of 1911 and authority provided to local agencies under the Government Code.

### Section 1.104 Effect of Code on Past Actions and Obligations.

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

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

### Section 1.105 Maintenance of Code.

- (a) At least three (3) certified copies of this Code shall be maintained on file in the District offices as the official copies of this Code. Additional copies of this Code shall be distributed as directed by the General Manager.
- (b) Each resolution making a change in this Code shall be filed by the Secretary in books for such purpose, properly indexed for ready reference.
- (c) At least quarterly, the Secretary shall reproduce and distribute loose leaf pages of this Code in which changes have been made with a notation as to the resolution number and date on which such change is adopted.

### Section 1.106 Definitions.

The following terms are defined for the purposes of this Resolution:

- (a) "District" refers to the Big Bear Municipal Water District.
- (b) "Board" refers to the legislative body of the District made up of the Board of Directors.
- (c) "Board Member" refers to an individual Director elected or appointed to fill a seat on the Board.
- (c) "President" refers to the President of the Board.
- (d) "Vice President" refers to the Vice President of the Board.
- (e) "Secretary" refers to the Secretary of the Board.
- (f) "Treasurer" refers to the Treasurer of the Board.
- (g) "General Manager" refers to the chief executive officer of the District.

- (h) "Employee" refers to a District employee.
- (i) "Principal Act" refers to the Municipal Water District Law of 1911.
- (j) "Engineer" refers to the District Engineer.

**Section 1.107 Official Seal of Authority.**

The following design is hereby determined to be, and it is hereby adopted, as and for the official seal of the District:

The seal is circular in form and has engraved on the outer edge of the face with the words: "BIG BEAR MUNICIPAL WATER DISTRICT" and within the circle, the words: "INCORPORATED JANUARY 31, 1964, CALIFORNIA," as shown.

**Section 1.108 Holidays.**

- (a) The offices of the District shall normally be closed on the following holidays:
 

January 1	New Year's Day
3rd Monday in January	Martin Luther King Day
3rd Monday in February	President's Day
Last Monday in May	Memorial Day
June 19	National Independence Day
July 4	Independence Day
First Monday in September	Labor Day
November 11	Veterans' Day
Thanksgiving	Thanksgiving Day
Friday following Thanksgiving	Thanksgiving Friday
December 25	Christmas
December 26	Day After Christmas
- (b) Any day designated as a paid holiday by the Board.

**Section 1.109 Regular Holidays that Occur on a Weekend.**

Any regular holiday that occurs on Sunday will be observed on the following Monday. Any holiday occurring on Saturday will be observed on the preceding Friday.

## CHAPTER 2. BOARD OF DIRECTORS

### ARTICLE 1 - ELECTION, APPOINTMENT AND OATHS

#### Section 2.101 General.

The Board shall establish policies and give the General Manager the authority to implement policies. The Board is not responsible for the day-to-day management or operations of the District.

#### Section 2.102 Relationship Among Board Members.

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

#### Section 2.103 Relationship with Officers and Employees.

(a) The Board and individual Board Members may question the General Manager with respect to the development and implementation of District policy. The Board, but not the individual Board Members, may direct the General Manager with respect to the development and implementation of District policy.

(b) The Board and individual Board Members are prohibited from dealing directly with any Employee regarding District business, except the General Manager and the Board Secretary. Continued violation to this section shall be referred to the full Board for discussion.

#### Section 2.104 Election.

(a) Members of the Board shall be elected to office in accordance with the provisions of the Principal Act.

(b) Board Members shall be elected on the following schedule, with terms commencing at the time stated and every fourth year thereafter:

Board Member representing:	Division 1 - January 2023
	Division 2 - January 2023
	Division 3 - January 2023
	Division 4 - January 2025
	Division 5 - January 2025

#### Section 2.105 Unscheduled Vacancies.

(a) The office of Board Member may become vacant before the end of the term because of death, resignation or other event causing vacancy. A written resignation is irrevocable and effective when filed with the Secretary. An oral resignation is irrevocable and effective when accepted by the Board.

(b) A notice of intention to fill the vacancy by appointment shall be posted by the Secretary immediately when an unscheduled vacancy on the Board occurs. At least ten (10) days after the notice is posted and within sixty (60) days after the effective date of the vacancy, the remaining Board Members may fill such vacancy by appointment or by calling an election. The San Bernardino County Board of Supervisors may fill the vacancy if the Board fails to act within sixty (60) days of the effective date of the vacancy.

(c) If a vacancy is not filled by appointment, an election shall be held at the next regular election date at least one hundred fourteen (114) days after the effective date of the vacancy.

(d) A person appointed or elected to fill an unexpired term shall hold office until the next regular district election held at least one hundred fourteen (114) days after the effective date of the vacancy.

Section 2.106 Oath of Office.

Persons elected or appointed to the Board shall take the oath of office prior to assuming office in the manner and at the time prescribed by law. The Secretary shall administer the oath.

## ARTICLE 2 - ORGANIZATION AND BOARD OFFICERS

Section 2.201 Divisions.

The District is divided into five (5) divisions as shown on the Official Map of Division Boundaries on file in the District offices. Each division is represented by one Board Member.

Section 2.202 Officers of the Board.

(a) The President and Vice President shall be appointed by the Board from its members at the first meeting in the month of January of every year.

(b) The office of the President shall be rotated from division to division annually on a numerical basis. If a Board Member declines the office, or has served less than one (1) year, the Board Member serving the next numerical division shall be President. If no one accepts the position, the current President may appoint the next President.

(c) The office of Vice President shall be rotated from division to division annually on a numerical basis to the Board Member whose division is scheduled as the following year's President. If the Board Member declines the office, or has served less than one (1) year, the Board Member serving the next numerical division shall be Vice President.

(d) The District's Executive Assistant shall also serve as Secretary to the Board, and the District's General Manager shall also serve as Treasurer and Deputy Secretary when the Secretary is absent.

Section 2.203 Powers, Duties and Responsibilities of Board.

Certain duties are delegated to Board Members beyond those provided for by statute:

(a) The President serves as presiding officer.

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

(c) The Secretary is responsible for the accuracy and availability of the minutes of Board meetings and the Official Record of ordinances, resolutions and orders passed or adopted by the Board. The Secretary shall certify to the passage and adoption of ordinances, resolutions and orders of the Board, to the filing of documents filed with, or by order of, the Board, to the official status, capacity and signature of all officers and Employees of the District, and to matters appearing of record in the files and records of the District and of its Board, or of any office or officer of the District.

(d) The Treasurer is responsible for receiving and depositing monies of the District, the certification that checks presented for Board approval in payment of obligations of the District are correct and supporting documents available, and the investment of District funds.

(e) Board members should always be guided by the best interests of the District and its constituents.

(f) The primary responsibility of a Board Member is to guide the policy and direction of the District. The General Manager administers the day-to-day activities and is solely responsible for personnel matters.

(g) The smooth working of the District is a team effort. All individuals should try to work together in the collaborative process, assisting each other in conducting the affairs of the District.

(h) Board Members should develop a working relationship with the General Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.

#### Section 2.204 Code of Behavior.

(a) Board Members should commit themselves to promote communication, courtesy, honesty, respect, and trust within the Board, Staff, and citizens.

(b) Board Members should commit themselves to emphasizing the positive, avoiding hidden agendas and other negative forms of interactions. Any degrading or malicious comments about the General Manager or any staff member will not be tolerated.

(c) Board Members should commit themselves to focusing on issues and not personalities.

(d) In seeking clarification on information, operations, and policy items, Board Members should directly approach the General Manager to obtain information needed to supplement, upgrade to enhance their knowledge to improve legislative decision making.

(e) In handling operational complaints from citizens, tenants, and property owners in the District, said complaints should be referred to the General Manager.

(f) In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to District personnel.

(g) No Board member intentionally shall impede the General Manager's powers and functions.

(h) Each Board Member is governed by the procedures set out in the Employee Handbook for dealing with a harassment complaint. In the event the General Manager is the subject of the harassment complaint, the complaint shall be reported to and handled by the District legal Counsel.

(i) The failure of a Board Member to comply with the provisions of this Section shall constitute grounds for disciplinary action against him/her. A majority of the Board may place a censure hearing on a District Board agenda. In taking such action, the Board shall identify the Board Member or Board Members involved and describe the conduct constituting the alleged violation.

(j) A Board Member who is the subject of an alleged violation shall be provided with written notice of the violation and the grounds for the proposed action. Such notice shall be prepared by District staff and reviewed by legal counsel. At the censure hearing, the Board Member shall have an opportunity to be heard concerning the allegations that led to the use of censure. The Board Member may submit a written response to the allegations in addition to, or in lieu of, speaking at the hearing if he/she so chooses.

(k) If, at the close of the censure hearing, the District Board finds that the Board Member's conduct does not comply with the District's standards, the District Board may direct staff to prepare a resolution of censure which may include the imposition of sanctions against the Board Member as a majority of the Board deems appropriate. Such sanctions may include removal from a committee and restrictions on District-related travel privileges. At the next District Board meeting, the Board may consider and adopt the resolution of censure including any sanctions imposed by the Board.

(l) A violation of this Section shall not be considered a basis for challenging the validity of a Board decision.

Section 2.205 Committee Structure.

(a) At the last Board meeting each year, the President shall announce the standing committee assignments. A standing committee shall be comprised of two (2) Board Members and formed to discuss assigned matters. As nearly as practicable, each Board Member shall participate as equally as possible in the committees.

(b) To the extent practicable, committees shall review and make recommendations on matters to appear on a Board agenda. No item shall be placed on an agenda at the request of one (1) Board Member. Such requests shall be directed to the appropriate committee for review. A committee decision not to place an item on a Board agenda can be overruled if three (3) Board Members make the request.

Section 2.206 Board Development

(a) New Board Members will:

1. Participate in AB1234 Ethics Training within the first year of taking office and every other year thereafter.
2. Participate in AB1825 Sexual Harassment Training pursuant to Govt. Code Sections 53237 et seq. within the six months of taking office and every other year thereafter.
3. Be given access to Board Development Webinars and any other applicable training.

(b) All Board Members will participate in:

1. Biennial Ethics Training in compliance with AB1234.
2. Biennial Sexual Harassment Training in compliance with Govt. Code Sections 53237 et seq.
3. Budget and Development Workshops.
4. Any other training as required by law or approved by a vote of the Board.

## ARTICLE 3 - MEETINGS AND MINUTES

Section 2.301 General.

(a) Meetings of the Board and advisory bodies shall be open to the public. No action shall be taken by secret ballot at such meetings.

(b) The terms used in this article have the same meaning as the Ralph M. Brown Act.

(c) Meetings of the Board and advisory bodies shall be held within the District boundaries, except: (1) to comply with State or Federal law or court order; (2) to inspect real property or personal property which cannot be moved; to meet with another public agency at the other agency on multi-agency matters; (3) to discuss legislative or regulatory matters with State or Federal officials; (4) to discuss matters relating to a District facility in the facility; or (5) to consult with legal counsel at counsel's office if so doing will result in a reduction in legal fees associated with the meeting.

(d) Secretary shall provide each member a copy of these regulations.

Section 2.302 Regular and Special Meetings.

(a) The Board shall hold regular meetings on the first and third Thursday of each month at the hour of 1:00 o'clock p.m. at the District's headquarters located at 40524 Lakeview Drive, Big Bear Lake, California.

### Section 2.303 Attendance at Meetings

(a) Board Members are expected to attend all regular and special meetings of the Board.

(b) Board Members appointed to a committee are expected to attend all scheduled meetings of that committee.

(c) A Board Member absence may be excused when known by the Board President or Vice-President and General Manager no less than 24 hours before the time of the regular scheduled meeting or scheduled committee meeting. An unexcused absence, which is defined as a no-show, no-call, requires a finding by the Board and will be formally noted in their file.

(d) If an unexcused or repeated absence does occur, a censure hearing may be taken before the whole Board for review.

(e) Special meetings of the Board may be called by the President or three (3) Board Members by delivering written notice to each Board Member and to each local newspaper of general circulation, radio, or television station requesting notice in writing within the prior twelve (12) months. The notice shall be delivered at least twenty-four (24) hours before the time of each meeting. A Board Member may waive notice for his or herself by filing a written waiver of notice with the Secretary or by being present at the meeting when it convenes.

(f) The Board may hold an emergency meeting, but not a closed session, without twenty-four (24) hour notice in the case of a work stoppage, crippling disaster, or other activity severely impairing public health or safety and requiring prompt action due to the disruption or threatened disruption of public facilities. Each newspaper, radio, or television station requesting notice of special meetings shall be notified by the Secretary by telephone at least one (1) hour prior to an emergency meeting. If telephone service is not available, the newspapers, radio, or television stations shall be notified of the meeting, the purposes of the meeting and action taken as soon after the meeting as possible.

### Section 2.304 Adjournment.

(a) A regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment.

(b) If a quorum is not present for a regular or adjourned regular meeting, the Secretary or Deputy Secretary may declare the meeting adjourned to a stated time and place and cause a written notice of such adjournment to be given in the same manner as provided for a special meeting. When a regular or adjourned regular meeting is adjourned, the resulting adjourned meeting is a regular meeting for all purposes.

(c) A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment. When an order of adjournment fails to state when the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

### Section 2.305 Continuance of Hearings.

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

Section 2.306 Minutes of Board Meetings.

- (a) Meetings, except closed sessions, shall be recorded in written minutes.
- (b) The minutes of the emergency meeting showing persons notified or attempted to be notified, the roll call vote, and action taken shall be posted for at least ten (10) days as soon after the meeting as possible.
- (c) The written minutes of meetings need not be a verbatim transcription but shall reflect:
  - (1) official actions taken by the Board;
  - (2) disposition of items appearing on the agenda;
  - (3) the number and title of ordinances and resolutions.
- (d) The written minutes are not official minutes until approved by the Board. Upon approval, the minutes will be signed by the Secretary and the Seal of the District affixed.
- (e) Any person attending an open meeting of the Board may record the proceeding on audio or video media unless the Board finds the recording cannot continue without noise, illumination or obstruction of view constituting a persistent disruption of proceedings.

Section 2.307 Rules of Conduct.

- (a) The affirmative vote of at least three (3) Board Members is necessary for the Board to take action. The Board shall take action by motion, resolution, or ordinance. Motions and resolutions may be adopted on voice vote; roll call shall be taken if requested by any Board Member. Ordinances shall be adopted on roll call vote.
- (b) The District may use video teleconferencing to receive public comment or testimony and for deliberations of the Board in accordance with state law. If video teleconferencing is used, the agenda shall be posted at all video teleconference locations and reasonable rules shall be adopted to protect the statutory and constitutional rights of the parties and the public appearing before the Board.
- (c) Meetings shall be conducted in accordance with the latest edition of Robert's Rules of Order insofar as such rules are compatible with the Principal Act and other laws of the State of California. Committees shall adopt rules of order appropriate to their work.
- (d) If any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board may order the meeting room cleared. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend the session. The Board may establish a procedure for readmitting individuals not responsible for willfully disturbing the orderly conduct of the meeting.
- (e) The Board shall not prohibit public criticism of the policies, procedures, programs, or services of the District or of the acts or decisions of the Board. However, no privilege or protection is hereby conferred for expression beyond that otherwise provided by law.

Section 2.308 Agenda.

- (a) At least seventy-two (72) hours before a regular meeting, or at least twenty-four (24) hours prior to a special meeting, the Secretary shall post an agenda containing a brief, general description of each item of business to be transacted or discussed at the meeting, including the items to be discussed in closed session. The posting shall be freely accessible to the public.
- (b) The agenda for all meetings shall include the opportunity for the public to address the Board prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall

include the opportunity for the public to address the Board on matters within the jurisdiction of the District but not on the agenda.

(c) No action shall be taken on matters not shown on the posted agenda, except members may briefly respond to: (1) statements made or questions posed during public comment; (2) requests for clarification; (3) provide a reference to staff or other resources for factual information; (4) request staff to report back to the Board at a subsequent meeting; or (5) direct staff to place a matter of business on a future agenda.

(d) Prior to discussion of any matter on the agenda, the Board may add matters to the agenda upon a majority finding an emergency exists or upon at least a two-thirds vote finding there is a need to take immediate action and the need for action came to the attention of the District subsequent to the posting of the agenda. If only three (3) Board Members are present, the finding of the need for action shall be by unanimous vote.

(e) Meetings to consider a new or increased assessment shall be preceded by at least forty-five (45) days notice as specified by law.

#### Section 2.309 Closed Sessions.

(a) The Board may conduct a closed session to:

(1) Consider the appointment, promotion, or job performance of an Employee under direct hiring of the Board;

(2) Consider charges levied against an Employee as a part of disciplinary proceedings unless the employee requests a public hearing;

(3) Establish the District's position for employee negotiations;

(4) Consider pending or potential claims or litigation;

(5) Consider property acquisition or disposition with negotiator; or

(b) The agenda shall state the purpose of the closed session, under Gov. Code, § 54954.5, unless the purpose of the closed session is to:

(1) Consider charges levied against an employee in which case, the identity of the employee shall not be disclosed unless already publicly known or requested by the employee;

(2) Discuss pending or potential claims or litigation and counsel announces disclosure of the identity of the claimant or litigant would prejudice the District; or

(c) Action taken in closed session shall be publicly announced at the same meeting as the closed session. If the action was taken by roll call vote, the vote shall be announced.

(d) When closed session held at the end of a meeting will result in a decision authorizing expenditures, the action shall be deferred until the next regular meeting and considered as a part of the regular agenda, unless the matter involves:

(1) Litigation with court-imposed deadlines before the next regular meeting;

(2) Appointment, removal, or dismissal of District officers or employees; or

(3) Response to emergency conditions.

(e) Counsel shall prepare a confidential memorandum stating the purpose of the closed session and action taken. This memorandum shall be filed with the General Manager in confidence.

## ARTICLE 4 - COMPENSATION AND EXPENSES

### Section 2.401 Compensation.

In accordance with Section 71255 of the Water Code, each Board Member shall be compensated in the amount established by Ordinance for each day's attendance at meetings of the Board or for each day's service rendered as a Board Member by request of the Board not to exceed six (6) days in any calendar month. A Board Member shall not be compensated for more than one (1) per diem per day even if more than one meeting is attended in one (1) day. At least annually, the Board shall determine the meetings for which Board Members shall be compensated. Board Members shall be compensated only for meetings approved by the Board.

### Section 2.402 Expenses.

(a) If expenses are expected to exceed the budgeted amount, a Board Member shall receive reasonable and necessary reimbursement for travel, meals, lodging, registration, and similar expenses incurred on District business. The rate for reimbursement shall not exceed the rate published by the IRS for deduction from taxes. Board Members shall submit expense reports within fifteen (15) days of the activity for which reimbursement is requested.

(b) During September of each year, the General Manager shall prepare a list of amounts paid during the prior fiscal year to reimburse a Board Member or Employee for individual expenses of one hundred dollars (\$100.00) or more. To determine the value of an item, the total charges for the item for the day shall be considered. For example, several transportation bills, each less than one hundred dollars (\$100.00), but totaling more than one hundred dollars (\$100.00), requires a report.

(c) The District shall pay for the attendance of up to two (2) Board Members at any one seminar, conference or other similar meeting or event, unless otherwise approved by the Board. Following an election, an incumbent choosing not to seek another term or who is defeated in the election, shall not be eligible for seminar attendance during the remaining months in office. The maximum fiscal-year expenditure per Board Member shall be set each year in the annual budget. First choice for seminar attendance shall be determined by the committee description most closely related to the seminar subject matter as determined by the President. Should a committee member be unable, or not wish, to attend a seminar, the option to attend shall then be extended first to the committee alternate.

(d) At the next Regular Board meeting after a Board Member's attendance at a conference or other event at District's expense, the Board Member shall provide a brief or written report regarding that conference. The written report may be provided on a form, which will be included with the agenda packet.

## CHAPTER 3. DISTRICT OFFICERS

### ARTICLE 1 - GENERAL MANAGER

#### Section 3.101 General Manager.

The General Manager shall be appointed by the Board as the chief executive officer and shall be responsible directly to the Board. The General Manager shall have full charge and control of the planning, design, construction, operation and maintenance of District facilities and the administration of the business affairs of the District within the program and policies established by the Board, as outlined in the job description approved by the Board.

#### Section 3.102 Administration of Business Affairs of the District.

The General Manager shall have full power and authority to administer the business affairs of the District within the program and policies established by the Board, including: placing items on Board agendas; purchasing; customer service; and employment matters (e.g., employing, promoting, transferring and discharging employees and assistants and prescribing the duties of employees and assistants and in fixing their compensation in accordance with the policies and schedules approved by the Board).

#### Section 3.103 Personnel Rules & Regulations.

The General Manager shall submit recommended personnel rules and regulations, including salary recommendations, from time to time to the Board for approval. Such recommendations may be in the form of a Memorandum of Understanding or Policy Memorandum. Such recommendations, when approved, shall supersede this Code to the extent there is any conflict between such recommendations and the personal rules and regulations in this Code.

#### Section 3.104 Emergency Powers.

If an emergency arises which would ordinarily be brought to the attention of the Board but insufficient time exists within which to give notice as required by law, the General Manager is authorized, in his/her discretion, to take such emergency action as he/she deems appropriate and reasonable.

#### Section 3.105 Collection of Delinquent Accounts.

The General Manager may engage a collection agency to collect accounts delinquent over three (3) months and collection efforts have proven unsuccessful.

### ARTICLE 2 - OTHER OFFICERS

#### Section 3.201 District Counsel.

- (a) District shall hire General Counsel based on the needs of the District.
- (b) Bond Counsel or special counsel shall be appointed by the Board. The compensation of the Bond Counsel will be set by the Board.
- (c) District Counsel shall report possible violations of District policy and State or Federal law to the General Manager. District Counsel shall report possible violations of District policy not corrected by the General Manager, General Manager's possible violations of State or Federal penal law, and violations of policy or law by a Board Member to the Board, and to the District Attorney or United States

Attorney, as the case may be, when instructed by the Board, or if the Board fails to act, as the District Counsel deems appropriate.

Section 3.202 Auditor.

An independent auditor shall be hired by the Board to annually review the financial records of the District.

Section 3.203 Engineer.

Consulting Engineers shall be hired by the Board to assist the District on an as- needed basis.

Section 3.204 Lake Rangers.

The District shall employ lake rangers in accordance with Water Code section 71341.5. The primary function of these lake rangers will be to protect the properties of the District and to protect persons on District property.

Section 3.205 Chief Operations Officer

The District may hire a Chief Operations Officer based on the needs of the District through a contractual employment agreement.

## CHAPTER 4. EMPLOYEES

### ARTICLE 1 - COMPENSATION

#### Section 4.101 Positions Authorized.

The Board shall, by resolution, approve positions necessary for the performance of the District's work. The resolution shall identify the position by job title and describe the requirements for and the duties of the position. All authorized positions, with the exception of contract employees, are considered "at-will" employment.

#### Section 4.102 Compensation.

- (a) The Board shall approve the compensation range for each authorized position. Newly-hired employees are typically assigned a wage on the first step in the compensation plan. In their sole discretion, the General Manager may assign any employee to a different step in the approved range.
- (b) An employee sent home from the work site by a Supervisor due to lack of work, either prior to or following commencement of work for the day, shall be paid for at least one half of the hours they were scheduled to work hours on that day. If more than one half of scheduled hours have been worked, the employee shall receive pay for actual hours worked.

#### Section 4.103 Cost-of-Living Adjustment ("COLA").

Subject to the following provisions, full-time employees of the District may receive a Cost-of-Living Adjustment (COLA) on July 1 of each year if approved by the General Manager and a favorable annual review is received by June 30 within the past twelve (12) months. A favorable review is defined as a total score of 3 or higher on a 5-point scale. This adjustment, if any, is based on the most current available Consumer Price Index Urban Wage Earner of Los Angeles, Riverside and Orange County San Bernardino-Ontario, CA areas. In any event, only adjustments of less than up to five percent (5%) can be granted without Board approval through the General Manager. If a full twelve (12) months of Consumer Price Index data is not available, the COLA shall be calculated using the average of the available monthly CPI data in the preceding 12 months. Any proposed COLA of greater than five percent (5%) or greater requires advance approval of the Board of Directors. COLAs are typically granted prospectively only. In no event will a COLA be granted retroactively for a period longer than thirty (30) days.

#### Section 4.104 Merit Step Increases ("Step").

Employees may also be eligible for consideration of a Merit Step increase upon receiving a favorable performance evaluation. For purpose of this code section, a "favorable evaluation" is defined as a total score of three (3) or higher on a five-point scale. Step increases, if any, are typically only granted prospectively only. In no event shall a step increase be granted retroactively for a period of longer than (30) days.

Seasonal employees are generally evaluated at least once per season, and are eligible for step increases.

### ARTICLE 2 – EMPLOYEE BENEFITS

#### Section 4.201 Benefits.

Benefits provided to District employees are decided by the Board of Directors.

Section 4.202 Employee Handbook.

The General Manager shall prepare an employee handbook which implements the provisions of this Administrative Code by providing detailed instructions concerning the terms and conditions of employment.

## CHAPTER 5. FINANCE

### ARTICLE 1 - BUDGET

#### Section 5.101 Establishment of Budget.

The General Manager shall present a proposed budget to the Board for consideration prior to the commencement of each fiscal year.

#### Section 5.102 Filing of Budget.

The Assistant Financial Officer shall file a copy of the Audited Financial Statements with the County of San Bernardino's office within the deadlines each year.

#### Section 5.103 Modification of Budget.

If the General Manager determines that the approved budget is inadequate to address District requirements due to changes occurring subsequent to the approval of the budget, he/she shall submit recommended modifications to the Board for action.

#### Section 5.104 Implementation of the Budget.

The General Manager shall implement the approved or revised budget, provided all capital expenditures shall be approved by the Board before they are undertaken.

### ARTICLE 2 - OFFICIAL BOOKS AND RECORDS

#### Section 5.201 General and Special Books of Account.

The Treasurer shall maintain books of account in accordance with the accepted accounting principles showing the status of all monies received and disbursed and shall also maintain such general and special fund accounts as are necessary to accomplish this purpose.

### ARTICLE 3 - DEPOSITORIES AND BONDS

#### Section 5.301 Bonds.

The Treasurer shall secure a bond in the amount of one hundred thousand dollars (\$100,000) per incident covering Employees who are authorized to receive or spend money. Premiums shall be paid by the District.

#### Section 5.302 Depositories.

The Board shall, from time to time, designate depositories to have custody of the funds of the District.

### ARTICLE 4 - CLAIMS AND CHECKS

#### Section 5.401 Claims: General.

The provisions of this Article apply to all claims filed against this District for money or damages, including but not limited to, claims filed by local governmental agencies.

Section 5.402 Filing of Claim Required.

A claim shall be presented in accordance with this Article in all cases described herein.

Section 5.403 Presentation of Claim.

A claim, or any amendment, shall be presented to the District by delivery to the Secretary of the District or by mailing it to the Secretary at the District's office.

Section 5.404 Contents of Claim.

A claim shall be presented to the District by the claimant or by a person acting on his behalf and shall show:

- (a) The mailing address of the claimant;
- (b) Mailing address to which the person presenting the claim desires notice to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (d) The general description of the indebtedness, obligation, injury, damage or loss incurred so far as may be known at the time of presentation of the claim;
- (e) The name or names of the public employee or employees causing the injury, damage, or loss if known;
- (f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss insofar as it may be known at the time of presentation of the claim, together with the basis of computation of the amount claimed; and
- (g) The signature of the claimant or some person on his/her behalf.

Section 5.405 Time for Presentation of Claims.

A claim relating to a cause of action for death or for injury to person or to personal property or growing crop shall be presented not later than six (6) months after accrual of cause of action. A claim relating to any other cause of action shall be presented not later than one (1) year after the accrual of the cause of action.

Section 5.406 Leave to Present Late Claim.

When a claim is not presented within the required time, an application may be made to the District for leave to present such claim. Section 911.4 (b), and Section 911.6 through 912.2 inclusive, and Sections 946.4 and 946.6 of the Government Code are applicable to such application, and the time specified in this Article shall be the time specified in Government Code Sections 911.2, 911.6, and 946.6.

Section 5.407 Time for Action by the Board.

The Board shall act on the claim within forty-five (45) days after the claim has been presented to the District, if General Manager has not taken action.

Section 5.408 Notice of Rejection of Claim.

Written notice of any action taken pursuant to this Article rejecting a claim in whole or in part shall be given to the person who presented the claim.

Section 5.409 Claim as Prerequisite to Suit.

(a) No suit for money or damages may be brought against the District on a cause of action for which a claim is required until the written claim has been presented to the District and has been acted upon by the Board.

(b) No suit may be brought against the District on any cause of action for which a claim is required unless such suit commences within six (6) months after the date the claim is acted upon by the Board or is deemed to have been rejected by the Board.

Section 5.410 Claims Under \$500.

The General Manager may allow compromise or settle a claim against the District if the amount to be paid pursuant to such allowance, compromise or settlement does not exceed five hundred dollars (\$500). The General Manager shall advise the Board when a claim is allowed, settled, or compromised.

Section 5.411 Approval of Warrants and Signature of Checks.

(a) No money shall be disbursed from the General Fund except upon prior approval of the General Manager. Checks drawn on the General Fund should be signed by two of the District's authorized signatories recognized by the District bank, if available, and shall have at least one signature per check, provided the General Manager may sign checks for payroll, in the amount approved by the Board and for usual and necessary utility bills.

(b) When possible, electronic bill-pay may be utilized for District bills if approved by the General Manager.

Section 5.412 Check Register.

A check register showing the check number, payee, amount, the fund upon which it is drawn and the purpose of each check will be prepared by the Treasurer and provided to the Board no later than twenty-four (24) hours before each regular Board meeting.

Section 5.413 Deposits.

(a) Monies received by the District shall be deposited in the General Fund.

(b) No money shall be deposited in the Revolving Fund except upon order of the Board.

## ARTICLE 5 - PURCHASING

Section 5.501 Purpose and Scope.

This Article provides criteria and procedures for the purchase of supplies and equipment for use by the District. This Article does not abrogate provisions of State or Federal Law establishing more stringent purchasing procedures.

Section 5.502 Purchasing Policy.

(a) Public Works Contracts:

(1) The District will follow all rules & guidelines stated within the California Uniform Cost Accounting Program.

(2) The District will follow all California prevailing wage rules and guidelines in accordance with current Department of Industrial Relations (DIR) regulations.

Section 5.503 Exceptions.

(a) Procedures relating to the purchase of supplies or equipment estimated to cost fifteen thousand dollars (\$15,000) or less may be dispensed with when:

(1) The cost of the supplies or equipment is established by Federal, State or local regulation such as is the case with certain types of utility service, e.g., telephone, telegraph, light, power and water, and supplies and equipment appurtenant thereto.

(2) The supplies and equipment are by their nature difficult and expensive to describe by appropriate specifications, in which event, suppliers of known repute shall be requested to submit proposals for designing or supplying the supplies and equipment in the same manner as professional services are obtained. Such proposal shall contain cost estimates and a sufficient explanation to permit the Board to decide upon alternative proposals.

(3) An emergency exists with respect to supplies or equipment.

(4) The supply or equipment is readily available from only one (1) or two (2) sources in which event the reason for specifying the acceptable article shall be noted on the purchase order.

(b) Labor and material necessary for emergency repair or replacement of public facilities of the District damaged by unanticipated calamity may be undertaken without giving notice for competitive bids as follows:

(1) By 4/5's vote, the Board may authorize procurement of labor or material without bidding to make emergency repairs or replacements. Such authorization shall be based on substantial evidence set forth in the minutes of the meeting that the emergency will not permit delay and action is necessary to respond to the emergency. The need to continue or terminate the authorization shall be reviewed at each subsequent regular meeting until the emergency subsides or the work is complete.

(2) The General Manager may authorize the procurement of labor or material without bidding to make emergency repairs or replacements when a meeting of the Board cannot be commenced to authorize emergency action in a timely manner. The General Manager shall report to the Board within seven (7) days of the emergency or at the next regular meeting scheduled within fourteen (14) days after the action. The report shall describe the emergency and reasons justifying the emergency action. At every regular meeting following the General Manager's action, the Board shall determine by 4/5's vote whether the need for emergency action continues.

#### Section 5.504 Professional Services.

Professional services shall be obtained in accordance with procedures recommended by the ethics of the discipline involved. In general, the General Manager shall solicit proposals from qualified professionals. Proposals shall consist of outlines of the work to be accomplished. The General Manager shall recommend what is the best proposal to the Board who will accept or reject it. The General Manager will then negotiate a contract for Board approval with the firm acceptable to the Board.

#### Section 5.505 Ancillary Procedures.

The procedure, personnel, and system of forms to be used in the purchasing of supplies and equipment shall be determined by the General Manager and set forth in clear and concise written form consistent with this Article. The directive shall be made available to employees and be the guide for all purchases.

## ARTICLE 6 - INVESTMENT POLICY

#### Section 5.601 Permitted Investments.

(a) The General Manager may invest surplus monies of the District without first securing further Board approval in the following types of investments:

(1) Local Agency Investment Fund of the State of California.

(2) Time certificates of deposits issued by a nationally or state-chartered bank or a state or federal association located within the State of California if secured by federal insurance or fully

collateralized at one hundred ten percent (110%) of principal for government securities, collateral and one hundred fifty percent (150%) of principal for first mortgage collateral. No more than thirty percent (30%) of the District's general fund investment portfolio or one million dollars (\$1,000,000), whichever is less, shall be invested in any single institution. For investments greater than one hundred thousand dollars (\$100,000), the institution shall maintain one hundred million dollars (\$100,000,000) in assets. For investments greater than three hundred thousand dollars (\$300,000), the institution shall maintain at least three hundred million dollars (\$300,000,000) in assets. The institution shall maintain a net worth to asset ratio of at least two and one half percent (2.5%) and a positive earnings record for at least four (4) years.

(3) United States treasury notes, bonds, bills, or certificates of indebtedness or those for which the full faith and credit of the United States are pledged for payment of principal and interest.

(4) Passbook Saving Account secured by federal insurance or collateralized in the same manner as certificates of deposit.

(b) The Board may authorize the General Manager to invest surplus monies of the District in the following additional types of investment:

(1) Bonds issued by the District.

(2) Registered state warrants or treasury notes or bonds of the State of California or by a department board, agency, or authority of the State.

(3) Bonds, notes, warrants for other evidences of indebtedness of any local agency within this state.

(4) Obligations issued by banks or cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, the Tennessee Valley Authority, or in obligations, participation or other instruments of or issued by or fully guaranteed as to principal and interest by the Federal National Mortgage Association; or in guaranteed portions of Small Business Administration notes; or in obligations, participation or other instruments of, or issued by a federal agency, or a United States Government sponsored enterprise.

(5) Time certificates of deposit issued by a nationally or state-chartered bank or a state or federal association located outside of the State of California if secured by federal insurance.

(c) No investment shall be purchased:

(1) On margin;

(2) "Forward" or "in the future";

(3) Which are based upon foreign currency;

(4) Which are shares of beneficial interest issued by diversified management companies as described in Government Code Section 53601(l);

(5) Which are inverse floaters, range notes, interest only strips derived from a pool of mortgages or any security resulting in zero (0) interest if held to maturity.

(d) Investments may be short-term or long-term in nature. Long-term investments are those which comply with the requirements of Government Code Sections 53601 et seq. and with a maturity date greater than five (5) years from the date of purchase. No long-term investment shall be made unless the Board has granted express authority to make that investment either specifically or as a part of an investment program no less than three months prior to the investment purchase date."

#### Section 5.602 Investments.

(a) The General Manager shall invest the monies of the District taking into consideration: first, the safety of the investment; second, the liquidity of the investment; and third, the yield of the investment.

(b) The General Manager shall present a quarterly report to the Board showing the status of all investments as required by law.

(c) The District's Investment Policy shall be reviewed annually.

#### Section 5.603 Delegation of Authority

Government Code Section 53600 et seq. delegates the authority to invest public funds to the Board for subsequent re-delegation to the General Manager. Investments shall be limited to instruments in which the General Manager has been authorized to invest by the Board as follows:

(a) Inactive Public Deposits (must be backed by one hundred ten percent (110%) of amount of deposit in security pool or federal deposit insurance);

(b) Federal Funds;

(c) Local Agency Investment Fund (limited to total investment of five million dollars (\$5,000,000));

(d) Certificate of Deposit (limited to total investment of ten million dollars (\$10,000,000); and

(e) Bank Savings Accounts (for use over weekends/holidays)."

#### Section 5.604 Inactive Public Deposits.

(a) The General Manager has authority under the Government Code to place surplus money in collateralized, inactive public deposits without direction of the Board, but inactive public deposits shall be considered part of the investment program.

(b) The following criteria will be used in evaluating financial institutions eligible for deposits:

(1) Should be financially sound, insured, and in business for at least three (3) years.

(2) Should be willing to post collateral, either individually or in a pool, equal to one hundred ten percent (110%) of all District deposits.

(3) Should have excellent reputation within the area.

(4) When the above factors are equal, appropriate consideration will be given to a financial institution that bids on or makes a substantial investment in Big Bear Municipal Water District's bonds, or contributes service or significant assistance to Big Bear Municipal Water District."

#### Section 5.605 Reporting Requirements.

The Assistant Financial Officer shall submit monthly, quarterly, and annual reports of investments to the Board.

#### Section 5.606 Diversification.

(a) The investments in Federal agency obligations shall not exceed two-thirds of investments immediately after such investment is made.

(b) Investments in the Local Agency Investment Fund of the State of California shall not exceed five million dollars (\$5,000,000).

(c) Investments in the Certificate of Deposit shall not exceed ten million dollars (\$10,000,000).

(d) Collateralized inactive public deposits shall be limited to not exceed two-thirds of investments in effect immediately after such deposit is made, and no more than two-thirds of such deposits be in one (1) institution immediately after such deposit is made.

#### Section 5.607 Adoption of Investment Policy.

The investment policy shall be reviewed by the Board of Board Members annually, and as frequently as necessary, to enable the General Manager to respond to changing market conditions.

## CHAPTER 6. ENVIRONMENTAL REVIEW OF DISTRICT PROJECTS

### ARTICLE 1 – GENERAL

#### Section 6.101 General.

District projects shall be undertaken with due regard for the environmental consequences as required by this Chapter.

#### Section 6.102 Purpose.

(a) The regulations contained in this Chapter implement the guidelines promulgated by the Secretary of Resources (hereinafter “State Guidelines”) for local agencies to satisfy the California Environmental Quality Act (“CEQA”).

(b) This Chapter applies if the District has discretion over an activity and:

- (1) The activity is directly undertaken by the District,
- (2) The activity is financed in whole or in part by the District, or
- (3) A private activity requires approval from the District.

#### Section 6.103 Scope.

(a) Environmental documents shall be prepared by a lead agency and considered by responsible agencies before a decision is made to proceed with a project. The District will sometimes act as the lead agency and sometimes act as a responsible agency.

(b) These guidelines set forth the process for determining:

- (1) Whether the District is a lead agency or responsible agency;
- (2) The District’s duties as a responsible agency; and
- (3) The District’s duties as a lead agency.

#### Section 6.104 Delegation of Responsibilities.

(a) The General Manager or designee shall:

- (1) Determine whether the District is a lead agency or responsible agency.
- (2) Determine whether an activity is exempt or a project subject to review.
- (3) Conduct an initial study.
- (4) Prepare or cause a negative declaration or environmental impact report (“EIR”) to be prepared.
- (5) Respond to public comments.
- (6) Provide required notices.
- (7) Respond to requests for consultation by lead agencies.

(b) The Board shall:

- (1) Consider, approve, and certify an exemption certificate, negative declaration, draft and final EIR prior to approving a project.
- (2) Make findings as required by law.

## ARTICLE 2. ROLE OF DISTRICT AS RESPONSIBLE AGENCY

### Section 6.201 Lead Agency Concept.

The lead agency shall prepare the negative declaration or EIR for a project carried out or approved by more than one public agency. The determination of which agency is the lead agency shall be made after consultation in accordance with criteria set forth in the State Guidelines.

### Section 6.202 Consultation with Lead Agency.

(a) When the District is a responsible agency, the General Manager shall respond to requests for consultation and assist the lead agency in preparing adequate environmental documents.

(b) As soon as possible, but not longer than forty-five (45) days after receiving a notice of preparation from the lead agency, the General Manager shall send a written reply by certified mail. The reply shall specify the scope and content of the environmental information relevant to the District's statutory responsibilities in connection with the proposed project.

(c) Prior to the close of the public review period for a draft EIR or mitigated negative declaration, the General Manager shall submit complete and detailed objectives for mitigation measures addressing significant environmental effects identified by the General Manager, or refer the lead agency to appropriate readily available guidelines or reference documents.

### Section 6.203 Challenge to Lead Agency.

If the General Manager believes the final EIR or negative declaration prepared by the lead agency is not adequate for use by the District, the District must:

(a) Take the issue to court within thirty (30) days after the lead agency files a notice of determination; or

(b) Prepare a subsequent EIR if permitted under the State Guidelines.

### Section 6.204 Use of Environmental Documents.

(a) Prior to reaching a decision on the project, the Board must consider the environmental effects of the project as shown in the lead agency's EIR or negative declaration.

(b) When an EIR has been prepared for a project, the Board shall not approve the project as proposed if the Board finds any feasible alternative or feasible mitigation measures within its powers would substantially lessen any significant environmental impact. When considering alternatives and mitigation measures, the District is more limited than a lead agency. The District has responsibility for mitigating or avoiding only the environmental effects of those activities which it decides to carry out, finance, or approve.

(c) The Board shall make the findings required for each significant effect of the project.

(d) The District shall file a notice of determination in the same manner as a lead agency except the District does not need to state the EIR or negative declaration complies with CEQA. The District shall state it considered the EIR or negative declaration as prepared by a lead agency.

## ARTICLE 3. ROLE OF DISTRICT AS LEAD AGENCY

### Section 6.301 General.

The District is a lead agency when a project is only approved or carried out by the District or when the District has been designated the lead agency. This Article describes the process used by the District when acting as a lead agency.

Section 6.302                      Review of Application for Completeness.

The General Manager shall determine whether an application for a permit or other entitlement for use is complete within thirty (30) days from the receipt of the application. If no written determination of the completeness of the application is made within that period, the application will be deemed complete on the thirtieth (30th) day.

Section 6.303                      Initial Review.

(a) If the General Manager determines a project is exempt, or an emergency, he shall prepare a notice of exemption. The notice shall be filed after approval of the project and include:

- (1) A brief description of the project;
- (2) A finding that the project is exempt, including a citation to the State Guidelines section under which it is found to be exempt; and
- (3) A brief statement of reasons to support the finding.

(b) Unless an exemption applies or unless the General Manager determines an EIR is required for the project, the General Manager shall conduct an "initial study" to determine whether the project may have a significant effect on the environment. An initial study shall contain in brief form:

- (1) A description of the project including the location of the project;
- (2) An identification of the environmental setting;
- (3) An identification of environmental effects by use of a checklist, matrix, or other

method;

- (4) A discussion of ways to mitigate the significant effects identified, if any;
- (5) An examination of whether the project would be consistent with existing

zoning, plans, and other applicable land use controls; and

- (6) The name of the person or persons who prepared or participated in the initial

study.

(c) When the General Manager determines an initial study will be required for the project, the General Manager shall consult informally with responsible agencies and trustee agencies responsible for resources affected by the project to obtain the recommendations of those agencies whether an EIR or a negative declaration should be prepared.

Section 6.304                      Negative Declaration.

(a) A negative declaration shall be prepared for a nonexempt project when:

- (1) The initial study shows there is no substantial evidence the project may have a significant effect on the environment, or
- (2) The initial study identifies potentially significant effects but the project has been revised by changes in project plans or an enforcement commitment to mitigation measures to avoid or mitigate the effects to a point where clearly no significant effects would occur.

(b) Before approving a negative declaration as a lead agency, the General Manager shall consult with responsible agencies and trustee agencies concerned with the project. This consultation may take place during the public review period for the proposed negative declaration.

(c) The draft negative declaration shall include:

- (1) A brief description of the project; including a commonly used name for the project if any;

- (2) The location of the project and the name of the project proponent;
- (3) A finding the project will not have a significant effect on the environment;
- (4) An attached copy of the Initial Study documenting reasons to support the

finding; and

(5) Mitigation measures, if any, to avoid potentially significant effects.

(d) Notice of the preparation of a proposed negative declaration shall be provided to the public at least thirty (30) days prior to submission to the Board. The review period on the notice shall be long enough to provide the public with sufficient time to respond to the proposed finding before the negative declaration is approved. Notice shall be given to organizations and individuals who previously requested such notice. Notice shall be given in one or more of the following ways as determined by the General Manager:

(1) Publication once in a newspaper of general circulation in the area affected by the proposed project;

(2) Posting by the Agency on and off site where the project is to be located; and

(3) Direct mail notice to property owners contiguous to the project as shown on the latest equalized assessment roll.

(e) At the time and place stated in the notice and prior to approving the project, the Board shall consider the negative declaration and comments received during the public review process. The Board may approve the negative declaration if it finds on the basis of the initial study and comments there is no substantial evidence the project will have a significant effect on the environment.

(f) With a private project, the negative declaration must be completed and ready for approval within a reasonable amount of time from when the lead agency accepted the application as complete.

(g) The General Manager shall file a notice of determination with the County Clerk after the Board decides to carry out or approve a project for which a negative declaration has been approved.

#### Section 6.305 Environmental Impact Report.

(a) The General Manager shall prepare or cause an environmental impact report ("EIR") to be prepared if the General Manager determines there is substantial evidence the project may have a significant effect on the environment.

(b) Immediately after deciding an EIR is required, the General Manager shall send each responsible agency a "notice of preparation" stating an EIR will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project and to each trustee agency responsible for natural resources affected by the project. The General Manager may begin work on the draft EIR immediately without awaiting responses to the notice of preparation. A draft EIR may be revised based on responses to the notice of preparation. The General Manager shall not circulate a draft EIR for public review before the time period for responses to the notice of preparation has expired. When a state agency is a responsible agency or a trustee agency, the General Manager shall send a notice of preparation to each state responsible agency and each trustee agency with a copy to the State Clearinghouse in the Office of Planning and Research. The State Clearinghouse will ensure the state responsible agencies and trustees reply to the lead agency within the required time.

(c) Prior to completing the draft EIR, the General Manager may consult with any person or organization concerned with the environmental effects of the project. This early consultation is called "scoping." Scoping is mandatory when preparing an EIR/EIS jointly with a federal agency. The General Manager shall convene a meeting with responsible agency representatives to discuss the scope and content of the environmental information a responsible agency will need in the EIR within thirty (30) days after receiving a request for the meeting.

(d) The General Manager may choose one of the following arrangements or a combination for preparing a draft EIR:

(1) Preparing the draft EIR directly with staff;

(2) Contracting with another entity, public or private, to prepare the draft EIR;

(3) Accepting a draft prepared by another entity, either the applicant, a consultant retained by the applicant, or other person independent review and analysis; or

(4) Using a previously prepared EIR.

(e) A draft EIR sent out for public review must reflect the independent judgment of the General Manager. The General Manager is responsible for the adequacy and objectivity of the draft EIR.

(f) A notice of completion must be filed with the Secretary for Resources when the draft EIR is completed. If the EIR is reviewed through the review process handled by the State Clearinghouse, the cover form required by the State Clearinghouse will serve as the notice of completion, and no notice of completion need be sent to the Resources Agency. With a private project, the lead agency shall complete and certify the final EIR within one year after the lead agency accepts the application as complete. An unreasonable delay by an applicant in providing information requested by the lead agency for the preparation of a negative declaration or an EIR shall suspend the running of the time periods for the period of the delay. At the request of an applicant, the lead agency may waive the one (1) year time limit for completing and certifying a final EIR or the reasonable amount of time extended under section 6.304, subdivision f for completing a negative declaration if:

(1) The project will be subject to CEQA and to the National Environmental Policy Act;

(2) Additional time will be required to prepare a combined EIR-EIS or combined negative declaration-finding of no significant impact as provided herein; and

(3) The time required to prepare the combined document will be shorter than the time required to prepare the documents separately.

(f) The time limits for taking final action on a permit for a development project may also be waived where a combined EIR-EIS will be prepared. The time limits for processing permits for development projects under Government Code Sections 65950 shall not apply if federal statutes or regulations requires time schedules which exceed the state time limits.

(g) The District shall provide notice of the availability of a draft EIR at the same time as it sends a notice of completion to the Resources Agency. Notice shall be given to organizations and individuals previously requesting notice by at least one (1) of the following procedures:

(1) Publication at least one (1) time in a newspaper of general circulation in the area affected by the proposed project;

(2) Posting of notice on and off the site in the area where the project is to be located; or

(3) Direct mailing to owners of property contiguous to the project as those owners are shown on the latest equalized assessment roll.

(h) Review periods for draft EIRs should not be less than thirty (30) days nor longer than ninety (90) days except in unusual situations. The review period for draft EIRs when a state agency is a responsible agency shall be at least forty-five (45) days unless a shorter period is approved by the State Clearinghouse. The District shall use the State Clearinghouse to distribute draft EIRs for review and should use area wide clearinghouses to distribute the documents to regional and local agencies.

(i) The District shall consult with and request comments on the draft EIR from:

(1) Responsible agencies;

(2) Trustee agencies with resources affected by the project; and

(3) Other state, federal, and local agencies which exercise authority over resources which may be affected by the project.

(j) The Board shall evaluate comments on the draft EIR and prepare a written response.

(k) The final EIR shall include:

(1) The draft EIR or a revision of the draft;

(2) Comments and recommendations received on the draft EIR verbatim or in

- summary;
  - (3) A list of persons, organizations, and public agencies commenting on the draft EIR;
  - (4) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and
  - (5) The Board shall certify the final EIR is completed in compliance with CEQA and the Board has reviewed and considered the information contained in the EIR prior to approving the project.
- (l) The General Manager shall file a notice of determination following each project approval for which an EIR was considered. The notice shall include:
- (1) As identification of the project, including its common name where possible, and its location;
  - (2) A brief description of the project;
  - (3) The date when the Board approved the project;
  - (4) The determination of the Board whether the project in its approved form will have a significant effect on the environment;
  - (5) A statement an EIR was prepared and certified pursuant to the provisions of CEQA;
  - (6) A description of the mitigation measures and method of monitoring the mitigation measures;
  - (7) Whether a statement of overriding considerations was adopted for the project; and
  - (8) The address where a copy of the EIR and the record of project approval may be examined.

Section 6.306 Use of Environmental Documents.

The District shall not approve or carry out a project as proposed unless significant effects are reduced to an acceptable level. The Board shall make one (1) or more written findings for each significant effect, accompanied by a statement of the facts supporting each finding.

## CHAPTER 7. MISCELLANEOUS

### ARTICLE 1 - CONFLICT OF INTEREST DISCLOSURE

#### Section 7.101 Purpose.

The Political Reform Act, Government Code Sections 8100 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted 2 California Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and constitute the Conflict of Interest Code of the District.

#### Section 7.102 Designated Positions and Categories of Disclosure.

(a) Category 1 – Persons in this category shall disclose all interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two (2) miles outside the boundaries of the jurisdiction or within two (2) miles of any land owned or used by the agency. Persons shall not be required to disclose property used primarily as their residence or for personal recreational purposes.

(b) Category 2 – Persons in this category shall disclose all investments. "Investment" means any financial interest in a security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options debt instruments and any partnership or other ownership interest, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two (2) years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value exceeds one thousand dollars (\$1,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity mutual fund or trust in which the individual or spouse owns directly, indirectly or beneficially, a ten percent interest or greater (Government Code Section 82034).

(c) Category 3 – Persons in this category shall disclose all income received from any source located or doing business within the jurisdiction or expecting to do business within the jurisdiction. Income received from a public agency need not be disclosed.

(d) Category 4 – Persons in this category shall disclose all income from and investments in businesses that provide or sell services or supplies of the type associated with the job assignment and utilized by the agency.

(e) Category 5 – Persons in this category shall disclose all income from and investments in businesses that provide, manufacture or sell services, supplies, provisions or other property of a type utilized by the agency in an aggregate amount of ten thousand dollars (\$10,000) or more per annum.

(f) Category 6 – Persons in this category shall disclose interest in categories assigned to the designated position for whom the consultant is performing the duties and as required by the General Manager.

Public Official Designated	Category to be Disclosed
Board Members	1, 5
General Manager	1, 2, 3
General Counsel	1, 2, 3
Consultants	6

Section 7.103 Filing of Disclosure Statements.

(a) All officials and employees required to submit a statement of economic interest shall file their statement with the General Manager, or his or her designee. The District shall make and retain a copy of all statements filed by its Board Members and General Manager, and forward the originals of such statements to the Executive Office of the Board of Supervisors of San Bernardino County.

(b) The District shall retain the originals of statements for all other designated positions named in the conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction pursuant to Government Code section 81008.

Section 7.104 Ethical Behavior.

Officers and employees shall disclose potential conflicts of interest and shall not participate in decisions which could materially affect a financial interest.

ARTICLE 2 - RECORDS INSPECTION

Section 7.201 Purpose and Scope.

This Article provides criteria and procedures for the public inspection of District records under the Public Records Act ("Act"). This Article may be cited as the District's "Regulations for the Public Inspection of District Records".

Section 7.202 Definitions.

As used in this Article:

(a) "Public Records" includes any writing containing information relating to the conduct of District's business prepared, owned, used, or retained by the District regardless of physical form or characteristics.

(b) "Writing" means any handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films, and prints, magnetic or punched cards, discs, drums or other documents.

(c) Emails and texts are "writings" subject to the Act. The Supreme Court of California has held that the writings of a public employee may be subject to disclosure under the CPRA when that employee uses a personal account or device to communicate about the conduct of public business. Therefore, all District employees, officers, and Board Members are advised that the communications they make that relate to public business on either District devices and accounts or on personal devices and accounts may be subject to production in response to a public records request. Public business includes those writings communicated in the course and scope of your employment with the District or in your capacity as an elected official. The District recommends that personal devices and accounts be used for work-related communications only when necessary. The District may be required to request that employees and officials search their own personal files, accounts, and devices for material responsive to a public records request. Employees may be asked to submit an affidavit with facts

sufficient to show that the information is not a “public record” should an Employee’s personal files, accounts or devices be subject to a record request.

Section 7.203            General.

District records are open to inspection at all times during the office hours of the District and every citizen has a right to inspect any District records, except as hereinafter provided.

Section 7.204            Exceptions.

Nothing in this Article shall be construed to require disclosure of records that are:

- (a) Preliminary drafts, notes, intra-agency or inter-agency memoranda which are not retained by the District in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
- (b) Records pertaining to pending litigation to which the District is a party or to claims made pursuant to Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
- (c) Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- (d) Geological, geographic Information system data, and geophysical data, plant production data and similar information relating to utility systems development which are obtained in confidence from any person;
- (e) Test questions, scoring keys, and other examination data use to administer examinations for employment;
- (f) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by the District relative to the acquisition of property, or to prospective supply and construction contracts, until such time as all property has been acquired or all of the contract agreement obtained, provided, however, the law of eminent domain shall not be affected by this provision;
- (g) Records the disclosure of which is exempted or prohibited pursuant to provisions of Federal or State law, including, but not limited to, provisions of the Evidence Code relating to privilege;
- (h) Records not subject to disclosure under the Act.

Section 7.205            Additional Public Records.

Notwithstanding the foregoing:

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

Section 7.206            Justification for Withholding of Records.

The District shall justify withholding any records by demonstrating that the record in question is exempt under the express provisions of this Article or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

Section 7.207            Copies of Records.

A person may receive a copy of any identifiable District record. Upon request, an exact copy shall be provided in a form determined by the District. Officers, agents and employees of the District

are not required to comply with this section to obtain documents when acting within the course and scope of District employment or office holding.

Section 7.208 Public Counter Files.

(a) The General Manager shall maintain a duplicate copy of all approved minutes, the agenda for the next scheduled Board meeting and any written material distributed to members of the Board for discussion or consideration at the next scheduled Board meeting, at the public counter located in the District's offices, provided any writing exempt from public exposure pursuant to the Public Record Act shall not be maintained at the public counter, provided, further, writing which are public records and which are discussed during a public meeting but which were not previously available shall be made available prior to the commencement of, and during, their discussion at such meeting and shall be made available for public inspection immediately or as soon thereafter as practicable.

(b) No charge will be imposed upon any person for the use of the records described in this section, unless a copy thereof is requested in which case the charges set forth herein shall be imposed.

(c) The General Manager shall also maintain a record of all requests for inspection from the public that are declined for reasons set forth in this Article.

Section 7.209 Inspection by Board Members.

Notwithstanding any other provision in this Article to the contrary, all records of the District, including records excluded from public inspection by virtue of the provisions hereof, shall be made available for inspection by any member of the Board at all reasonable times. No fee or charge shall be imposed upon any member of the Board for obtaining a copy of such record or for any search relating to the location of such record.

Section 7.210 Other Law.

This Article is adopted for the purpose of implementing the provisions contained in Chapter 3.5 (commencing with Section 6250) of Title 1 of the Government Code. Nothing herein contained shall be deemed to abridge or otherwise modify said provisions.

## ARTICLE 3 - RETENTION OF RECORDS

Section 7.301 Purpose and Scope.

This Article provides criteria and procedures for the retention or destruction of District records. This Article may be cited as the District's "Regulations for the Retention of District Records".

Section 7.302 Retention of Original Records.

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

- (a) The Certificate of Incorporation of the District;
- (b) Any certification of annexation proceedings;
- (c) Any certificate of the Secretary of State reciting the filing of annexation papers by the District in his office;
- (d) Any certification by the Secretary of State that detachment papers have been received and that he has excluded area from the District;
- (e) Resolutions and Ordinances;
- (f) Minutes of Meetings of the Board of Board Members;
- (g) Certificate of Assessed Valuation prepared by the Auditor of each County in which property taxable by the District lies;

- (h) Documents received from tax assessors detailing District taxes collected;
- (i) Ballot arguments pro or contra on bond issues;
- (j) Results of bond propositions received from the canvassing bodies;
- (k) Results of elections for the office of member of Board of Board Members received from the canvassing body;
- (l) Records of securities acquired with surplus District moneys;
- (m) Receipts for securities from banks;
- (n) Documents received relating to claims brought against the District;
- (o) Documents received pursuant to eminent domain proceedings brought by the District;
- (p) Records that are determined by the Board of Board Members to be of significant and lasting historical, administrative, legal, fiscal or research value; and
- (q) Records required by law to be filed and preserved.

#### Section 7.303 Retention of Duplicate Original Records.

The following original records, copy of such original record, shall be maintained in perpetuity in the District's files:

- (a) Financial record summarizing the financial status of the District other than reports prepared pursuant to Article 9 (commencing with Section 53891) of Part 1 of Division 2 of the Government Code;
- (b) Records affecting title to land or liens thereon;
- (c) Oaths of Office and related materials depicting the authenticity of the appointment of any Board Member or officer of the District;
- (d) Paid vouchers with attached documents, summary of collections, registers of demands issued and journals of warrants paid, provided the original thereof has been maintained in the District's files for a period of five (5) years;
- (e) Reports of the District in correspondence not covered in any other section of this Article; and
- (f) Records received pursuant to state statute which are not expressly required by law to be filed and preserved.

#### Section 7.304 Retention of Record for Time Certain.

The following original records may be destroyed after the passage of time, as indicated, without the maintenance of a microfilm copy thereof:

- (a) Unaccepted bids or proposals for construction may be destroyed without microfilming after two (2) years;
- (b) Work orders or in-house records of time spent on various District work assignments may be destroyed without microfilming after two (2) years;
- (c) Records created for a specific event or action may be destroyed without microfilming after five (5) years following the end of the fiscal year in which the event or action was completed, unless there is pending litigation involving the records;
- (d) Canceled checks for the payment of bond interest and redemption may be destroyed by an executive officer without microfilming after ten (10) years;
- (e) Tapes and records of minutes of the Board of Board Members may be erased thirty (30) days after approval of minutes;
- (f) Any record, paper or document which is more than two (2) years old and which was prepared or received in any manner other than pursuant to state statute.

Section 7.305 Retention of Other Records.

The following records may be destroyed at any time without the maintenance of a microfilm copy thereof:

- (a) All duplicates, the original or a permanent photographic record of which is on file;
- (b) Rough drafts, notes and working papers accumulated in the preparation of a communication, study or other document, unless of a formal nature contributing significantly to the preparation of the document representing the work of any department of the District, after the contents thereof have been transferred to other records;
- (c) Cards, listings, non-permanent indices, other papers used for controlling work and transitory files including letters of transmittal, suspense letters and tracer letters;
- (d) Canceled coupon sheets from registered bonds; and
- (e) Shorthand note books, telephone messages and inter departmental notes.

Section 7.306 Other Laws.

Provisions of this Article are intended to implement the provisions of Chapter 7 (commencing with Section 60200) of Division 2, Title 6 of the Government Code. Nothing herein contained shall be deemed to abridge or amend said provisions.