



# JOSHUA BASIN WATER DISTRICT

P.O. BOX 675 • 61750 CHOLLITA ROAD • JOSHUA TREE • CALIFORNIA 92252  
TELEPHONE (760) 366-8438 FAX (760) 366-9528 E-MAIL [jbwd@jbwd.com](mailto:jbwd@jbwd.com)

JOSHUA BASIN WATER DISTRICT  
REGULAR MEETING OF THE BOARD OF DIRECTORS  
WEDNESDAY JUNE 15, 2011 7:00 PM  
61750 CHOLLITA ROAD, JOSHUA TREE, CA 92252  
AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM
4. APPROVAL OF AGENDA
5. PUBLIC COMMENT  
At this time, any member of the public may address the Board on matters within the Board's jurisdiction that are not listed on the agenda. Please use the podium microphone. The Board may not discuss at length or take action on items not on the agenda.
6. CONSENT CALENDAR
  - A. Approve the Minutes of the June 1, 2011 Regular Meeting
  - B. Approve Reimbursement of Expenses to General Manager in the Amount of \$1,265.13
- Pg 1-4  
Pg 5-8  
Pg 9-20  
7. PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGE FOR FISCAL YEAR 2011/2012  
Recommend that the Board adopt Resolution 11-870, establishing water availability charges for 11/12 and authorizing collection by San Bernardino County
  - (i) Hearing opened by Presiding Officer
  - (ii) Staff presentation
  - (iii) Questions of Staff by Board
  - (iv) Public testimony opened by Presiding Officer
  - (v) Public testimony Hearing closed
  - (vi) Questions by Board
  - (vi) Discussion by Board
  - (viii) Action by Board
- Pg 21-46  
8. PRESENTATION BY UNITED STATES GEOLOGICAL SURVEY (USGS)  
Recommend that the Board receive a presentation from Peter Martin on the status of studies underway.

- Pg 47-116
9. **ADOPTION OF URBAN WATER MANAGEMENT PLAN (UWMP)**  
 Recommend that the Board receive a presentation by Consultants Kennedy Jenks, hold public hearing, and approve the 2010 update of the Urban Water Management Plan. Alternatively, the Board may take public comment and continue this to an adjourned meeting in order to approve the plan by June 30, 2011.  
 (i) Hearing opened by Presiding Officer  
 (ii) Staff presentation  
 (iii) Questions of Staff by Board  
 (iv) Public testimony opened by Presiding Officer  
 (v) Public testimony Hearing closed  
 (vi) Questions by Board  
 (vii) Discussion by Board  
 (viii) Action by Board
- Pg 117-120
10. **E1-D2 BOOSTER PUMP STATION REPLACEMENT PROJECT – NOTICE OF COMPLETION**  
 Recommend that the Board authorize filing of the Notice of Completion for the subject project and authorize final payment in accordance with the Contract Documents.
- Pg 121
11. **PURCHASE OF REPLACEMENT COMPUTER SERVER**  
 That the Board authorize withdrawal of \$19,246 from the Equipment and Technology Reserve account to purchase a server for replacement of the existing five year old server.
- Pg 122
12. **AMENDMENT OF DISTRICT’S ADMINISTRATION CODE**  
 Recommend that the Board review and adopt the amendment.  
 Administration Code with proposed changes shown  
 Administration Code with proposed changes incorporated  
 Current Administration Code
- Pg 123-178  
 Pg 179-231  
 Pg 232-282
13. **COMMITTEE REPORTS**  
 A: **PUBLIC INFORMATION COMMITTEE:** Kathleen Radnich, Public Outreach Consultant  
 B: **AD HOC GENERAL MANAGER PERFORMANCE FACILITATED REVIEW PROCESS:** Vice President Reynolds and Director Long  
 C: **AD HOC PIPELINE REPLACEMENT FUNDING COMMITTEE;** Director Luhrs and Director Wilson
14. **PUBLIC COMMENT**  
 At this time, any member of the public may address the Board on matters within the Board’s jurisdiction that are not listed on the agenda. Please use the podium microphone. The Board may not discuss at length or take action on items not on the agenda.
15. **GENERAL MANAGER REPORT**
16. **DIRECTORS COMMENTS/REPORTS**
17. **CLOSED SESSION**  
 A. At this time, the Board will go into Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Robert Ellis, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 900168).

B. At this time, the Board will go into Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Ironhead LLC a California Limited Liability Company, Praxedes Beard and Does 1 – 10 inclusive, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 1100087).

18. REPORT ON CLOSED SESSION

19. ADJOURNMENT

### INFORMATION

During either "Public Comment" Item, please use the podium microphone. State your name and have your information prepared and be ready to provide your comments to the Board. The District is interested and appreciates your comments. A 3-minute time limit may be imposed. Thank you.

The public is invited to comment on any item on the agenda during discussion of that item.

Any person with a disability who requires accommodation in order to participate in this meeting should telephone Joshua Basin Water District at (760) 366-8438, at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the District's office located at 61750 Chollita Road, Joshua Tree, California 92252 during normal business hours.

The Board of Directors reserves the right to take action on items reserved for discussion only.

**JOSHUA BASIN WATER DISTRICT**  
**Minutes of the**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**  
**June 1, 2011**

1. **CALL TO ORDER** 7:00 PM

2. **PLEDGE OF ALLEGIANCE**

3. **DETERMINATION OF QUORUM:**

Bill Long	Present
Mickey Luckman	Present
Michael Luhrs	Present
Mike Reynolds	Present
Gary Wilson	Present

**STAFF PRESENT:**

Joe Guzzetta, General Manager  
Susan Greer, Assistant General Manager/Controller  
Terry Spurrier, HR/Administrative Services Supervisor  
Keith Faul, GIS Coordinator  
Marie Salsberry, Executive Secretary

**CONSULTANTS PRESENT:**

Gil Granito, District Counsel  
Kathleen Radnich, Public Outreach Consultant

**GUESTS** 26

4. **APPROVAL OF AGENDA**

Discussion resulted in the following actions:

MSC Luhrs/Wilson 2/3 to move Director Luhrs' reports to another place on the agenda. Motion failed  
Motion by Director Luhrs; second by Director Wilson to move:

Long	No
Luckman	No
Luhrs	Aye
Reynolds	No
Wilson	Aye

MSC Long/Reynolds 3/2 to approve the agenda as presented. Motion carried.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

5. **PUBLIC COMMENT**

Barb Delph, a ratepayer commented on behavior and actions of Directors Luhrs and Wilson

Al Marquez of Joshua Tree commented that people in the community should work together rather than being argumentative.

6. **CONSENT CALENDAR**

Director Wilson requested that Item D be reserved for discussion.

MSC Long/Wilson 5/0 to Approve the Minutes of the May 4, 2011 Regular Meeting; to approve the Minutes of the May 18, 2011 Regular Meeting; to approve the Financial Report for April 2011; and to defer Item D of the Consent Calendar for discussion.

**7. PROCLAMATION IN HONOR OF THE 75<sup>TH</sup> ANNIVERSARY OF JOSHUA TREE NATIONAL PARK**

President Luckman reported.

MSC Long/Reynolds 5/0 to approve a Proclamation of the Joshua Basin Water District Board of Directors Honoring the 75<sup>th</sup> Anniversary of Joshua Tree National Park.

**8. WATER SUPPLY ASSESSMENT (WSA) FOR CASCADE SOLAR PROJECT**

GM Guzzetta reported. After discussion the following action was taken:

MSC Long/Reynolds 5/0 to approve staff recommendation to approve the Water Supply Assessment for the Cascade Solar Project finding that there is sufficient water supply for the anticipated 30 acre-feet of water required during construction and two acre-feet required annually over the next 25 year planning horizon (the amount used by four to six homes).

**9. EQUIPMENT FOR CALIFORNIA IRRIGATION MANAGEMENT INFORMATION (CIMIS) STATION**

GM Guzzetta reported on the project..

MSC Long/Reynolds 5/0 to approve staff recommendation to approve the purchase of CIMIS equipment from Campbell Scientific, Inc. at a cost of \$6,300, to be reimbursed by Alliance of Water Awareness and Conservation.

**10. BILLING STATEMENT FORMAT**

GM Guzzetta reported. Discussion ensued and the following action was taken:

MSC Reynolds/Long 4/1 to approve the revised bill format as presented.

Long	Aye
Luckman	Aye
Luhrs	Aye
Reynolds	Aye
Wilson	No

**11. APPROVE AGREEMENT WITH MESSNER & HADLEY TO PERFORM 10/11 AUDIT AT A PRICE OF \$23,582 (NO INCREASE FOR THREE YEARS)**

Assistant General Manager/Controller Greer reported and the Board discussed options.

MSC 4/1 to approve staff recommendation to authorize agreement with Messner & Hadley to perform the 10/11 audit at a price of \$23,582 (no increase for three years).

Long	Aye
Luckman	Aye
Luhrs	Aye
Reynolds	Aye
Wilson	No

**12. BOARD OF DIRECTORS TO AUTHORIZE UPDATED FEE STUDY AT A COST OF \$12,000, PLUS DIRECT EXPENSES ESTIMATED AT \$1,500, PLUS JBWD 10% CONTINGENCY OF \$1,200 FOR A TOTAL NOT TO EXCEED \$14,700**

AGM/Controller Greer reported. Director discussion ensued and the following action was taken:

MSC Long/Reynolds 3/2 to approve staff recommendation to authorize Bartle Wells Associates to conduct a fee study at a cost not to exceed \$14,700, including 10% contingency.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

**13. REIMBURSEMENT OF EXPENSES FOR GENERAL MANAGER**

GM Guzzetta reported. Following Board discussion action was taken:

MSC Reynolds/Long 3/2 to approve staff recommendation to accept for reimbursement expenses incurred for the General Manager and Board President while conducting District Business for the fiscal year to date totaling \$2,064.34.

Long	Aye
Luckman	Aye
Luhrs	No
Reynolds	Aye
Wilson	No

**14. COMMITTEE REPORTS:**

A. **Public Information Committee:** Kathleen Radnich, Public Outreach Consultant, reported on the high efficiency toilet exchange program. The next Public Information Committee is June 20.

B. **Ad Hoc General Manager Performance Facilitated Review Process:** Vice President Reynolds and Director Long: No report.

C. **Ad Hoc Pipeline Replacement Funding Committee:** Director Luhrs and Director Wilson: No report.

D. **Ad Hoc Morongo Pipeline Capacity Post 2022:** Vice President Reynolds and Director Long  
Director Long reported that and the Board took the following action:

MSC Long/Reynolds 5/0 to approve the following three alternative policy positions in determining future allocation of *capacity* in the Morongo Pipeline: 1) Allocation of *capacity* in the Morongo Pipeline will be based on the current allocation initially, but adjusted every 5 to 10 years in conjunction with the updating of the Urban Water Management Plan; 2) Allocation of *capacity* in the pipeline will be guaranteed permanently to Morongo Basin agencies collectively but not allocated to individual agencies. The Morongo Basin agencies would split the allocation in the future; 3) Future allocation of *capacity* will be determined by Mojave Water Agency (MWA) since that agency would control the allocation of "water" to the Morongo Basin.

**CONSENT CALENDAR ITEM D: BILLING RATE FOR ATTORNEY SERVICES FOR LIEBERT CASSIDY WHITMORE**

Gm Guzzetta reported. Following discussion and comments, the following action was taken:

Motion Reynolds/Long 5/0 to approve staff recommendation to authorize increases in the rates for legal services from \$260 per hour to \$300 per hour for Partners, \$235 per hour from to \$260 per hour for Of Counsel, \$210 per hour to \$245 per hour for Associates, and \$95 per hour to \$140 for Paralegals.

**15. PROJECT PRIORITY LIST**

There was no discussion.

**16. PUBLIC COMMENT**

Gary Lovelace of Joshua Tree commented negatively on actions and comments made by Directors Wilson and Luhrs.

**17. GENERAL MANAGER REPORT**

GM Guzzetta reported on the status of the Hi-Desert Medical Center wastewater treatment plant project.

**18. DIRECTORS COMMENTS/REPORTS**

Director Luhrs requested information on several subjects. He declined to report on the two items that had been included in this meeting's agenda at his request (1: Payments to general manager for car allowance in

violation of district administration code, and 2: Reimbursement to the general manager for Washington DC trip in violation of District Administration Code)

Director Wilson requested that clutter be removed from the back area of the boardroom.

Vice President Reynolds reported on his attendance at the Association of California Water Agencies (ACWA) Spring Conference and the Association of San Bernardino County Special Districts meeting. He commented on the May 18<sup>th</sup> Board meeting.

Director Luhrs commented on Directors' compensation and the May 18 Board meeting.

Director Wilson stated that he did not request compensation for the May 18<sup>th</sup> Board meeting.

President Luckman reported on attending Joint Powers Insurance Authority (JPIA) Board meetings and the ACWA Spring Conference.

#### **19. CLOSED SESSION 8:48 PM**

Director Luhrs recused himself from the Closed Session Item 1; not for financial reasons. District Counsel Gil Granito reported on SB34. Mr. Granito noted that the Closed Session would be long and no reportable action would be taken and would concern only Item 1.

The Board went to Closed Session at 8:48 pm and returned at 9:48 pm.

1. Closed Session to confer with Legal Counsel on existing litigation pursuant to subdivision (a) of Government Code Section 54956.9. (Re Joshua Basin Water District v. Robert Ellis, San Bernardino Superior Court - Joshua Tree District, Case No. CIVMS 900168).

Director Wilson and Director Luhrs left the meeting following the Closed Session.

#### **20. REPORT ON CLOSED SESSION ITEMS**

District Counsel Granito reported that the Board had met in Closed Session and that no reportable action had been taken during the Closed Session.

#### **21. ADJOURNMENT 9:49 PM**

MSC Long/Reynolds 3/0 to adjourn the June 1, 2011 Regular Meeting of the Board of Directors.

Respectfully submitted;

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Joe Guzzetta, General Manager

The next Regular Meeting of the Board of Directors is scheduled for Wednesday June 15, 2011 at 7:00 pm.

JOSHUA BASIN WATER DISTRICT  
SUPPLEMENTAL DATA SHEET

Regular Meeting of the Board of Directors

June 15, 2011

To: President and Board of Directors  
From: **Joe Guzzetta, General Manager**

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TOPIC: REIMBURSEMENT OF EXPENSES FOR GENERAL MANAGER

RECOMMENDATION: That the Board approve reimbursement to the General Manager for expenses paid on behalf of the District in the amount of \$1,265.13

ANALYSIS: Attached are a completed Expense Voucher and receipts for expenses paid for by the General Manager in performance of District business.

Two receipts dated 05 26 2011 in the amount of \$631.00 each are for payment of court fees related to the JBWD vs. Ellis litigation.

The third receipt dated 05 29 2011 shows the purchase of a package of 700 coffee filters at a cost of \$3.13. The filters are for use at the District office.

The General Manager paid for these items with his personal credit card and requests that reimbursement be approved pursuant to Article 4, Section 4.07 of the District Administration Code.

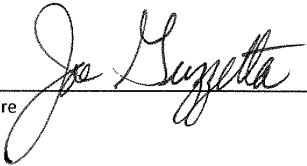


# Expense Voucher and Request for Reimbursement

## List of Expenses

Court Fees: JBWD vs. Ellis	\$631.00
Court Fees: JBWD vs. Ellis	631.00
Coffee Filters	3.13
<hr/>	
<b>Total:</b>	<b>\$1,265.13</b>

Signature



*Personal Credit Card*

\* Superior Court of Calif, County of  
\* Joshua Tree  
\* Receipt # 201105262491 Oper: SMCDA  
\* 5/26/11 Case # MS900168  
\* Case Type .: CIVIL  
\* Payment Type: VISA  
\* Received: \$631.00  
\* Fee: \$631.00  
\* Change: \$0.00  
\* - Name -  
\* JOSHUA BASIN WATER DIST.-U-ELLIS  
\* FEE COURT RPTR 1 DAY  
\*\*\*\*\*

*Court Reporter Fees  
Ellis Trial*

\* Superior Court of Calif, County of  
\* Joshua Tree  
\* Receipt # 201105262491 Oper: SMCDA  
\* 5/26/11 Case # MS900168  
\* Case Type .: CIVIL  
\* Payment Type: VISA  
\* Received: \$631.00  
\* Fee: \$631.00  
\* Change: \$0.00  
\* - Name -  
\* JOSHUA BASIN WATER DIST.-U-ELLIS  
\*\*\*\*\*

*Ellis*



Savings Made Simple

CLUB MANAGER ROBERT BROWN  
( 951 ) 653 - 4840  
Fax and Pull # (951)653-5890  
RIVERSIDE, CA  
05/29/11 17:03 3578 6378 011 1943  
V MEMBER 101-\*\*\*\*\*0464

THANK YOU,  
JOSEPH GUZZETTA

E	33249	RASPBERRIES	4.98	N
E	278058	BLACKBERRIES	3.98	N
E	854679	BLUEBERRIES	6.98	N
E	794914	SALMON	11.98	N
E	794914	SALMON	11.98	N
VL	794914	SALMON	11.98	N
E	914545	SWISS BUTTER	9.49	N
E	412352	PREGOHS MUS	7.48	N
E	416169	STARBUCKS	15.63	N
E	481508	FAN HAM BUN	1.98	N
E	85011	DELI BUN	2.98	N
E	307277	MEATBALL	12.98	N
E	849196	COFFEE FILTR	2.88	T
		SUBTOTAL	81.34	
	TAX 1	8.750 %	0.25	
		TOTAL	81.59	
		DISCV TEND	81.59	
ACCOUNT #	4409			
APPROVAL #	02901R			
	CHANGE DUE		0.00	

*Coffee filters  
only. \$3.13*

# ITEMS SOLD 11

TC# 3538 7142 7673 7512 7076



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05/29/11 17:04:46

\*\*\* MEMBER COPY \*\*\*

JOSHUA BASIN WATER DISTRICT  
SUPPLEMENTAL DATA SHEET  
AGENDA ITEM

Regular Meeting of the Board of Directors

June 15, 2011

To: President and Members of the Board  
From: Susan Greer



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TOPIC: PUBLIC HEARING TO CONSIDER THE WATER AVAILABILITY (STANDBY) CHARGE FOR FISCAL YEAR 2011/2012.

RECOMMENDATION: Adopt Resolution 11-XXX, establishing water availability charges for 11/12 and authorizing collection by San Bernardino County.

HISTORY: The public hearing is a legal requirement, necessary each year whether or not there is a rate change. The proposed rates are unchanged since 1996 and authorized by the Uniform Standby Charge Procedures Act (Government Code 54984 et seq.).

The public hearing should be conducted as follows:

1. Receive Staff Report
2. Board Questions
3. Open Public Hearing; receive public comments
4. Close Public Hearing
5. Board Discussion and action

As required, the updated Engineer's Report from John Egan is attached for 2011/2012. Although no change to the standby charges is proposed, the District is legally required to advertise and hold a public hearing and adopt a resolution setting the rates annually.

Water availability charges, also called standby charges, are levied annually on all non-exempt parcels within the District, whether or not there is water service to the parcel. Since 1992, the Board of Directors has used the standby assessments for the Morongo Basin Pipeline expenses. Remaining water availability charge revenues will be used exclusively for capital costs and operation and maintenance of the District's water facilities benefiting the properties assessed or other debt service payments.

As indicated in the report, the water availability charges are generated to finance the debt service, capital costs or maintenance and operation expenses of the District. For 11/12 the anticipated standby revenues and corresponding payments are estimated on the next page.

<b>REVENUES</b>	
Standby Revenue (current & prior collections)	\$1,155,243
<b>PAYMENTS</b>	
MWA Debt Service	219,291
Liability/Property Insurance	66,036
Power Expense for System Operation	267,144
Reservoir Preventative Maintenance Program	186,029
Capital: C2 Reservoir and J Booster	300,000
Capital: D31 Booster Pumps and Housing	250,000
<b>Total Payments</b>	<b>\$1,288,500</b>

To the extent that identified expenses exceed revenues they will be paid from water revenues. As always, some numbers are estimated at the time of the report.

Notice of the public hearing was published in the Hi-Desert Star. Individual mailed notification is not required since we are proposing no change to the rate or methodology. Any written protests will be counted at the hearing and the data included to "fill in the blank" of Resolution 11-XXX.

**ENGINEER'S REPORT**  
**FOR**  
**JOSHUA BASIN WATER DISTRICT**  
**2011-2012 FISCAL YEAR**  
**WATER AVAILABILITY CHARGE**

**MAY 2011**



ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.  
1820 COMMERCENTER CIRCLE  
SAN BERNARDINO, CA 92408

**ENGINEER'S REPORT**  
**FOR**  
**JOSHUA BASIN WATER DISTRICT**  
**2011-2012 FISCAL YEAR WATER AVAILABILITY CHARGE**

**BACKGROUND AND PURPOSE**

The Joshua Basin Water District owns and operates significant water-related infrastructure facilities within the District. Purpose of the existence and construction of these facilities and, therefore, responsibility of the District, is to provide potable water to property owners and residents within the District.

The District obtains its supply of water from underlying groundwaters. A study completed by the United States Geological Survey (USGS) some years ago determined that the amount of water extracted by the District exceeds the inflow or supply to the District groundwater basins. In anticipation of the need for additional or supplemental water, the District's voters, in 1960, approved inclusion in the formation of the Mojave Water Agency which would have access to State Water Project (SWP) water. As additional insurance, in 1991, voters of the District together with those of other nearby water districts, approved a bond issue to finance the construction of the 72-mile Morongo Basin Pipeline to convey SWP water to the Morongo Basin area. The pipeline has been constructed and is maintained by the Mojave Water Agency. As one of the beneficiaries and future users, the Joshua Basin Water District signed a contract and is responsible for a portion of the pipeline construction and maintenance costs. Currently the District is undertaking the design of a pipeline and recharge basins to allow delivery of SWP water to the District's groundwater basin.

Availability of the supplemental water benefits all of the land within the District. Therefore, a water availability charge is collected from all of the ±12,000 parcels within the District, with the exception of those exempt. A primary use of the water availability charge revenues, since its enactment in 1996, has been to pay the debt obligation and operation and maintenance costs for the Morongo Basin Pipeline as required by the District's agreement with the Mojave Water Agency. That obligation has now been reduced to debt payment only, and is calculated at \$219,291. Water availability charge revenues in excess of that amount will be used exclusively for capital costs and operation and maintenance of the District's water facilities benefiting the properties assessed.

The water availability charge is estimated to generate revenues of \$1,155,243 for the 2011-2012 fiscal year, which revenues are dedicated to the following purposes as authorized by Resolution No. 96-564 under which the water availability charge was enacted.

Morongo Basin Pipeline Debt Payment	\$ 219,291
Property Insurance	\$ 66,036
Power Expense for System Operation	\$ 267,144
Preventative Maintenance Programs: Reservoirs	\$ 186,029
Capital Projects:	
Relocate C2 Reservoir and J Booster	\$ 300,000
D31 Booster Pumps and Housing	<u>\$ 250,000</u>
Total	\$1,288,500

To the extent the identified expenses exceed water availability charge revenues, they will be paid out of revenues from metered water sales and basic fees.

Water availability charge revenues are dedicated to the lawful purposes of (a) meeting the District's expenses of maintaining and operating permanent public improvements constituting the water system, (b) purchasing or leasing supplies, equipment, or material necessary for the operation of the District's water system, (c) meeting debt repayment obligations and financial reserve requirements, and (d) obtaining funds for capital projects necessary to maintain service within existing service areas.

Publicly owned property including lands owned by the federal government and the local school district was exempted from the water availability charge. In 1996, California voters approved Proposition 218, "The Right to Vote on Taxes Act." Among other things, Proposition 218 provided that property owned by local, state, and federal governmental agencies may not be exempted from a benefit assessment, such as the District's water availability charge, unless the Agency can demonstrate that it receives no special benefit from the services or facilities for which that charge is levied. (California Constitution Article XIII D, §4(a).) When the District sent an assessment notice to the U.S. Bureau of Land Management ("BLM"), which owns extensive property within the District, the BLM responded by claiming exemption under the California Statehood Act and declined to pay. The local school district was not assessed based upon the California Supreme Court decision in *San Marcos Water District v. San Marcos Unified School District*.

The water availability charge has been in effect at the current rate since 1996, prior to the enactment of Proposition 218 and is entitled to an exemption from the procedural requirements of Proposition 218 unless and until it is increased. (California Constitution Article XIII D, §5.) Legislation interpreting Proposition 218 clarifies that, as an exempt assessment, the procedure is also exempt from the requirement that government-owned parcels be assessed. (Government Code §53753.5.) Unless and until the water availability charge is increased, it may be re-authorized from year-to-year pursuant to the Uniform Standby Charge Procedures Act (Government Code §54984 *et seq.*) without complying with the Proposition 218 procedures and without requiring assessment of the BLM or school properties.



## **DESCRIPTION AND METHOD OF AVAILABILITY CHARGE**

Procedures and bases of the water availability charges are as set forth in the California Government Code, Sections 54984 to 54984.9, Uniform Standby Charge Procedures Act.

In recognition of the benefit to all properties, the District proposes to assess and collect from each benefiting property, an amount related to the benefit received. Because BLM lands and other publicly owned lands not previously assessed are, for practical purposes, not subject to assessment, the District proposes to clarify that such lands, which are not subject to the water availability charge and are not currently connected to the water system, shall not be entitled to connect to the District's water system or to receive water service from the District, unless a fee is paid which is equivalent to the water standby charge which would have been assessed against the property had it not been exempt and unless the owner agrees to be subject to future assessment of water availability charges.

Availability charge, once determined, will be indicated on the yearly tax bill distributed by the County of San Bernardino, collected by the County, and disbursed to the District.

## **COMPILATION OF CHARGES**

A tabulation of the availability charge for each of the ±12,000 non-exempt parcels in the District, calculated as described herein, is contained in a separate computer printout prepared by the District and maintained at District offices. Contained therein is the dollar amount proposed to be assessed to each parcel, and the Assessors parcel number, all of which will appear on the County tax bill for each parcel.

## **METHODOLOGY USED FOR AVAILABILITY CHARGE**

All properties within the District receive a general benefit by virtue of the existence of the District in its sole power to extract and sell water within its boundaries. Properties within the District also receive a special benefit due to the availability of the supplemental SWP water source.

Benefit is related to the size and development potential of each parcel and proximity to an existing usable pipeline. Derivation of an availability amount, therefore, is based on the County's zoning, parcel size, and District-designated zone - the location related to a pipeline from which service can be provided. Larger parcels within the same District zone receive a greater benefit and, therefore, will be assessed a larger amount than smaller parcels. Additionally, parcels closer, but not connected to usable pipelines, will be assessed more than those further away as there is greater benefit due to the availability of those existing pipelines, and therefore, accessibility to water. Parcels currently connected will be assessed less than others as they are already paying a basic fee in their user charge, a portion of which is used for system maintenance.

Adoption of the zoning, parcel size and proximity results in the use of three factors by which availability charges are determined.

1. Parcel size,
2. County of San Bernardino zoning for land use,
3. District zone, based on proximity to existing District pipeline.

Attached are exhibits which indicate the bases of the assessment amount per parcel and per acre for lands within the District related to the County zone designation and District zone location.

The assessment charges and schedule pre-date the adoption of Proposition 218 by the State's voters and follows the methodology and rates existing prior to the adoption of Proposition 218.

In my judgment each and every parcel proposed to be assessed an availability charge in the District for Fiscal Year 2011-2012 receives a special benefit.

BY: JOHN G. EGAN, R.C.E. 14853

  
ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.

  
DATE

RESOLUTION 11-XXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT ESTABLISHING A WATER AVAILABILITY CHARGE FOR FISCAL 2011-2012 AND AUTHORIZING THE COLLECTION THEREOF BY THE COUNTY OF SAN BERNARDINO

WHEREAS, the Board of Directors of the District has found and determined that the availability of a dependable supply of high quality water for domestic uses and purposes is a benefit conferred upon the lands proposed to be charged and, conversely, that the lack of such a supply diminishes the value of such lands; and

WHEREAS, that as a result of steadily-increasing overdraft of its groundwater supplies and in anticipation of the need for a supplemental source of water, the voters approved the formation of assessment districts and the issuance of bonds for the purpose of financing the construction of a supplemental water supply project, thereby obligating the District to repay the bonded indebtedness incurred thereunder; and

WHEREAS, in 1996, the Board of Directors engaged the services of a qualified engineer for the purpose of establishing a schedule of water availability charges varying according to land uses and benefit derived or to be derived from the use and availability of facilities to provide potable water for domestic uses and purposes, which schedule was the subject of a published and mailed notice of hearing and a public protest hearing; and

WHEREAS, the water availability charge for fiscal year 2011-2012 is proposed to be continued at the same rate and in the same manner, and pursuant to the same methodology as established in 1996, and which has been continued from year-to-year since then; and

WHEREAS, pursuant to Section 54984.7 of the Uniform Standby Charge Procedures Act, the Board of Directors conducted a public hearing pursuant to published notice in order to hear any and all objections to the proposed renewal of the water availability charge for fiscal year 2011-2012; and

WHEREAS, the written protests received represent less than \_\_\_\_\_ percent of the parcels subject to the water availability charge.

NOW, THEREFORE, the Board of Directors of the Joshua Basin Water District hereby resolves as follows:

1. District Zones of Benefit. There is hereby established within the District four Zones of Benefit:

ZONE 1: Any size parcel served by one or more meters.

ZONE 2: Any size parcel within a half mile of a water mainline and in the same pressure zone as the mainline.

ZONE 3: Any size parcel within one mile of a water main and within one pressure zone of the mainline.

ZONE 4: All other parcels.

2. Adoption of Water Availability Charge. That there shall be adopted, for each parcel in the District, for fiscal year 2011-2012, a water availability charge established in accordance with the benefit conferred and in the amount as determined by the applicable District Zone of Benefit and the land use zoning adopted by the County of San Bernardino, which charge is more specifically shown on Exhibit "A" attached hereto and made a part hereof.

3. Rate and Methodology. The rate and methodology of the water availability charge adopted herein is the same and remains unchanged for this Fiscal Year, and that such charge is reasonable and necessary, and does not exceed the actual cost to the District of providing the service.

4. Dedication and Use of Revenue. The revenue generated by the water availability charge is hereby dedicated and shall be used to finance the capital costs of the District's water system, to repay bonded indebtedness incurred by the voters and operation and maintenance of the District's water facilities benefiting the properties assessed.

5. Exemptions. The water availability charge established hereunder is exempt from the California Environmental Quality Act in accordance with Section 21080 (b) (8) of the Public Resources Code, because the revenue generated by such charge shall be used for the repayment of debt related to capital projects necessary to maintain water service, and is also exempt from Article XIID of the California Constitution because (a) the charge was in existence prior to November 6, 1996, (b) because the rate and methodology used to establish the schedule of charges is the same as in previous years, and (c) because the charges are imposed to finance the capital cost of the District's water system and to repay bonded indebtedness. If and to the extent any charge is higher than in previous years, such increase is attributable solely to events other than an increased rate or revised methodology, such as a change in the density, intensity or nature of use of land, or consent of the landowner.

6. Water Service to Exempt Property. No new connection to the District's water system shall be allowed to any parcel which has been exempted from the water availability charge unless the applicant for water service pays an in-lieu water availability fee calculated as the total amount of water availability charges which would have been assessed against that parcel had it not been exempt, and unless the applicant agrees that the parcel will be subject to the water availability charge from that date forward.

7. Delinquent Charge. Water availability charges that have become delinquent shall, with a basic penalty of 6% for non-payment of the charge and

interest at the rate of 1/2 of 1 percent per month for each month of non-payment, become a lien on the property when a certificate is recorded in the office of the San Bernardino County Recorder pursuant to Government Code, Section 54984.9 (b) which lien shall have the force, effect and priority of a judgment lien.

8. Collection by the County. The water availability charge shall be collected on the San Bernardino County Tax Roll in the same manner, and by the same persons and at the same time as, together with and not separately from, the District's general taxes. The Secretary of the District is hereby authorized and directed to forthwith file a certified copy of this Resolution in the office of the Auditor of the County of San Bernardino on or before August 10, 2011.

9. Effective Date. The effective date of this Resolution is the 30th day following the date of its adoption.

PASSED AND ADOPTED this 15th day of June, 2011 pursuant to the following votes:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

JOSHUA BASIN WATER DISTRICT

By \_\_\_\_\_  
Mickey Luckman  
President, Board of Directors

Attest \_\_\_\_\_  
Joe Guzzetta  
Secretary, Board of Directors

**JOSHUA BASIN WATER DISTRICT  
WATER AVAILABILITY (STANDBY) CHARGES**

**SCHEDULE A  
MINIMUM PER PARCEL UP TO 1.25 ACRES**

COUNTY ZONE	DISTRICT ZONE 1	DISTRICT ZONE 2	DISTRICT ZONE 3	DISTRICT ZONE 4
20MRM40M	\$30.00	\$50.00		
3MRM	\$40.00	\$60.00		
4MRM	\$40.00	\$60.00	\$50.00	
RS8M	\$30.00	\$50.00		
RS10M	\$30.00	\$50.00		
RS18M	\$30.00	\$50.00		
RS20M	\$30.00	\$50.00		
RC40	\$40.00	\$60.00	\$40.00	\$40.00
RL20	\$30.00	\$50.00	\$40.00	\$40.00
RL10	\$30.00	\$50.00	\$40.00	\$40.00
RL5	\$30.00	\$50.00	\$40.00	\$40.00
RL2.5	\$30.00	\$50.00	\$40.00	\$40.00
COMMERCIAL / INDUSTRIAL / OTHER	\$40.00	\$60.00	\$50.00	
RS1	\$40.00	\$60.00	\$50.00	

**SCHEDULE B  
COST PER ACRE FOR PARCELS OVER 1.25 ACRES**

DISTRICT ZONE 1	DISTRICT ZONE 2	DISTRICT ZONE 3	DISTRICT ZONE 4	ACREAGE
\$20.00	\$30.00			0+ Acres
\$20.00	\$30.00			0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$35.00	\$25.00		0-40 Acres
	\$25.00	\$15.00		41+ Acres
\$20.00	\$30.00			0+ Acres
\$20.00	\$35.00			0-40 Acres
\$15.00	\$25.00			41-80 Acres
\$10.00	\$15.00			81-160 Acres
	\$10.00			161-320 Acres
	\$1.00			321+ Acres
\$20.00	\$30.00			0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$30.00			0+ Acres
\$15.00	\$25.00	\$15.00	\$15.00	0-40 Acres
	\$12.00	\$10.00	\$8.00	41-160 Acres
	\$5.00	\$4.00	\$3.00	161-320 Acres
	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00				41+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$12.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$8.00	\$10.00	\$8.00	\$8.00	81-160 Acres
\$4.00	\$5.00	\$4.00	\$3.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$20.00	\$30.00	\$20.00	\$15.00	0-40 Acres
\$15.00	\$25.00	\$15.00	\$12.00	41-80 Acres
\$10.00	\$15.00	\$10.00	\$10.00	81-160 Acres
\$5.00	\$8.00	\$5.00	\$4.00	161-320 Acres
\$1.00	\$1.00	\$1.00	\$1.00	321+ Acres
\$25.00	\$35.00	\$25.00		0-40 Acres
	\$25.00			41+ Acres
\$20.00	\$30.00	\$20.00		0-40 Acres
	\$25.00			41+ Acres

**EXHIBIT A**

**JOSHUA BASIN WATER DISTRICT**  
**Water Availability (Standby) Zoning Descriptions**

**DISTRICT ZONE DESCRIPTIONS**

- ZONE 1      Any size parcel served by one or more meters
- ZONE 2      Any size parcel within 1/2 mile of a water mainline and in the same pressure zone as the mainline
- ZONE 3      Any size parcel within one mile of a water mainline and within one pressure zone of the mainline
- ZONE 4      All other parcels

**COUNTY ZONE DESCRIPTIONS**

- 3MRM      Residential, multi-family, 3,000 sq. ft. per unit, 14.5 units per acre
- 4MRM      Residential, multi-family, 4,000 sq.ft. per unit, 10.8 units per acre
- 20MRM40M      Residential, multi-family, 20,000 sq. ft. per unit, 2.18 units per acre
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- RS1      Residential, single family, 1 unit per acre
- RS8M      Residential, single family, 8,000 sq.ft. per unit, 5.4 units per acre
- RS10M      Residential, single family, 10,000 sq. ft. per unit, 4.3 units per acre
- RS18M      Residential, single family, 18,000 sq. ft. per unit, 2.4 units per acre
- RS20M      Residential, single family, 20,000 sq. ft. per unit, 2.1 units per acre
- 
- RL2.5      Rural Living, one residence per 2.5 acres
- RL5      Rural Living, one residence per 5 acres
- RL10      Rural Living, one residence per 10 acres
- RL20      Rural Living, one residence per 20 acres
- 
- RC40      Resource Conservation, one residence per 40 acres
- CS, CC, CG,      Commercial Properties
- CO, CN      Commercial Properties
- IC      Industrial Properties

**EXHIBIT A**



JOSHUA BASIN WATER DISTRICT  
SUPPLEMENTAL DATA SHEET

Regular Meeting of the Board of Directors

June 15, 2011

Report to: President and Members of the Board  
From: Joe Guzzetta, General Manager

TOPIC: PRESENTATION BY UNITED STATES GEOLOGICAL SURVEY  
(USGS)

RECOMMENDATION: That the Board receive a presentation from Peter Martin,  
USGS, on the status of studies underway by USGS

ANALYSIS: USGS is completing a five-year study with the primary  
purposes of evaluating potential groundwater recharge sites,  
determining how a recharge program should be managed at  
the site, and studying the effects of nitrates on the  
groundwater in part to determine at what density development  
should be allowed to occur without connecting to a waste  
water system.

Enclosed is the written status report. Peter Martin, Desert and  
Eastern Sierra Program Chief for USGS will give a presentation  
and answer questions.

We are in the final year of the study and a written report is  
expected to be published by the end of the year.



# Joshua Basin Water District Cooperative Program: Progress, Plans, and Costs through December 2010

## Task 1 - Characterize the Unsaturated Zone

### Progress

Two monitoring sites were installed in Federal Fiscal Year 2010 (FFY10) within the boundary of the planned artificial-recharge site (JTUZ-3 and 4) (fig. 1). JTUZ-3 is shallow (about 100 ft) and JTUZ-4 is 538 ft deep. The USGS installed JTUZ-3 in December 2009 using an auger rig downgradient of the proposed site for JTUZ-4. Drill cuttings were collected and inspected for strata that may inhibit artificial recharge; no such strata were encountered. JTUZ-3 has a lysimeter and two heat-dissipation probes installed. The USGS installed JTUZ-4 in April 2010 using an ODEX rig. JTUZ-4 has five lysimeters, six heat-dissipation probes, three advanced tensiometers, and seven DEPS installed (fig. 2).

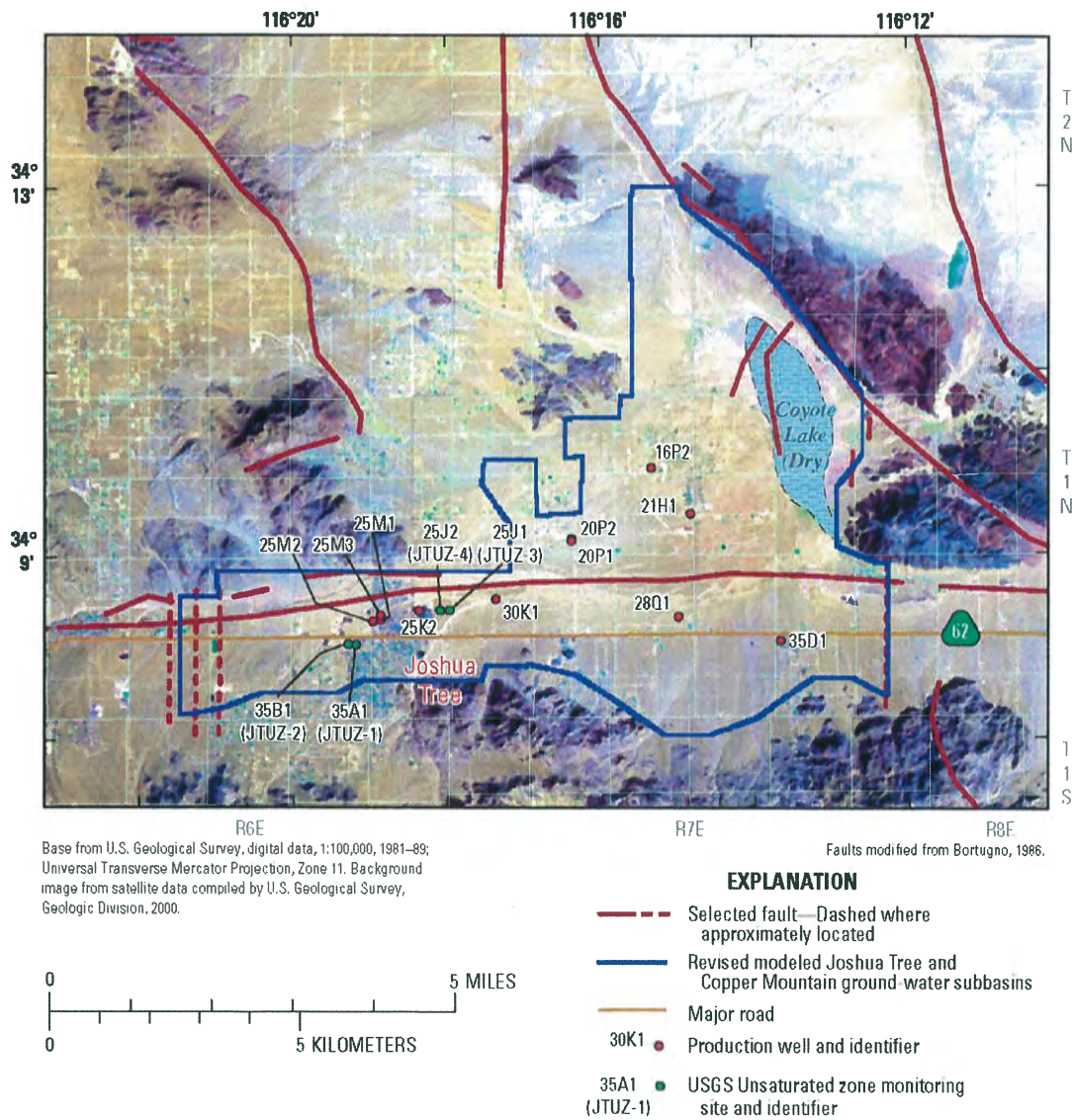


Figure 1. Locations of unsaturated-zone monitoring sites installed by the USGS in the Joshua Tree groundwater subbasin.

## WELL JTUZ-4

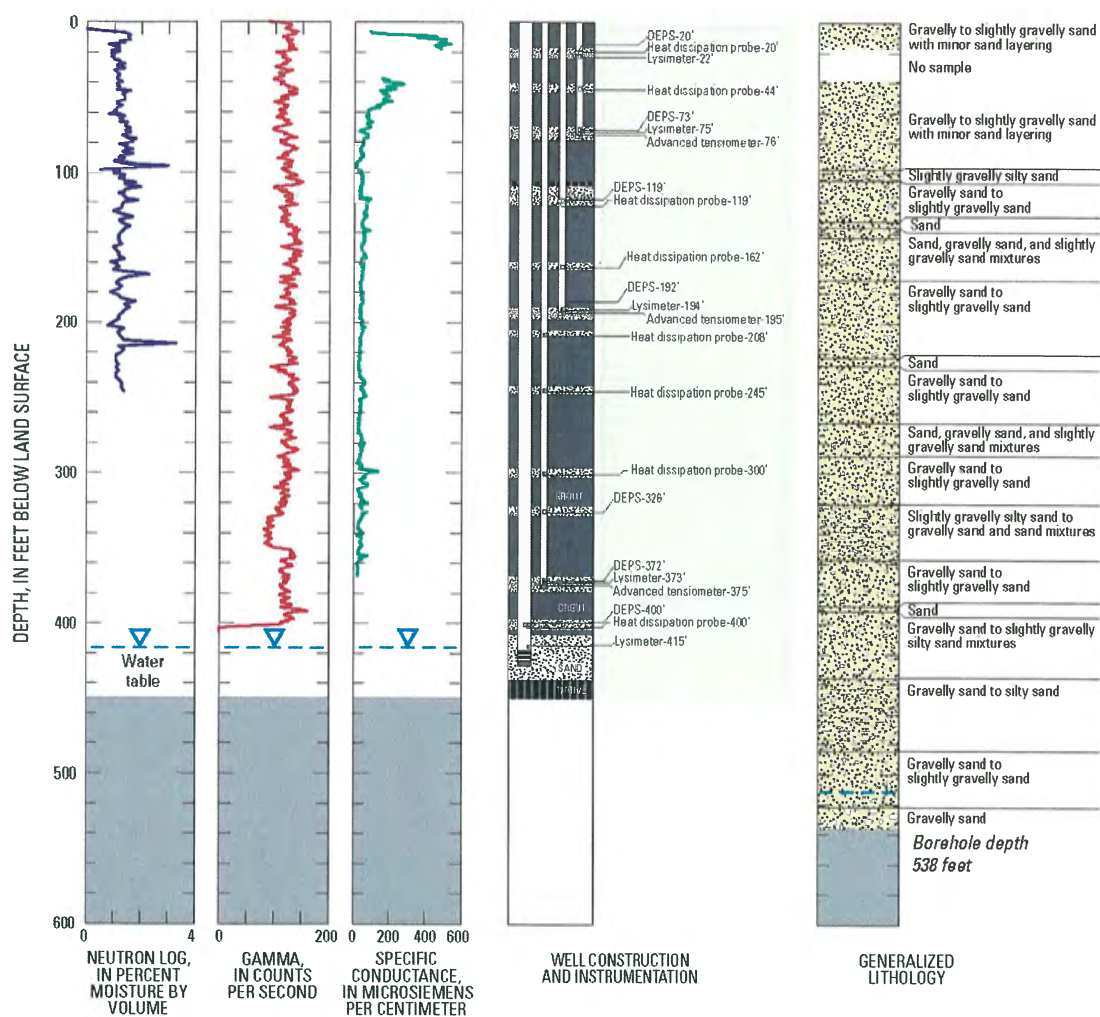


Figure 2. JTUZ-4 geophysical logs, well construction, instrumentation, and general lithology.

### Proposed Work

No new work is planned for FFY11.

*Total FFY 2011 cost for Task 1 -*

***\$0***



## Task 2 – Evaluate Potential Artificial Recharge Sites

### Progress

The U.S. Geological Survey (USGS), in cooperation with Joshua Basin Water District (JBWD), performed double-ring infiltrometer tests at the proposed JBWD artificial-recharge site during November 15-17, 2010. The purpose of the tests was to determine infiltration rates and hydraulic conductivity values at three locations at the artificial recharge site (fig. 3).



Figure 3. Infiltrimeter test site locations, USGS boreholes JTUZ-3 and JTUZ-4, and the area under consideration for artificial recharge sites, Joshua Tree, California.

### Methodology

Constant-head and falling-head tests were done at three locations within the study area (fig. 3). At each test location and for each test, the infiltrometer was inserted into the ground to a depth of approximately 0.5 foot. The outside walls of the infiltrometer were bermed with soil to prevent leakage. A shallow core was collected at each site to determine the lithology directly beneath the test location. Visual inspection of the cores indicated the presence of well-sorted medium to coarse sand at sites 1 and 2 and well-sorted medium sand at site 3.

A constant-head test was used to measure infiltration, and data from a falling-head test was used to estimate hydraulic conductivity at each location. For a constant-head test, each ring of the infiltrometer is connected to an individual calibrated water tank. The rings are then filled with water to a stage height of one foot. As water from the rings infiltrates into the ground, flow of water from the calibrated tanks into the rings is adjusted to maintain the initial one-foot stage height for the complete test period. Infiltration through the outer ring acts as a barrier to lateral spreading of the water infiltrating through the inner ring, allowing for a measurement of mostly vertical infiltration. Time is recorded for every five-gallon volume transferred from the calibrated water tank to the inner ring. The rate of water flow from the calibrated water tank is assumed to equal the rate of infiltration (Youngs, 1991).

A falling-head test is usually performed after completing the constant-head infiltration test. For a falling-head test, flow to the infiltrometer rings from the calibrated water tank is stopped and the falling head is measured at ten-second intervals with pressure transducers, until all water from each ring has completely infiltrated (Arriaga et al., 2010). Infiltration rates decrease with decreasing head and a polynomial equation is fitted to the data. Because the infiltration rate is controlled by a pressure force due to head and hydraulic conductivity, as the head in the ring approaches zero the infiltration rate approaches the hydraulic conductivity of the sediment. Therefore, the slope of a tangent to the polynomial at a head equal to zero is equal to the hydraulic conductivity (fig. 4).

Infiltration is the rate at which water moves through the surface and into the subsurface. The infiltration process can be explained by the Green-Ampt version of Darcy's equation for saturated flow:  $i = K (H+L-h)/L$ , where  $i$  is the infiltration rate,  $K$  is the hydraulic conductivity (ft/d),  $H$  is the ponding depth,  $h$  is the pressure head at the wetting front, and  $L$  is the depth to the wetting front (Green-Ampt, 1911). As infiltration progresses, the depth of the wetting front approaches a value significantly greater than the pressure head at which point the infiltration rate approaches the hydraulic conductivity.

For infiltration tests done in areas with deep water tables, the final infiltration rate is generally greater than the hydraulic conductivity due to drainage at the wetting front (Jury et al., 1991). The effect of drainage can be explained using the equation:  $J_w = -K_s(H_2 - H_1) / (z_2 - z_1)$ , where  $J_w$  is the infiltration rate,  $K_s$  is the hydraulic conductivity,  $H_1$  is the hydraulic head at the wetting front,  $H_2$  is the hydraulic head at land surface, and  $(z_2 - z_1)$  is equal to the depth of the wetting front (Jury et al., 1991). If the wetting front from the infiltrated water does not encounter the water table, water is allowed to drain at the wetting front and the hydraulic head at the wetting front is zero. The infiltration rate will then be a product of the hydraulic conductivity and the hydraulic head at land surface divided by the depth of the wetting front. The Green-Ampt and Jury equations for infiltration can also be used to explain the estimation of hydraulic conductivity values from falling-head test data. As the depth of the ponded water inside the infiltrometer approaches zero, the Green-Ampt equation becomes  $i = K$ , and the Jury equation becomes  $J_w = -K_s$ .

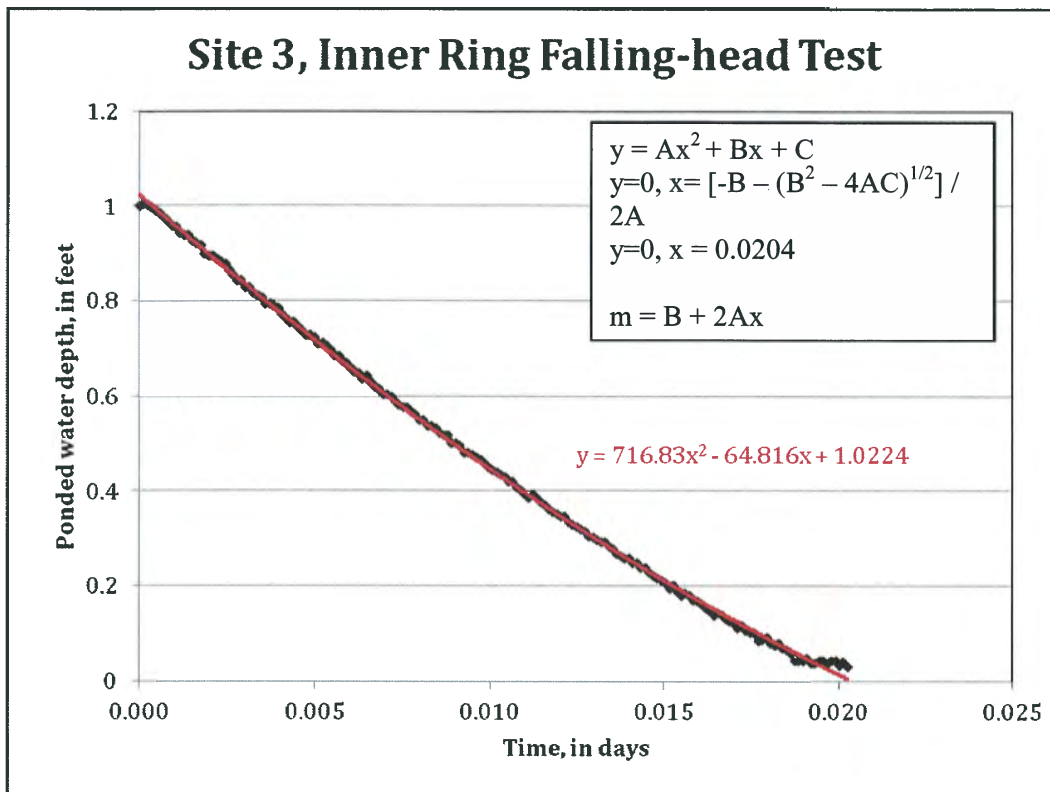


Figure 4. Data from a falling-head test done at infiltrometer test Site 3, Joshua Tree, California, displaying non-linearity of the data and the calculation of the slope of a tangent at  $y=0$ .

**Results**

All data from the constant-head tests displayed linearity, suggesting a constant infiltration rate throughout the test period (fig. 5). Sediments with high values of hydraulic conductivity will reach a constant infiltration rate quickly compared to sediments with low values of hydraulic conductivity, due to faster progression of the wetting front. It is possible that infiltration rates were higher for all of the tests, but decreased to a constant value before the first measurement was recorded. The measured infiltration rates are high at all three sites, ranging from 67 to 72 feet per day (ft/d) (table 1). The infiltration rates for all sites were similar to the hydraulic conductivity values for well-sorted sands to well-sorted gravels (table 2).

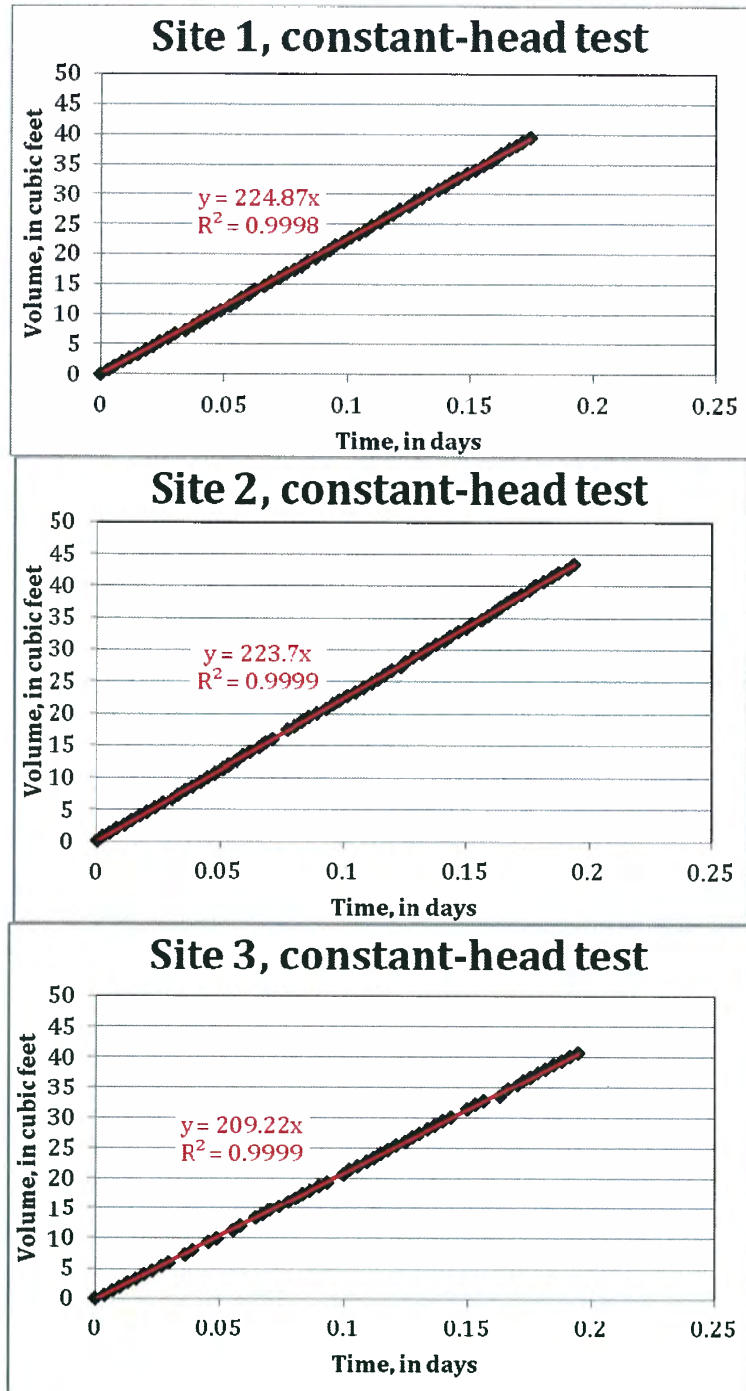


Figure 5. Data from constant-head infiltration tests done November 15-17, 2010 in Joshua Tree, California, displaying linearity.



Site	Latitude	Longitude	Date		Infiltration Rate (ft/d)	Hydraulic Conductivity (ft/d)
1	34.141	116.302	11/15/2010	Inner	71.62	48.03
				Outer		47.08
2	34.14	116.304	11/16/2010	Inner	71.24	69.57
				Outer		54.89
3	34.14	116.301	11/17/2010	Inner	66.63	35.63
				Outer		39.66

Table 1. Calculated infiltration rates and hydraulic-conductivity values from infiltrometer test locations in Joshua Tree, California.

Material	Hydraulic Conductivity (ft/d)
Clay	$10^{-6} - 10^{-3}$
Silt, sandy silts, clayey sands, till	$10^{-3} - 10^{-1}$
Silty sands, fine sands	$10^{-2} - 1$
Well-sorted sands, glacial outwash	1 – 100
Well-sorted gravel	10 – 1000+

Table 2. Hydraulic-conductivity values of common materials.

The hydraulic-conductivity value at each site was estimated from data collected from the inner ring as well as the outer ring during the falling-head tests (table 1). A second-degree polynomial was fit to the falling-head test data for the three test sites to estimate hydraulic conductivity (fig. 4). The estimated hydraulic conductivity ranges from about 36 ft/d in the inner ring at site 3 to about 70 ft/d in the inner circle at site 2 (table 2). There is good agreement between the inner-ring and outer-ring hydraulic-conductivity values at all the test sites and all of the estimated hydraulic-conductivity values are in the range for well-sorted sands and well-sorted gravels (table 2). The difference in hydraulic-conductivity values measured at the sites probably is related to the grain size of the sediments at the sites. Sites 1 and 2 are predominately medium to coarse well-sorted sand, and their measured hydraulic conductivity values are higher than site 3, which is predominately medium well-sorted sand. The infiltration-rate values are greater than the estimated hydraulic conductivities at each site indicating that the wetting fronts at each test site did not reach the water table by the end of the test.

### Proposed Work

No work is proposed for FFY11.

*Total FFY 2011 cost for Task 2 -*

**\$0**

## **Task 3 – Data Collection**

### **Progress**

In FFY10, water-quality samples were collected from the lysimeters at JTUZ-1 and 2, volume permitting. The nitrate concentrations were very high (well above the MCL of 10 mg/L as N) in samples from JTUZ-1 lysimeters at 91 and 346 ft below land surface (bls) (fig. 6B). The nitrate concentrations in samples from the lysimeter at 91 ft bls were as high as 1,000 mg/L as N. These nitrate concentrations greatly exceed the nitrogen concentration commonly associated with septic-tank effluent. A possible source for these high concentrations is the mineralization and subsequent leaching of naturally occurring nitrogen in the unsaturated zone. Because of the desert climate, nitrogen from buried plant material has not been mineralized and leached by the percolation of rainfall for many thousands of years. The nitrate concentrations in samples from the lysimeter at 346 ft bls are about 100 mg/L as N (fig. 6A). These nitrate concentrations are on the high end of reported nitrate concentrations in septic-tank effluent. The nitrate concentrations were low (< 6 mg/L as N) in samples collected from JTUZ-1 lysimeter at 516 ft bls (fig. 6A). The low nitrate concentrations may indicate that the wastewater front has not yet reached the depth of the lysimeter or that denitrification is occurring in the unsaturated zone. Nitrate concentrations in samples from JTUZ-2 lysimeter at 61 ft bls ranged from about 20-45 mg/L as N (fig. 7). These nitrate concentrations are in the range of reported nitrate concentrations in septic-tank effluent.

The dissolved-organic carbon (DOC) concentrations exceeded 350 mg/L in samples from JTUZ-1 lysimeters at 346 and 516.5 ft bls; however, the DOC concentrations were low in samples from the well at JTUZ-1 (fig. 8). The DOC concentrations in samples from JTUZ-1 lysimeters at 346 and 516.5 ft bls are significantly higher than reported DOC concentrations in septic-tank effluent. Additional data need to be collected to determine the source of the high DOC concentrations. The tri-halomethane formation potential (THMFP) concentrations are very high in samples from JTUZ-1 lysimeters at 91 and 516.5 ft bls; THMFP concentrations were not analyzed in samples collected from the lysimeter at 346 ft bls because of low sample volume.

In addition to water-quality data, the water-level, matric-potential, and temperature data were collected from the unsaturated-zone instrumentation at JTUZ-1 and 2 (figs 10-13). Recent data are relatively constant with a slight decline in the JTUZ-1 water-level data (fig. 10). The data indicate that the wetting front monitored at JTUZ-1 has not reached the water table. The matric-potential data indicate that the front is between 343 and 461 ft bls (fig. 11A) while the suction-cup lysimeter data indicate that the wetting front is at least at 346 ft bls (fig. 6A).



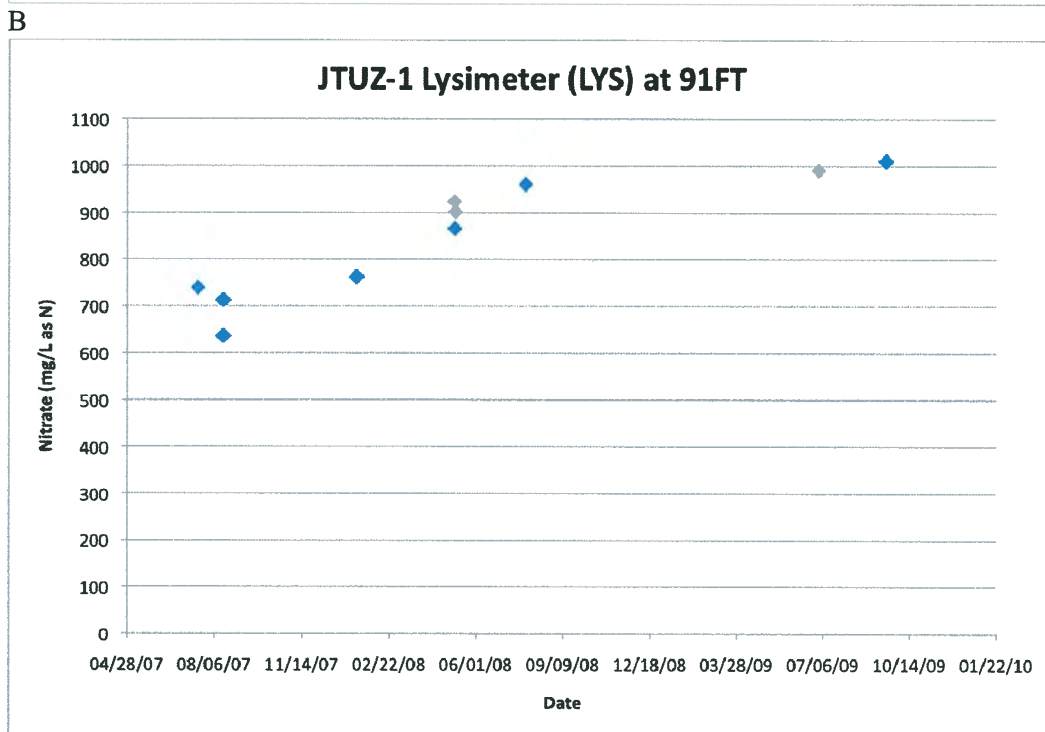
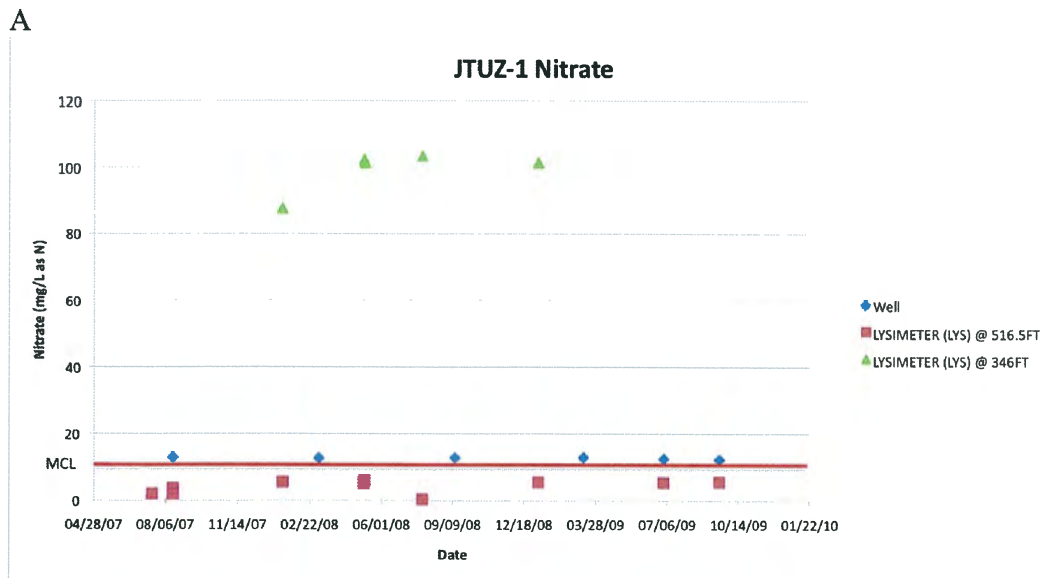


Figure 6: Time-varying nitrate concentrations collected from lysimeters at site YVUZ-1: A) Well, lysimeter at 516.5 ft and lysimeter at 346 ft; and B) lysimeter at 91 ft.

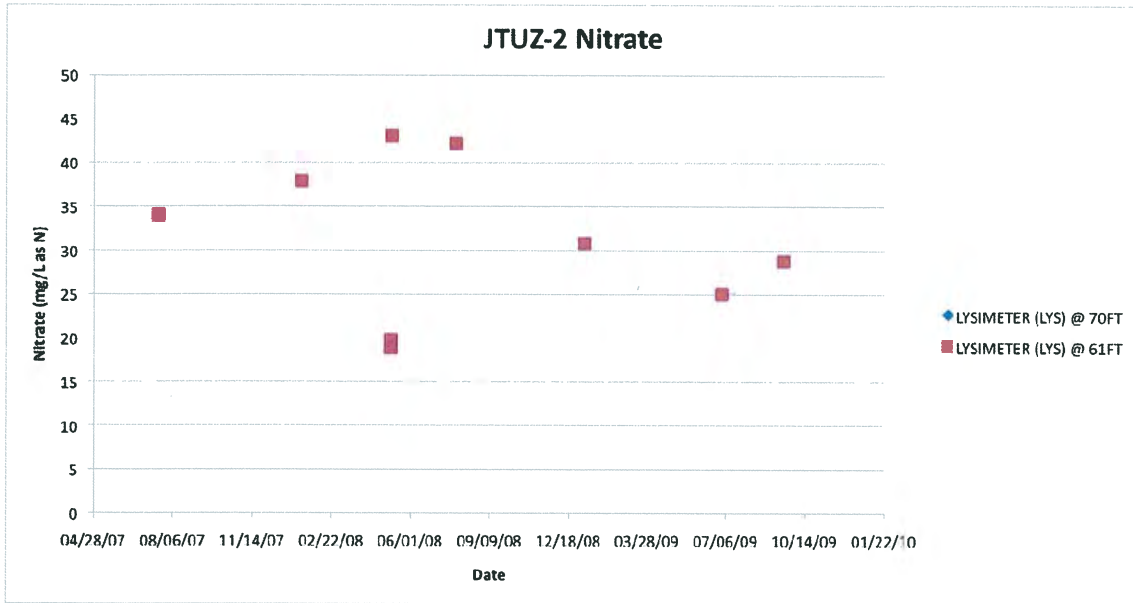


Figure 7: Time-varying nitrate concentrations collected from a lysimeter at site JTUZ-2

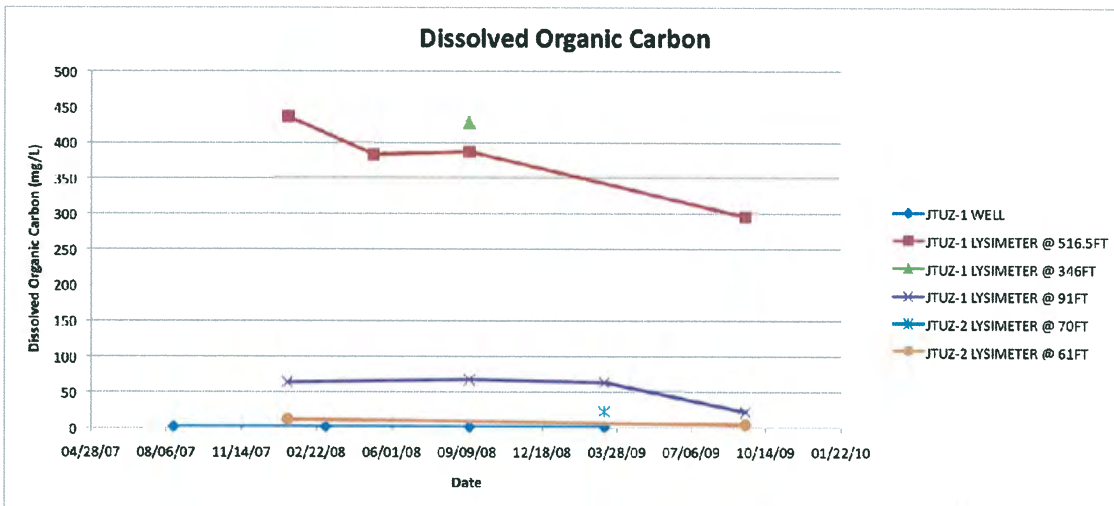


Figure 8: Time-varying dissolved-organic carbon concentrations from lysimeters at JTUZ-1 and 2 and the piezometer at JTUZ-1.

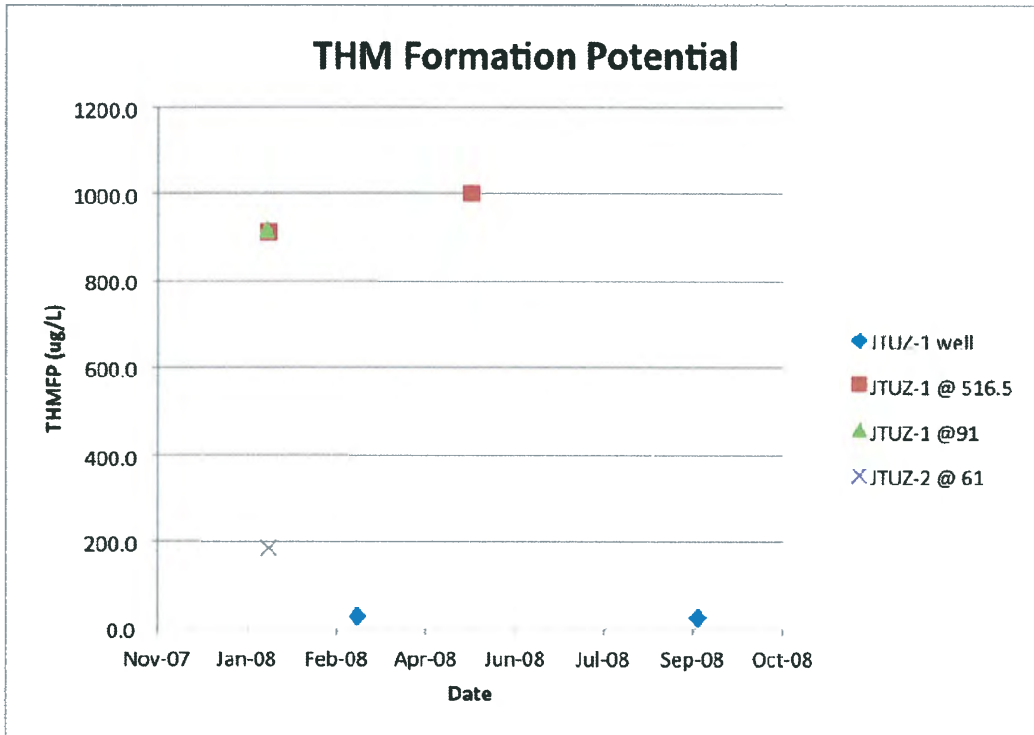


Figure 9: Time-varying tri-halomethane formation potential concentrations from lysimeters at JTUZ-1 and 2 and the piezometer at JTUZ-1.

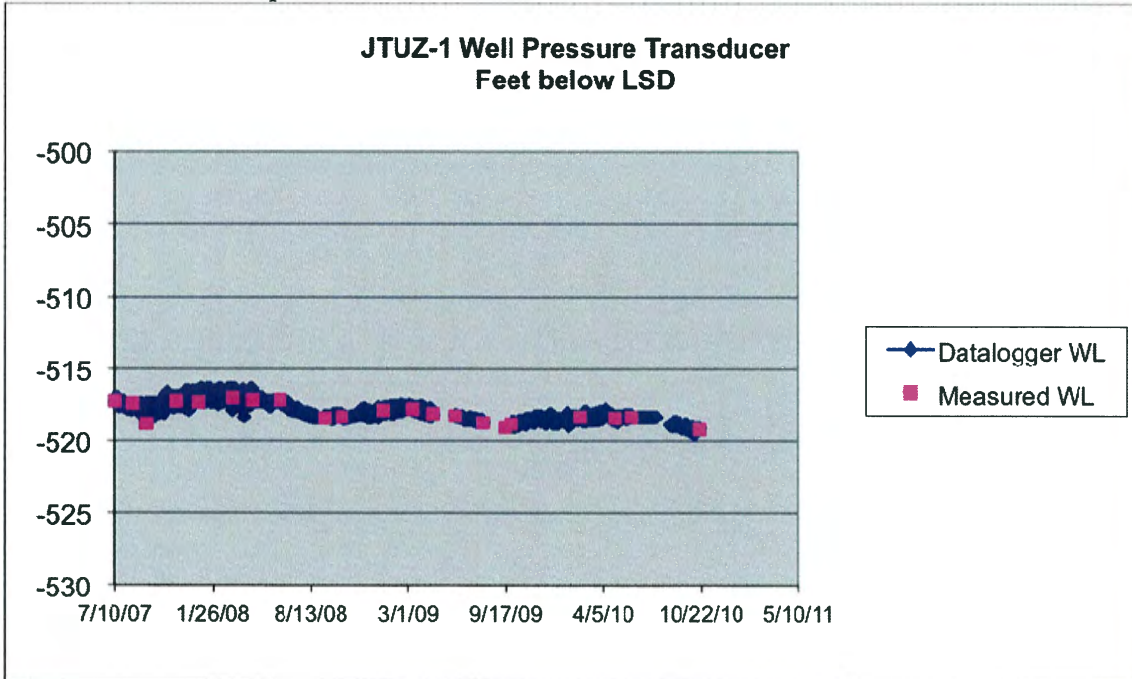
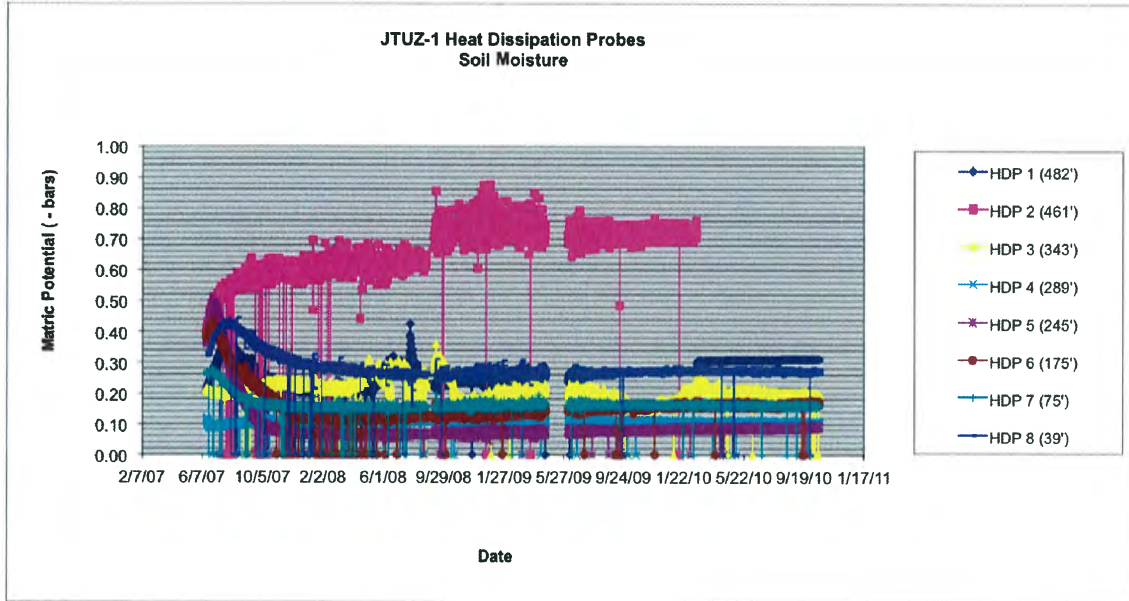


Figure 10: Time-varying water-level data from the piezometer at JTUZ-1.

A



B

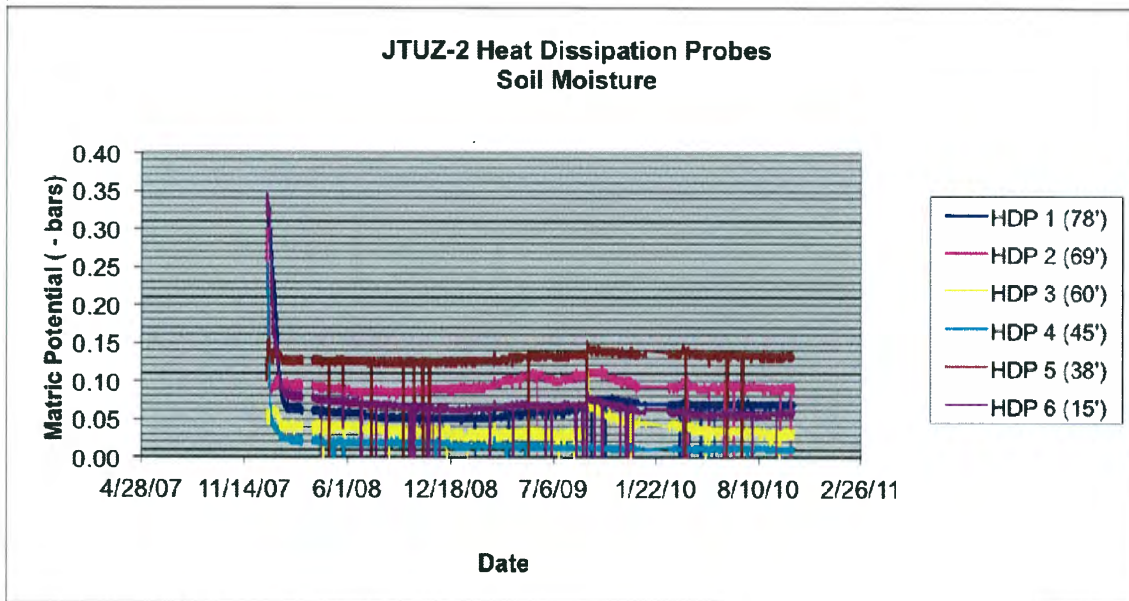
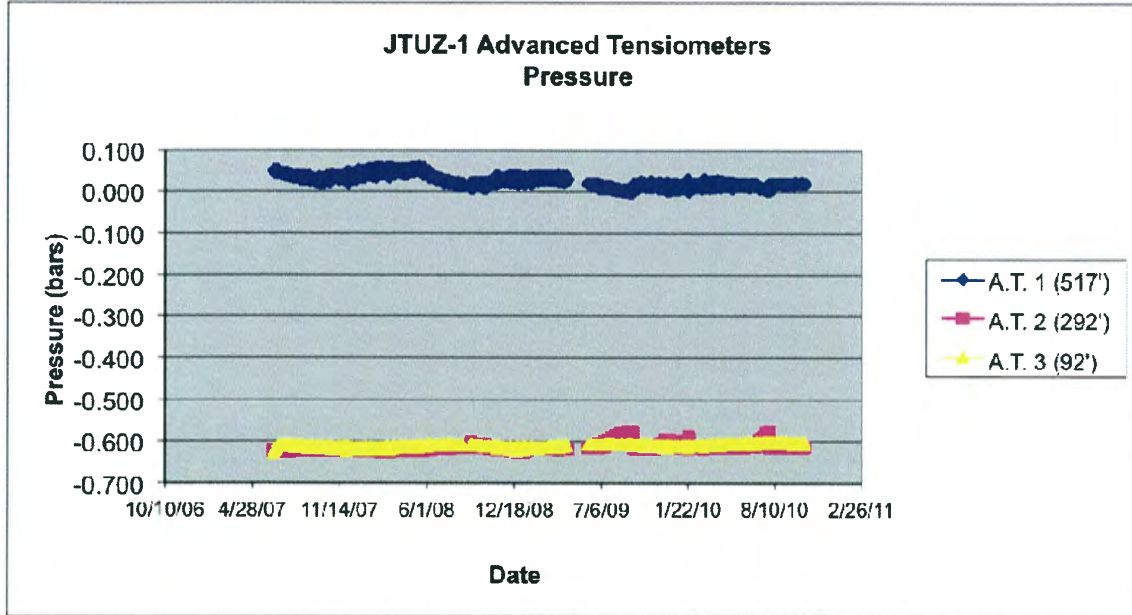


Figure 11: Time-varying matric-potential data from heat-dissipation probes at A) JTUZ-1 and B) JTUZ-2.

A



B

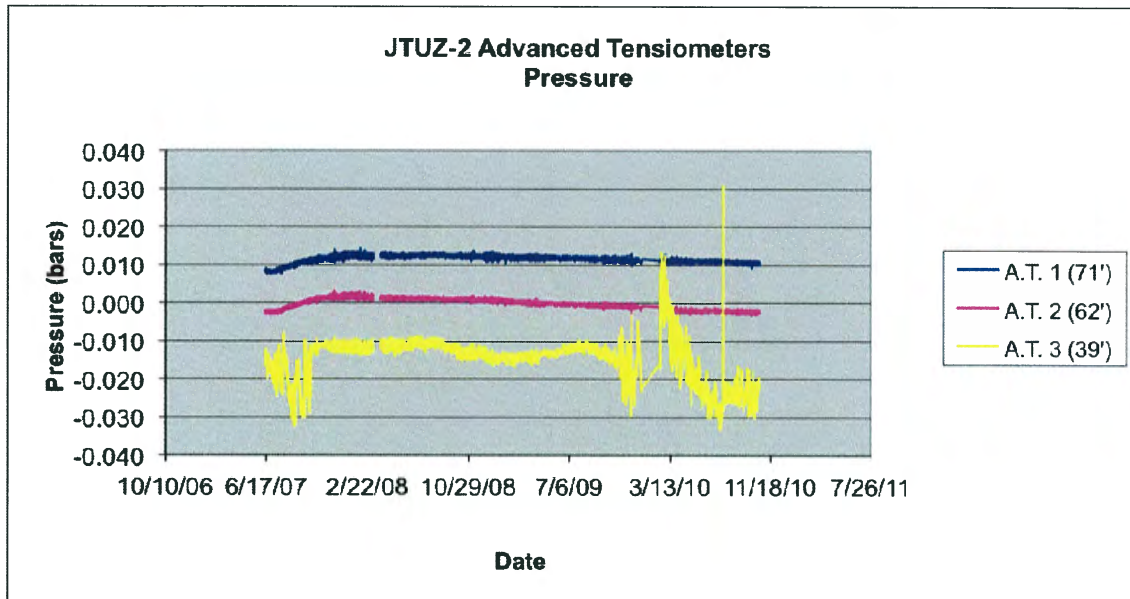


Figure 12: Time-varying matric-potential data from advanced tensiometers at A) JTUZ-1 and B) JTUZ-2.



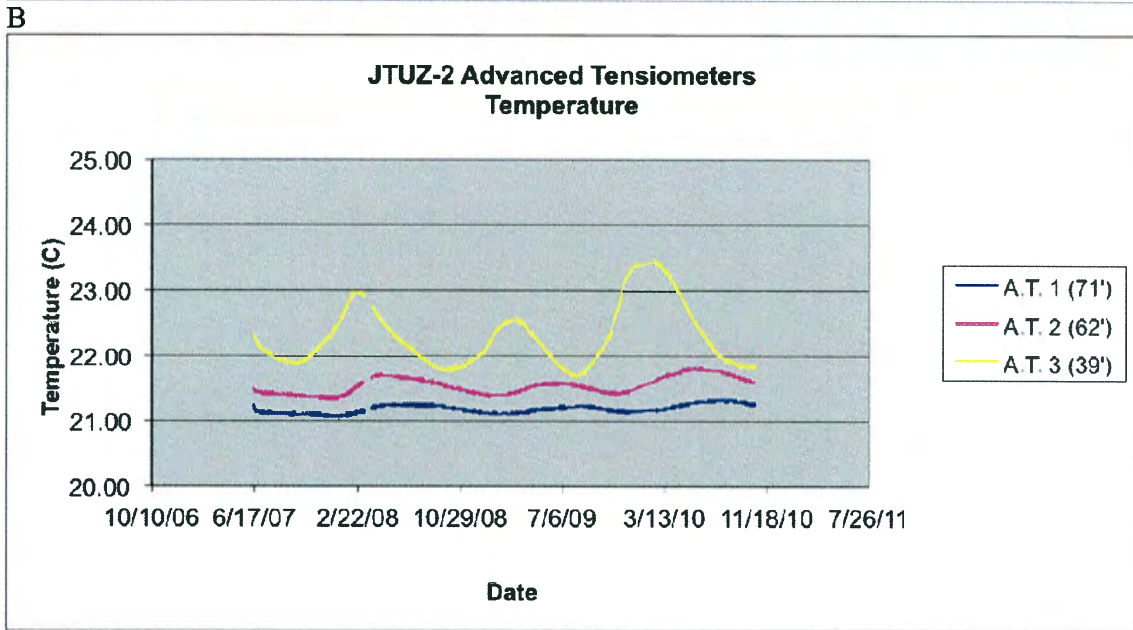
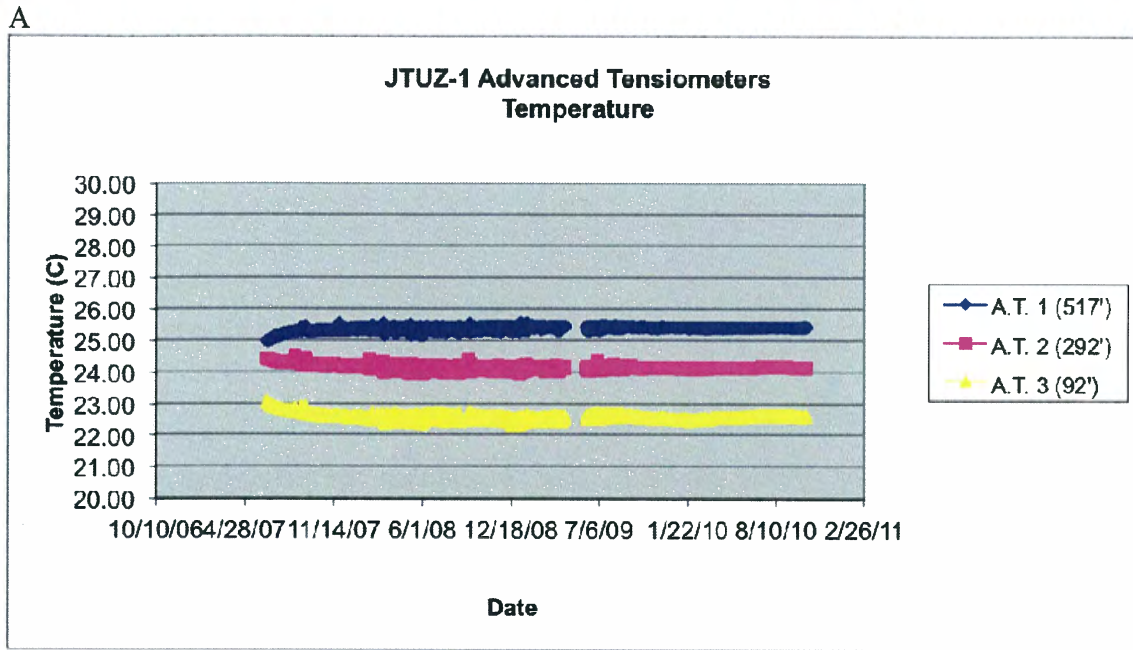


Figure 13: Time-varying temperature data from advanced tensiometers at A) JTUZ-1 and B) JTUZ-2.

## **Proposed Work**

Water-level, matric-potential, and temperature data will be collected from the unsaturated-zone monitoring sites JTUZ1-4 at 4-hour intervals and downloaded bi-monthly. The water-quality data collected from JTUZ-1 lysimeters at 91 and 291 ft bls and the JTUZ-2 lysimeters are not changing with time; therefore, samples will not be collected from these sites in FFY11. Samples will be collected from the JTUZ-1 lysimeters at 346, 464, and 517 ft bls on a bi-monthly basis to monitor the downward movement of septic-tank effluent at the site. An electro-magnetic (EM) log will be collected at JTUZ-1 in FFY10 to determine the location of the wetting front. The cost of maintaining the instruments and data analysis is \$26,500. The total cost of the lab analyses is \$6,500. The cost of collecting the EM log and analyzing the results is \$8,000.

*Total FFY 2010 cost for Task 3 -*

*\$41,000*

## **Task 4 –Unsaturated-Zone Flow and Nitrate Transport**

### **Progress**

The purpose of this task is to develop an unsaturated-zone flow and transport model that will allow a detailed, local-scale investigation of the effects of land use, and subsequent septic load, on groundwater quality in the Joshua Tree groundwater subbasin. A preliminary numerical model of the unsaturated zone in the Joshua Tree area was developed using the new simulator TOUGHREACT (Xu et al., 2004), which is TOUGH2 (Pruess et al., 1999) with the addition of reactive transport. TOUGHREACT is a numerical simulation program for chemically reactive non-isothermal flows of multiphase fluids in porous media. Basically, TOUGHREACT adds multi-component reactive solute transport to TOUGH2 and will better deal with the reactive chemistry of nitrates and other constituents in the unsaturated zone. At this time, the released version of TOUGHREACT does not contain biogeochemistry for biological decomposition of nitrate; however, the biogeochemistry has been successfully added to the research version and will be released within 3 months. The model being developed with the current version will be easily converted when the new code is released.

The initial modeling domain was approximately 1,476 ft (450 m) by 1,476 ft (450 m) (approximately 50 acres) (fig. 9). The model domain is 540 ft (165 m) deep with 13 alluvial layers based on review of the geophysical logs and laboratory analysis of borehole samples. The model contained approximately 67,500 grid elements with the surface area containing 16 model elements per acre. The preliminary results (discussed later) suggest that small lateral flow (fig. 10 and fig. 11); therefore, the modeling domain can be reduced by 70 percent and still provide similar results. This will greatly reduce the run time of the model to allow additional scenario development. One surface-model element is approximately 2,400 ft<sup>2</sup> (the approximate area of a typical leach field). This configuration allows for quarter acre parcel to contain four grid cells to test various locations for a septic leach field in the simulation and allows for development of as small as a quarter acre and maintains the flexibility to locate septic-leach fields within four locations in each quarter-acre parcel (larger parcels also will be tested). The lateral boundaries of the model are no-flow boundaries. The bottom boundary is the water table and the upper boundary is a standard atmospheric with specified flux of septic tank effluent. By assuming symmetry the modeling domain can be used to represent one quarter of the housing development by putting the housing in the corner of the domain such that coalescent leach fields can only migrate outward from the center of the housing development. This also allows for faster

simulation time but would get the same results as long as the leach field migration does not reach the edge of the modeling domain.

The initial housing density of four housing units per acre in a 25-acre development centered in a 200 acre open space was used test TOUGHREACT (fig. 10). We assume that each housing unit contributes 220 gallons per day as septic-tank effluent. Under these conditions the septic-tank effluent reaches the water table in 25 years and reaches steady state in about 100 years (fig. 11). The effluent plume extends approximately 200 feet (60 m) beyond the edge of the housing development into the open space in the unsaturated zone by the time it reaches the water table. The vertical distribution of calibrated saturated vertical hydraulic conductivity values is shown in figure 12.

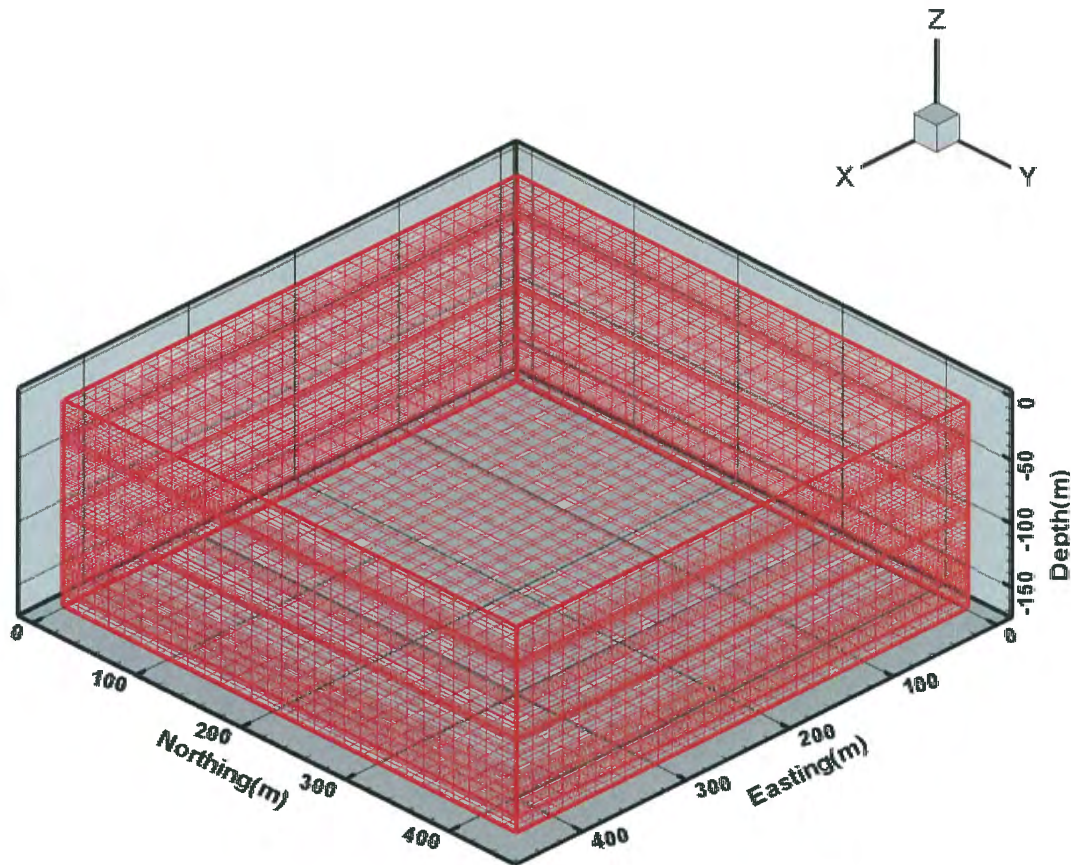


Figure 9: TOUGHREACT finite-element model grid



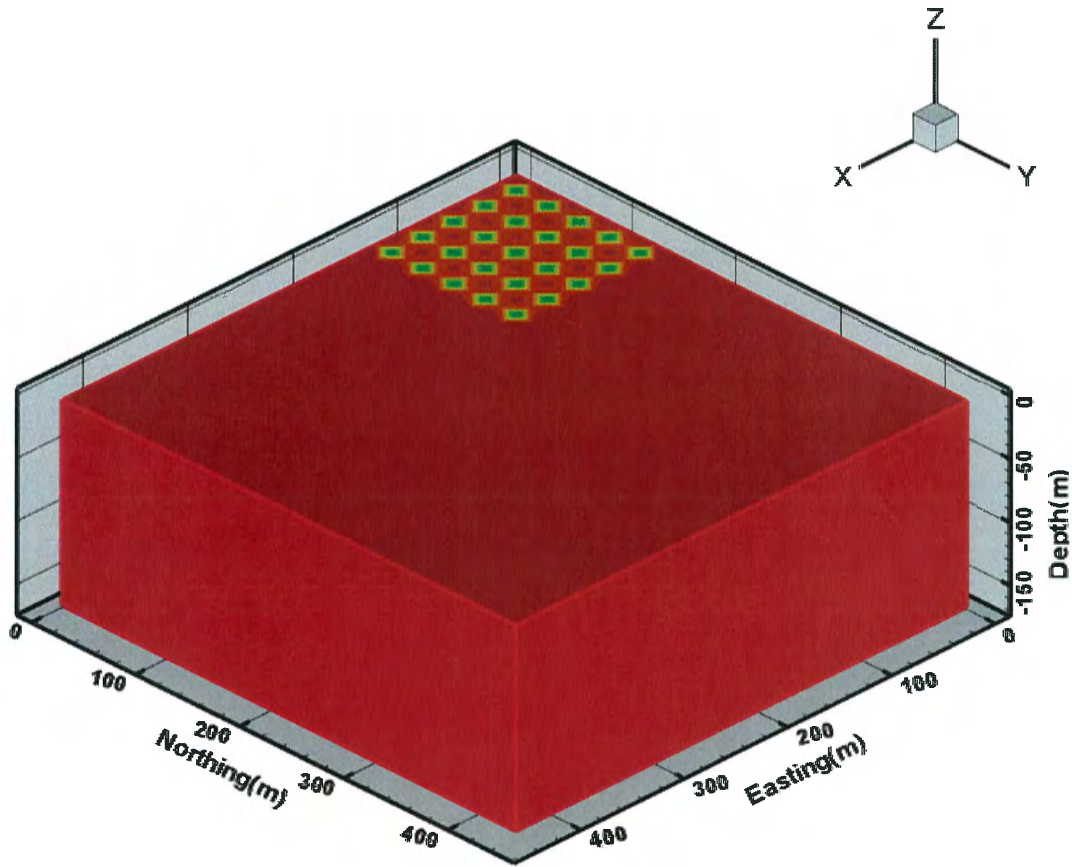


Figure 10: Locations of septic tanks for quarter-acre development TOUGHREACT simulations.

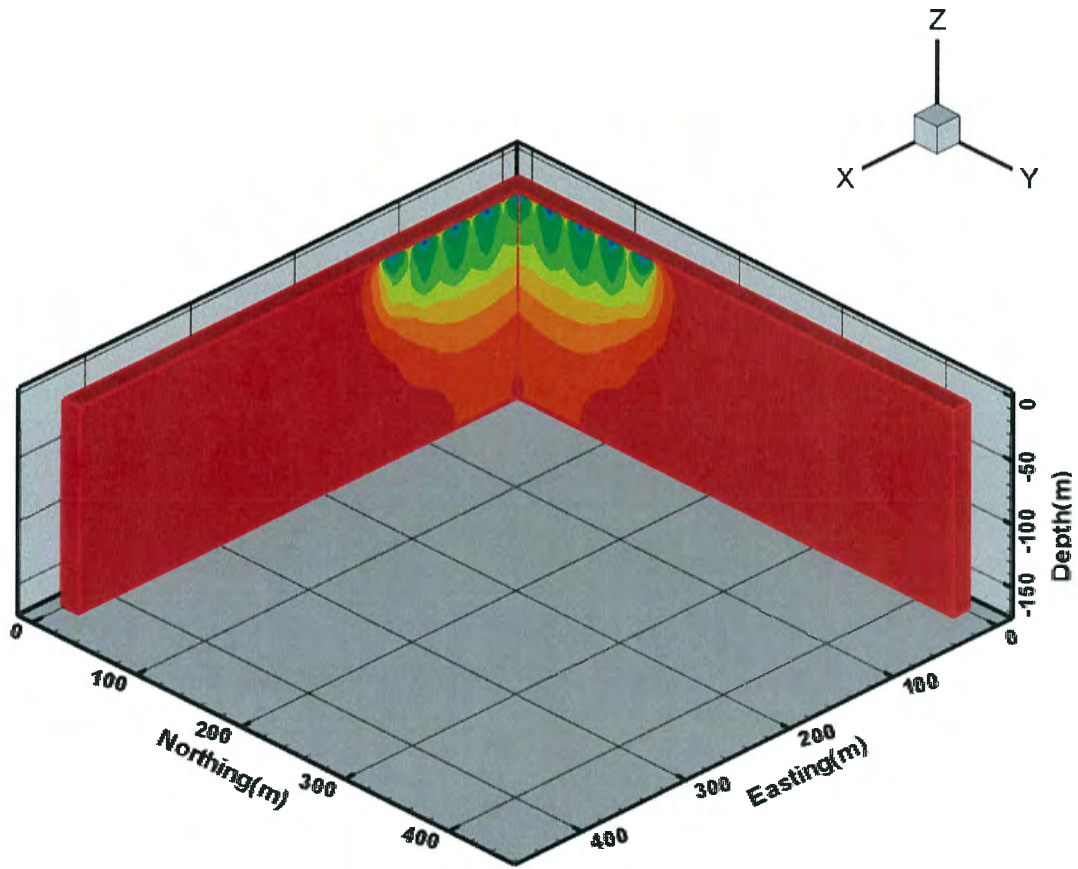


Figure 11A

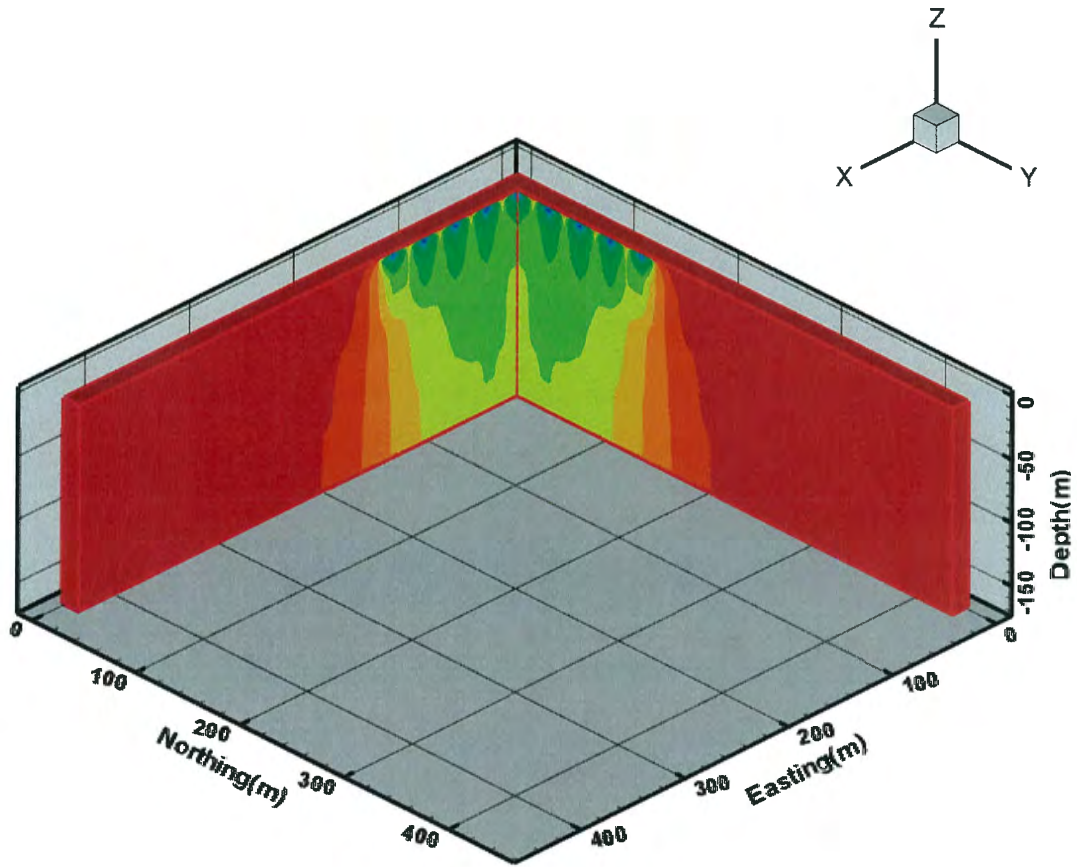


Figure 11B

Figure 11: Simulated water content for: A) 25 years and B) 100 years; the cooler colors indicate higher fluxes.

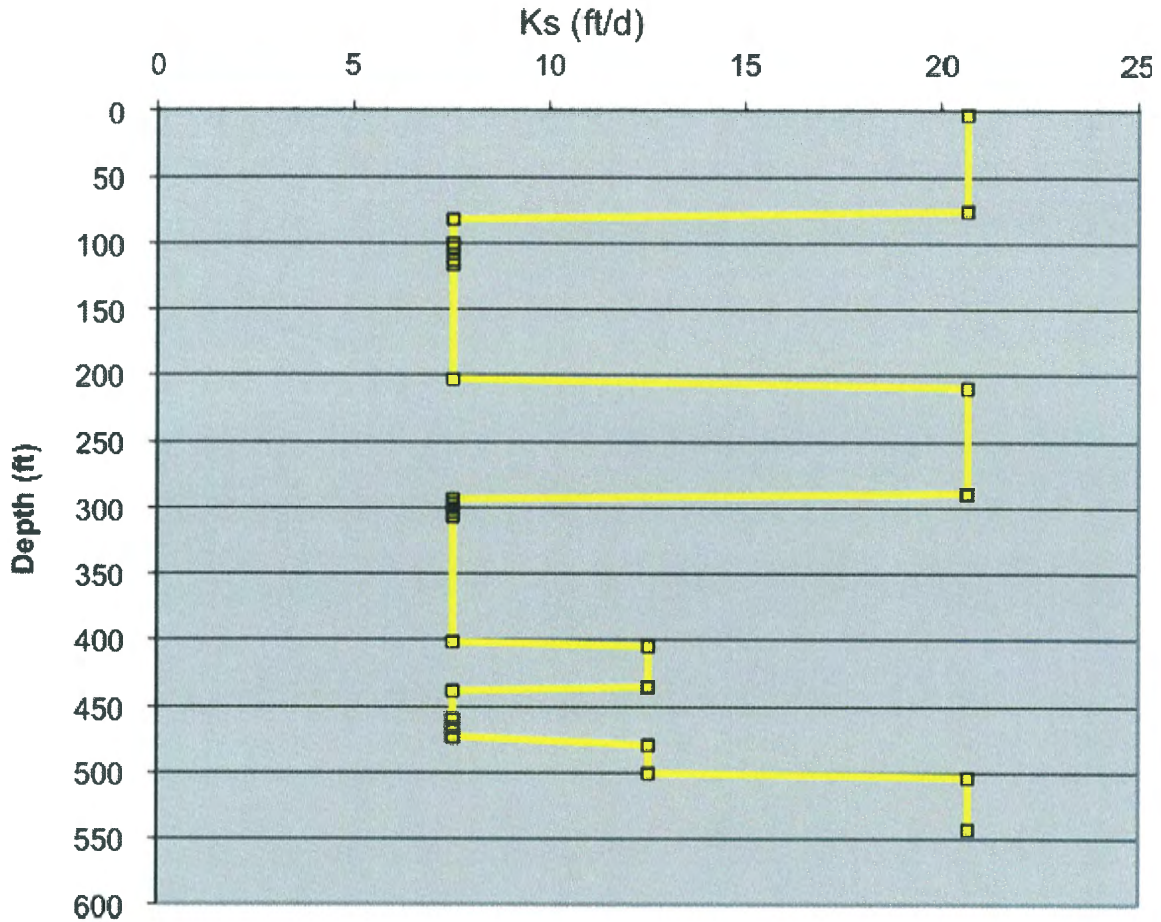


Figure 12: Vertical distribution of calibrated saturated vertical hydraulic conductivity values used in the TOUGHREACT model.

### Proposed Work

The TOUGHREACT model will be run to steady state using multiple housing density configurations to determine the time require for equilibrium, the concentration of nitrate in the unsaturated at the water table, and the total amount of recharge. These simulations will allow for the evaluation of the potential for interaction between leach fields, the interaction with natural unsaturated (and saturated) zone water with a different chemistry (to evaluate chemical interaction), the potential for perched water developing and the travel time from the leach field to the saturated zone.

A radial, axi-symetric TOUGHREACT model will be used to determine the dimensions of a septage wetting front from a typical domestic septage leach field where it intersects the water table. As the septage migrates downward from the leach field to the water table it spreads out laterally as it encounters changes in grain size and permeability in the unsaturated zone. The area of the footprint will be used as a minimum size of the solute transport grid described in Task 5. The solute transport model will be used to estimate the maximum housing density that could be maintained in the Joshua Tree area without creating water-quality problems.



The radial, axi-symmetric TOUGHREACT model also will be used to determine if the lateral migration of septage and the subsequent leaching of natural soil nitrogen, could be the source of the high nitrate concentrations measured in samples from JTUZ-1. Naturally occurring nitrates, are present in desert soils (Walvoord et al., 2003) and may be the source of the observed high nitrate concentrations in JTUZ-1. Naturally occurring high nitrate concentration will be simulated in the surficial soils under predevelopment conditions to investigate the fate of naturally occurring nitrates when mixed with water from septic-tank leach fields. A fixed flux of septic-tank effluent with known concentrations of nitrate and DOC will be simulated at near-surface model nodes representing a typical septic-tank leach field. Initial soil and water-quality characteristics, estimated from data collected from JTUZ-1 and other test holes in the study area, will be input into the model domain. The model will simulate the moisture content and solute concentration for each model cell in the model domain after 50 years of septic-tank operation.

The housing units upgradient of JTUZ-1 were established between the mid 1950's - mid 1980's based on available on-line data (fig. 13). These dates will be used as a constraint in the evaluation of vertical infiltration rates from septic-tank effluent at JTUZ-1. As stated previously, soil-moisture data indicate that the septic-tank wetting front has reached a depth of at least 343 ft but not 461 ft (fig. 6A). In addition, the temperature data observed at JTUZ-2 (fig. 8) will be used to refine the model calibration by incorporating heat flow in the TOUGHREACT model.

**Total FFY 2011 cost for Task 4 -**

**\$35,300**

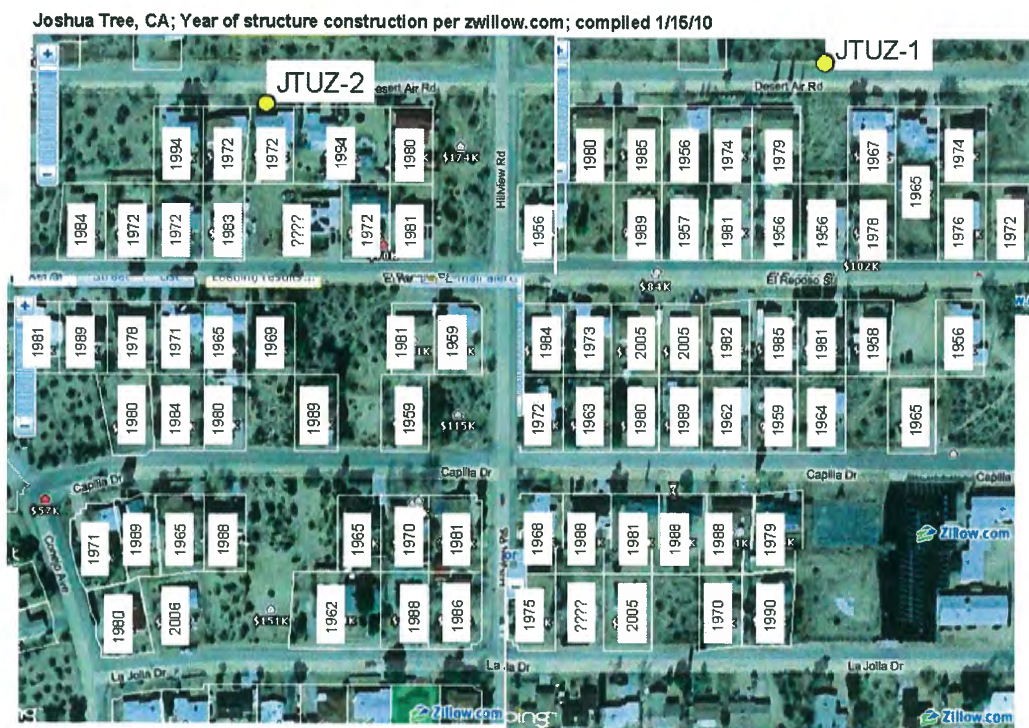


Figure 13: Approximate construction dates of houses upgradient of JTUZ-1 and 2.

## **Task 5 – Evaluate Regional Effects**

The purpose of this task is to test the regional effects of land–use plans and associated septic-discharge fluxes on groundwater quality. The effect of different pumping and artificial-recharge schedules on regional water quality will be investigated. These results will help guide groundwater development by JBWD.

### **Progress**

In FFY08, the existing groundwater-flow model was converted to MODFLOW-2005 (MF2005) (Harbaugh, 2005) and updated to June 2008 conditions. To better define the mixing of septic-tank effluent with the underlying groundwater, layer 1 of the original model was divided into two layers. There are now four layers in the regional groundwater-flow model. The top of layer 1 is the water table and the top of layer 2 is 2,150 ft. The horizontal discretization was refined from 820-ft grids to 105-ft grids; therefore, each model cell represents about one-quarter acre.

Geophysical and well data collected since the original groundwater-flow model was developed were used to update the spatial distribution of hydraulic parameters to better reflect the hydrogeology of the Joshua Tree groundwater basin. The unknown hydraulic parameters of layers 1 and 2 were estimated using trial-and-error.

Water-use, aerial photos, assumed water-demand, and year-2000 census data were used to estimate the historic septic load on the groundwater system. Projected wastewater loads on a per parcel basis assuming that every parcel is developed were used to estimate the maximum septic load on the groundwater system. JBWD supplied 2004-07 water-use data by parcel. It was assumed that the average winter (November-March) water demand was representative of domestic water use (i.e., minimal irrigation). The build-out (i.e., every parcel within the JBWD service area is developed) wastewater loads assuming 220 gal/day/EDU were provided by Dudek and Associates (Michael Metts, Dudek and Assoc., personal commun., 2009), a JBWD consultant.

It is assumed that the average septic-tank effluent flux at an individual parcel is equal to 80 percent of the average volume of water supplied during the winter months at that parcel. The septic-tank effluent is routed to the water table using the recharge (RCH) package. The RCH simulates recharge as instantaneously reaching the water table; this is not realistic because it may take decades for recharge to flow through the unsaturated zone. Therefore, the estimated effluent was delayed by 25 years per the TOUGHREACT results. For example, the 1951 effluent was assumed to reach the water table in 1976. Prior to 1976, only natural recharge reached the water table. The total estimated septic-tank effluent by aerial-photo timeframes are shown in table 1.

Years	Natural Recharge (AFY)	Septic-Tank Effluent (AFY)	Total Recharge (AFY)
1951-1955	122.57	51.89	174.45
1956-1960	122.57	76.69	199.26
1961-1965	122.57	96.30	218.87
1966-1971	122.57	110.94	233.51
1972-1979	122.57	140.15	262.72
1980-1986	122.57	170.23	292.79
1987-1991	122.57	223.12	345.68
1992-1995	122.57	225.69	348.26
1996-2001	122.57	234.47	357.03
2002-2008	122.57	240.86	363.43
Build-out	122.57	3,621.87	3,744.44
2 Houses per acre	122.57	4,531.48	4,654.04

Table 3: Simulated and projected flowrates for natural recharge, septic-tank effluent, and total in acre-ft/yr (AFY).

The solute-transport model was developed using MT3DMS (Zheng and Wang, 1999). MT3DMS simulates the three-dimensional advective-dispersive transport of multiple species. MT3DMS requires groundwater-flux data simulated by MF2005. The primary unknown parameters affecting solute transport are longitudinal and transverse (horizontal and vertical) dispersivity. The solute-transport model was not calibrated due to a lack of measured nitrate data; therefore, representative values of longitudinal and transverse dispersivities used by Nishikawa et al. (2003) to model the neighboring Warren subbasin were used (750 ft, 250 ft and 2.5 ft for longitudinal, horizontal transverse, and vertical transverse dispersivities, respectively). Currently, the UZF package is not compatible with MT3DMS; the author of MT3DMS and the USGS is addressing this.

The nitrate concentration of the natural recharge was assumed to equal 10 mg/L as nitrate (Nishikawa et al., 2003). Nishikawa et al. (2003) showed that the nitrate concentration of the septic-tank effluent in the neighboring Warren subbasin ranged between 220 and 350 mg/L as nitrate. For this work, a nitrate concentration of 278 mg/L as nitrate was assumed for the septic-tank effluent.

Three 50-year scenarios were tested: (1) the build-out occurs instantaneously in July 2008 and septic-tank effluent from the build-out reaches the water table in 2033; (2) scenario 1 with 4,000 acre-ft/year of artificial recharge starting in July 2008; and (3) uniform housing density of two houses per acre starting in 1958 with the septic-tank effluent reaching the water table in 1983. The simulation period for scenarios 1 and 2 was July 2008 to June 2058. Note that reported pumping for July 2007 to June 2008 were used for the scenarios and were assumed to be constant over the simulation period. This assumption implies that any additional water-supply is provided by imported water. The total septic-tank effluent for build-out conditions is shown in table 1.

The simulated results for Scenario 1 indicate year-50 nitrate concentrations greater than 180 mg/L as N in the Joshua Tree subbasin and greater than 180 mg/L as N in the Copper Mountain subbasin. If 4,000 acre-ft/yr of imported water is recharged (Scenario 2) the simulated year-50 nitrate concentrations are between 20 mg/L (near the artificial-recharge site) and 160 mg/L as N

in the Joshua Tree subbasin and as high as 180 mg/L in the Copper Mountain subbasin. Assuming a housing density of 2 houses per acre (Scenario 3) results in year-50 nitrate concentrations of about 100 mg/L as N throughout the Joshua Tree subbasin and are as high as 220 mg/L as N in the Copper Mountain subbasin.

In FFY10, the MT3DMS model was calibrated to measured nitrate data. The USGS and the authors of MT3DMS did not complete the link between MODFLOW-2005 and MT3DMS using the UZF package; however, a work-around was developed. The UZF parameters were refined via trial and error to better reflect the 25-year travel time for septic-tank effluent to reach the water table. The calibrated models were used to test the regional effects of land-use plans and associated septic-discharge fluxes on groundwater quality.

### **Proposed Work**

No work is proposed in FFY11.

*Total FFY 2011 cost for Task 5 -*

*\$0*

### **Task 6: Report Results**

At least three publications will result from this project. The construction of monitoring site JTUZ-4 and the data collected from this site will be incorporated into the Open-File Report (OFR) describing the construction of JTUZ-1 and 2. The OFR for JTUZ-1 and 2 is ready for publication; however, for completeness and timeliness, the data for JTUZ-3 and 4 will be added to this report. A journal paper describing the geochemistry of the high nitrate and DOC in the unsaturated zone will be submitted for publication by September 30, 2011. A Scientific Investigations Report describing the results of the groundwater-flow and solute-transport modeling and the TOUGHREACT modeling will be completed for review by September 30, 2011.

*Total FFY 2011 cost for Task 6 -*

*\$183,600*



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JOSHUA BASIN WATER DISTRICT  
SUPPLEMENTAL DATA SHEET

Regular Meeting of the Board of Directors

June 15, 2011

Report to: President and Members of the Board  
From: Joe Guzzetta, General Manager

TOPIC: ADOPTION OF URBAN WATER MANAGEMENT PLAN (UWMP)

RECOMMENDATION: That the Board receive a presentation by Kennedy Jenks, Urban Water Management Plan Consultants, hold a public hearing, and approve the 2010 update of the Urban Water Management Plan. Alternatively, the Board may take public comment and continue this to an adjourned meeting in order to approve the plan by June 30, 2011.

ANALYSIS: Kennedy Jenks has collected data for the update of the UWMP which is required by law to be completed by June 30, 2011 for all water agencies. The board received the draft in April.

The plan describes current supplies, demands, and programs, and projects future demands and how to meet them. It also discusses water conservation, reuse, recycling, water transfer, and related programs. It analyzes reliability of the system during drought conditions. The plan becomes the basis for evaluating new development and may be used in court when District decisions on development are challenged.

Much of the work for this plan is related to the United States Geological Survey (USGS) report and subsequent reports by Dudek Engineering, **JBWD's engineers**.

State law encourages public participation in the preparation of the UWMP. To address this, the JBWD Citizens Advisory Committee (CAC) has participated by reviewing chapters of the plan as they were drafted. Comments from the CAC were incorporated in the Plan.

The UWMP is not to be confused with the Groundwater Management Plan (GMP). The GMP is voluntary under AB3030 and is the legislative alternative to adjudicating the District. The GMP is the plan under which the District manages the basin, monitors private wells, prohibits the exportation of water out of the District, etc. While giving the District authority to manage the basin, an AB3030 GMP gives the District only very limited ability to restrict pumping.

Approval of this Urban Water Management Plan will assure that the District remains in compliance with state law.

## **Kennedy/Jenks Consultants**

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Oxnard, California 93036  
805-973-5700  
FAX: 805-973-1440

### Draft 2010 Urban Water Management Plan

May 2011

Prepared for  
Joshua Basin Water District  
61750 Chollita Road  
Joshua Tree, CA 92252

K/J Project No. 1089048\*00

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# Section 1: Introduction

---

## 1.1 Overview

This volume presents the Urban Water Management Plan 2010 (Plan) for the Joshua Basin Water District (District, JBWD) service area. This chapter describes the general purpose of the Plan, discusses Plan implementation, and provides general information about JBWD, and service area characteristics. A list of acronyms and abbreviations is also provided.

## 1.2 Purpose

An Urban Water Management Plan (UWMP) is a planning tool that generally guides the actions of water management agencies. It provides managers and the public with a broad perspective on a number of water supply issues. It is not a substitute for project-specific planning documents, nor was it intended to be when mandated by the State Legislature. For example, the Legislature mandated that a plan include a section which “describes the opportunities for exchanges or water transfers on a short-term or long-term basis.” (California Urban Water Management Planning Act, Article 2, Section 10630(d).) The identification of such opportunities, and the inclusion of those opportunities in a general water service reliability analysis, neither commits a water management agency to pursue a particular water exchange/transfer opportunity, nor precludes a water management agency from exploring exchange/transfer opportunities not identified in the plan. When specific projects are chosen to be implemented, detailed project plans are developed, environmental analysis, if required, is prepared, and financial and operational plans are detailed.

In short, this Plan is a management tool, providing a framework for action, but not functioning as a detailed project development or action. It is important that this Plan be viewed as a long-term, general planning document, rather than as an exact blueprint for supply and demand management. Water management in California is not a matter of certainty, and planning projections may change in response to a number of factors. From this perspective, it is appropriate to look at the Plan as a general planning framework, not a specific action plan. It is an effort to generally answer a series of planning questions including:

- What are the potential sources of supply and what is the reasonable probable yield from them?
- What is the probable demand, given a reasonable set of assumptions about growth and implementation of good water management practices?
- How well do supply and demand figures match up, assuming that the various probable supplies will be pursued by the implementing agency?

Using these “framework” questions and resulting answers, the implementing agency will pursue feasible and cost-effective options and opportunities to meet demands. JBWD will explore enhancing basic supplies from traditional sources such as imported water from the Mojave Water Agency (MWA) as well as other options. These could include groundwater extraction, water exchanges, recycling, desalination, and water banking/conjunctive use. Specific planning

efforts will be undertaken in regard to each option, involving detailed evaluations of how each option would fit into the overall supply/demand framework, how each option would impact the environment, and how each option would affect customers. The objective of these more detailed evaluations would be to find the optimum mix of conservation and supply programs that ensure that the needs of the customers are met.

The California Urban Water Management Planning Act (Act) requires preparation of a plan that:

- Accomplishes water supply planning over a 20-year period in five year increments. (JBWD is going beyond the requirements of the Act by developing a plan which spans 25 years.)
- Identifies and quantifies adequate water supplies, including recycled water, for existing and future demands, in normal, single-dry, and multiple-dry years.
- Implements conservation and efficient use of urban water supplies. Significant new requirements for quantified demand reductions have been added by the enactment of SBx7-7, which amends the Act.

A checklist to ensure compliance of this Plan with the Act requirements is provided in Appendix A.

In short, the Plan answers the question: *Will there be enough water for the Joshua Basin community in future years, and what mix of programs should be explored for making this water available?*

It is the stated goal of JBWD to provide a high standard of water quality and customer service at a responsible cost, to protect the water resources of the Joshua Basin Water District, and to promote cooperation and respect among customers, employees, neighboring communities and public-private agencies. Based on conservative water supply and demand assumptions over the next 25 years in combination with conservation of non-essential demand during certain dry years, the Plan successfully achieves this goal.

### 1.3 Implementation Of The Plan

Water Code Section 10617 defines an urban water supplier as any supplier that provides water to more than 3,000 service connections or supplies more than 3,000 acre-feet (af) of water annually. Currently JBWD delivers water to over 4,200 connections, therefore requiring the District to prepare and adopt an UWMP. This Plan has been prepared for the JBWD.

#### 1.3.1 Joint Preparation of the Plan

JBWD cooperates with the MWA in managing the region's water resources. The District consulted MWA's draft 2010 UWMP while preparing this UWMP. MWA was also notified that the District is updating its UWMP and input was solicited. JBWD coordinated the preparation of the Plan with the local community. Nearby cities including Yucca Valley and Twentynine Palms and the County of San Bernardino were notified of the opportunity to provide input regarding the Plan. Water resource specialists with expertise in water resource management were retained to

assist the District in preparing the details of the Plan. Agency coordination for this Plan is summarized in Table 1-1.

**TABLE 1-1  
AGENCY COORDINATION SUMMARY**

	Participated in UWMP Development	Received Copy of Draft	Comment on Draft	Attended Public Meetings	Contacted for Assistance	Sent Notice of Intent to Adopt	Not Involved
Mojave Water Agency		✓					
Bighorn-Desert View Water Agency		✓					
Hi-Desert Water District		✓					
Twentynine Palms Water District		✓					
Twentynine Palms Marine Corps Base		✓					
San Bernardino County Planning Department		✓					

### 1.3.2 Public Outreach

JBWD has encouraged community participation in water planning. Several public sessions were held by the Citizens Advisory Committee representing local stakeholders, and a public hearing was held by the Board of Directors for review and to solicit input on the Draft Plan before its adoption. Interested groups were informed about the development of the Plan along with the schedule of public activities. Notices of public meetings were published in the local press. Copies of the Draft Plan were made available on the District’s website, at the local public library and sent to the County of San Bernardino, as well as interested parties.

JBWD has and continues to actively encourage community participation in its on-going water management activities and specific water related projects. The District’s public participation programs include mailings, public meetings, and web-based communication. The District’s water conservation program involves a variety of public awareness programs. The District has regularly scheduled Board of Director’s meetings that include extensive public comment on water issues.

The District encouraged public participation through the Citizen’s Advisory Committee meetings as shown on Table 1-2. Also, this table presents a timeline for public participation during the development of the Plan. A copy of the public outreach materials, including paid advertisements, newsletter covers, website postings, and invitation letters are attached in Appendix B.

**TABLE 1-2  
PUBLIC PARTICIPATION TIMELINE**

<b>Date</b>	<b>Event</b>	<b>Description</b>
January 4, 2011 April 12, 2011	Draft UWMP	Citizens Advisory Committee Reviewed Portions of Preliminary Draft and Draft UWMP
May 11, 2011	JBWD Public Meeting	Review contents of Draft UWMP and take comments with Citizens Advisory Committee
May 25, 2011	JBWD Public Meeting	Receive comments on Draft UWMP with Citizens Advisory Committee
June 15, 2011	JBWD Public Hearing	UWMP considered for approval by the JBWD Board

The components of public participation include:

**Local Media**

- Paid advertisements in local newspapers
- Meeting(s) with local editorial boards (which newspapers listed here)

**Community-based Outreach**

- Building Industry Association
- Citizen’s Advisory Committee

**City/County Outreach**

- Meeting with MWA Planning Division
- Meeting with County of San Bernardino

**Public Availability of Documents**

- JBWD website
- District Headquarters
- Local library

**1.3.3 Resources Maximization**

Several documents were developed to enable JBWD to maximize the use of available resources, including the following:

- *JBWD Water Master Plan – revised 2004,*
- *JBWD Groundwater Management Plan - 1996,*
- *Mojave Water Agency 2004 Integrated Regional Water Management Plan (Regional Plan).*



Chapter 3 of this Plan describes in detail the water supply available to JBWD for the 25-year period covered in this Plan. Additional discussion regarding documents developed to maximize resources is included in Section 3.2 and Chapter 5.

## 1.4 Joshua Basin Water District Background

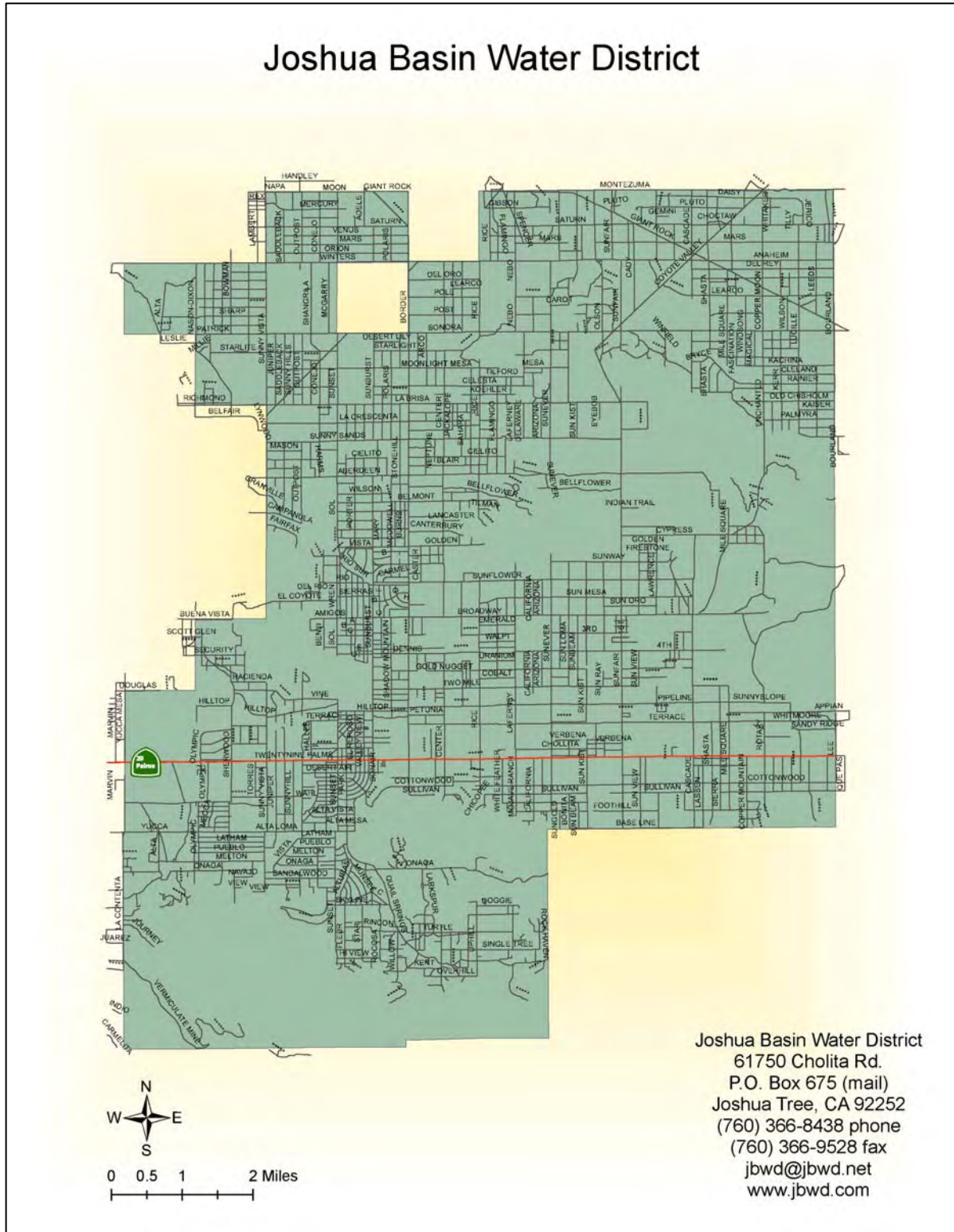
JBWD was formed as a public agency in 1963 when the District purchased and combined several small existing water systems. Today, the District serves more than 4,200 connections in a 100-square mile service area, between Yucca Valley, Twentynine Palms, Joshua Tree National Park and the Twentynine Palms Marine Corps Base. JBWD is one of ten retail water purveyors within MWA's service area that is required to complete an UWMP. MWA is a State Water Project (SWP) contractor that serves an area of 4,900 square miles of the high desert area.

JBWD is situated above the Copper Mountain and Joshua Tree groundwater subbasins. Copper Mountain and Joshua Tree are subbasins in the Morongo area. Together, the groundwater subbasins contain over 600,000 acre-feet (af) of water. JBWD's sole source of water is groundwater from these two basins. The basins are not adjudicated; for that reason there are no deeded rights to withdraw water. Overall management of water resources is the responsibility of JBWD pursuant to the Joshua Basin Water District AB3030 Groundwater Management Plan.

The District has local entitlements to SWP water supplies through cost participation with the MWA Morongo Basin Pipeline Project. Currently, JBWD has an agreement in place with MWA through which JBWD is entitled to up to 1,959 acre-feet per year (afy) of SWP water (depending on the percent of MWA's entitlement that it receives each year from the SWP) until 2022, which they cannot access without the extension of the Morongo Pipeline and construction of recharge facilities that would occur under the JBWD Proposed Recharge Basin and Pipeline Project. SWP water that would be delivered to the JBWD under the Proposed Project would provide some relief of the overdraft condition, eliminate ongoing overdraft by enabling the District to meet current water demands, or provide recharge water by bringing in slightly more water than the demand. The Proposed Project is currently designed and waiting for grant funding so construction can begin.

The service area for JBWD is shown on Figure 1-1.

**FIGURE 1-1  
JBWD SERVICE AREA**



## 1.5 Climate

The Mojave Water Agency maintains a regional network of weather monitoring stations throughout the watershed, which some are funded by MWA and others are provided courtesy of various local and federal government agencies, and citizen observers program. The stations collect various weather data on temperature, precipitation, and evaporation. Rain gages are mostly located within the Mojave Basin Area and the surrounding mountains.

Representative precipitation, temperature, and reference evapotranspiration (ET<sub>o</sub>) data are reported in Table 1-3 for the period 1995 through 2007. Average annual precipitation during the same period was approximately 4 inches.

**TABLE 1-3  
CLIMATE DATA FOR THE JOSHUA BASIN WATER DISTRICT**

	Jan	Feb	Mar	Apr	May	Jun
Standard Monthly Average ET <sub>o</sub> <sup>(a)</sup>	2.2	2.8	5.0	6.6	8.5	9.6
Average Rainfall (inches) <sup>(b)</sup>	0.4	0.4	0.3	0.1	0.1	0.0
Average High Temperature (°F) <sup>(b)</sup>	62	65	72	80	90	100
Average Low Temperature (°F) <sup>(b)</sup>	32	37	40	50	55	65

	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Standard Monthly Average ET <sub>o</sub> <sup>(a)</sup>	9.7	8.9	6.7	4.7	2.8	2.1	69.6
Average Rainfall (inches) <sup>(b)</sup>	0.6	0.7	0.3	0.3	0.3	0.5	4.0
Average High Temperature (°F) <sup>(b)</sup>	105	101	96	85	72	62	83
Average Low Temperature (°F) <sup>(b)</sup>	70	78	62	55	40	31	51

**Notes:**

(a) Average of CIMIS stations from Barstow and Victorville.

(b) <http://www.joshua.tree.national-park.com/weather.htm>

## 1.6 Potential Effects of Global Warming

A topic of growing concern for water planners and managers is global warming and the potential impacts it could have on California's future water supplies. DWR's California Water Plan Update 2009 considers how climate change may affect water availability, water use, water quality, and the ecosystem.<sup>1</sup>

Volume 1, Chapter 5 of the California Water Plan, "Managing an Uncertain Future," evaluated three different scenarios of future water demand based on alternative but plausible assumptions on population growth, land use changes, water conservation and also future climate change might have on future water demands. Future updates will test different response packages, or combinations of resource management strategies, for each future scenario. These response packages help decision-makers, water managers, and planners develop integrated water management plans that provide for resources sustainability and investments in actions with more sustainable outcomes.

<sup>1</sup> Final California Water Plan Update 2009 Integrated Water Management: Bulletin 160.

## 1.7 Other Demographic Factors

Water service is provided to residential, commercial, and some industrial customers and for other uses, such as fire protection and pipeline cleaning.

Over the past decade the Joshua Basin area (along with most of California) experienced significant increases in both single family and multi-family residential construction, as well as in commercial and industrial construction. As the local population has increased, the demand for water has also increased. However, the recent economic downturn, coupled with a three-year dry period during 2007-2010, has reduced demand on what is likely an interim basis.

## 1.8 List Of Abbreviations And Acronyms

The following abbreviations and acronyms are used in this report.

AB	Assembly Bill
ACOE	U.S. Army Corps of Engineers
Act	California Urban Water Management Planning Act
af	acre-feet
afy	acre-feet per year
AWAC	Alliance for Water Awareness and Conservation
AWWA	American Water Works Association
AWWARF	American Water Works Association Research Foundation
BMPs	Best Management Practices
CCF	One Hundred Cubic Feet
CCR	Consumer Confidence Report
CDP	Census Designated Place
CDPH	California Department of Public Health
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CII	Commercial Industrial and Institutional
CIMIS	California Irrigation Management Information System
County	San Bernardino County
CSA	County Service Area
CSD	Community Service District
CUWCC	California Urban Water Conservation Council
CVP	Central Valley Project
DBP	Disinfection by-products
Delta	Sacramento-San Joaquin Delta
District	Joshua Basin Water District
DMM	Demand Management Measures
DOF	California Department of Finance
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources

DWSAP	Drinking Water Source Assessment Program
EC	Electrical conductivity
Edison	Southern California Edison
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ETo	evapotranspiration
Final EIR	Final Environmental Impact Report
gpcd	gallons per capita per day
gpd	gallons per day
gpm	gallons per minute
GWMP	Groundwater Management Plan
HDWD	Hi-Desert Water District
HECW	high efficiency clothes washers
HET	high efficiency toilet
IDM	Improvement District Morongo
JBWD	Joshua Basin Water District
LAFCO	San Bernardino Local Agency Formation Commission
kW	kilowatt
M&I	Municipal and Industrial
MBP	Morongo Basin Pipeline
MCL's	Maximum Contaminant Levels
MCLG	Maximum Contaminant Level Goal
MFR	Multi-Family Residential
mgd	million gallons per day
mg/L	milligrams per liter
MMRP	Mitigation, Monitoring and Reporting Program
MOU	Memorandum of Understanding
MWA	Mojave Water Agency
NPDES	National Pollutant Discharge Elimination System
PCAs	possible contaminating activities
PHG	Public Health Goal
Plan	Urban Water Management Plan 2010
PUC	California Public Utilities Commission
PWSS	Public Water System Statistics
RAP	Remedial Action Plan
RO	Reverse Osmosis
Regional Plan	MWA's 2004 Regional Water Management Plan
RV's	recreational vehicles
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SBx7-7	Senate Bill 7 of Special Extended Session 7
SCAG	Southern California Association of Governments

SD	Sanitation District
SFR	Single Family Residential
SWP	State Water Project
TAC	Technical Advisory Committee
TDS	Total Dissolved Solids
TOC	Total Organic Carbon
ug/L	micrograms per liter
umhos/cm	micromhos per centimeter
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
WAAP	Water Account Assistance Program
WC	water conservation
WCIP	Water Conservation Incentive Program
WIRP	Water Infrastructure Restoration Program
WRF	Water Reclamation Facility
WRP	Wastewater Reclamation Plant

## Section 2: Water Use

### 2.1 Overview

This chapter describes historic and current water usage and the methodology used to project future demands within Joshua Basin Water District's (JBWD's) service area. Water usage is divided into sectors such as residential, industrial, landscape, and other purposes. To undertake this evaluation, existing land use data and new housing construction information were compiled from JBWD. This information was then compared to historical trends for new water service connections and customer water usage information. In addition, weather and water conservation effects on historical water usage were factored into the evaluation.

### 2.2 Population

The 2000 U.S. Census was used to obtain the initial population for the Joshua Tree Census Designated Place (CDP) in the Year 2000 which was 8,137. Population data for Years 2001-2009 were obtained using the following method: the number of service connections added by the District within the year was multiplied by the household size (District provided) to obtain the additional population growth for that year, which is then added to the previous year's population for the resulting revised population. Table 2-1 presents the estimated population from 2000-2009 for JBWD.

**TABLE 2-1  
JBWD CURRENT POPULATION ESTIMATES**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Estimated Household Size <sup>(b)</sup>		2.34	2.34	2.34	2.34	2.34	2.34	2.34	2.34	2.34
Additional Service Connections <sup>(b)</sup>		56	19	46	141	249	250	17	0	1
Estimated Population <sup>(c)</sup>	8,137 <sup>(a)</sup>	8,268	8,313	8,420	8,750	9,333	9,918	9,958	9,958	9,960

**Notes:**

- (a) 2000 Population is from 2000 U.S. Census data for Joshua Basin CDP.
- (b) JBWD provided data.
- (c) Population is calculated as household size times service connections.

Based on the District's assumptions, it is predicted that JBWD's service area will grow at a rate of approximately 1.1 percent per year from 2005 through 2035. Table 2-2 presents projected population estimates calculated using information from Table 2-1 and then the Mojave Water Agency (MWA) forecast demand model to project the population to 2035.



**TABLE 2-2  
JBWD PROJECTED POPULATION ESTIMATES**

<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>	<b>Annual % Change 2005- 2035</b>
9,333	9,969	10,448	11,108	11,551	11,993	12,436	1.1%

Note: (a) Source is MWA's 2010 demand model forecast. Please note that 2010 is from actual data and is not projected.

JBWD is utilizing the same forecast population and demand model that MWA created and used for its 2010 Urban Water Management Plan (UWMP). JBWD is a retail water purveyor within MWA's service area and supplied MWA with the necessary data input for the model for their District. JBWD boundaries are indicated on Figure 1-1 in the previous chapter.

### 2.3 Historic Water Use

Predicting future water supply requires accurate historic water use patterns and water usage records. Figure 2-1 illustrates the change in water demand since 2000. The dramatic drop on 2007 is most likely be caused by the unusual economic downturn of the recent years and the effects of drought and conservation combined.

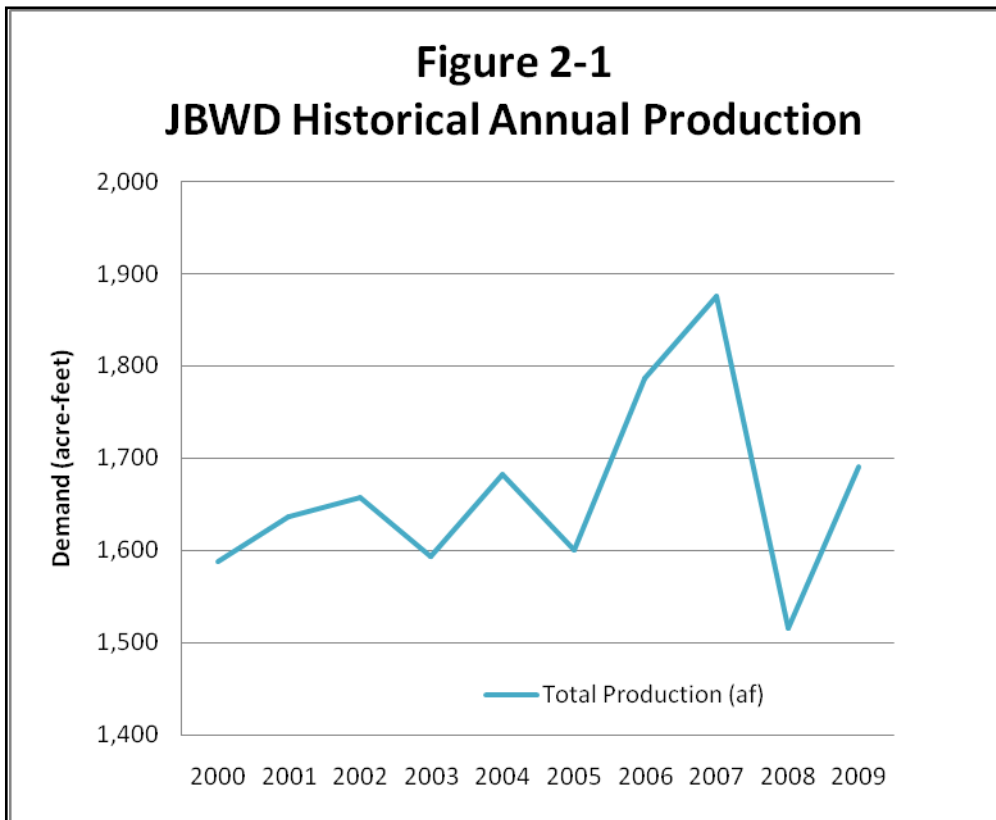


Table 2-3 presents the historical groundwater pumping quantities for the JBWD from 2000 through 2009.

**TABLE 2-3  
ANNUAL GROUNDWATER PRODUCTION FOR JBWD (AF)**

	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
JBWD	1,588	1,636	1,657	1,593	1,683	1,600	1,786	1,875	1,515	1,690

Source: California Department of Water Resources (DWR) Public Water System Statistics (PWSS) data.

## 2.4 Existing and Targeted Per Capita Water Use in JBWD Service area

### 2.4.1 Base Daily Per Capita Water Use for SBx7-7 Reduction

As described in Senate Bill 7 of Special Extended Session 7 (SBx7-7), it is the intent of the California legislature to increase water use efficiency and the legislature has set a goal of a 20 percent per capita reduction in urban water use statewide by 2020. The requirements of SBx7-7 apply to retail water suppliers. Consistent with SBx7-7, the 2010 UWMPs must provide an estimate of Base Daily Per Capita Water Use. This estimate utilizes information on population as well as base gross water use. For the purposes of this UWMP, population was estimated as described in the previous section. Base gross water use is defined as the total volume of water, treated or untreated, entering the distribution system of JBWD, excluding: recycled water; net volume of water placed into long-term storage; and water conveyed to another urban water supplier. This calculation of Base Daily Per Capita Water Use is limited to JBWD’s retail service area (as described in Chapter 1).

The UWMP Act allows urban water retailers to evaluate their base daily per capita water use using a 10 or 15-year period. A 15-year base period within the range January 1, 1990 to December 31, 2010 is allowed if recycled water made up 10 percent or more of the 2008 retail water delivery. If recycled water did not make up 10 percent or more of the 2008 retail water delivery, then a retailer must use a 10-year base period within the range January 1, 1995 to December 31, 2010. Recycled water did not make up 10 percent of the 2008 delivery to the JBWD retail areas and for this reason Base Daily Per Capita Water Use has been based on a 10-year period. In addition, urban retailers must report daily per capita water use for a five year period within the range January 1, 2003 to December 31, 2010. This 5-year base period is compared to the Target Based Daily Per Capita Water Use to determine the minimum water use reduction requirement (this is described in more detail in the following sections). Table 2-4 reports the data used to calculate the Base Daily Per Capita Water Use in gallons per capita per day (gpcd), and the 10-year and 5-year base periods.

**TABLE 2-4  
BASE DAILY PER CAPITA WATER USE**

<b>Base Period Year Sequence</b>	<b>Calendar Year</b>	<b>Distribution System Population</b>	<b>Annual System Gross Water Use (afy)</b>	<b>Annual Daily Per Capita Water Use (gpcd)</b>	<b>10-Year Average (gpcd)</b>	<b>5-Year Average (gpcd)</b>
1	1995	7,638	1,521	178		
2	1996	7,638	1,596	187		
3	1997	8,140	1,658	182		
4	1998	8,174	1,463	160		
5	1999	7,980	1,323	148		
6	2000	8,137	1,588	174		
7	2001	8,268	1,636	177		
8	2002	8,313	1,657	178		
9	2003	8,420	1,593	169		
10	2004	8,750	1,683	172	<b>172.31</b>	
11	2005	9,333	1,600	153	169.85	
12	2006	9,918	1,786	161	167.27	
13	2007	9,958	1,875	168	165.90	<b>164.49</b>
14	2008	9,958	1,515	136	163.51	157.88
15	2009	9,960	1,690	151	163.86	153.84
<b>Period Selected</b>						<b>164</b>

*Note:* Shaded cells show calendar years used in selected 5-year average.

#### 2.4.2 Urban Water Use Targets for SBx7-7 Reduction

In addition to calculating base gross water use, SBx7-7 requires that JBWD identify their demand reduction targets for year 2015 and 2020 by utilizing one of four options:

- Option 1. 80 percent of baseline gpcd water use (i.e., a 20 percent reduction).
- Option 2. The sum of the following performance standards: indoor residential use (provisional standard set at 55 gpcd); plus landscape use, including dedicated and residential meters or connections equivalent to the State Model Landscape Ordinance (80 percent ETo existing landscapes, 70 percent of ETo for future landscapes); plus 10 percent reduction in baseline commercial, industrial institutional use by 2020.
- Option 3. 95 percent of the applicable state hydrologic region target as set in the DWR “20x2020 Water Conservation Plan” (February, 2010) (20x2020 Plan).
- Option 4. Not applicable.

JBWD’s service area is within the Colorado Hydrologic Region (#10) as defined by DWR and this hydrologic region has been assigned a 2020 water use target of 211 gpcd per the DWR 20x2020 Plan. Therefore, in order to use Option 3, JBWD’s daily per capita water use for the 5-year base period would have to be close to 95 percent of the 211 gpcd target (i.e., 200 gpcd), which it is. The calculated base gross water use is well below the 95 percent limit at 164 gpcd. Therefore, to comply with the SBx7-7 ruling, the District selects Option 3 to reduce their Base Daily Per Capita Water Use by 5 percent. This results in the 2020 gpcd target for JBWD to be 156 gpcd as shown in Table 2-5.

**TABLE 2-5  
COMPONENTS OF TARGET DAILY PER CAPITA WATER USE**

<b>Period</b>	<b>Value</b>		<b>Unit</b>	
10-year period selected for baseline gpcd	<i>First Year</i>	1995	<i>Last Year</i>	2004
5-year period selected for maximum allowable gpcd	<i>First Year</i>	2003	<i>Last Year</i>	2007
Highest 10-year Average		172		gpcd
Highest 5-year Average		164		gpcd
Compliance Water Use Target (20% Reduction on 10yr)		138		gpcd
Maximum Allowable Water Use Target (5% Reduction 5yr)		156		gpcd
<b>2020 Target</b>		<b>156</b>		gpcd
<b>2015 Interim Target</b>		<b>160</b>		gpcd
<b>Methodology Used</b>	Option No. 3			

JBWD plans to meet the proposed 20x2020 water use target using the existing methods of conservation that have been working to date for the District and other methods discussed in Section 2.6.2 and Chapter 7 Demand Management Measures.

## 2.5 Projected Water Use

### 2.5.1 Water Use Data Collection

Current water use data were collected and identified by water use sector, to allow for detailed analysis and for making different assumptions about each type of water use for future years. Data was compiled from various sources, depending upon what was available. In addition to water use data, the number of residential service connections was collected to estimate service area population and per capita water use.

For production records, DWR annual PWSS (2009) data were used, if available, because they collect metered water deliveries by customer class and number of connections by customer class. Where DWR data were not available, water production and connection data were gathered from a combination of sources that provided a complete data set, including annual reports to the California Department of Public Health (CDPH), surveys sent to the retail water purveyors by the Alliance for Water Awareness and Conservation (AWAC), and data provided directly from JBWD.

### 2.5.2 Demand Forecast Methodology

JBWD maintains historical data and works closely with property owners and developers in its service area to ensure it has an adequate water supply and the necessary infrastructure to provide water service.

Water uses were broken into five categories, and assumptions were made about each for projections going forward in order to be as accurate as possible. Demand projections were

based largely on population growth. Each category is explained and the assumptions used in the projection model are described below:

1. Single Family Residential (SFR): Single Family detached dwellings. SFR projections were made based upon gpcd and population (gpcd was converted to acre-feet per year (afy) multiplied by yearly SFR population to calculate demand in afy). For years 2000-08, the gpcd was calculated in the model by converting total SFR demand to gallons per day (gpd) and dividing by SFR population. The average of the gpcd in years 2000-08 was the baseline for gpcd projections, and gpcd is assumed to change depending upon the level of conservation that takes place in future years. The projections were made assuming the GPCD remains at the 2008 level (129 GPCD).
2. Multi-Family Residential (MFR): Multi-Family dwellings. MFR projections used the SFR method with the MFR population calculated as total population minus SFR population.
3. Commercial/Institutional/Industrial (CII): Called Commercial/Institutional in the DWR 2009 PWSS, and defined as "Retail establishments, office buildings, laundries, schools, prisons, hospitals, dormitories, nursing homes, hotels" (not intended to include Industrial/Manufacturing). However, JBWD included metered industrial use in with this category, primarily because they do not separate commercial and industrial customers in their billing systems. Industry included in this category is considered "baseline use" because it accounts primarily for smaller industries and shops associated with the local population. Specific major projects that are currently in development stages were included in the projections:
  - Cascade Solar Plant: This proposed facility is to be constructed by 2013 and operate as an 18.5-megawatt solar photovoltaic electricity generation facility on approximately 150 acres. The project site is located east of Lawrence Avenue straddling Broadway in the Sunfair community in the JBWD service area. The project is estimated to have a constant minimum water demand of approximately 2 afy.

A linear regression method was used to determine the relationship between population growth and CII usage and to project forward using linear regression. Future CII demand is correlated to population using the following formula:

$$\text{CII demand} = -49.85 + 0.0295x \quad \text{where } x \text{ is the current population}$$

Because the growth is unpredictable, the model does not assume any conservation in this category.

4. Other: Defined in the DWR 2009 PWSS as "fire suppression, street cleaning, line flushing, construction meters, temporary meters." These uses are assumed to grow with population. Construction water is likely to have varied significantly over the 2000-08 period due to changing rates of growth, so "Other" use is projected to increase in proportion with increases in population based upon the average per-capita use for the period of 2000-08.
5. Unaccounted: Calculated as the difference between total water production and metered deliveries reported by JBWD. From 2000-08, Unaccounted water averaged 13 percent of total municipal production. The makeup of this category is not known; however, based upon conversations with professionals in retail water distribution, it is likely that this difference is comprised of water pumped to waste from production wells, lost to leaks, system flushing, and from meter inaccuracies. With a 2008 baseline,

unaccounted use is projected to increase in proportion with increases in municipal production.

### 2.5.3 Water Supply

JBWD currently has two sources of water supply – groundwater and return flow from pumped ground water not consumptively used. In the near future, they plan to add a third source which is the State Water Project (SWP) imported water via MWA. In the projection model, the SWP supply is expressed as an annual average, although this source of supply can vary significantly from year to year. SWP imports are planned to recharge the groundwater basins; therefore, water management practices render the annual fluctuations in these sources of supply relatively unimportant for water supply planning.

Return flow is calculated as a percent of the water production for each water use category, per the methodology outlined in the MWA “Watermaster Consumptive Water Use Study and Update of Production Safe Yield Calculations for the Mojave Basin Area” completed by Webb Associates in February 2000 (2000 MWA Consumptive Use Study). Return flow factors for each category per the Study are explained below.

All municipal uses (SFR, MFR, CII, Unaccounted, and Other) are assigned a return flow value of 50 percent of production.

Table 2-6 summarizes JBWD’s projected water demands through 2035, with and without conservation using the SBx7-7 requirements discussed previously in Section 2.4. Please note that JBWD’s demand projections are the same with and without conservation.

**TABLE 2-6  
PROJECTED WATER DEMANDS**

	2005	2010	2015	2020	2025	2030	2035
Water Demands <sup>(a)</sup>							
(af)	1,600	1,560	1,877	1,944	2,022	2,099	2,177
GPCD <sup>(b)</sup>							
(No Conservation)	153	140	160	156	156	156	156
SBx7-7 Req'd							
GPCD <sup>(c)</sup>	N/A	165	160	156	156	156	156
SBx7-7 Savings <sup>(d)</sup>							
(af)	N/A	0	0	0	0	0	0
Water Demands w/ Conservation <sup>(e)</sup>	N/A	1,560	1,877	1,944	2,022	2,099	2,177

Source is water production report from JBWD in calendar years and MWA’s 2010 demand model forecast.

**Notes:**

- (a) JBWD’s demand projections without conservation.
- (b) Calculated using the estimated population from Table 2-2.
- (c) See Table 2-5.
- (d) Calculated as the difference between the projected GPCD without conservation and the SBx7-7 Required GPCD times the population.
- (e) JBWD’s demand projections with conservation using the SBx7-7 requirements. Please note that the demands are the same with and without conservation. Also, 2010 data is actual.

Table 2-7 present the current, and projected water deliveries by customer type for JBWD.

**TABLE 2-7  
CURRENT AND PROJECTED WATER DELIVERIES (BY CUSTOMER TYPE) (AF)**

<b>Water Use Sector<sup>(a)</sup></b>	<b>2005</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Metered Single-Family	1,184	1,213	1,512	1,552	1,613	1,673	1,733
Metered Multi-Family	58	84	88	94	97	100	105
Metered Comm/Ind	161	244	258	278	291	304	317
Metered Irrigation	0	0	0	0	0	0	0
Metered Other	0	10	10	11	12	12	12
Unaccounted For/System Losses	197	9	9	9	9	10	10
<b>Total</b>	<b>1,600</b>	<b>1,560</b>	<b>1,877</b>	<b>1,944</b>	<b>2,022</b>	<b>2,099</b>	<b>2,177</b>

*Source* is MWA's 2010 demand model forecast and 2010 deliveries are actual. Also, JBWD's demand projections are the same with and without conservation.

### 2.5.3.1 Low Income Projected Water Demands

Senate Bill 1087 requires that water use projections of a UWMP include the projected water use for single-family and multi-family residential housing for lower income households as identified in the housing element of any city, county, or city and county in the service area of the supplier. The County of San Bernardino's (County) 2007 General Plan last updated its housing element in April 12, 2007. Also, the Draft Joshua Tree Community Plan updated in February 2007 was reviewed. The County's housing element identifies the number (up to the year 2008) and specifies general locations of low income households in the County/Community of Joshua Tree. However, the housing element does not project the number or location of low-income households in the future. For this reason, it is not possible to project water use for lower income households separate from overall residential demand. However, the County will not deny or condition approval of water services, or reduce the amount of services applied for by a proposed development that includes housing units affordable to lower income households unless one of the following occurs:

- the City/County specifically finds that it does not have sufficient water supply,
- the City/County is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections, or
- the applicant has failed to agree to reasonable terms and conditions relating to the provision of services.

## 2.6 Other Factors Affecting Water Usage

A major factor that affects water usage is weather. Historically, when the weather is hot and dry, water usage increases. The amount of increase varies according to the number of consecutive years of hot, dry weather and the conservation activities imposed. During cool, wet years,

historical water usage has decreased, reflecting less water usage for exterior landscaping. This factor is discussed below in detail.

### 2.6.1 Weather Effects on Water Usage

California faces the prospect of significant water management challenges due to a variety of issues including population growth, regulatory restrictions and climate change. Climate change is of special concern because of the range of possibilities and their potential impacts on essential operations, particularly operations of the State Water Project. The most likely scenarios involve accelerated sea level rise and increased temperatures, which will reduce the Sierra Nevada snowpack and shift more runoff to winter months. These changes can cause major problems for the maintenance of the present water export system through the fragile levee system of the Sacramento-San Joaquin Delta. The other much-discussed climate scenario or impact is an increase in precipitation variability, with more extreme drought and flood events posing additional challenges to water managers<sup>2</sup>.

These changes to the SWP water supply would impact JBWD when the District completes the infrastructure required to access its entitlement through the Morongo Pipeline. Climate change would affect how much SWP water is available, when it is available, how it can be captured and how it is used due to changes in priorities. Expected impacts to the SWP imported water supply include pumping less water south of the Delta due to reduced supply, and pumping more local groundwater to augment reductions in surface water supplies and reliability issues since groundwater is a more reliable source of water.

Historically, JBWD's single-family sector use has fluctuated from 113 to 135 gpcd, as shown on Figure 2-2. Between the years 2004 and 2005, there was a large drop in the number of SFR meters that has not recovered at this time. While historically this variation in range of water use was primarily due to seasonal weather variations, with the unusual economic events of recent years and the effects of conservation, weather may not be the only impact on the drop in usage for single family users.

### 2.6.2 Conservation Effects on Water Usage

In recent years, water conservation has become an increasingly important factor in water supply planning in California. Since the 2005 UWMP there have been a number of regulatory changes related to conservation including new standards for plumbing fixtures, a new landscape ordinance, a state universal retrofit ordinance, new Green Building standards, demand reduction goals and more.

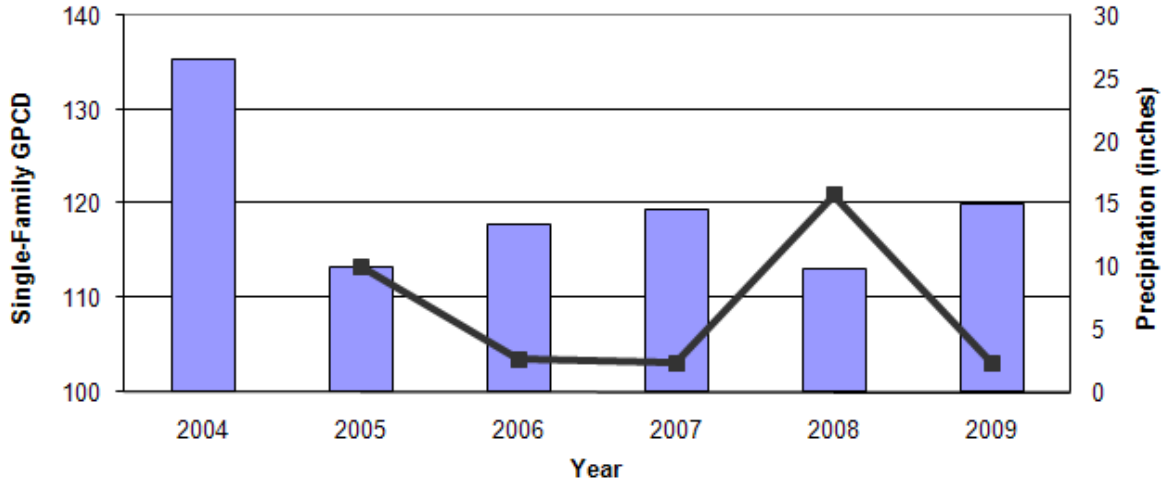
In 2003, JBWD, MWA, and other retail water purveyors in the MWA Service Area formed the AWAC. The mission of the AWAC, a coalition of 25 regional organizations, is to promote the efficient use of water and increase communities' awareness of conservation as an important tool to help ensure an adequate water supply. The AWAC have developed water conservation measures that include public information and education programs and had set a regional water use reduction goal of 15 percent gross per capita by 2015.

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<sup>2</sup> Final California Water Plan Update 2009 Integrate Water Management: Bulletin 160.



**Figure 2-2  
Historical JBWD Single-Family GPCD**



\*Precipitation data is from  
<http://www.wunderground.com/weatherstation/WXDailyHistory.asp?ID=KCAYUCCA6&graphspan=custom&month=1&day=1&year=2007&monthend=1&dayend=1&yearend=2008>.

## Section 3: Water Resources

### 3.1 Overview

This section describes the water resources available to the Joshua Basin Water District (District, JBWD) for the 25-year period covered by the Plan. These are summarized in Table 3-1 and discussed in more detail below. Both currently available and planned supplies are discussed.

**TABLE 3-1  
SUMMARY OF CURRENT AND PLANNED WATER SUPPLIES (AFY)**

<b>Water Supply Source</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
<b>Existing Supplies</b>						
Local Supplies						
Groundwater Production <sup>(a)</sup>	984	98	127	179	211	263
Return Flow <sup>(b)</sup>	576	604	642	668	693	719
<b>Total Existing Supplies</b>	<b>1,560</b>	<b>702</b>	<b>769</b>	<b>847</b>	<b>904</b>	<b>982</b>
<b>Planned Supplies</b>						
Basin Recharge Project - MWA Imported <sup>(c)</sup>	0	1,175	1,175	1,175	1,195 <sup>(d)</sup>	1,195
<b>Total Supplies</b>	<b>1,560</b>	<b>1,877</b>	<b>1,944</b>	<b>2,022</b>	<b>2,099</b>	<b>2,177</b>

Note:

- (a) See Section 3.2.1. Assumes that any reduction in production of groundwater will go directly to assisting the overdrafted groundwater basin.
- (b) The return flow projections are discussed in Section 3.2.2 and are calculated from MWA's demand forecast model as (60 gallons per capita per day x JBWD population x 86%).
- (c) See Section 3.3. MWA supply is assumed to be 60 percent of the 1,959 acre-feet per year (afy) entitlement. After 2022, MWA supply assumed to be from SWP imported water.
- (d) See Section 3.3.3. Assumes MWA will continue supply of 1,959 afy to the Morongo Basin Pipeline.

The JBWD currently has two sources of local water supply – groundwater and return flow from the pumped groundwater not consumptively used. The portion of the groundwater pumped that does not return to the aquifer is referred to as consumptive use. Because in the near future JBWD will add a third supply, which will be the MWA supply of SWP imported water to recharge the groundwater basin, that wholesale supply is also discussed in the following sections.

### 3.2 Local Water Supplies

#### 3.2.1 Groundwater

This section presents information about JBWD's groundwater supplies, including a discussion of the objectives from the adopted 1996 "JBWD Groundwater Management Plan" (GWMP) (1996 GWMP). Also, included is a discussion of the "Groundwater Availability Evaluation Joshua Basin Water District" completed in 2006 by Dudek & Associates (2006 GWMP Update), which evaluated the affects of future pumping by JBWD on the groundwater basin using the United States Geological Survey (USGS) developed groundwater numerical model.

### 3.2.1.1 Groundwater Basin Description

The JBWD service area overlies all or a portion of two groundwater basins as defined by the California Department of Water Resources (DWR) Bulletin 118-03 (DWR 2003). These basins - the Copper Mountain and the Joshua Tree Groundwater Basins - overlie a broad hydrologic region also defined in DWR Bulletin 118-03 as the Colorado River (region 7) hydrologic region and are listed in Table 3-2. Figure 3-1 shows the DWR groundwater basins and the JBWD service area boundary.

**TABLE 3-2  
DWR GROUNDWATER BASINS**

<b>DWR Basin</b>	<b>Groundwater Basin</b>	<b>Budget Type<sup>(a)</sup></b>
7-11	Copper Mountain Valley (Copper Mountain)	A
7-62	Joshua Tree	A

Source: DWR

Note: (a) Type A – either a groundwater budget or model exists, or actual extraction data is available. Type C – not enough available data to provide an estimate of the groundwater budget or basin extraction.

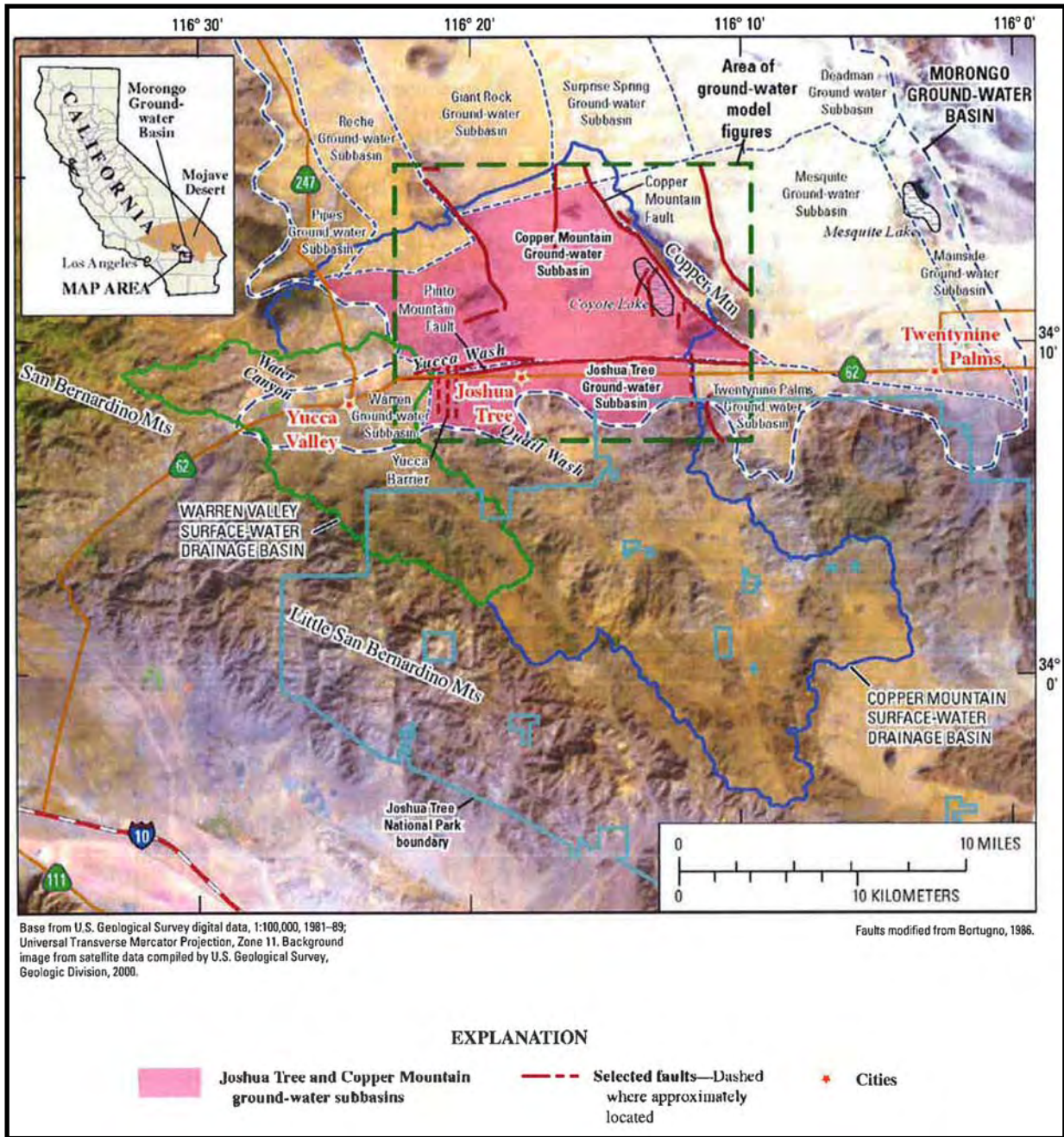
The JBWD supplies water to the community of Joshua Tree from the underlying Joshua Tree and Copper Mountain groundwater basins. The JBWD is concerned with the long-term sustainability of the underlying aquifer in the Joshua Tree basin and has recently constructed production wells in the adjacent Copper Mountain groundwater basin to help meet future demands.

The USGS conducted investigations on groundwater recharge and prepared a finite-difference numerical groundwater model for the JBWD in 2003-4 (Nishikawa et al., 2004). The results of the USGS study indicated that there are three aquifer zones in the Joshua Tree and Copper Mountain basins, but that, in general, the uppermost aquifer zone is the most permeable and has the best water quality. All of JBWD's supply wells are located in the uppermost aquifer.

Groundwater production from the basins has averaged approximately 1,660 afy from 2000-2008 from JBWD. The Joshua Tree basin is in a condition of substantial overdraft. The USGS study concluded that it takes approximately 300 years for the intermittent rainfall typical of the area to infiltrate through arroyo bottoms and reach the water table. However, it is likely the more continuous discharges to septic leach fields reach the groundwater table more rapidly than natural recharge along the arroyo bottoms. The report also presents data demonstrating that the groundwater in the deepest aquifer zone contains arsenic and hexavalent chromium.

The JBWD currently has five (5) water producing wells including Nos. 10, 14, 15, 16, 17. Two of these (Nos. 15 and 16) are in the Copper Mountain basin. The other three as well as the proposed recharge basins are located within the Joshua Tree basin.

**FIGURE 3-1  
JBWD GROUNDWATER BASINS**



### **3.2.1.2 Adopted Groundwater Management Plan**

The California State Legislature passed Assembly Bill 3030 (AB 3030) during the 1992 legislative session allowing local agencies to develop Groundwater Management Plans (GWMPs). The legislation declares that groundwater is a valuable resource that should be carefully managed to ensure its safe production and quality. The legislation also encourages local agencies to work cooperatively to manage groundwater resources within their jurisdiction. Senate Bill 1938 (SB 1938) was passed by the Legislature September 16, 2002 and made changes and additions to sections of the Water Code created by AB 3030.

The District's 1996 GWMP, adopted on February 17, 1997 by Ordinance 97-1, serves as the GWMP for JBWD because it contains all the relevant components related to Groundwater Management Plans in California Water Code Sections 10750-10753.10., as well as the components recommended by DWR in California's Groundwater, Bulletin 118. The GWMP is attached as Appendix C. In 2006, the District prepared a Groundwater Availability Evaluation (2006 Dudek Study), which evaluated the 2004 USGS Evaluation completed by Nishikawa, Izbicki et al. in cooperation with JBWD (USGS Nishikawa et al., 2004). The 2006 Dudek Study shows water needs under various growth scenarios. It was informational and was not adopted as a plan.

As discussed previously, JBWD is presently reliant upon groundwater for all of its water supply requirements. While the District overlies a significant supply of high quality groundwater, the region's arid environment limits the extent to which the groundwater supply is recharged. Since about 1980, the amount of groundwater extracted has exceeded the estimated amount recharged, leading to a condition known as overdraft. Limited or short-term overdraft is not considered a significant threat; however, excessive overdraft can result in significant problems, such as storage capacity reduction, groundwater quality reductions, and even ground surface subsidence. The purpose of the GWMP is to enable the District to manage the area's groundwater supply in a manner that avoids excessive overdraft while simultaneously continuing to provide the present and future residents of its service area with a safe and reliable water supply.

Neither the Joshua Tree nor the Copper Mountain groundwater basin is an adjudicated basin and, as such, there are no deeded rights to withdraw water. Overall management of water resources is the responsibility of the District. The District's 1996 GWMP describes the groundwater basin in detail, and the 2006 Dudek Study estimates existing and future groundwater production rates.

In order to accomplish the overall objective of the GWMP, the District established a number of subsidiary objectives which, when realized, will enable the District to effectively manage groundwater supplies. The District's Management Plan consisted of evaluating and (potentially) adopting a number of management activities, including water conservation measures, groundwater monitoring, groundwater production standards, water export prevention, conjunctive use, groundwater contamination prevention/response, planning agency coordination, and a replenishment assessment.

### 3.2.1.3 Copper Mountain/Joshua Tree Basins

The groundwater basins within the District's service area are bounded by the Ord and Granite Mountains to the north, the Bullion Mountains to the east, the San Bernardino Mountains to the southwest, and the Pinto and Little San Bernardino Mountains to the south.

The groundwater basins are comprised of non-water bearing rock which forms the boundary of the Joshua and Copper Mountain basins. Alluvial sediments including sand, gravel, silt, and clay fill the basins. The depth to crystalline rock comprising the boundaries is estimated by extrapolating between well borings that encounter crystalline rock and by geophysical techniques including gravity anomaly surveys. The porosity of the alluvium is the open spaces between individual grains of sand. Porosity can vary from 15 percent of the total volume of sediment in gravel to 55 percent in clay. Below the water table, the porosity is filled with water.

Specific yield is the term for the amount of water that is released from storage per unit area of aquifer per unit decline in the water table. That is, the amount of water that will drain from an unconfined aquifer as the water table declines. Not all the water filling the porosity will drain. Water touching the grains of the sediment is held in place by electrostatic forces and will not completely drain. Specific yield can range from 0.01 to 0.30. (JBWD, 2005 UWMP)

### 3.2.1.4 Available Groundwater Supplies

Recent historical and projected groundwater pumping for the JBWD service area is summarized in Tables 3-3 and 3-4.

**TABLE 3-3  
JBWD HISTORICAL GROUNDWATER PRODUCTION (AFY)**

	2005	2006	2007	2008	2009
JBWD	1,600	1,560	1,875	1,515	1,690

Source: DWR PWSS Reports by JBWD.

**TABLE 3-4  
JBWD PROJECTED GROUNDWATER PRODUCTION (AFY)**

	2010	2015	2020	2025	2030	2035
JBWD	1,560	1,877	1,944	2,022	2,099	2,177

Note: (a) Groundwater production projections are based on the GPCD remaining at the 2008 level (129 GPCD) of total production projections in the MWA forecast model.

To assist with the Copper Mountain/Joshua Tree subbasins overdraft, the Joshua Basin Recharge Project (see Section 3.3) will create a mechanism for JBWD to make use of MWA imported water via the Morongo Basin Pipeline. Currently, JBWD has an agreement in place with MWA in which JBWD is entitled to up to 1,959 afy of SWP water via the Morongo Basin Pipeline, which they cannot access without the extension of the Morongo Pipeline and construction of recharge facilities that would occur under the proposed Project. The Joshua Basin Recharge Project provides needed recharge into the Copper Mountain/Joshua Tree basins to relieve overdraft conditions.

Table 3-5 summarizes the net average annual water supply estimates for each of the basins that comprise the JBWD service area. The net average water yield of the entire JBWD service

area is about 200 afy as documented in the 2004 USGS Nishikawa et al. Evaluation completed in cooperation with JBWD. This number generally represents the safe or perennial yield of the basins based on varying levels of data as summarized below.

The perennial yields described above are maintained for both a single dry year and multiple dry year scenarios in Table 3-5. Although recharge to the groundwater basin is typically less during dry years, the perennial yield values account for the transient nature of recharge in the groundwater system. Due to the time lag associated between recharge and change in groundwater storage near supply wells, these basins are considered reliable in both dry and wet years if long-term overdraft is avoided.

**TABLE 3-5  
JOSHUA TREE/COPPER MOUNTAIN GROUNDWATER BASINS  
SUPPLY RELIABILITY**

<b>Anticipated Supply</b>	<b>Normal Year (afy)</b>	<b>Single-Dry Water Year (afy)</b>	<b>Multiple Dry Water Year (afy)</b>
Joshua Tree/Copper Mountain <sup>(a)</sup>	200	200	200

Note: (a) USGS Nishikawa et al., 2004.

***Adequacy of Supply***

Until the connection to the Morongo Basin Pipeline is completed (Section 3.3), potable water for the community of Joshua Tree area is supplied entirely by groundwater and return flow not consumptively used. Recent studies conducted by the USGS in 2003-04 have concluded that about 1,600 afy of groundwater is pumped from the underlying basin (Joshua Tree basin). With an inflow estimated at approximately 1,200 afy, the Joshua Tree basin is currently overdrafted each year by approximately 400 acre-feet (af). The proposed recharge basins have been designed to achieve an annual average recharge of approximately 2,000 afy, which is more than what is required to replace the amount that is pumped from the groundwater basin on an annual basis. (JBWD Draft EIR, 2009).

***Sustainability***

For the Joshua Tree/Copper Mountain groundwater basins, ongoing implementation of the proposed Basin Recharge Project and the GWMP will ensure sustainability in the area.

**3.2.2 Return Flow**

A portion of the water pumped from the ground is returned to the groundwater aquifer and becomes part of the available water supply; this is defined as the return flow. For example, much of the water applied to septic systems and irrigation percolates back to the groundwater aquifer. The portion of the groundwater pumped that does not return to the aquifer is referred to as consumptive use.

Return flow shown in Table 3-1 is calculated as (60 gallons per capita per day GPCD) x (JBWD population) x (86%), as estimated in MWA’s computer forecast model. Return flow factors were



explained previously in Chapter 2 and averaged approximately 50 percent of the production flow.

### 3.2.3 Potential Supply Inconsistency

Because water use within the JBWD service area is supplied entirely by groundwater, JBWD does not have any inconsistent water sources that cause reduced deliveries to users within the service area. A potential exception is areas where water quality could limit use as a potable supply. Wellhead treatment or provision of an alternative supply would be planned for these areas. While many of the sources that recharge the groundwater basin have high annual variability, including flows on the Mojave River and supplies from the State Water Project, the groundwater basins used within the JBWD service area are sufficiently large to allow for continued water use during dry periods without seriously hindering the water supply (JBWD 2005 UWMP). In addition, MWA recharge of SWP supplies into the local groundwater basins will augment and maintain overall groundwater supplies.

## 3.3 Planned Wholesale Water Supplies

### 3.3.1 Imported Water Supplies

Currently, JBWD has an agreement in place with MWA (called the Improvement District Morongo (IDM) agreement, discussed in Section 3.3.3), in which JBWD is entitled to up to 1,959 afy of SWP water until the year 2022, which they cannot access without the extension of the Morongo Pipeline and construction of planned recharge facilities. SWP water will be brought to the area via the 71-mile long Morongo Basin Pipeline (MBP), which conveys SWP water from the California Aqueduct in the Mojave River watershed to the Hi-Desert Water District (HDWD) and JBWD service areas. Voters approved the financing plan for the \$54 million MBP project by more than a two-thirds vote in June 1990.

In 1991, when the IDM Agreement was signed by MWA and JBWD, MWA had a SWP Table A entitlement of 50,800 afy. Of this amount, one seventh (or 7,257 afy) was assigned to Division 2 Improvement District M, the designated service area for the MBP. JBWD was assigned 1,959 afy of this amount. The agreement provides that MWA may deliver additional SWP water to MBP project participants when water is available, subject to pipeline capacity. This may be delivered to the retail customers; however, there is no guaranteed contractual amount. The JBWD has a contract in place under the provisions of the MBP agreement for delivery until 2022. After 2022, JBWD will rely on MWA to provide the necessary imported water (see Section 3.3.3).

The Joshua Basin District Recharge and Pipeline Project will create a mechanism for the JBWD to make use of SWP water via the Morongo Basin Pipeline. The JBWD is part of Improvement District M and therefore is paying a share of the debt associated with the construction of the Morongo Pipeline facilities. The project is just beginning construction and is expected to provide recharge of 1,000 afy into the Joshua Tree Basin in 2012.

As part of its long-term groundwater management plan, the District will construct a new Water Recharge Facility (WRF). The WRF will provide the District with the ability to recharge its underlying groundwater basin at an average annual rate of 2,000 afy. (The maximum design



rate is 4,000 afy; the average is 2,000 afy.) Raw water will be supplied to the WRF through a new 16-inch transmission pipeline (approximately 23,650 linear feet) connecting to the existing Mojave Water Agency Morongo Pipeline in the vicinity of Yucca Mesa Road and Barron Drive, located along the boundary of the District's service area. The WRF will be constructed on an approximate 30-acre parcel located one-quarter mile east of the intersection of Sunburst Street and Verbena Road, in Joshua Tree, California. As described above, water will come from the SWP through MWA.

The proposed WRF is to be comprised of four to six (actual number of basins to be determined based on final design) individual percolation basins, with associated flow control and on-site distribution facilities. The site will be landscaped and bermed. Appropriate security fencing and monitoring will be included, with remote monitoring through District's existing SCADA system. The percolation facilities will be designed to facilitate regular operation and maintenance of the WRF. The recharge site will have a monitoring well that has already been installed. Design of the site will provide drivable access around each pond, and provide protection for the monitoring well.

The pipeline will be located on the southerly boundary of the State Route 62 right-of-way, between Yucca Mesa Road and Sunset Road. The alignment will continue north in Sunset Road to Chollita Road, turning east along Chollita Road to Sunburst Street. Continuing north in Sunburst Street, the alignment turns east on Verbena Road, ending at the proposed Water Recharge Facility site at the terminus of Verbena Road.

The project is in final design and awaiting funding primarily from Proposition 84 and the federal government to construct the project. Construction is expected to take about a year, with completion expected in mid-2012 if funding of Proposition 84 funds are secured; later if other grant funds are needed.

SWP water that is to be delivered to the JBWD under the proposed project will provide some relief of the overdraft condition, eliminate ongoing overdraft by enabling the District to meet current water demands, and provide recharge water (the amount in excess of local demand).

The term "dry" is used throughout this chapter and in subsequent chapters concerning water resources and reliability as a measure of supply availability. As used in this Plan, dry years are those years when supplies are the lowest, which occurs primarily when precipitation is lower than the long-term average precipitation. The impact of low precipitation in a given year on a particular supply may differ based on how low the precipitation is, or whether the year follows a high-precipitation year or another low-precipitation year. For the Mojave Water Agency (MWA), which will be the wholesaler for JBWD of imported State Water Project (SWP), a low-precipitation year may or may not affect supplies, depending on how much water is in SWP storage at the beginning of the year. Also, dry conditions can differ geographically. For example, a dry year can be local to the JBWD service area (thereby affecting local groundwater replenishment and production), local to northern California (thereby affecting SWP water deliveries), or statewide (thereby affecting both local groundwater and the SWP). When the term "dry" is used in this Plan, statewide drought conditions are assumed, affecting both local groundwater and SWP supplies at the same time.

### 3.3.2 MWA Water Supply Reliability

In an effort to assess the impacts of these varying conditions on SWP supply reliability, the DWR issued its “State Water Project Delivery Reliability Report 2009” (2009 SWP) update in August 2010. The Report assists SWP contractors in assessing the reliability of the SWP component of their overall supplies.

The updated analyses in the 2009 SWP Report indicate that the SWP, using existing facilities operated under current regulatory and operational constraints and future anticipated conditions, and with all contractors requesting delivery of their full Table A amounts in most years, could deliver 60 percent of Table A amounts on a long-term average basis.

The delivery percentages used for SWP imported water for each of the above conditions were taken from DWR’s Report based on the 82-year average, 1977, and the 1931-1934 average, for the average year, single-dry year, and multiple-dry year conditions, respectively. The delivery percentages are detailed in Table 3-6 for JBWD’s entitlement through MWA’s imported SWP water.

**TABLE 3-6  
JBWD IMPORTED WATER SUPPLY RELIABILITY:  
SINGLE-DRY YEAR AND MULTIPLE-DRY YEAR CONDITIONS**

Wholesaler	Average/ Normal Year <sup>(a)</sup>	Single-Dry Year <sup>(b)</sup>	Multiple-Dry Year <sup>(c)</sup>
<i>California State Water Project (SWP)</i>			
2010			
% of Table A Amount Available	60%	7%	34%
Anticipated Deliveries (afy)	1,175	137	666
2030			
% of Table A Amount Available <sup>(d)</sup>	61%	11%	35%
Anticipated Deliveries (afy)	1,195	215	686

**Notes:**

- (a) The percentages of Table A amount projected to be available are taken from Table 6.4 and 6.13 of DWR's State Water Project Delivery Reliability Report 2009 (August 2010). Supplies are calculated by multiplying JBWD's entitlement amount of 1,959 af by these percentages.
- (b) Based on the worst case historic single dry year of 1977.
- (c) Supplies shown are annual averages over four consecutive dry years, based on the worst-case historic four-year drought of 1931-1934.
- (d) See Table 6.13 in DWR's SWP 2009 Report. After 2022, when the IDM agreement finishes, it is assumed that MWA will provide necessary supply to JBWD. Refer to Table 3-1 in Chapter 3.

The DWR analyses projected that the SWP deliveries during multiple-dry year periods could average about 34 to 35 percent of Table A amounts and could drop as low as 7 to 11 percent during an unusually dry single year. Table 3-6 summarizes the estimated SWP supply availability during a single-dry or critical year in 2010, as defined by the Sacramento River Index, the SWP will be able to supply an average of 137 afy to JBWD through MWA. Similarly in 2010, during a multiple-dry year period (1931-1934), JBWD’s entitlement through the MWA supply is estimated at 666 afy.

The values shown in Table 3-6 cover the period 2009 – 2029 based on the DWR estimates at the 2009 level for the current conditions and at the 2029 level for future conditions. Therefore, in

a single-dry or critical year in 2035, the SWP will be able to supply an average of 215 af to JBWD through MWA. Similarly in 2035, during a multiple-dry year period, JBWD's entitlement through MWA's SWP supply is estimated at 686 afy.

### 3.3.3 MWA Continued Supply After IDM Agreement

The supply listed in Table 3-1, assumes that MWA will continue to supply a percentage of the entitled 1,959 afy to the Morongo Basin Pipeline after JBWD's existing contract with MWA expires in 2022 (Appendix D). After the IDM Agreement has expired, MWA will allocate SWP water to meet customer demands in the IDM area in a manner consistent with its universally applied SWP allocation policies. It is reasonable to assume that policies will be similar to the allocation methods MWA has used during the last few years (i.e. shortages will be shared by all MWA customers during dry periods and SWP supplies allocated according to customers' proportionate share of historic deliveries).

MWA has done extensive research and analysis in preparation of regional water demand projections for its 2010 UWMP, and has collaborated with the Technical Advisory Committee (TAC) to the MWA and its participants, including participants in the IDM Agreement, throughout the development of the projections. Draft regional projections indicate that total water supplies available to MWA, including local supplies and imported supplies from the SWP, will be sufficient to meet total water demands beyond the year 2035.

Based upon the projections prepared for MWA's **Draft** 2010 UWMP, it is anticipated that SWP supplies available to MWA will be sufficient to meet customer demands for imported water supplies through the year 2035, if local groundwater storage programs are used to buffer against short-term reductions or disruptions in supply.

## 3.4 Transfers, Exchanges, and Groundwater Banking Programs

In addition to SWP water supplies and groundwater, MWA is currently exploring opportunities to purchase water supplies from other water agencies and sources. Transfers, exchanges, and groundwater banking programs, such as those described below, are important elements to enhancing the long-term reliability of the total mix of supplies currently available to meet the needs.

### 3.4.1 Transfers and Exchanges

An opportunity available to JBWD to increase water supplies is to participate in voluntary water transfer programs. Since the drought of 1987-1992, the concept of water transfer has evolved into a viable supplemental source to improve supply reliability. The initial concept for water transfers was codified into law in 1986 when the California Legislature adopted the "Katz" Law (California Water Code, Sections 1810-1814) and the Costa-Isenberg Water Transfer Law of 1986 (California Water Code, Sections 470, 475, 480-483). These laws help define parameters for water transfers and set up a variety of approaches through which water or water rights can be transferred among individuals or agencies.

According to the California Water Plan Update 2009, up to 27 million afy of water are delivered for agricultural use every year. Over half of this water use is in the Central Valley, and much of it

is delivered by, or adjacent to, SWP and Central Valley Project (CVP) conveyance facilities. This proximity to existing water conveyance facilities could allow for the voluntary transfer of water to many urban areas, including JBWD, via the MWA and imported SWP. Such water transfers can involve water sales, conjunctive use and groundwater substitution, and water sharing and usually occur as a form of spot, option, or core transfers agreement. The costs of a water transfer would vary depending on the type, term, and location of the transfer. The most likely voluntary water transfer programs would probably involve the Sacramento or southern San Joaquin Valley areas.

One of the most important aspects of any resource planning process is flexibility. A flexible strategy minimizes unnecessary or redundant investments (or stranded costs). The voluntary purchase of water between willing sellers and buyers can be an effective means of achieving flexibility. However, not all water transfers have the same effectiveness in meeting resource needs. Through the resource planning process and ultimate implementation, several different types of water transfers could be undertaken.

### 3.4.2 Opportunities for Short and Long-Term Transfers and Exchanges

Since JBWD is a retailer within the MWA service area, its transfer and exchange opportunities are somewhat limited. However, MWA has, on behalf of JBWD and all its retailers, participated in significant SWP Table A transfers and exchanges, thus augmenting local water supplies. It is assumed that MWA will continue to participate in such programs.

### 3.4.3 Groundwater Banking Programs

With recent developments in conjunctive use and groundwater banking, significant opportunities exist to improve water supply reliability for JBWD. Conjunctive use is the coordinated operation of multiple water supplies to achieve improved supply reliability. Most conjunctive use concepts are based on storing groundwater supplies in times of surplus for use during dry periods and drought when surface water supplies would likely be reduced.

Groundwater banking programs involve storing available SWP surface water supplies during wet years in groundwater basins in, for example, the San Joaquin Valley. Water would be stored either directly by surface spreading or injection, or indirectly by supplying surface water to farmers for their use in lieu of their intended groundwater pumping. During water shortages, the stored water could be pumped out and conveyed through the California Aqueduct through MWA to JBWD as the banking partner, or used by the farmers in exchange for their surface water allocations, which would be delivered to JBWD via MWA as the banking partner through the California Aqueduct. Several conjunctive use and groundwater banking opportunities are available to JBWD.

MWA has its own conjunctive use program to take advantage of the fact that the available MWA SWP supply on average is still greater than the demand in the service area. MWA is able to store this water for future use when SWP supplies are not available. This activity also allows MWA to take advantage of wet year supplies because of the abundant groundwater storage available in the Basins. In 2006, MWA adopted a "Water Banking Policy" to guide the Agency in determining where water will be "banked". Banking targets (maximums) were established for each groundwater basin where banking may occur under this Policy to prioritize where available

water will be banked. The targets are generally based on the calculation of three times the non-agricultural water demand (production) within the Subarea.

As of January 2011, the nearby water agency HDWD had over 17,000 af of water banked in the Warren Valley groundwater basin, which was excess SWP that it had purchased from MWA. This is a good example of an option that is also available to JBWD once the Recharge and Pipeline Project is completed.

### 3.5 Development of Desalination

The California UWMP Act requires a discussion of potential opportunities for use of desalinated water (Water Code Section 10631[ij]). JBWD has evaluated opportunities for using desalinated water in future supply options. However, at this time, none of the opportunities is practical or economically feasible for JBWD, and JBWD has no current plans to pursue them. Therefore, desalinated supplies are not included in the supply summaries in this Plan. However, should a future opportunity emerge for JBWD to consider development of desalination, these potential future supply opportunities are described in the following section, including opportunities for desalination of brackish water, groundwater, and seawater.

#### 3.5.1 Opportunities for Brackish Water and/or Groundwater Desalination

As discussed in Chapter 5, the groundwater supplies in the JBWD service area are not considered brackish in nature, and desalination is not required. There are brackish supplies near the dry lakes but it is not practical to pump, treat and potentially induce migration of better quality water to the dry lake areas and potentially cause subsidence. However, JBWD and MWA (a SWP contractor) could team up with other SWP contractors and provide financial assistance in construction of other regional groundwater desalination facilities in exchange for SWP supplies. The desalinated water would be supplied to users in communities near the desalination plant, and a similar amount of SWP supplies would be exchanged and allocated to JBWD/MWA from the SWP contractor. A list summarizing the groundwater desalination plans of other SWP contractors is not available; however, JBWD would begin this planning effort should the need arise.

In addition, should an opportunity emerge with a local agency other than an SWP contractor, an exchange of SWP deliveries would most likely involve a third party, such as MWA. Most local groundwater desalination facilities would be projects implemented by other retailers of SWP contractors and, if an exchange program was implemented, would involve coordination and wheeling of water through the MWA contractor's facilities to JBWD.

#### 3.5.2 Opportunities for Seawater Desalination

Because the District is not in a coastal area, it is neither practical nor economically feasible for JBWD to implement a seawater desalination program. However, similar to the brackish water and groundwater desalination opportunities described above, JBWD could provide financial assistance to other retailers and/or team with MWA to provide financial assistance in the

construction of other retail water purveyor's seawater desalination facilities in exchange for SWP supplies.

## Section 4: Potential Recycled Water

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### 4.1 Wastewater

The San Bernardino Local Agency Formation Commission's (LAFCO's) January 2011 report stated that the Joshua Tree community area is located within the Colorado River Water Basin and regulated by the Colorado River Regional Water Quality Control Board (Regional Board). The regulating document for this region is the Water Quality Control Plan that was adopted by the Regional Board in 1993 and last amended in November 2002. The Regional Board is currently in the process of developing and updating various regulatory requirements concerning urban runoff, septic systems, groundwater and surface waters in their jurisdiction.

#### 4.1.1 Wastewater Authorization

In response to the regional discharge requirements, in 2006 the District requested that the Commission authorize it to have the "Wastewater" function. In 2007 the Commission authorized the District the "Wastewater" function but limited the services of that function to operation of wastewater package treatment plants and planning and engineering related to regional wastewater service (LAFCO 3074). LAFCO staff and the Commission did not believe that the wastewater function and service should include the ability to operate a regional wastewater facility at that time. Further consideration by the Commission is required for the District to expand the services to include the actual provision of collection, treatment and disposal of wastewater.

The Regional Board has adopted waste discharge requirements which have resulted in the requirement for installation of package treatment plants for developments approved within the District's boundaries and in other areas under its jurisdiction. In 2009 the District adopted a Wastewater Treatment Strategy in order to plan for a long-term and regional approach to protecting the groundwater. The strategy identifies 7,000 parcels in one-third of the District (35 square miles), mostly along Twentynine Palms Highway, where densities are currently zoned at levels that requires new development to provide wastewater treatment.

The District actively provides retail water service to residential and commercial customers (no agricultural use is reported) and is authorized to operate wastewater package treatment plants that are limited to a specific area.

### 4.2 Wastewater Generated Within JBWD

In 2010, the District had approximately 4,500 water connections. The District's wastewater strategy does not require any current customers to connect to a wastewater system in the foreseeable future unless mandated by some other agency with authority such as the State of California or the Regional Board.



#### 4.2.1 Planned Improvements and Expansions

Most new construction in the JBWD service area is spread throughout the District and not concentrated in a way that would enable economical use of a central wastewater treatment plant. Recognizing this, the District's wastewater strategy is to require new development with more than 15 equivalent dwelling units (edu's) within the wastewater zone to install package wastewater treatment plants that will be owned and operated by the District. The effluent from the package plants will be disposed of by percolation to the ground, similar to septic tanks. These package plants may be combined as newer ones are constructed. New development will also pay a capacity fee for a central wastewater treatment plant that will eventually be constructed when it is economically viable to do so. The wastewater zone comprises about 35 of the 96 square miles of the District boundaries. It is anticipated that current development will not be required to connect to a wastewater treatment plant unless mandated by future local, state, or federal requirements.

#### 4.2.2 Source Water Flow

Within the JBWD service area, there is currently no recycled water source. The only potential source for recycled water would be wastewater flow from any new development in the JBWD service area that could be treated to become recycled water if and when JBWD constructs a central wastewater treatment plant. This is not likely to occur in the near future.

### 4.3 Recycled Water Demand

JBWD has no source of recycled water and has not developed plans for serving recycled water within their service area.

#### 4.3.1 Potential Users

Potential recycled water demand has not yet been evaluated by JBWD at this time.

#### 4.3.2 Methods to Encourage Recycled Water Use

If and when JBWD develops a future recycled water delivery system, methods to encourage recycled water use, such as financial incentives, will be analyzed at that time.

## Section 5: Water Quality

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### 5.1 Overview

The quality of any natural water is dynamic in nature. This is true for the State Water Project (SWP) water brought into the Morongo area via the Morongo Basin Pipeline. During periods of intense rainfall or snowmelt, routes of surface water movement are changed; new constituents are mobilized and enter the water while other constituents are diluted or eliminated. The quality of water changes over the course of a year. These same basic principles apply to groundwater. Depending on water depth, groundwater will pass through different layers of rock and sediment and leach different materials from those strata. Water quality is not a static feature of water, and these dynamic variables must be recognized.

Water quality regulations also change. This is the result of the discovery of new contaminants, changing understanding of the health effects of previously known as well as new contaminants, development of new analytical technology, and the introduction of new treatment technology. All retail water purveyors are subject to drinking water standards set by the U.S. Environmental Protection Agency (EPA) and the California Department of Public Health (CDPH). Joshua Basin Water District (JBWD, District) extracts water from groundwater basins for delivery. An annual Consumer Confidence Report (CCR) is provided to all residents who receive water from the District. That report includes detailed information about the results of quality testing of the water supplied during the preceding year (CCR, 2009).

Several state, regional and county agencies have jurisdiction and responsibility for monitoring water quality and contaminant sites. Programs administered by these agencies include basin management, waste regulation, contaminant cleanup, public outreach, and emergency spill response.

This section provides a general description of the water quality of both planned imported water and existing groundwater supplies. A discussion of potential water quality impacts on the reliability of these supplies is also provided.

### 5.2 Imported Water Quality

Because in the near future, JBWD will add an imported supply source, which will be the MWA supply of SWP imported water, that wholesale supply is discussed below.

MWA provides imported SWP water to its service area. The source of SWP water is rain and snow from the Sierra Nevada, Cascade, and Coastal mountain ranges. This water travels to the Sacramento-San Joaquin Delta, which is a network of natural and artificial channels and reclaimed islands at the confluence of the Sacramento and San Joaquin rivers. The Delta forms the eastern portion of the San Francisco estuary, receiving runoff from more than 40 percent of the state's land area. It is a low-lying region interlaced with hundreds of miles of waterways. From the Delta, the water is pumped into a series of canals and reservoirs, which provides water to urban and agricultural users throughout the San Francisco Bay Area and Central and Southern California. MWA receives SWP water at four locations off the aqueduct. The fourth

and last turnout is known as the Morongo Siphon (or Antelope Siphon Turnout) and serves the Morongo Basin Pipeline which releases SWP water in the Mojave River near the City of Hesperia and Yucca Valley. In the near future, the Morongo Basin Pipeline will also release SWP water at Joshua Tree for recharge into the JBWD's groundwater basins.

One important property of SWP water is the mineral content. SWP water is generally low in dissolved minerals, such as calcium, magnesium, sodium, potassium, iron, manganese, nitrate, and sulfate. Most of these minerals do not have health based concerns. Nitrate is the main exception, as it has significant health effects for infants; however, the nitrate content of SWP water is very low. Also of significance is the chloride content. Although not a human health risk, chloride can have a negative impact on agricultural activities and regulatory compliance for local sanitation agencies. The chloride content of SWP water varies widely from well over 100 milligrams per liter (mg/L) to below 40 mg/L, depending on Delta conditions.

Data regarding the quantity and quality of SWP water delivered to the MWA service area is readily available from the California Department of Water Resources (DWR). Although the quality of SWP water varies seasonally, for the period between 2005 and 2009 the average total dissolved solids (TDS) concentration has been approximately 269 mg/L for the Morongo area.

### 5.3 Groundwater Quality

The District obtains its groundwater from five wells in the Joshua Tree and Copper Mountain groundwater subbasins, which currently meets all the regulatory requirements.

The JBWD prepared a Final Environmental Impact Report (Final EIR) for the Recharge Basin and Pipeline Project (Project) in September 2009 (Final EIR, 2009). From this report it was shown that the groundwater quality in the Joshua Tree subbasin is good and is a sodium bicarbonate type. With the exception of well odor, color, and turbidity, groundwater quality estimates were derived from well data on the United States Geological Survey (USGS) website. Total dissolved solids (TDS) concentrations ranged from 148 to 248 milligrams per liter (mg/L) and average about 180 mg/L.

### 5.4 Groundwater Protection

The general goal of groundwater protection activities is to maintain the groundwater and the aquifer to ensure a reliable high quality supply. Activities to meet this goal include continued and increased monitoring, data sharing, education and coordination with other agencies that have local or regional authority or programs. JBWD currently operates five (5) groundwater production wells. To increase its groundwater protection activities, JBWD has been taking the following actions.

#### 5.4.1 Water Quality Monitoring

Since 1990, community water systems in California have been providing an Annual Water Quality Report to customers under regulations adopted in 1989 by the CDPH. However, the 1996 amendments to the Federal Safe Drinking Water Act and recently adopted federal regulations now require a "Consumer Confidence Report." In addition, California law now requires a similar report to consumers.

This report must contain information on the quality of water delivered by the system and characterize any risks from exposure to contaminants detected in the drinking water. Contaminant levels have previously had a MCL. The Federal Government has now established a Maximum Contaminant Level Goal (MCLG) for each constituent that has an MCL. The State of California is currently establishing their own Public Health Goal (PHG) for each of the same contaminants. Where the State has not yet set a PHG, the requirement levels noted in the tables on the following pages refer to the federal MCLG.

#### 5.4.2 Wellhead Protection

Since California has not developed a wellhead protection program, the groundwater portion of the Drinking Water Source Assessment and Protection (DWSAP) Program serves as the wellhead protection program for the State since 1999. The Program consists of drinking water source assessment and source water protection elements. For example, activities such as inventory of possible contaminating activities (PCAs) and vulnerability analysis are part of a complete DWSAP that target protecting the water resources.

#### 5.4.3 Identification and Destruction of Abandoned Wells

The presence of abandoned groundwater wells represents a potential hazard to the quality of the groundwater basin. Abandoned and improperly destroyed wells can act as conduits for contaminants to reach drinking water supplies. It is vital for the long-term protection of the basin that abandoned wells be located and destroyed.

While it is the landowner's responsibility to destroy an abandoned well, local water agencies should be proactive about making sure that abandoned wells are in fact destroyed. The destruction of abandoned groundwater wells should be performed in accordance with state standards. California Water Code Section 13750.5 requires that those responsible for the destruction of water wells possess a C-57 Water Well Contractor's License. Whenever a water well is destroyed, a report of completion must be filed with the California DWR within 60 days of the completion of the work. The San Bernardino County (County) Department of Public Health, Division of Environmental Health Services is responsible for permitting and inspecting construction and destruction of wells.

For all functional and abandoned wells, a "well site control zone," the area immediately surrounding the well alternatively referred to as the "wellhead," needs to be established. The purpose of this zone is to provide protection from vandalism, tampering, or other threats at the well site. The size of this zone can be determined by using a simple radius, or an equivalent area. The well site control zone should be managed to reduce the possibility of surface flows reaching the wellhead and traveling down the unprotected casing. CDPH recommends a minimum radius of 50 feet for well site control zones for all public water systems in the state. The Program applies to the abandoned wells as well as functional activities that could potentially lead to "source water contamination" according to EPA regulations.

#### 5.4.4 Hazardous Materials Response

Currently, the local Fire Department handles responses to hazardous materials incidents.

## 5.5 Water Quality Impacts On Reliability

### 5.5.1 Groundwater

The quality of water dictates numerous management strategies a retail water purveyor will implement, including, but not limited to, the selection of raw water sources, treatment alternatives, blending options, and modifications to existing treatment facilities. Maintaining and utilizing high quality sources of water simplifies management strategies by increasing water supply alternatives, water supply reliability, and decreasing the cost of treatment. The source water supplies are of good quality for JBWD. Maintaining high quality source water allows for efficient management of water resources by minimizing costs.

Maintaining the quality of water supplies increases the reliability of each source by ensuring that deliveries are not interrupted due to water quality concerns. A direct result from the degradation of a water supply source is increased treatment cost before consumption. The poorer the quality of the source water, the greater the treatment cost. Groundwater may degrade in quality to the point that it is not economically feasible for treatment. In this scenario the degraded source water is taken off-line. This in turn can decrease water supply reliability by potentially decreasing the total supply and increasing demands on alternative water supplies.

Currently, water quality does not affect water supply reliability in the JBWD service area. Maintaining the current level of quality is vital to maintaining a reliable water supply.

A goal of the JBWD's monitoring program is to detect long-term changes in groundwater quality. This includes detection of poor quality water. By identifying poorer quality water, action can be taken to mitigate the causes of this poorer quality water to help maintain long-term water supply reliability.

## Section 6: Reliability Planning

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### 6.1 Overview

The Act requires urban water suppliers to assess water supply reliability that compares total projected water use with the expected water supply over the next twenty-five years in five year increments. The Act also requires an assessment for a single dry year and multiple dry years. This chapter presents the reliability assessment for Joshua Basin Water District's (JBWD's, District's) service area.

As stated in JBWD's mission statement, the goal of JBWD is to "*provide a high standard of water quality and ... protect the water resources of the District.*" This Plan helps JBWD to achieve this goal even during dry periods based on a conservative water supply and demand assumptions over the next 25 years, as discussed in the following sections.

### 6.2 Reliability of Water Supplies

Each water supply source has its own reliability characteristics. In any given year, the variability in weather patterns around the state may affect the availability of supplies to the JBWD's service area differently. For example, from 2000 through 2002, southern California experienced dry conditions in all three years. During the same period, northern California experienced one dry year and two average years. Typically for water management in southern California local groundwater supplies are used to a greater extent when imported supplies are less available due to dry conditions in the north, and larger amounts of imported water supplies are used during periods when northern California has wetter conditions. This pattern of "conjunctive use" has been in effect since State Water Project (SWP) supplies first came to the Yucca Valley area in 1991 via the Morongo Basin Pipeline. SWP supplies have supplemented the overall supply of the nearby water agency Hi-Desert Water District (HDWD) since the pipeline was constructed but JBWD must complete construction of its Basin Recharge Project before it will be able to take advantage of the SWP supply. To date, JBWD still depends solely on local groundwater supplies.

To supplement these local groundwater supplies, JBWD contracted with the Mojave Water Agency (MWA), which has contracted with the California Department of Water Resources (DWR) for delivery of SWP water, providing an imported water supply to the Joshua Tree/Copper Mountain groundwater basins. While the variability in SWP supplies affects the ability of MWA to meet the overall water supply needs for the service area; for JBWD, the added SWP supply will be recharged into the groundwater basins in wet years and used in place of overdrafting the groundwater basins in dry years, thus providing needed stability to the overdrafted groundwater basins.

As discussed in Section 3.3 of this Plan, each SWP contractor's Water Supply Contract contains a Table A amount that identifies the maximum amount of water that contractor may request. However, the amount of SWP water actually allocated to contractors each year is dependent on a number of factors than can vary significantly from year to year. The primary factors affecting SWP supply availability include hydrologic conditions in northern California, the amount of water

in SWP storage reservoirs at the beginning of the year, regulatory and operational constraints, and the total amount of water requested by the contractors. The availability of SWP supplies to MWA and the other SWP contractors is generally less than their full Table A amounts in many years and can be significantly less in very dry years.

DWR's "State Water Project Delivery Reliability Report 2009" (2009 SWP Reliability Report), issued in August 2010, assists SWP contractors in assessing the reliability of the SWP component of their overall supplies. The Report updates DWR's estimate of the current (2009) and future (2029) water delivery reliability of the SWP. The updated analysis shows that the primary component of the annual SWP deliveries (referred to as Table A deliveries) will be less under current and future conditions, when compared to the preceding report (SWP Delivery Reliability Report 2007).

In the 2009 Report, DWR presents the results of its analysis of the reliability of SWP supplies, based on model studies of SWP operations. In general, DWR model studies show the anticipated amount of SWP supply that would be available for a given SWP water demand, given an assumed set of physical facilities and operating constraints, based on 82 years of historic hydrology. The results are interpreted as the capability of the SWP to meet the assumed SWP demand, over a range of hydrologic conditions, for that assumed set of physical facilities and operating constraints. In these model studies, DWR assumed existing SWP facilities and operating constraints for both the 2009 and 2029 studies. The primary differences between the two studies are an increase in projected SWP contractor demands and an increase in projected upstream demands (which affects SWP supplies by reducing the amount of inflows available for the SWP). DWR presents the SWP delivery capability resulting from these studies as a percent of full contractor Table A amounts, which is 60 percent of Table A as the long-term average supply until 2029, and then 61 percent in 2029 and after. To estimate supply capability in intermediate years between 2009 and 2029, DWR interpolates between the results of those studies.

### 6.3 Average, Single-Dry, and Multiple-Dry Year Planning

Currently, the JBWD has two sources of local water supply –groundwater and return flow from the pumped groundwater not consumptively used. Because in the near future (construction is estimated to start within a year) JBWD will add a third supply, which will be SWP imported water, that wholesale supply is also discussed in the following sections.

These supplies are available to meet demands during average, single-dry, and multiple-dry years. The following sections elaborate on the different supplies available to JBWD during each of the various dry year conditions and what supplies can be expected. Each subsection will explain the criteria used for estimating single-dry and multiple dry supplies that are then used in the comparison tables in Section 6.4.

#### 6.3.1 Local Supplies

The JBWD local water supplies include groundwater and return flow from pumped groundwater not consumptively used. The following subsections discuss how the estimates for each local supply source were derived for average, single-dry and multiple-dry year periods.



### 6.3.1.1 Groundwater

Once the planned recharge project is online in 2015, it is planned that the groundwater basin supply will be used very little so the overdraft condition of the basin can be improved and the recharged water can be used to replenish the groundwater to its natural state. Therefore in a normal/average year, less than 200 afy of supply is expected to be required from the groundwater basin, after 2015.

During dry years, if imported water is not available for recharging the groundwater basin, then the groundwater itself will have to be accessed for supply to meet the demand in those years until the SWP water is once again available. The amount of groundwater required during the dry years is a function of the total demands less the SWP supply and return flow supply.

### 6.3.1.2 Return Flow

As previously discussed in Section 3.2, the return flow is supplied from pumped groundwater not consumptively used, so while the primary source is groundwater, the return flow also includes any wastewater treated effluent discharged into the basin.

In both dry year conditions (single-dry year and multiple-dry years), the return flow supply is assumed to remain 100 percent available because the amount of pumped groundwater will be the same, whether the supply is from the groundwater or from the recharged water. The source will not affect how much water is returned to the basin. This source will remain constant.

## 6.3.2 Planned MWA Imported State Water Project Supply

For this Plan, the availability of SWP supplies to JBWD was estimated by multiplying JBWD's 1,959 afy of entitled water from MWA's Table A amount by the delivery percentages from DWR's 2009 SWP Reliability Report, as discussed previously in Section 3.3.<sup>3</sup>

The delivery percentages used for SWP imported water for each of the above conditions were taken from DWR's Report based on the 82-year average, 1977, and the 1931-1934 average, for the average year, single-dry year, and multiple-dry year conditions, respectively. The delivery percentages are detailed in Table 3-6 for JBWD.

After 2022, assumes that MWA will continue to supply of percentage of the entitled 1,959 afy to the Morongo Basin Pipeline after JBWD's existing contract with MWA expires. Using the SWP projections discussed in Table 3-6, this supply equates to 215 afy for single-dry year of available supply and 686 afy for a multiple-dry year available supply.

Although the 2009 Report presents an extremely conservative projection of SWP delivery reliability, particularly in light of events occurring since its release, because it is based on the most up-to-date modeling by DWR, it remains the best available information concerning the SWP for use in preparing this Plan.

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<sup>3</sup> DWR allotted amounts for MWA are 60% of Table A as the long-term supply until 2029 and then 61% in 2029 and after.

## 6.4 Supply And Demand Comparisons

The available supplies and water demands for JBWD's service area were analyzed to assess the service area's ability to satisfy demands during three scenarios: an average water year, single-dry year, and multiple-dry years. The tables in this section present the supplies and demands for the various drought scenarios for the projected planning period of 2010-2035 in five year increments. Table 6-1 presents the base years for the development of water year data. Tables 6-2, 6-3, and 6-4 at the end of this section summarize, respectively, Average Water Year, Single-Dry Water Year, and Multiple-Dry Year supplies.

**TABLE 6-1  
BASIS OF WATER YEAR DATA**

<b>Water Year Type</b>	<b>Base Years</b>	<b>Historical Sequence</b>
Average Water Year	Average	1922-2003
Single-Dry Water Year	1977	--
Multiple-Dry Water Years	1931-1934	--

### 6.4.1 Average Water Year

Table 6-2 summarizes JBWD's water supplies available to meet demands over the 25-year planning period during an average/normal year, and is 60 percent of Table A as the long-term average supply until 2029, and then 61 percent in 2029 and after. As presented in the table, JBWD's water supply is broken down into existing and planned water supply sources, including wholesale (imported) water and local supplies. Demands are shown with and without the effects of an assumed urban demand reduction (conservation) resulting from Senate Bill 7 of Special Extended Session 7 (SBx7-7) imposed reductions.

### 6.4.2 Single-Dry Year

The water supplies and demands for JBWD's service area over the 25-year planning period were analyzed in the event that a single-dry year occurs, similar to the drought that occurred in California in 1977. Table 6-3 summarizes the existing and planned supplies available to meet demands during a single-dry year. Demand during dry years was assumed to increase by 10 percent.

### 6.4.3 Multiple-Dry Year

The water supplies and demands for JBWD's service area over the 25-year planning period were analyzed in the event that a four-year multiple-dry year event occurs, similar to the drought that occurred during the years 1931 to 1934. Table 6-4 summarizes the existing and planned supplies available to meet demands during multiple-dry years. Demand during dry years was assumed to increase by 10 percent.

#### 6.4.4 Summary of Comparisons

As shown in the analyses above, JBWD has adequate supplies to meet demands during average, single-dry, and multiple-dry years throughout the 20-year planning period. While during dry years, the groundwater basin will continue to be “overdrafted” to meet the supplies due to the lack of imported supplies being available to recharge the basin, the planned imported SWP supply will lessen and offset the “overdraft” as much as possible.

**TABLE 6-2  
PROJECTED AVERAGE/NORMAL YEAR SUPPLIES AND DEMAND (AFY)**

<b>Water Supply Source</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
<b>Existing Supplies</b>						
Local Supplies <sup>(a)</sup>						
Groundwater Production <sup>(b)</sup>	984	98	127	179	211	263
Return Flow	576	604	642	668	693	719
<b>Total Existing Supplies</b>	<b>1,560</b>	<b>702</b>	<b>769</b>	<b>847</b>	<b>904</b>	<b>982</b>
<b>Planned Supplies</b>						
Basin Recharge Project - MWA Imported <sup>(a,c)</sup>	0	1,175	1,175	1,175	1,195 <sup>(d)</sup>	1,195
<b>Total Supplies</b>	<b>1,560</b>	<b>1,877</b>	<b>1,944</b>	<b>2,022</b>	<b>2,099</b>	<b>2,177</b>
<b>Total Adjusted Demand<sup>(e)</sup></b>	<b>1,560</b>	<b>1,877</b>	<b>1,944</b>	<b>2,022</b>	<b>2,099</b>	<b>2,177</b>

Notes:

- (a) Taken from Chapter 3 Water Resources, Table 3-1.
- (b) Assumes that any reduction in production of groundwater will go directly to assisting the overdrafted groundwater basin.
- (c) Assumed to be on-line by 2015. After 2022, MWA supply assumed to be from SWP imported water.
- (d) Assumes MWA will continue supply of 1,959 afy to the Morongo Basin Pipeline.
- (e) Conservation is assumed in demands using SBx7-7. See Chapter 2 Water Use, Table 2-7. 2010 demands and supply are from actual data. The demands are the same with and without conservation because no conservation is required to meet the SBx7-7 requirements.

**TABLE 6-3  
PROJECTED SINGLE-DRY YEAR SUPPLIES AND DEMAND (AFY)**

<b>Water Supply Source</b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
<b>Existing Supplies</b>						
Local Supplies <sup>(a)</sup>						
Groundwater Production <sup>(b)</sup>	984	1,324	1,359	1,419	1,401	1,461
Return Flow	576	604	642	668	693	719
<b>Total Existing Supplies</b>	<b>1,560</b>	<b>1,928</b>	<b>2,001</b>	<b>2,087</b>	<b>2,094</b>	<b>2,180</b>
<b>Planned Supplies</b>						
Basin Recharge Project - MWA Imported <sup>(a,c)</sup>	0	137	137	137	215 <sup>(d)</sup>	215
<b>Total Supplies</b>	<b>1,560</b>	<b>2,065</b>	<b>2,138</b>	<b>2,224</b>	<b>2,309</b>	<b>2,395</b>
<b>Total Adjusted Demand<sup>(e)</sup></b>	<b>1,560</b>	<b>2,065</b>	<b>2,138</b>	<b>2,224</b>	<b>2,309</b>	<b>2,395</b>

**Notes:**

- (a) Taken from Chapter 3 Water Resources, Table 3-1.
- (b) Assumes that during dry years, less water will be recharged using MWA's imported water to assist with the overdrafted groundwater basin and more water will be used from groundwater to supply demands as needed until the recharge supply is available again.
- (c) Assumed to be on-line by 2015. After 2022, JBWD supply assumed to be from MWA imported water.
- (d) Assumes MWA will continue supply of 1,959 afy to the Morongo Basin Pipeline.
- (e) Demands are assumed to increase by 10% during dry years. 2010 demands and supply are from actual data. Conservation is assumed in demands using SBx7-7. See Chapter 2 Water Use, Table 2-7. The demands are the same with and without conservation because no conservation is required to meet the SBx7-7 requirements.

**TABLE 6-4  
PROJECTED MULTIPLE-DRY YEAR SUPPLIES AND DEMAND (AFY)**

<b>Water Supply Source<sup>(a)</sup></b>	<b>2010</b>	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
<b>Existing Supplies</b>						
Local Supplies <sup>(b)</sup>						
Groundwater Production <sup>(c)</sup>	984	795	830	890	930	990
Return Flow	576	604	642	668	693	719
<b>Total Existing Supplies</b>	<b>1,560</b>	<b>1,399</b>	<b>1,472</b>	<b>1,558</b>	<b>1,623</b>	<b>1,709</b>
<b>Planned Supplies</b>						
Basin Recharge Project - MWA Imported <sup>(b,d)</sup>	0	666	666	666	686 <sup>(e)</sup>	686
<b>Total Supplies</b>	<b>1,560</b>	<b>2,065</b>	<b>2,138</b>	<b>2,224</b>	<b>2,309</b>	<b>2,395</b>
<b>Total Adjusted Demand<sup>(f)</sup></b>	<b>1,560</b>	<b>2,065</b>	<b>2,138</b>	<b>2,224</b>	<b>2,309</b>	<b>2,395</b>

**Notes:**

- (a) Supplies shown are annual averages over four consecutive dry years (unless otherwise noted).
- (b) Taken from Chapter 3 Water Resources, Table 3-1.
- (c) Assumes that during dry years, less water will be recharged using MWA's imported water to assist with the overdrafted groundwater basin and more water will be used from groundwater to supply demands as needed until the recharge supply is available again.
- (d) Assumed to be on-line by 2015. After 2022, JBWD supply assumed to be from MWA imported water.
- (e) Assumes MWA will continue supply of 1,959 afy to the Morongo Basin Pipeline.
- (f) Demands are assumed to increase by 10% during dry years. 2010 demands and supply are from actual data. Conservation is assumed in demands using SBx7-7. See Chapter 2 Water Use, Table 2-7. The demands are the same with and without conservation because no conservation is required to meet the SBx7-7 requirements.

## Section 7: Demand Management Measures

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### 7.1 Demand Management

The District plans to continue to implement the traditional demand management measures (DMMs) described below while it explores other locally effective demand management programs as part of the Gallons per Capita per Day (gpcd) option. UWMP targets and methodology for determining population data is included **????**.

#### 7.1.1 DMM 1 – Residential Surveys

A Residential Assistance Checklist was developed and piloted in 2009 to customers who reported high water bills. It includes on-site interior and exterior leak detection, a landscape water survey, and provision of low flow showerheads, aerators and information as appropriate. Application forms for High-Efficiency clothes washer and Water Sense Specification toilet rebates and vouchers are distributed as part of the survey.

Additionally, survey forms are routinely distributed at public workshops and as part of the District’s school education program to obtain current end-user information and facilitate water conservation planning. Table 7-1 summarizes the number of surveys completed by JBWD. A copy of the Residential Assistance Checklist is in Appendix E. Collectively these programs satisfy the requirements of DMM 1.

**TABLE 7-1  
JBWD DMM SUMMARY**

<b>DMM/ Section</b>	<b>Description</b>	<b>Qty provided in 2010</b>	<b>Annual Water Savings (AF)</b>
7.1.1	Residential Surveys	53	
7.1.2	Residential Plumbing Retrofits (Showerhead, kitchen aerator, and bathroom aerator)	34	0.80
7.1.5	Large landscape conservation and incentives – Cash for Grass conversion \$ .50/SF provided by MWA	20,000 Square Feet	2.98
7.1.6	High Efficiency Washing Machine Rebates \$175 rebate provided by AWAC	131	2.38
7.1.9	CII Programs – Commercial Audits	1	6.96
7.1.14	High Efficiency Toilet Vouchers/Rebates \$165 voucher/rebate provided by AWAC	93/69*	3.60/2.67*

**Notes:**

\*Voucher value/Rebate value.

#### 7.1.2 DMM 2 – Residential Plumbing Retrofit

The District’s plumbing retrofit program has two components – a regulatory component and distribution of retrofit kits. JBWD Board Resolution No. 00-618 (Appendix F) has been in place since December 2000, and requires that new commercial and residential development and/or

remodels subject to a building permit install low-water-use plumbing fixtures. The District plans to pursue expansion of the retrofit requirement for Water Account Assistance Program (WAAP) applicants upon sale of each existing home. Beginning in 2014, the California State law requires that homes be retrofitted upon sale.

Plumbing retrofit kits are distributed through the District's school education program which targets approximately 120 families of 5<sup>th</sup> and 6<sup>th</sup>-grade students per year. The kits include low flow showerheads, bathroom aerators, kitchen aerators, a drip gauge, toilet leak detector tablets, a flow rate test bag and supporting information. Table 7-1 summarizes the number of retrofits completed by JBWD.

### 7.1.3 DMM 3 – System Water Audits, Leak Detection and Repair

The District plans to fully implement the American Water Works Association (AWWA) M36 Standard Water Audit methodology in 2011. This approach consists of a component analysis of leaks into “revenue” and “non-revenue” categories, and an economic analysis of recoverable loss. The audits will be conducted annually in compliance with DMM 3.

### 7.1.4 DMM 4 – Metering with Commodity Rates for New Connections and Retrofit of Existing Connections

JBWD regulations include a mandatory hook-up policy for all new customers and the District has no unmetered service connections. All customers are billed monthly by volume of use.

The District has developed a meter census which it is modifying to better define the Commercial, Industrial, and Institutional (CII) customers through the use of a physical audit. The District replaced all meters in 1999 and 2000 and manufacturers' warranties are typically for a 20-year period. Meter testing has historically been performed in response to customer requests, but the District is developing a schedule to test large meters (2-inch diameter and larger) annually, along with a randomized sample of residential meters.

The District plans to study the feasibility of retrofitting mixed-use commercial accounts with dedicated landscape water meters. Dedicated landscape water meters have been required by County Ordinance for all projects with a landscape area equal to or greater than 5,000 since February 2011. Single-family residential connections and certain commercial agricultural properties are exempt.

### 7.1.5 DMM 5 – Large Landscape Conservation Programs and Incentives

Large landscape facilities within the District's sphere of influence are limited to a few institutional properties and a local cemetery. While exempt from most requirements of the State's Water Efficient Landscape Ordinance, the cemetery is interested in reducing landscape water use and the District has assisted them with a landscape irrigation audit and plans to offer requested turf removal incentives. The District plans to assist a community college facility (previously served by a private well) to reduce water use on an expansion of their property with the addition of

sports fields and will offer similar assistance to other facilities if cost-effective. Table 7-1 summarizes the “Cash for Grass” conversion completed by JBWD.

Additionally, the District is working with regional partners to install a California Irrigation Management Information System (CIMIS) station that will provide evapotranspiration (ETo) information for the purpose of developing landscape water budgets and irrigation scheduling information. Currently the nearest CIMIS station is approximately 60 miles away.

#### 7.1.6 DMM 6 – High Efficiency Washing Machine Rebate Program

The District has participated in the Mojave Water Agency’s rebate program since it began in February 2008 and plans to continue to participate while funding is available. Table 7-1 summarizes the number of High Efficiency Washing Machine Rebates completed by JBWD.

#### 7.1.7 DMM 7 – Public Information Programs

The District recognizes the continued need for a public information program to maintain and increase the public’s awareness of water and the need to use it wisely. The District promotes water conservation to the public through its monthly *Waterline Reports*, new website with water conservation tips (<http://www.jbwd.com/>), the newly completed Water Wise Demonstration Gardens, Water Wise Landscape design templates, a variety of brochures, public workshops and speaking engagements.

#### 7.1.8 DMM 8 – School Education Programs

The Board of Directors of the Joshua Basin Water District authorized District staff to initiate a School Education Program developed by the Resource Action Program in 2009. The program is offered to fifth and sixth grade instructors at Joshua Tree’s two elementary schools, Joshua Tree Elementary and Friendly Hills and targets approximately 120 students.

The program provides tools for children to reduce the use of water (plus gas and electricity) at their homes and to measure the savings. Children in the 5<sup>th</sup> grade receive a kit containing a high efficiency showerhead, kitchen aerator, bathroom aerator, drip gauge, flow-rate test bag, and similar materials. Results are determined from survey forms and standard water savings estimates. A copy of the *JBWD WaterWise Program Summary Report 2009-2010* is included in Appendix E.

#### 7.1.9 DMM 9 – Commercial, Industrial and Institutional (CII) Programs

The District’s service area historically is a residential community with very few commercial and institutional customers. Recent residential and supporting commercial growth is very slowly changing the customer makeup and the District has initiated a survey program to facilitate planning for its CII program. Table 7-1 summarizes the commercial audits completed by JBWD.

The District has retained the services of a water efficiency consultant, The Bollinger Consulting Group, to assist in the development and implementation of these programs as they become economically feasible. Currently, commercial/industrial/institutional programs have been limited to incentive programs to retrofit with ultra low-flow toilets. Additionally the District is working with



a local hospital to reduce water use through its cooling towers, and additional programs will be added as survey information is analyzed. A copy of the completed Water Use Surveys are included in Appendix E.

#### 7.1.10 DMM 10 – Wholesale Assistance

The District will continue to work cooperatively with Mojave Water Agency to participate in regional DMM programs, informational groups and projects, determination of the most cost-effective DMMs, and tailoring programs specific to the District. Historically, those programs have included a Water Conservation Incentive Program (WCIP) offering rebates and vouchers for ultra-low flow toilets and washing machines, provision of low-flow nozzles and showerheads, and public education workshops and informational brochures. Many of these services are described in the Alliance for Water Awareness and Conservation website (<http://www.hdawac.org/>).

#### 7.1.11 DMM 11 – Conservation Pricing

The District has meters for each customer and charges a volumetric rate for water use. In 2004, the District implemented a tiered rate structure that charges customers an increased price as water usage increases. This resolution, which was updated in 2007, is attached as Appendix G. By charging each customer a tiered rate for the volume of water used, the District encourages customers to reduce water use and therefore the amount paid for water. This rate system meets the DMM 11 requirements using the option 1 adequacy formula. The District is currently at 56% for year two of a phased implementation plan, and will incorporate the BMP requirements into a rate study scheduled for 2011. The District does not provide wastewater service; the service area relies on septic tanks and recently approved package treatment plants for wastewater disposal.

#### 7.1.12 DMM 12 – Conservation Coordinator

This DMM consists of designating a water conservation coordinator among the staff of the District or hiring a new person or consultant to serve in that capacity. In general, it is felt that having a designated coordinator helps improve the effectiveness of a water agency's conservation efforts. Depending upon the scope of the program and size of the District, along with other staffing demands, these duties can be a part- or full-time responsibility.

In 2007, the District obtained the services of a water conservation consultant, Bollinger Consulting Group, to serve as an as-needed role for water conservation issues. Together with the General Manager and his staff, they work together to coordinate conservation programs and implementation, as well as communicate and promote water conservation issues to the District Board, local developers, and the community at large. The District's current sharing of these duties meets the requirements of DMM 12.

#### 7.1.13 DMM 13 – Water Waste Prohibition

Joshua Basin Water District staff participated in the development of a regional Model Landscape Ordinance as part of the Alliance for Water Awareness and Conservation (AWAC)

landscape committee. The Ordinance includes water waste prevention provisions for existing landscapes in Section 10, and Prohibited Water Uses and Water Waste in Section 12. While many provisions are intended to be applied to new development, JBWD is reliant on San Bernardino County to enforce the landscape ordinance through their permitting process. A new County ordinance with many similar provisions went into effect countywide in February 2011.

Additionally, the District's Urban Water Management Plan (UWMP) includes a Water Shortage Contingency Plan which includes specific use restrictions and prohibitions discussed in Section 8. The District is exploring further water waste prohibitions consistent with regional efforts. Collectively, these measures meet the requirements of DMM 13.

#### 7.1.14 DMM 14 – Residential High Efficiency Toilet (HET) Replacement Programs

The District requires compliance with state regulations for water efficient devices in new construction, per the Uniform Building code. Retailers in California are generally required to provide only high water efficiency toilets and appliances.

In 2006, the Mojave Water Agency also implemented a High Efficiency Toilet (HET) Voucher program in the area. The program allows District customers to submit an application to the Mojave Water Agency to receive a voucher that can be used at local retailers, or to receive a rebate for purchase of conforming toilets. The District will continue to participate in the voucher/rebate program while funding is available. Table 7-1 summarizes the number of HET vouchers and rebates completed by JBWD.

The District was exploring the addition of a retrofit requirement for re-sale of a residence, however, as previously noted, the State of California has enacted legislation to require retrofit upon sale in 2014. This program meets the requirements of DMM 14.

#### 7.1.15 Additional Data

JBWD's Board of Directors directed the implementation of the Best Management Practices (BMPs) in June 2009 and programs began that year with the exception of the AWAC funded rebate and voucher programs (BMPs 6 and 14), which began in ????. Since then the District adopted the gpcd compliance option as previously reported. Supporting information is included in Appendix E.

## Section 8: Water Shortage Contingency Planning

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### 8.1 Overview

Water supplies may be interrupted or reduced significantly in a number of ways, such as a drought which limits supplies, an earthquake which damages water delivery or storage facilities, a regional power outage, or a toxic spill that affects water quality. This chapter of the Plan describes how Joshua Basin Water District (JBWD, District) plans to respond to such emergencies so that emergency needs are met promptly and equitably.

The JBWD has developed a four-stage plan as detailed in their 2005 UWMP, for responding to water shortages. The Water Shortage Plan includes voluntary and mandatory stages to address a reduction in water supply that exceeds 60 percent (Appendix H). Prohibitions, penalties and financial impacts of shortages have been developed by JBWD and are summarized in this chapter.

### 8.2 Coordinated Planning

Although JBWD has an entitlement to the State Water Project (SWP) imported water through its contractor Mojave Water Agency (MWA), the infrastructure required to access this supply is not yet in place. As of the writing of this Plan, grant funding to begin the construction of the necessary infrastructure is still on hold. During past water shortages, JBWD has managed to meet all their demands by pumping groundwater only. When JBWD obtains access to MWA's imported water in the near future, the existing water shortage contingency procedures will be modified. Also, JBWD has a temporary tie-in to the Hi-Desert Water District (HDWD) for emergency situations.

### 8.3 Stages of Action to Respond to Water Shortages

JBWD is situated above the Copper Mountain and Joshua Tree groundwater basins. Together, the groundwater basins contain over 600,000 acre-feet (af) of water.<sup>4</sup> JBWD's sole source of water is groundwater from these two basins. The basins are not adjudicated; for that reason there are no deeded rights to withdraw water. Overall management of water resources is the responsibility of JBWD.

Rationing stages may be triggered by a shortage in aquifer supply, equipment failure, or catastrophe. Shortages may trigger staged allocation limits at any time. JBWD's General Manager classifies each customer and calculates each customer's allotment according to the methods described in the Water Shortage Contingency Plan. The allotments reflect seasonal patterns. Customers are notified of their classification and allotment by mail before the effective date of the Water Shortage Emergency. New customers and connections are notified at the time service commences. In a disaster, prior notice of allotment may not be possible. In such cases, notice may be provided by other means, such as telephone, radio, television, or newspaper.

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<sup>4</sup> JBWD 2006 Groundwater Availability Evaluation, prepared by Dudek.

Customers may appeal the General Manager's classification on the basis of use or the allotment on the basis of incorrect calculation. The appeals process is set forth in Appendix H.

Table 8-1 presents the four-stage rationing and demand reduction goals for JBWD.

**TABLE 8-1  
RATIONING AND REDUCTION GOALS**

<b>Deficiency</b>	<b>Stage</b>	<b>Demand Reduction Goal</b>	<b>Type of Program</b>
25-40%	1	10% reduction	Voluntary
40-50%	2	15% reduction	Voluntary
50-60%	3	20% reduction	Mandatory
Greater than 60%	4	25% reduction	Mandatory

District priorities for use of available water during a water shortage are:

- Fire protection, health, and welfare emergency uses
- Domestic-interior uses only (residential)
- Public buildings, school-interior uses only
- Commercial and Industrial-interior use only
- Health and Safety—Interior residential, sanitation and fire protection
- Commercial, Industrial, and Governmental—Maintain jobs and economic base
- Commercial and Industrial-other uses (not including landscape watering or other nonessential uses)
- Domestic-other uses

#### 8.4 Minimum Water Supply Available During Next Three Years

The minimum water supply available during the next three years would occur during a three-year multiple-dry year event between the years 2011 and 2013. JBWD is actively implementing a conjunctive use program utilizing State Water Project water to recharge local aquifers, however since the date of federal funding commencing for the program is unknown at the time this Plan was written, to be conservative, that program has not been included in the supply table below. As shown in Table 8-2, the total supplies range from approximately 1,880 to 2,080 afy during the next three years. It is assumed that the total water demand remaining the same as during normal years. When comparing these supplies to the demand projections provided in Chapters 2 and 5 of this Plan, JBWD will continue to overdraft the underlying groundwater basins to meet projected demands should a multiple-dry year period occur during the three years, until their planned Basin Recharge Project is completed.

**TABLE 8-2  
ESTIMATE OF MINIMUM SUPPLY FOR THE NEXT THREE YEARS**

Source	Supply (afy)		
	2011	2012	2013
<b>Existing Supplies</b>			
Local Supply <sup>(a)</sup>			
Groundwater Production <sup>(b)</sup>	1,225	1,238	1,250
Return Flow	582	587	593
<b>Total Existing Supplies</b>	<b>1,807</b>	<b>1,825</b>	<b>1,843</b>
<b>Planned Supplies</b>			
Basin Recharge Project - MWA Imported <sup>(c)</sup>	0	0	0
<b>Total Supplies</b>	<b>1,807</b>	<b>1,825</b>	<b>1,843</b>
<b>Total Estimated Demands<sup>(d)</sup></b>	<b>1,807</b>	<b>1,825</b>	<b>1,843</b>

Notes:

- (a) Taken from Chapter 3 Water Resources, Table 3-1. Local supplies are assumed to be 100% available.
- (b) Overdrafting of Joshua Tree/Copper Mountain groundwater basins is assumed to occur here as is currently the case in the basin.
- (c) Due to the unknown Federal funding date, the worst case scenario was used in this table and it is assumed that this project is not completed in the next three years.
- (d) See Chapter 2 Water Use, Table 2-7. Please note that the demands are the same with and without conservation.

## 8.5 Actions to Prepare for Catastrophic Interruption

### 8.5.1 General

The groundwater basins in the District's area are the limiting factor in groundwater production, but are expected to continue to produce reliable supplies even in a catastrophe.

Water stored in the District's distribution system storage tanks are monitored and managed to not allow the reservoir volumes to drop to very low levels. Standard practice is to maintain, at a minimum, the required emergency and fire flow within all tanks at all times. In an emergency, these stored water volumes are available for distribution or truck delivery as necessary.

The District is constructing a distribution site where customers will be able to fill containers with water for drinking. A hauling site for recreational vehicles (RV's) or water trucks is available for larger tanks. The District frequently provides bottled drinking water to individuals who are not able to secure water.

### 8.5.2 Regional Power Outage Scenarios

For a major emergency such as an earthquake, Southern California Edison (Edison) has declared that in the event of an outage, power would be restored within a 24 hour period. Following the Northridge earthquake, Edison was able to restore power within 19 hours. Edison experienced extensive damage to several key power stations, yet was still able to recover within a 24-hour timeframe.

JBWD is committed to providing regular service and meeting the needs of the community during any emergency situation. JBWD is obligated to respond to emergencies by using all available resources in the most effective way possible. The District has an "Emergency Response Plan" revised in 2005 that includes guidelines for evaluating the emergency situation, alerting procedures and details of the different phases of the response.

To specifically address the concerns of water outages due to loss of power, JBWD has purchased two 600 kilowatt (kW) diesel generators to operate Well No. 14, the District's largest well. Once Well No. 14 is operating, one of the generators can be relocated to a different well site. All active wells have connectors to enable the use of emergency generators. The District also has two 125 kW and one 150 kW mobile generators to operate booster pumps stations. Five of the nine booster pump stations have connectors. The remaining four are planned to have connectors.

## 8.6 Mandatory Prohibitions During Shortages

JBWD Board of Directors has adopted several ordinances, including provisions from the Alliance for Water Awareness and Conservation (AWAC), aimed at water conservation and outlawing wasteful water practices.

On January 10, 2007, the JBWD Board of Directors adopted Resolution 07-806 (Appendix G), the current rate structure for service charges.

Board Resolution No. 00-618 has been in place since December 2000 and requires that new commercial and residential development and/or remodels subject to a building permit install low-water-use plumbing fixtures. The District plans to pursue expansion of the retrofit requirement for Water Account Assistance Program (WAAP) applicants and upon sale of each existing home.

JBWD staff participated in the development of a regional Model Landscape Ordinance as part of the AWAC's landscape committee. The ordinance includes water waste prevention provisions for existing landscapes in Section 10, and Prohibited Water Uses and Water Waste in Section 12. While many provisions are intended to be applied to new development, JBWD is reliant on San Bernardino County (County) to enforce the landscape ordinance through their permitting process. A new County ordinance with many similar provisions went into effect countywide in February 2011.

## 8.7 Consumptive Reduction Methods During Restrictions

### 8.7.1 Supply Shortage Triggering Levels

JBWD will manage water supplies to minimize the social and economic impact of water shortages. The Water Shortage Plan is designed to provide a minimum 40 percent of normal supply during a severe or extended water shortage.

Demand reduction stages may be triggered by a shortage of water in the basin. The guidelines for triggering the stages are listed in Table 8-3. However, circumstances may arise where the

JBWD may deviate from these guidelines, such as in a case where the Governor declares a water shortage emergency and/or institutes a statewide rationing program.

**TABLE 8-3  
WATER DEFICIENCY TRIGGERING LEVELS**

<b>Stage</b>	<b>Percent Shortage</b>
1	25 to 40 percent water deficiency
2	40 to 50 percent water deficiency
3	50 to 60 percent water deficiency
4	60+ percent water deficiency

### 8.7.2 Restrictions and Prohibitions

Specific use restrictions and prohibitions for each supply shortage stage taken from the District's 2005 UWMP are as follows:

#### **Stage 1:**

##### Prohibitions

- Elimination of hosing of hardscape surfaces, except where health and safety needs dictate.
- Usage of buckets and automatic hose shutoff devices for car washing and outside cleaning activities.
- Repair water leaks and adjust sprinklers to eliminate over-spray.

##### Other Activities

- The District shall notify customers of the shortage and indicate requested curtailments of use. Such notification shall provide avenues of additional information assisting customers in achieving requested conservation.

#### **Stage 2:**

##### Prohibitions

- Extend the voluntary requests from Stage 1.
- No landscape watering between 0800 and 1700 hours.
- New meters for land development restricted only to property owners of presently existing parcels.

##### Other Activities

- Initiate media campaign to educate the District customers of conservation needs.

#### **Stage 3:**

##### Prohibitions

- Voluntary requests from Stage 1 and 2 become mandatory.

- Issuance of construction water meters would cease and meters would only be installed for new accounts where the building permit was issued prior to the declaration of the water shortage.

Other Activities

- Mandatory use prohibitions will be enforced through water patrol personnel.

**Stage 4:**

Prohibitions

- All prohibited actions in Stage 3 would be in force.
- No meters will be installed for new accounts.

8.7.3 Consumption Limits

Specific consumption reduction methods and anticipated reduction for each supply shortage stage are shown in Table 8-4.

**TABLE 8-4  
CONSUMPTION REDUCTION METHODS**

<b>Consumption Reduction Method</b>	<b>Projected Reduction</b>	<b>Implementation Stage</b>
Irrigate lawns and landscape only between midnight and 6 a.m. (unless hand watering).	5% of external use	Voluntary Stage 1 Mandatory Stage 2
Adjust and operate all landscape irrigation systems in a manner that will maximize efficiency and avoid watering hardscape.	10% of external use	Voluntary Stage 1 Mandatory Stage 2
Reference evapotranspiration (ET <sub>o</sub> ) factors for individual metered landscape projects will be reduced from 1.0 to 0.8.	20% of external use	Voluntary Stage 1 Mandatory Stage 2
Landscape meters to 75% of ET <sub>o</sub> .	25% of external use	Mandatory Stage 3
Landscape meters to 60% of ET <sub>o</sub> .	40% of external use	Mandatory Stage 4
Water used on a one-time basis for construction and dust control shall be limited to the quantity identified in a plan prepared (and submitted to the District for approval) by the user describing water use requirements.	Varies	Mandatory Stage 3
The use of water from fire hydrants shall be limited to fire fighting and related activities.	Varies	Mandatory Stage 3
Water for municipal purposes shall be limited to activities necessary to maintain public health, safety, and welfare.	Varies	Mandatory Stage 3
Outdoor irrigation by sprinklers will only be allowed every other day.	50% of external use	Mandatory Stage 3
Irrigation of landscaping is only allowed twice per week by hand-held hose only.	70% of external use	Mandatory Stage 4
All new landscaping shall be limited to drought tolerant plantings as determined by the District.	30% of external use for all new homes.	Mandatory Stage 4

Source is JBWD's 2005 UWMP.

Service may be terminated to any customer who knowingly and willfully violates any of the provisions included in this chapter of the Plan.



In the event that a severe or critical water shortage occurs, the District will establish mandatory annual allotments for each connection based on average use during a three-year base period. The base period will be selected by the District's Water Shortage Response Team. The District-wide consumption allocation for each customer type is as follows:

The Stage 3 and Stage 4 health and safety allotments are roughly 68 gallons per capita per day (gpcd). These health and safety levels are used as a basis for water allocations using the priorities listed above. This provides sufficient water for essential interior use with no change in either water use habits or plumbing fixtures.

During Stages 3 and 4 of a water shortage, the District has developed specific water allotments by connection types as shown in Table 8-5. These allotments were developed using the California Water Code Stage 2, 3, and 4 health and safety allotments of 68 gpcd, or 33 hundred cubic feet (CCF) per person per year as the basis.

**TABLE 8-5  
STAGES 3 AND 4 WATER SHORTAGE ALLOTMENTS**

Connection Type	Basis of Calculation	Maximum Annual Allotment
Single-Family Residential	68 gpcd x 3.1 persons x 365 days	103 CCF + 20% average annual use in excess of 103 CCF
Multi-Family	68 gpcd x 2.3 persons x 365 days	76 CCF + 20% average annual use in excess of 76 CCF
Commercial, Industrial		No more than 70% average annual use
Landscape		No more than 20% average annual use unless xeriscaped, then 70%
New meters		No new meters will be installed during a water shortage emergency.

Each customer will be notified of its classification and allotment by mail before the implementation of a mandatory program. New customers and connections will be notified at the time service commences if a mandatory program is in effect. Any customer may appeal its classification on the basis of use or the allotment on the basis of incorrect calculation.

In a disaster, prior notice of allotment may not be possible. Notice will be provided by the most efficient means available, if necessary, through the terms of the JBWD's Emergency Response Plan.

#### 8.7.4 New Demand

During a Stage 3 water shortage emergency, issuance of construction water meters would cease and meters would only be installed for new accounts where the building permit was issued prior to the declaration of the water shortage. No meters will be installed for new accounts during a Stage 4 water shortage emergency.

## 8.8 Penalties For Excessive Use

During any declared water shortage emergency, a customer who exceeds the established allotment will pay a surcharge of two times the highest rate tier per CCF of water for excess water delivered during the first and second billing period, and a surcharge of four times the highest rate tier per CCF for excess water delivered during the third and subsequent consecutive billing periods.

If a customer exceeds the allotment usage for three consecutive billing periods, the District will install a flow restrictor at the service meter with a capacity of two gallons per minute (gpm) for meters up to one and one-half inch sizes (and comparatively sized restrictors for larger meters) for a period of seven days. The customer must pay a flow restrictor installation and removal charge of \$100 before the normal service will be restored.

## 8.9 Financial Impacts Of Actions During Shortages

JBWD's rates are designed with the intent that JBWD will generate adequate revenues to meet the costs of operating the water system. For the 2010-11 budget year, it is expected that approximately 50 percent of JBWD's total water revenues will come from meter charges. The nature of JBWD's operation (as with any water utility) is that the majority of the operating costs are "fixed" in nature and do not increase or decrease in direct proportion with increases or decreases in water use by customers. If water availability issues or shortages cause JBWD to reduce the customer's water use, that would result in a revenue shortfall.

All surplus revenues are currently placed in the District's reserve, which is used to fund emergency repairs, the steel line replacement program, and other water system capital improvements.

The plan indicates annual water system revenue declines due to conservation during the 4 stages of alert range from 3 to 9 percent. Financial reserves of the District are adequate to offset these modest decreases in revenue.

## 8.10 Mechanism to Determine Reductions in Water Use

### **Demand**

JBWD bills their customers on a monthly basis. The prior year's consumption is included on customer's bills. This allows comparison of the total consumption from each billing period to the same billing period from the prior year.

### **Production**

Under normal water supply conditions, production figures are recorded daily in the District's computerized database. Total production measurements are taken in the field and the data is totaled. High demand days are determined at the end of each month as well as at the end of the year. Water storage reservoirs and well and booster pumping plants are monitored on a continuous basis by telemetry at the District's headquarters, with alarms for abnormal conditions.

### **Stage 1 and 2 Water Shortages**

During Stage 1 and 2 Water Shortages, daily production figures will be reported to the Water Production Supervisor who will compare the weekly production to the target weekly production to verify that the reduction goal is being met. Weekly reports will be forwarded to the General Manager.

Monthly reports will be provided to the Board of Directors and to the Customer Service Department. The Customer Service Department will serve as the District's Water Shortage Response Team. If reduction goals are not met, the Water Shortage response Team will examine individual customer usage and corrective action will be taken.

### **Stage 3 and 4 Water Shortages**

During Stage 3 and 4 Water Shortages, the procedure listed for Stages 1 and 2 will be followed with the addition of a daily production report to the General Manager.

### **Disaster Shortage**

During a disaster shortage, production figures will be reported to the Water Production Supervisor hourly and to the General Manager and Water Shortage Response team daily.

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JOSHUA BASIN WATER DISTRICT

Regular Meeting of the Board of Directors

June 15, 2011

Report to: President and Members of the Board  
From: Michael Metts, PE, District Engineer

TOPIC: E1-D2 BOOSTER PUMP STATION REPLACEMENT  
PROJECT – NOTICE OF COMPLETION

RECOMMENDATION: Request that Board authorize filing of the Notice of Completion for the subject project and authorize final payment in accordance with the Contract Documents.

ANALYSIS: Construction of the E1-D2 Booster Pump Station was substantially complete in March 2011. The final walk-through of the station was completed at that time. Punch list items have been completed and final inspection of the station has been completed.

As outlined in Section 01700 of the Contract Documents, the District is required to file a Notice of Completion with the County Recorder. Final Payment to the Contractor is due and payable after 60 days from the recordation of the Notice of Completion. The Notice of Completion is attached for your review.

FISCAL IMPACT: The original contract sum at the time of bidding was \$416,979.00. A change order was issued in July 2010 for the amount of \$93,462.44, bringing the total contract amount to \$510,441.44. From this amount, the District previously defined two amounts to be withheld in accordance with the Contract Documents, including:

- The amount of \$5,611.70 for compensation of District expenses related to damage of an existing 12-inch water pipeline on the construction site.
- The amount of \$963 for credit associated with miscellaneous electrical parts.

Therefore, final payment to the Contractor will be \$503,866.74.

Board authorization for the project, including preliminary and final design, bidding, construction management services, was \$85,557.00. Two additional authorizations were provided during the project, including \$4,723.23 for project advertisement and

\$3,084.92 for electrical inspection services. Thus, the total authorized budget is \$93,365.25.

The District experienced additional construction phase costs as a result of the Contractor's failure to complete the work within the contract time as defined in the Contract Documents. The extended construction period resulted in a total expense of \$114,744.65. Construction management and inspection expenses beyond the contracted completion date of the project totaled \$15,140.00, and have been withheld from final payment in accordance with the Contract Documents. Withholding this amount reduces the total project expense to \$99,604.65.

Therefore, District expenses exceeded the \$93,365.25 authorization by \$6,239.40. These additional expenses were associated with extra construction management and inspection time of approximately 30 hours over four of the eight month construction period of the project. As construction phase costs are difficult to project prior to actual construction, it is requested that the Board approve payment of this additional amount and approve close out of the project.



**NOTICE OF COMPLETION**

To: San Bernardino County Recorder Date: \_\_\_\_\_, 20\_\_\_\_  
222 West Hospitality Lane  
San Bernardino, California 92415 Work Order No.: \_\_\_\_\_

Owner: Joshua Basin Water District Date of Completion: \_\_\_\_\_  
61750 Chollita Road  
Joshua Tree, California 92252

OWNER'S ESTATE OF INTEREST:

Easement \_\_\_\_\_ Fee Title \_\_\_\_\_ Encroachment Permit \_\_\_\_\_

Other (describe) \_\_\_\_\_

CONTRACTOR:

Name: AToM Engineering Construction

Address: 40410 Vista Road, Hemet, California 92544

TITLE OF PROJECT: E1-D2 Booster Pump Station Replacement Project

DESCRIPTION OF PROJECT: Construction of a new potable water booster station at the Joshua Basin Water District's C-1 Reservoir. Constructed project includes furnishing and installing new pumps, electrical service and controls, yard piping, connecting to existing SCADA control systems, and associated appurtenances; all utility location and verification (excavating, exposing, and verifying top, bottom, and side of utility facilities); all fencing removal and installation; all earthwork (including excavation, grading, trenching, shoring, sloping, bedding, and backfilling including select imported material or select native material); compacting; all sitework including placement and compaction of crushed rock; furnishing and installing all pipe, fittings, and appurtenances; protecting in place or removing and replacing all existing utilities, trees, and public and private improvements; testing and disinfecting all pipelines; replacing destroyed survey monuments; disposing of excess soil and rock material and restoring all areas and improvements to pre-construction conditions.

DESCRIPTION OF SITE (LOCATION): The new potable water booster station is located at the Joshua Basin Water District's C-1 Reservoir site on Crest Circle in Joshua Tree, California.

Final payment will be made to the above contractor on or after thirty-five (35) days from the recording date of this Notice of Completion, except where otherwise provided for by law.

STATE OF CALIFORNIA                    )  
  ) ss  
COUNTY OF SAN BERNARDINO        )

The undersigned being duly sworn says that he/she is the \_\_\_\_\_ of the Joshua Basin Water District, the public agency authorizing the Work of improvement referred to in the foregoing Notice of Completion; that he has executed such Notice of Completion on behalf of such public agency and likewise makes this verification on behalf of said public agency; and that he has read said Notice of Completion and know the contents thereof and that the facts therein stated are true.

\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN TO BEFORE ME ON:

\_\_\_\_\_  
Date

\_\_\_\_\_  
NOTARY PUBLIC, in and for said County and State

JOSHUA BASIN WATER DISTRICT  
SUPPLEMENTAL DATA SHEET

Regular Meeting of the Board of Directors

June 15, 2011

To: President and Board of Directors  
From: Keith Faul



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TOPIC: PURCHASE OF REPLACEMENT COMPUTER SERVER

RECOMMENDATION: That the Board authorize withdrawal of \$19,246 from the Equipment and Technology Reserve account to purchase a server for replacement of the existing five year old server.

ANALYSIS: The current server, which primary purpose is to provide a location for shared disk access (i.e. shared storage of computer files such as documents, email, photographs, images, databases, etc.) by the workstations attached to the computer network, is running out of space and causing our network to crash. This causes major problems where even basic functions such as taking customer payments can't be accomplished. A new rack-style server, with room to expand, has been proposed at a cost of \$19,246 including new Windows Small business server 2011 software. Costs are based on government contract pricing.

Aside from the obvious issue of eliminating network crashes, some other advantages of the upgrade are as follows:

- Rack-style server is expandable, providing a cheaper alternative than replacement.
- Two terabyte server is more than four times larger than existing server.
- Upgrade of server software provides some additional functionality such as advancements in security, reliability, and connectivity technology.

The current server is 5 years old and this is an appropriate time to replace it. Staff intended to initiate the replacement in the next fiscal year beginning July 1, 2011, but it is now necessary to replace it as soon as feasible. Staff proposes that the \$19,246 to purchase and install the server should come from the LAIF Equipment and Technology Reserve account. The non-committed fund balance is currently \$242,178.

FISCAL IMPACT: \$19,246 from the Equipment and Technology Reserve account

JOSHUA BASIN WATER DISTRICT  
SUPPLEMENTAL DATA SHEET

Regular Meeting of the Board of Directors

June 15, 2011

To: President and Board of Directors  
From: **Gil Granito, District Counsel**  
**Redwine and Sherrill**

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TOPIC: AMENDMENT OF DISTRICT'S ADMINISTRATION CODE

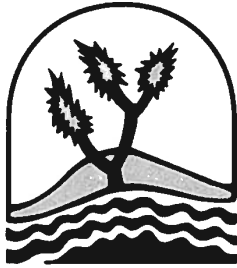
RECOMMENDATION: Review and Adopt Amendment

ANALYSIS: Pursuant to President Luckman's and Mr. Guzzetta's request, I have reviewed the District's Administration Code and in cooperation with Mr. Guzzetta, recommend several changes for the Board's consideration.

In order to facilitate the Board's review, a red-lined copy of the Code is attached, as well as a clean version.

The changes recommended are intended to provide clarity... particularly with regard to (1) Article 2, e.g. Compensable Days of Service for Directors; (2) Article 7 - Rules of Procedure for Board Agendas and Meetings; (3) Updating Section 4.04.06 to increase the General Manager's purchasing authority; and (4) generally deleting redundancy.

If adopted, the Motion should reflect that if the Amended Administration Code is in conflict with any of the District's other Codes, Rules, Practices, Policies or Procedures, the provisions of the Amended Administration Code shall prevail.



# **JOSHUA BASIN WATER DISTRICT**

## **ADMINISTRATION CODE**

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## **ARTICLE 1**

### **GENERAL**

**1.01 Title.** These Rules and Regulations shall be known as "The Joshua Basin Water District Administration Code".

**1.02 Short Title.** This document may be referred to by its short title "Administration Code".

**1.03 Intent.** These Rules and Regulations are a result of policies adopted by the Board of Directors of the Joshua Basin Water District as well as certain statutes passed by the California State Legislature and signed into law by the Governor of California. It is the intent of the Board of Directors with this document to provide interested parties the policies by which the Board of Directors and its designates operate.

**ARTICLE 2**  
**BOARD OF DIRECTORS**

**2.01 Officers.** The Board of Directors shall elect at the last regular meeting of each calendar year the Officers of the Board. The Officers elected shall take office upon their election.

**2.01.01 President.** The President of the Board shall preside over all meetings.

**2.01.02 Vice President.** The Vice-President shall act in the President's absence or inability to act.

~~**2.02 Compensation and Expense.** Expenses incurred in connection with the following types of activities generally constitute authorized expenses:~~

~~2.02.01. Communicating or participating with federal, state or local government entities or organizations on policy positions, needs or interests;~~

~~2.02.02. Attending educational seminars designed to improve officials' skills and information levels;~~

~~2.02.03. Recognizing service to the District (retirements or celebrations);~~

~~2.02.04. Attending District events;~~

~~2.02.05. Promoting the interests of the District or representing it in an official capacity.~~

~~All other expenditures require prior approval of the District Board. Attendance at events listed under section 2.02 of this Administration Code qualify as days of service and entitle the Director to compensation in accordance with JBWD Ordinance No. 08-7, Section 3 (Exhibit A).~~  
**Director Compensation**

**(A) Amount of Per Diem Compensation**

Directors receive a daily meeting stipend in the amount set forth in Ordinance No. 08-7 for each day's attendance at meetings, as defined in this ARTICLE 2. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this ARTICLE 2.

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**(B) Meetings for Which Specific Prior Approval Not Required (Preapproved Meetings, Conferences, Programs, and Activities)**

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A Director is entitled to receive a daily meeting stipend without specific prior Board approval for attending the following:

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1. ~~A m~~Meeting of the Board;

2. ~~A m~~Meeting of a standing committee of the Board, where the Director is an appointed member of that committee;

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3. ~~A m~~Meeting of an ad hoc committee of the Board, where the Director is an appointed member of that committee;

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~~4. Meetings ACWA C~~conferences, seminars and committee meetings of the Association of California Water Agencies;

5. Meetings of the Mojave Water Agency Board of Directors where the Director is designated by the President to attend.

5. A meeting of the Technical Advisory Committee of the Mojave Water Agency, where the Director is the appointed member of that committee or designated alternative if the appointed Director cannot attend;

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6. A meeting of any multi-jurisdictional governmental body on which the Director serves as the Agency's District's designated representative.

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7. Meetings, conferences, or seminars of the Special Districts and Local Government Institute

8. Meetings of the Association of San Bernardino County Special Districts.

9. Meetings, conferences, or seminars of the California Special Districts Association

**C. Meetings for Which Specific Prior Board Approval is Required**

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1. A conference or organized educational activity conducted in compliance with Government Code Sections 53232.1(a)(3) and 54952(c), including mandatory ethics training required by Government Code Section 53234;

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2. Meetings of other water agencies where DistrictAgency business is discussed;

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3. Meetings of the Local Agency Formation Commission (LAFCO) in which Agency District business is discussed or affected as part of LAFCO's agenda;

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4. Meetings with local, state or federal officials relating to District business, needs or interest.

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5. District-sponsored events;

6. Any meeting attended or service provided on a given day at the request of the Board and for which the Board provides prior approval of payment of a daily meeting stipend.

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#### **D. Daily Limits**

If a Director attends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

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#### **E. Aggregate Limits**

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and Ordinance No. 08-7 or any successor thereto, which provides that compensation shall not exceed ten (10) meetings/days per month.

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#### **F. Travel Days**

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved in advance, Directors shall not count travel to meetings with 125 miles of the Agency's office within San Bernardino or Riverside Counties as a reimbursable per diem travel day.

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**2.03 Reimbursement for Expenses.** Expenses directly incurred by a Director in connection with the activities listed in Section 2.02 constitute authorized expenses and (limited to meals, lodging and mileage) will be reimbursed for board-authorized business. This also includes the above mentioned types of activities for current Board Members' mandatory attendances for depositions and/or other legal obligations as well as former Board Members with approval of the Board.

To conserve District resources and keep expenses within budget guidelines, the following guidelines must be adhered to:

**2.03.01 Payment or reimbursement will be made based on the** ~~The~~ most available economical and efficient mode and class of transportation ~~must be used.~~

(a) Private automobile mileage will be reimbursed at Internal Revenue Service rates.

(b) Car Rental may be used only when it is the most economical and efficient mode of transportation.

(c) Taxi/Shuttle costs may be reimbursed including 15% gratuity only when the most economical and efficient mode of travel.

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**2.03.02** Lodging expenses will be reimbursed only if attendance at the event reasonably requires an overnight stay. Group or government rates must be used if available.

**2.03.03** Meals including gratuities must be reasonable considering the location and event. ~~may not exceed~~ ~~The daily rate \$64 rate per day per person established for Southern California by the Internal Revenue Service. \$12 for breakfast, \$18 for lunch, and \$34 for dinner unless~~ and meals included as part of a conference registration will be considered reasonable. Alcoholic beverages are excluded. Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with the Pacific Cities Consumer Price Index.

**2.03.04** Personal expenses such as movies, golf, laundry or loss of personal property are **excluded**.

**2.04 Expense Report.** All expense reimbursement requests must be submitted on an expense report form provided by the ~~the~~ District (Exhibit B). Receipts for all claimed reimbursements must be attached. Receipts may include written explanations of reasonable expense including tips, parking meters and baggage handling for which third-party receipts are not provided. ~~Officials- Directors should~~ must submit their expense reports within 30 days of an expense incurred, accompanied by receipts documenting each expense. All expenses are subject to verification of compliance with this policy (EXHIBIT B) The expense report and reimbursements are public records and subject to disclosure under the Public Records Act.

**2.05 Reports to Governing Board.** At the next regular board meeting following the attendance at meeting, each ~~official-Director~~ shall briefly report on the meetings attended at the District's expense, either verbally or in writing. If multiple ~~officials-Directors~~ attend, a joint report may be presented.

**2.06 Violation of this Policy.** Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

**2.06.01** Loss of reimbursement privileges

**2.06.02** A demand for restitution to the District

**2.06.03** The District's

reporting the expenses as income to the elected official to state and federal tax authorities

**2.06.04** Civil penalties of to \$1,000 per day and three times the value of the resources used

**2.06.05** Prosecution for misuse of public funds.

## ARTICLE 3

### MEETINGS

**3.01 General.** The Joshua Basin Water District Board of Directors may meet and take action at a Regular, Special, or Adjourned Meeting. ~~The Board may meet for a Workshop in order to address and focus on important topics. Committees may meet to address and focus on topics to be brought to the Board at a future date. No action may be taken at a Workshop or by a Committee.~~

**3.02 Regular Meetings.** Regular Meetings of the Board shall be held on the first and third Wednesday of each month, at 7:00 PM unless said Wednesday falls upon a holiday designated in Section 6700 of the Government Code of the State of California. Such regular meeting shall be cancelled or held at a date and time determined by the Boardpresiding officer PM on the next business day and the staff shall arrange its affairs accordingly. ~~Regular meetings shall be held at District facilities.~~

**3.03. Special Meetings.** Special Meetings of the Board may be called at any time by the presiding officer ~~President~~ or by a majority of the members of the Board, by delivering personally or by mail written notice to each Board member and to each local newspaper of general circulation, radio, and/or television station requesting notice in writing. Such notices must be delivered at least 24 hours before time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary a written notice of waiver.

**3.04 Adjournment and Adjourned Meetings.** The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Directors are absent from any regular, adjourned regular, special, or adjourned special meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place and ~~he~~ shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.03 for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment.

**3.05 Notice of Meetings.** Notice of the regular meetings of the Board shall not be required. Notice of special, adjourned special, adjourned, and adjourned special meetings of the Board shall be given as provided in the Sections above.

**3.06 Place of Meetings.** All meetings of the Board shall be held at District's Administrative Offices facilities, provided, that if, by reason of fire, flood, earthquake, ~~or~~ other emergency, or anticipated attendance exceeding the capacity of District facilities, it would be held at such place as is designated by the BoardPresident, ~~either~~ within ~~or without~~ the boundaries of the District, in which event

notice of such place of meeting shall be given in the manner required for giving notice of special meetings.

**3.07 Agenda.** Agendas will be posted at least 72 hours before a regular meeting. ~~Items to be placed on the Agenda shall be submitted to the Secretary in writing ten (10) days prior to the meeting.~~ No action shall be taken on any item not appearing on the posted agenda except for the following:

**3.07.01 Emergency Situation.** Upon a determination by a majority vote of the legislative body that an emergency situation exists. For the purpose of this Section, "emergency situation" means:

- (a) Work stoppage or other activity which severely impairs public health, safety, or both.
- (b) Crippling disaster which severely impairs public health, safety, or both.

**3.07.02 Items Needing to Be Addressed Subsequent to Posting the Agenda.** Upon a determination by a four(4) member vote of the Board, or, if less than four members are present, a unanimous vote of those Directors present, the Board of Directors may take action on items if the Board determines that there is a need to take action and the need for action which arose subsequent to the Agenda being posted.

**3.08 Meetings Open to the Public.** All meetings of the Board shall be Open and Public, and all persons shall be permitted to attend any meeting, except for Closed Sessions of the Board held in accordance with law.

**3.09 Public Participation.** Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the Board on any item of interest to the public, before or during the Board's consideration of the item, that is within the subject matter jurisdiction of the Board of Directors provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 3.07.02. Because of time constraints, individuals will be limited to three(3) minutes for each topic addressed.

**3.10 Minutes.** Minutes of the Board meeting shall be prepared within twenty(20) days or as close thereafter as reasonable. Such minutes shall not include the text of Ordinances, Resolutions, or Contracts approved or adopted, which shall be recorded in separate volumes by the Secretary.

**3.11 Distribution of Communications to the Board.** The General Manager shall provide copies of all items intended for the Board and other important communications received to the Board of Directors and all consultants unless they already have such copies. Board members' copies may be found in the area provided for such communications at the District office. Consultants' copies will be mailed when appropriate.

**3.12 Committees.** The President of the Board from time to time, may establish committees to help carry out the Board's responsibilities. To preserve Board integrity, committees will be used sparingly, only when other methods have been deemed inadequate. Committees will be used so as to minimally interfere with the wholeness of the Board's job.

**3.12.01 Committees Not to Represent Board.** Board Committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated in order not to conflict with authority delegated to the General Manager.

**3.12.02 Committees to Develop Policy.** Board Committees are to help the Board do its job, not to help the staff do its job. Committees will assist the Board chiefly by preparing policy alternatives and implications for Board deliberation. Board Committees are not to be created by the Board to advise staff.

**3.12.03 Committees to be Non-Interfering.** Board Committees shall not exercise any authority over staff, and in keeping with the Board's focus on the future, Board committees will ordinarily have no direct dealings with Staff operations. Further, the Board will not impede its direct delegation to the General Manager by requiring approval of a Board Committee before an Administrative Action.

~~**3.13 Appearances Before Board.** Persons desiring to appear before the Board shall make their request in writing pursuant to Section 3.07. The President shall determine if the matter should be referred to the Board or to staff. If it is determined that staff is to review the item, staff will diligently address the issue and report its findings to the President. The President shall, with the approval of the person requesting the appearance, then determine whether the subject should be addressed by the full Board of Directors.~~



**ARTICLE 4**  
**GENERAL MANAGER**

**4.01 General.** The General Manager of the Joshua Basin Water District is employed by the Board of Directors to serve as the Chief Executive of the District and, pursuant to the California Water Code Section 30580, is responsible for: implementing the decisions of the Board; determining and executing administrative policies through subordinate managers; supervising the operations and staffing of the District as prescribed by the Board; managing all engineering, planning, design, and inspection for construction activities; and supervising and controlling the administrative, operational, and financial affairs of the District, including all administrative, executive, and ministerial powers not specifically reserved by law for the Board of Directors, General Counsel, or District Auditor.

**4.02 Director-Manager Relations.** The Board of Directors will deal with the administrative services of the District only through the General Manager. Neither the Board of Directors nor any Director will give orders to subordinates of the Manager. The General Manager shall take his orders and instructions from the Board of Directors only in a duly held meeting of the Board of Directors, and no individual Director will give any orders or instructions to the General Manager, except the officers of the District acting within the scope of their respective offices.

**4.03 Authority Over Employees.** The General Manager will have the authority to control and give directions to all employees. The General Manager will also hire, remove, promote, and demote any and all employees of the District. Consultants will be directed by the General Manager. Consultants will be hired and removed by the Board of Directors.

**4.04 Manager's Powers and Duties.** The General Manager is the administrative head of the Joshua Basin Water District, under the direction and control of the Board of Directors. He is responsible for the administration of all the affairs of the District under his control. In addition to general administrative powers, the General Manager's powers and duties shall include, but not be limited to, the following:

**4.04.01 Employee Positions and Job Classifications.** It shall be the duty of the General Manager to establish District employee positions and job classifications, subject to approval by the Board of Directors. The positions and classifications shall be reviewed, at a minimum, at the time the annual budget is adopted.

**4.04.02 Attendance at Board Meetings.** It is the duty of the General Manager to attend all regular and special meetings of the Board of Directors unless excused.

**4.04.03 Manager to be On Call.** The General Manager is expected to be on call twenty-four(24) hours a day and it shall be understood that no compensatory time will be allowed.

**4.04.04 Financial Reports.** It is the duty of the General Manager to keep the Board of Directors fully advised as to the financial



condition and needs of the District. The Manager shall be responsible for maintaining the District's books of accounts and will have said books audited at the end of each fiscal period by the District's Independent Auditor. It is the duty of the General Manager to prepare the monthly financial report, which shall include such items as determined by the Board. ~~a demand list, an income statement, and a balance sheet.~~

**4.04.05 Budget.** It is the duty of the General Manager to prepare the annual budget and submit it to the Board of Directors. The Manager shall adhere to the budget unless otherwise directed by the Board and shall establish a system of accounting for expenditures. The Manager shall regularly review the status of the budget with the Board and propose appropriate corrective action if revenues or expenditures vary materially from the approved budget.

**4.04.06 Purchasing.** It is the duty of the General Manager to be responsible for the purchase of all supplies and equipment for the District. All expenditures for items classified as capital assets, such as auto equipment, office machines, etc., shall be submitted to the Board of Directors for approval when the cost is in excess of ~~\$20,000~~ \$5,000. Any amount over ~~\$10,000~~ \$2,500 that the General Manager approves must be presented to the Board at the next Board Meeting, with explanation.

**4.04.07 Expenditure of Funds for Emergencies.** It shall be the duty of the General Manager to expend the funds necessary to correct an emergency situation. The General Manager shall notify the President of the Board as soon as possible as to the nature of the emergency and the estimated funds required to remedy the situation.

**4.04.08 Public Complaints.** It is the duty of the General Manager to investigate all complaints concerning the administration and operations of the District and report his finding to the Board of Directors.

**4.04.09 Public Property.** It is the duty of the General Manager to exercise general supervision over all property belonging to the Joshua Basin Water District. It is the duty of the General Manager to accept, on behalf of the District, easements and other real property rights and interests required for performance of the District's legitimate functions.

**4.04.10 Hours of Employment.** It shall be the duty of the General Manager to devote his entire time to the duties of his office. The General Manager shall see that the office is open to the public from 8:00 AM to 5:00 PM five days a week, excluding Saturdays, Sundays, and holidays.

**4.04.11 Payment of Bills.** It shall be the duty of the General Manager to pay all bills when due.

**4.04.12 Preparations for Board Meetings.** It is the duty of the General Manager to see that notice of all meetings and agendas

are prepared as provided by law. The General Manager will be responsible for providing the services of a recording secretary at all Board Meetings and he will supervise the preparation of the agenda, minutes, Resolutions, and Ordinances of all regular and special meetings.

**4.04.13 Correspondence.** It is the duty of the General Manager to reply to all correspondence except letters addressed to the Board of Directors requiring an Officer's signature, unless such authority is delegated to the General Manager. The General Manager will keep the members of the Board informed by furnishing copies or memoranda of all vital replies or notices.

**4.04.14 Annual Independent Audit.** It is the duty of the General Manager to submit a draft of the District's Annual Audit to the Board of Directors for its review and approval no later than the end of December of each year.

**4.04.15 Filing.** It is the duty of the General Manager to keep the District's files up to date.

**4.04.16 Director Attendance.** It is the duty of the General Manager to keep a record of all Directors in attendance at all regular and special meetings.

**4.04.17 Committee Meetings.** The General Manager is instructed to attend all committee meetings unless otherwise instructed.

**4.04.18 Special Problems.** It is the duty of the General Manager to call to the attention of the President special problems which can not await the next regular Board Meeting.

**4.04.19 News Media.** It is the duty of the General Manager to prepare and dispense such press releases as depict the growth and activities of the District.

**4.04.20 Manager's Activities.** It is the duty of the General Manager to report the District's activities at the regular Board Meetings.

**4.04.21 Petty Cash.** It is the duty of the General Manager to record disbursements from the petty cash fund and to replenish said fund as required.

**4.04.22 Additional Duties.** It is the duty of the General Manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by Resolution or other action of the Board of Directors.

**4.05 Removal of the General Manager.** The removal of the Manager shall be only upon not less than three(3) votes of the Board of Directors, subject to the applicable provision of the Employment Contract between the Manager and the Board of Directors.

**4.06 Temporary Manager.** The General Manager will recommend, subject to the approval of the Board of Directors, one of the employees of the District to serve as General Manager pro tem during any temporary absence or disability of the Manager. In the event that the General Manager cannot make the appointment, the President of the Board shall make the appointment subject to approval by the Board of Directors.

**4.07 Reimbursement for Expenses.** The General Manager will be reimbursed for all sums incurred by him in the performance of his duties. Reimbursement will be made when an itemized expense voucher setting forth the sums expended has been presented to the Board of Directors for approval. The District will either furnish an automobile or reimburse the General Manager for use of his personal automobile at the established rate per mile while on District business at the discretion of the Board of Directors.

## ARTICLE 5

### ETHICS TRAINING REQUIREMENTS FOR ELECTED OFFICIALS AND KEY EMPLOYEES

**5.01** Ethics training is required of the elected board and key staff members. In addition, the board may designate any non-elected officials and staff to receive ethics training. Designated staff and board members shall receive ethics training no later than one year from the first day of employment or appointment to the District. Thereafter, board members must receive two hours of ethics training every two years. The required training shall cover, but is not limited to: laws relating to personal gain by public servants including laws prohibiting conflicts of interests and bribery; laws relating to gifts and travel, use of public resources or gifts of public funds; Government transparency laws; and laws relating to fair processes including competitive bidding and nepotism.

Officials should keep the original certificates of attendance for their own records and provide a copy of the certificates to the District.

ARTICLE 6

**JOSHUA BASIN WATER DISTRICT  
CONFLICT OF INTEREST CODE**

The Political Reform Act (Government Code, Section 81000, et seq.) requires state and local government agencies, including the Joshua Basin Water District, to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) (copy attached) which contains the terms of a standard conflict of interest code, which can be adopted by reference. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation, and the attached Appendix designating employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Joshua Basin Water District.

Designated employees/positions (see Appendix "A," attached hereto) shall file their statements of economic interests with the Secretary of the Board of Directors of the Joshua Basin Water District, who will make the statements available for public inspection and reproduction upon request. (Government Code, Section 81008.) Upon receipt of the statement(s) of the designated employees/positions, the Secretary of the Board of Directors shall make and retain a copy and forward the original of the statement(s) to the Clerk of the Board of Supervisors, County of San Bernardino, which shall be the "filing officer" as required by state law.

**(EXHIBIT "A" TO RESOLUTION NO. 11-867 ADOPTED 02 16 2011)**

**APPENDIX "A"**  
**APPENDIX OF DESIGNATED POSITIONS AND**  
**CATEGORIES OF DISCLOSURE**

<b>DESIGNATED POSITIONS</b>	<b>DISCLOSURE CATEGORIES</b> (See Attachment No. 1)
Director	1-4
General Manager	1-4
Assistant General Manager/Controller	1-4
Human Resources/Administrative Services Supervisor	1-4
Accountant	1-4
GIS Coordinator	1-4
Water Distribution Supervisor	1-4
Water Production supervisor	1-4
Attorney	5
Auditor	5
Engineer	5

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interests pursuant to **Government Code Section 87200**:

- Directors
- District/Board Officer
- Controller/Chief Financial Officer

\*Consultants shall be included in the list of designated positions and shall Disclose pursuant to the broadest disclosure category in the code subject to the following limitations.

The General Manager may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such a written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

The Designated position of Consultant includes attorneys as a position subject to the foregoing specialized disclosure category.

**DISCLOSURE CATEGORIES**  
**(Attachment No. 1 to Appendix "A")**

**CATEGORY 1**

Persons in this category shall disclose all interest 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 miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

**CATEGORY 2**

Persons in this category shall disclose all investments and business positions.

The Political Reform Act defines investment as follows:

"Investment" means any financial interest in or 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 owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, 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 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 equals or exceeds two thousand dollars (\$2,000). 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 immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Political Reform Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

**CATEGORY 3**

Persons in this category shall disclose all income and business positions

The Political Reform Act defines income as follows:

"Income" means a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses other than an employer, and including any community property interest in the income of a spouse. Income also includes any outstanding loans. Income of an individual also include a pro rata share of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

**CATEGORY 4**

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the Agency and associated with the job assignment of designated positions assigned to this disclosure category.

**CATEGORY 5**

Consultants who are not employed as full-time staff members of the Agency shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (\*) in Appendix "A" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the District and shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.



**§ 18730. Provisions of Conflict-of-Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time

member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;



(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the

determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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<sup>1</sup>Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup>See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup>Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

#### HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100,

California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.

12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).

13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).

14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).

15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only

subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

## ARTICLE 7

### RULES OF PROCEDURE FOR BOARD AGENDAS AND MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

#### 7.01 Board Meeting Agenda

The General Manager, in cooperation with and approved by the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act. Any Director may call or correspond with the General Manager and request any item to be placed on the agenda. Any such request must be in writing and submitted to the General Manager no later than 5:00 P.M. on the ~~tenth~~ ninth day prior to the next meeting date.

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7.02 In the event there is a dispute between the Board President and an individual Board Member as to whether a matter shall be placed on the Agenda, the matter should be brought to the full Board for ~~a decision~~ consideration of placement on a subsequent Agenda.

7.03 Public Request. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

- (a) The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least fourteen days prior to the date of the meeting;
- (b) The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business." The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors in which case the Board will determine whether or not to place the item on a subsequent agenda.
- (c) No matter which is legally a proper subject for consideration by the Board in closed session will be accepted ~~be accepted for discussion in open session~~ under this policy.
- (d) The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

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Section 7.03 does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the

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agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss **at length** or take action on such matters at that meeting.

**7.04 Posting of Agenda.** At least 72 hours prior to the time of all Regular Meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. ~~If the District maintains a website, the agenda shall be posted on the website for public information at the same time.~~ All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.

The agenda for a Special Meeting shall be posted at least 24 hours before the meeting in the same location.**MEETINGS**

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~~7.01.01 Regular Meetings.~~ The Board of Directors shall hold regular meetings on the date of first and third Wednesdays of the month, at the Joshua Basin Water District offices, 61750 Chollita Road, Joshua Tree, California 92252, or at a location within the District, and time as may be set forth by the board by resolution. If by reason of fire, flood, or other emergency, it is unsafe to meet in the regular meeting place, the meetings may be held for the duration of the emergency at such other place as is designated by the Board of Directors. When the day for any regular meeting falls on a holiday, Christmas Eve or New Year's Eve, such meeting shall cancelled or shall be held at the same hour and place on a subsequent day, as designated by the Board of Directors.

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~~7.01.02 Adjourned meetings.~~ Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

~~7.01.03 Special Meetings~~ Special meetings may be called at any time by the President or majority of Board Members on 24-hour notice as set forth in Section 54956 of the Government Code of the State of California. Notice shall be delivered personally or by mail written notice to each Board Member and to each person or entity having filed written request for notice of meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting, as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any Board Member who at or prior to the time the meeting convenes files with the Secretary to the Board a written waiver of notice. Such waiver may be given by telegram or fax. Such written notice may also be dispensed with as to any Board Member who is actually present at the meeting at the time it convenes.

~~7.01.04 Study sessions.~~ The board may, from time to time, meet in study sessions, open to the public, at a time and place designated by



~~the Board President. The nature of such sessions will be given at the prior Board of Directors meeting, or by the Secretary to the Board to the local news media, at least twenty-four hours in advance of such meeting. The purpose of such a meeting shall be for hearing reports from the staff and reviewing, discussing and debating matters of interest to the District. The participation of the public in such session shall be subject to the discretion of the Board of Directors.~~

~~**7.01.05 Meetings to be public Exceptions.** Study Sessions and all regular, adjourned or special meetings of the Board of Directors shall be open to the public; provided, however, the Board of Directors may hold closed sessions from which the public may be excluded which closed sessions shall only be held in accordance with the provisions of the Brown Act (Government Code 54960 et seq.)~~

~~No member of the Board of Directors, employee of the District, or any other person present during an executive session of the Board of Directors shall disclose to any person the content or substance of any discussion which took place during the executive session unless the Board of Directors authorizes the disclosure of such information by majority vote.~~

~~**7.01.06 Quorum.** Unless otherwise provided for by state law, a majority of the Board (3) shall constitute a quorum for the transaction of business (Water Code Sec 0524). No ordinance, resolution, or motion shall be passed or become effective without the affirmative vote of at least a majority of the members of the Board (3) (Water Code Section 30525).~~

## ~~**7.02 BOARD AGENDA**~~

~~**7.020.1 Placing Items on the Agenda.** In order to facilitate the orderly conduct of the business of the Board of Directors, the Secretary to the Board shall be notified no later than twelve noon Wednesday, eight days preceding a regular board meeting, of all items requested by an individual Board Member to be submitted to the Board of Directors at such meeting. The Secretary to the Board shall be notified at least ten days preceding a regular board meeting, of all items requested by a member of the public to be submitted to the Board of Directors at such meeting.~~

~~No matters other than those on the agenda shall be finally acted upon by the Board of Directors unless a member of the Board of Directors, the General Manager, or District Counsel so requests. Any matter to be acted on not otherwise on the agenda and not posted at least seventy-two hours before such regular meeting, shall be placed on the agenda for action only in accordance with Section 54954.2(b) of the Government Code. Any item upon which action is proposed to be taken and a request for consideration to place on the agenda in accordance with the aforementioned Government Code Section, shall be provided to all members of the Board of Directors, the General Manager and District Counsel, as early as possible prior to said meeting.~~

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**7.057-02-02 Order of business.** The business of the Board of Directors shall be taken up for consideration and disposition in the order set out by the General Manager, or, by action of the Board, or the Board President in consultation with the General Manager.

The Presiding Officer or a majority of the Board of Directors may change the order of business at any time during the meeting.

**7.05.017-02-03 Call to Order.** The meeting of the Board shall be called to order by the President, or in his/her absence, by the Vice-President. In the absence of both the President and the Vice President, the Secretary to the Board shall call the Board to order, whereupon a temporary Presiding Officer shall be elected by the Board Members present to serve until the arrival of the Board President or Board Vice- President, or until adjournment.

**7.05.027-02-04 Roll Call.** Before proceeding with the business of the Board, the Secretary to the Board shall call the roll of the Board Members and the names of those present shall be entered in the minutes.

**7.05.037-02-05 Public Comment**

**(a) Time Allotted.** Pursuant to Government Code 54954.3, each agenda for a regular meeting shall provide an item entitled "Public Comment." The purpose of such item shall be to provide an opportunity for members of the public to directly address the Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the board of Directors. In order to assure that the intent of Government Code 54954.3 is carried out, three (3) minutes is the amount of time allocated for each individual speaker. The President or the majority of the Board may, at their sole discretion, grant additional time to the speaker during the Public Comment section of the agenda or at the end of the agenda.

In the event that the number of individuals desiring to address the Board during the Public Comment section of the agenda exceeds the total time allotted for Public Comment, the Board may continue the Public Comment section of the agenda to a time later in the agenda.

**(b) Referral to Staff.** At any time after the oral communication is commenced, the Presiding Officer may direct that the communication be made instead either to the General Manager during regular business hours, or in writing for subsequent submittal to Board Members.

**(c) Questions of the Board.** If a member of the public wishes to use this opportunity to ask questions of the Board, all questions

shall be included within the three minute allowable Public Comment period. The Board shall refrain from giving any responses until the member of the public has completed his remarks. The Presiding Officer shall then determine whether to respond to any questions, request any Board Member or the General Manager to respond to any questions at that time, or refer any questions to staff for response at a later time.

**(d) Board Action on issued raised during Public Comment.**

Government Code 54954.2 provides that no action shall be taken on any item not appearing on the agenda unless the action is authorized by government Code 54954.2 (b). On items of public comment or discussion, any matter raised by the public which does not specifically appear on the agenda shall, upon direction of any Board Members, be automatically referred to the staff or placed on the next meeting's agenda. It is hereby determined that such requests or direction by a Board Member shall not be considered action taken by the Board on said item raised by the public. Further, Board discussion of the matter shall not be considered action taken.

**7.05.047-02-06 Consent Calendar.** Items of routine nature, and non-controversial, may be placed on the consent agenda. Adoption of the consent calendar may be made by one motion only by the Board of Directors; provided, however, that the Presiding Officer should first advise the audience that the consent calendar matters will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard. In that event, the Presiding Officer may defer action on the particular matter or matters and place them on the regular agenda for consideration in any order he deems appropriate.

**7.05.057-02-07 Approval of Minutes.** The official minutes of the Board of Directors will be kept by the Secretary to the Board and may be placed and approved as an item on the Consent Calendar. Minutes shall be prepared within 20 days of the meeting. The Secretary to the Board shall be required to make a record only of such business as was actually passed upon by the Board of Directors and shall not be required to record any remarks of any members of the Board or of any other person except at the special request of a member of the Board. The Secretary to the Board shall enter into the minutes the reasons for dissent from or protest against any action of the Board of Directors if any member of the Board so requests. Names and addresses of persons addressing the Board, the title of the subject matter to which their remarks are related, and whether they spoke in support of or in opposition to such matter shall be entered in the minutes.

~~(a) Tape recordings. The Secretary to the Board will electronically record all Board of Directors meetings as a stenographic~~

aid, and will retain the recording tapes until the written minutes of the meeting are approved by the Board, but in no case longer than 30 days.

#### **7.067-02-08 Public Hearings**

**(a) Public Hearings - Order.** Generally, public hearings shall be conducted in the following order:

- (i) Hearing opened by Presiding Officer
- (ii) Staff presentation
- (iii) Questions of Staff by Board
- (iv) Public testimony opened by Presiding Officer
- (v) Public testimony Hearing closed
- (vi) Questions by Board
- (vii) Discussion by Board
- (viii) Action by Board

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than 3 minutes per individual. Any person may speak for a longer period of time, upon approval of the Board, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the District Counsel shall advise the Board in this regard.

**(b) Public hearings—Closing.** When neither the applicant, his opponents, or the District staff have further evidence to produce or when, in the opinion of the Presiding Officer or the majority of the Board of Directors through the Presiding Officer, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the Board of Directors; provided, however, that this rule may be relaxed by the Presiding Officer or the majority of the Board of Directors through the Presiding Officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing.

**(c) Public hearings—Reopening.** A public hearing on any matter once closed cannot be reopened on the date set for hearing. Nothing in this chapter, however, is intended to prevent or prohibit the

reopening of a public hearing at any subsequent regular or special meeting of the Board of Directors. No public hearing may be reopened without due and proper notice being given to the applicant and his opponents designating the time and place of the reopening

**(d) Public hearings—Continuation.** At any time that it appears to the Presiding Officer or a majority of the Board of Directors through the Presiding Officer that inadequate evidence has been presented to afford judicious consideration of any matter before the board at the time of a public hearing, a continuation of the hearing may be ordered to afford the applicant, his opponents, or the District staff adequate time to assemble additional evidence for the Board of Directors' consideration. Any continuation ordered by the Board of Directors through its Presiding Officer shall be to a date certain, which date shall be publicly announced in the Board Room and shall constitute notice to the applicant and his opponent of the time and place that further evidence will be taken. The public announcements provided for in this section shall constitute notice to the applicant and his opponents of the time and place when further evidence will be taken by the Board of Directors.

#### **7.077-03. PRESIDING OFFICER**

~~**7.03.01 Election.** The Board of Directors shall elect at the last regular meeting of each calendar year the President and Vice President of the Board. *(Note: Water Code Section 30520 states: "within 30 days after taking office...the directors shall meet and shall elect one of their number president and may elect one of their number vice president."*~~

~~**7.07.017-03.02 Powers and Duties.** The Presiding Officer shall assume his place and duties immediately following his election. He shall preserve order at all meetings, have the power to reasonably limit the time of any citizen speaking from the floor, state questions coming before the Board of Directors, announce decisions on all subjects and decide all questions of order; subject, however, to majority vote of the board determining questions of order.~~

~~**7.07.027-03.03 Participation of Presiding Officer.** The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Board Members, and he shall not be deprived of any of the rights and privileges of a Board Member by reason of his acting as Presiding Officer. He shall vote on all motions. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he desires to personally engage in extended debate on questions before the Board, he should consider turning the Chair over to another member.~~



**7.07.037-03-04 Question to be Stated.** The Presiding Officer shall restate each question immediately prior to calling for the vote. Following the vote the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

**7.07.047-03-06— Signing of Documents.** The Board President, Vice-President, or Acting Presiding Officer, in the absence of the Board President, shall sign all ordinances and other documents adopted and approved for signature by the Board of Directors and attested by the Secretary (water Code Section 30528).

**7.07.057-03-06— Maintenance of Order.** The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

#### **7.087.04 RULES, DECORUM AND ORDER**

**7.08.017-04-01 Points of order.** The Presiding Officer shall determine all points of order subject to the right of any Board Member to request full Board of Directors ruling, and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

**7.08.027-04-02 Point of personal privilege.** The right of a Board Member to address the Board of Directors on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are questioned or where the welfare of the board is concerned. A Board Member raising a point of personal privilege may interrupt another board- person who has the floor only if the Presiding Officer recognizes the privilege.

#### **7.08.037-04-03 Decorum and Order – Board Members**

(a) Any Board Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding reference to character and indecorous language.

(b) A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Board Member; or unless the speaker chooses to yield to questions from another Board Member.

(c) Any Board Member called to order while he is speaking shall cease speaking immediately until the question of

order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.

(d) Board Members must preserve order and decorum and shall accord the utmost courtesy to each other, to District employees, and to the public appearing before the Board. They shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. Board Members shall not by conversation or otherwise delay nor interrupt the proceedings of the board in any way, nor disturb any other member of the Board while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this resolution.

(e) Any Board Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Board shall require him to so act.

(f) Any Board Member desiring to question the District staff shall, after recognition by the Presiding Officer, address his questions to the General Manager or District Counsel, who shall be entitled either to answer the inquiry himself or to designate a member of his staff for that purpose.

**7.08.047-04.04 Decorum and Order – Employees.** Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to member of the Board. The General Manager shall ensure that all District employees observe such decorum. Any staff members, including the General Manager, desiring to address the Board or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Board Member or member of the public.

Members of the District staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

**7.08.057-04.05 Decorum and Order – Public.** Members of the public attending Board meetings shall observe the same rules of order and decorum applicable to the Board. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Board or while attending the Board meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from the Board Room..

Unauthorized remarks from the audience, handclapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the Board Room.

**7.08.067-04-06 Enforcement of Decorum.** The Secretary to the Board shall serve as Sergeant-of-Arms. He shall carry out all orders and instructions given him by the Presiding Officer for the purpose of maintaining order and decorum in the Board Room. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-of-Arms or his representative to eject any person from the Board Room. The Sergeant-of-Arms may call upon the County Sheriff to take such action if deemed necessary.

**7.08.077-04-07 Remarks of Board Member and synopsis of debate.** A Board Member may request through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the Board of Directors entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.

**7.08.087-04-08 Protest against Board action.** Any Board Member shall have the right to have the reasons for his dissent from or his protest against any action of the Board of Directors entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons: . . .

**7.08.097-04-09 Limitation of Debate.** No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five minutes each time he has the floor, without approval of the majority vote of the Board.

#### **7.097-06 ADDRESSING THE BOARD**

**7.09.017-06-01 Manner of Addressing the Board.** Any member of the public desiring to address the Board of Directors shall approach the podium, may state his/her name and/or address for the record, but shall not be required to do so, and may but shall not be required to state his address for the record, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and unless further time is granted by majority vote of the board, shall limit his remarks to three minutes. All remarks shall be addressed to the Board as a whole and not to any member thereof or of staff. No questions shall be asked of a Board Member or member of the District staff without obtaining permission of the Presiding Officer.



**7.09.027-06.02 Time Limitation.** Time limitation applicable to public hearings and public comment shall be as set out in Section 7.05.037-02-06 of this resolution.

**7.09.037-06.03 Addressing the Board after motion is made.** After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Board without first securing permission by a majority vote of the Board.

**7.09.047-06.04 Addressing the board—Spokesman.** In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board of Directors on the same subject matter, it shall be proper for the Presiding Officer to inquire whether or not the group has a spokesman and, if so, that he be heard with subsequent speakers in the group being limited to facts not already presented by the group spokesman. The Presiding Officer shall determine the length of time allocated to the spokesperson for the group and for any subsequent speakers represented by the spokesperson.

~~**7.05.05—Scheduling an Appearance Before the Board.**—Persons desiring to appear before the Board or seek action of the Board shall make their request in writing at least 10 days prior to the date of a regularly scheduled meeting. The President shall determine if the matter should be referred to the Board or to staff. If it is determined that staff is to review the item, staff will diligently address the issue and report its findings to the President. The President shall, with the approval of the person requesting the appearance, determine whether the subject should be addressed by the full Board of Directors.~~

#### **7.107-06 MOTIONS**

**7.10.017-06.01 Processing of Motions.** When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

**7.10.027-06.02 Division of Question.** If the question contains two or more divisional propositions, the Presiding Officer may, and upon request of a member shall (unless appealed), divide the same.

**7.10.037-06.03 Procedure of Motions.** When a motion is before the Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- (a) Adjourn
- (b) Fix hour of adjournment
- (c) Table
- (d) Limit or terminate discussion
- (e) Amend

(f) Postpone

**7.10.047-06.04 Motion to Adjourn** (not debatable). A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion.
- (b) When made as an interruption of a member while speaking.
- (c) When discussion has been ended, and vote on motion is pending, and
- (d) While a vote is being taken.

**7.10.057-06.05 Motion to Fix the Hour of Adjournment.** Such a motion shall be to set a definite time at which to adjourn and shall be debatable and shall be amendable by unanimous vote.

**7.10.067-06.06 Motion to Table.** A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

**7.10.077-06.07 Motion to Limit or Terminate Discussion.** Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

**7.10.087-06.08 Motion to Amend.** A motion to amend shall be discussed only as to the amendment. A motion to amend an amendment is possible but no additional motions to further amendments may be made. Any amendment shall relate to the original motion and not introduce a different matter. Amendments shall be voted first, then the main motion as amended. Alternatively, the original maker of the main motion may agree to revise the original motion and if the second agrees to second the revised motion, the Board may vote on the main motion as revised.

**7.117-07 VOTING PROCEDURES.** Any vote of the Board of Directors, including a roll call vote, may be registered by the members by answering "aye" for an affirmative vote or "no" for a negative vote. Every ordinance, resolution or motion requires an affirmative vote of a majority of the Board.

**7.11.017-07.01 Failure to Vote**

- (a) **Failure to Vote other than for Potential for Conflict of Interest.** Every Board Member should vote unless disqualified by reason of a conflict of interest.

**(b) Failure to Vote due to Conflict of Interest or Potential for Conflict of Interest.** Any Board Member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state, or have the District Counsel state, the nature of such disqualification in the open Board of Directors meeting. A Board Member who abstains due to reasons of conflict shall, for purpose of the item under consideration, be considered as if absent and if lawful, may remain in the Board Room or may request and be given the permission of the Presiding Officer to step down from the dais and leave the Board Room. In either case such Board Member shall not vote on the matter and shall not make any comments nor indicate support nor opposition to the action being considered. A Board Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

**7.11.027-07-02 Reconsideration.** Any Board Member who voted with the majority may move a reconsideration of any action at the same meeting or, within seven (7) calendar days, request in writing to the General Manager that it be agendized for consideration at the following meeting. If the seventh calendar day falls on a holiday, then the deadline shall be the next business day. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Board Member who voted against the earlier motion may move for reconsideration within the same seven (7) calendar day period. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Board.

**7.11.037-07-03 Tie vote.** Tie votes shall be lost motions or "no action" unless an additional motion is made which obtains a majority vote to break the tie.

**7.11.047-07-04 Changing vote.** A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the Secretary to the Board and prior to the time the next item in the order of business is taken up. A Board Member who publicly announces that he is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his abstention.

**7.127-08 ORDINANCES, RESOLUTIONS, AND MOTION OR MINUTE ACTION**

**7.12.017-08-01 Definition.** Typically, legislative acts of the Board (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by "resolutions." "Non-ordinance" actions are defined as "resolution," "minute order," and "motion" (thereafter recorded by minute entry). Technically, all three are equally and legally effective and binding; they just vary in the formality of respective memorialization. The most formal is referred to as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "resolutions" are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" denotes a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and not separate document is made to memorialize it.

**7.12.027-08-02 Prior approval of ordinances, resolutions, and contracts by staff.** All ordinances, resolutions and contract documents shall, before presentation to the Board of Directors, have been approved as to form and compliance with all applicable laws by the District Counsel, and shall have been examined and approved for convenience of administrative application by the General Manager or his authorized representative. No ordinance shall be prepared for presentation to the Board of Directors unless ordered by the whole board, the General Manager, or prepared by the District Counsel on his own initiative.

**7.12.037-08-03 Reading of ordinances and resolutions.** At the time of adoption of an ordinance or resolution, reading of the same shall be deemed waived unless reading is requested by a majority of the Board.

**7.12.047-08-04 Board Committee.** The President of the Board from time to time, may establish committees to help carry out the Board's responsibilities. To preserve Board integrity, committees will be used sparingly, only when other methods have been deemed inadequate. Committees will be used so as to minimally interfere with the wholeness of the Board's job.

**(a) Committees Not to Represent Board.** Board Committees may not speak or act for the Board except when formally given such authority for specific and time-limited

purposes. Such authority will be carefully stated in order not to conflict with authority delegated to the General Manager.

**(b) Committees to Develop Policy.** Board Committees are to help the Board do its job, not to help the staff do its job. Committees will assist the Board chiefly by preparing policy alternatives and implications for Board consideration and deliberation. Board Committees are not to be created by the Board to advise staff.

**(c) Committees to be Non-Interfering.** Board Committees shall not exercise any authority over staff, and in keeping with the Board's focus on the future, Board committees will ordinarily have no direct dealings with Staff operations. Further, the Board will not impede its direct delegation to the General Manager by requiring approval of a Board Committee before an Administrative Action.

**ARTICLE 8**  
**INVESTMENT POLICY**

**8.01** The Board of Directors of the Joshua Basin Water District hereby adopt an Investment Policy as follows. Any surplus funds or funds held for any length of time for special projects shall only be invested in the following with reputable institutions.

**8.01.01** Direct and general obligations (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America) of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America, including (in the case of direct and general obligations of the United States of America) evidences of ownership of proportionate interests of such obligations. Investments in such proportionate interests must be limited to circumstances wherein;

(a) a bank or trust company acts as custodian and holds the underlying United States obligations;

(b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations and is a corporation rated A or better by Standard & Poors Corporation (S&P) or the equivalent rating by another recognized rating agency; and

(c) the underlying United States obligations are held in a special account, segregated from the custodian's general assets and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated (the obligations described in this paragraph are referred to herein as "United States Obligations").

**8.01.02** Obligations issued or guaranteed by the following instrumentalities or agencies of the United States of America:

- (a) Federal Home Loan Bank system;
- (b) Export-Import Bank of the United States;
- (c) Federal Financing Bank;
- (d) Government National Mortgage Association;
- (e) Farmers Home Administration;
- (f) Federal Home Loan Mortgage Company;
- (g) Federal Housing Administration;

- (h) Private Export Funding Corp;
- (i) Federal National Mortgage Association;
- (j) Federal Farm Credit Bank;
- (k) Maritime Administration; and
- (l) Public Housing Corporation.

**8.01.03** Pre-refunded municipal obligations meeting the following conditions:

(a) the bonds are

(i) not to be redeemed prior to maturity or the applicable trustee has been given irrevocable instructions concerning their calling and redemption, and

(ii) the applicable issuer has covenanted not to redeem such bonds other than as set forth in such instructions;

(b) the bonds are secured by cash or United States Obligations that may be applied only to interest, principal, and premium payments of such bonds;

(c) the principal of and interest on the United States Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the bonds;

(d) The United States Obligations serving as security for the bonds are held by an escrow agent or trustee that has a combined capital and surplus of not less than \$50,000,000 and is either subject to supervision or examination by federal or state authority or that is rated A or better by S&P or the equivalent rating by another recognized rating agency;

(e) the United States Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(f) the municipal obligations are rated AAA by S&P or the equivalent rating by another recognized agency.

**8.01.04** Direct and general long-term obligations of any state, to the payment of which the full faith and credit of the state is pledged and that are rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.05** Direct and general short-term obligations of any state, to the payment of which the full faith and credit of the state is pledged and that are rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.06** Interest-bearing demand or time deposits or interests in money market portfolios issued by state banks or trust companies or national banking associations that are members of the Federal Deposit Insurance Corporation (FDIC). These deposits or interests must be continuously and fully insured by FDIC and with banks that are rated at least A or better by S&P or the equivalent rating by another recognized rating agency.

**8.01.07** Long-term and medium-term corporate debt guaranteed by any corporation that is rated by S&P or the equivalent rating by another recognized rating agency in its three highest rating categories.

**8.01.08** Repurchase agreements, the maturities of which are 30 days or less, entered into with financial institutions such as banks or trust companies organized under state law or national banking associations, insurance companies or government bond dealers reporting to, trading with, and recognized as primary dealers by the Federal Reserve Bank of New York and members of the Security Investors Protection Corporation or with dealers or parent holding companies. The financial institutions, dealers, or parent holding companies must be rated at least A or better by S&P or the equivalent rating by another recognized rating agency. If it is a parent holding company that has the required S&P rating or the equivalent rating by another recognized rating agency, then the counterparty must have combined capital and surplus not less than \$50,000,000. If the counterparty is a parent holding company, then the agreement must be unconditionally guaranteed by a financial institution subsidiary with a combined capital and surplus not less than \$50,000,000. The repurchase agreement must be secured by United States Obligations. The United States Obligations must have a fair market value, exclusive of accrued interest, at least equal to the amount invested in the repurchase agreements. The Trustee (who shall not be the provider of the collateral) must have a perfected first lien in, and retain possession of, the collateral. The obligations serving as collateral must be free from all third party liens.

**8.01.09** Prime commercial paper of a United States corporation, finance company or banking institution rated in any of the two highest rating categories of S&P or the equivalent rating by another recognized rating agency.

**8.01.10** Public housing bonds issued by public agencies. Such bonds must be fully secured by a pledge of annual contributions under a contract with the United States government; temporary notes, preliminary



loan notes or project notes secured by a requisition or payment agreement with the United States; or state or public agency or municipality obligations; provided that all of the above investments are rated in the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.11** Shares of a diversified open-end management investment company (as defined in the Investment Company Act of 1940) or shares in a regulated investment company (as defined in Section 851(a) of the Internal Revenue Code of 1986, as amended) that is (A) a money market fund that has been rated in the highest rating category by S&P or the equivalent rating by another recognized rating agency, or (B) a money market account of the Trustee or any state or federal bank that is rated A or better by S&P or the equivalent rating by another recognized rating agency or that has a combined capital and surplus of not less than \$50,000,000.

**8.01.12** Units of a money market portfolio rated Am or Am-g by S&P or the equivalent rating by another recognized rating agency composed solely of obligations rated Am-g or better by S&P or the equivalent rating by another recognized rating agency having a federal income tax exclusion.

**8.01.13** Tax-exempt obligations rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.14** Units of a taxable government money market portfolio rated at least Am or Am-g by S&P or the equivalent rating by another recognized rating agency composed solely of obligations issued or guaranteed as to payment of principal and interest by the full faith and credit of the United States Government or repurchase agreements collateralized by such obligations.

**8.01.15** Certificates of deposit issued by commercial banks, savings and loan associations and mutual savings banks rated A or better by S&P or the equivalent rating by another recognized rating agency and properly secured at all times by collateral security described in paragraphs (1) and (2) above.

**8.01.16** The following investments fully insured by the Federal Deposit Insurance Corporation: (a) certificate of deposit, (b) savings accounts, (c) deposit accounts, (d) depository receipts of banks.

**8.01.17** Local Agency Investment Fund

Investment Policy Approved ~~November 5<sup>th</sup>, 2008~~ September 1, 2010.

**EXHIBIT A**

**ORDINANCE NO. 08-7**

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
JOSHUA BASIN WATER DISTRICT PROVIDING FOR  
COMPENSATION OF MEMBERS OF THE  
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT,  
SAN BERNARDINO COUNTY, CALIFORNIA, DOES ORDAIN as follows:

Section 1. Purpose. This Ordinance is enacted under Section 20200 et seq. of the Water Code of California, which authorizes an increase in the amount of compensation above the amount of One Hundred Dollars (\$100.00) or more per day that each member of the governing board may receive, provided that such increase does not exceed an amount equal to five percent (5%) for each calendar year following the operative date of the last adjustment of compensation received when the Ordinance is adopted.

Section 2. Compensation. Pursuant to Joshua Basin Water District Ordinance No. 07-6, which was enacted on July 18, 2007, the operative date of the last adjustment of the compensation received by each member of the Board of Directors was September 18, 2007, which amount of compensation is One Hundred Sixty Five Dollars and Thirty Seven Cents (\$165.37) per day for each day's attendance at meetings of the Board of Directors or for each day's service rendered as member of the Board by request of the Board up to a total of ten (10) days in any calendar month.

Section 3. Increase of Compensation and Operative Date. On the effective date of this Ordinance, each Director shall receive an increase in compensation of Eight Dollars and Twenty Six Cents (\$8.26) per day for each day's service rendered, for a total of One Hundred Seventy Three Dollars and Sixty Three Cents (\$173.63) per day for each day's service rendered, not exceeding a total of ten (10) days in any calendar month.

**EXHIBIT A**

**EXHIBIT A**

**Section 4. Effective Date.** Pursuant to California Water Code Section 20204, this Ordinance will take effect on December 1<sup>st</sup>, 2008, sixty (60) days from and after the date of its passage.

THE FOREGOING ORDINANCE was introduced at a meeting of the Board of Directors of the Joshua Basin Water District held on October 1<sup>st</sup>, 2008 at a public hearing, notice of which was published in The Hi-Desert Star Newspaper once a week for two successive weeks, on Wednesday, September 17<sup>th</sup>, 2008 and Wednesday September 24<sup>th</sup>, 2008.

PASSED and ADOPTED by the Board of Directors of the Joshua Basin Water District at a regular meeting held on the 1<sup>st</sup> day of October, 2008.

---

William C. Long, President  
Joshua Basin Water District and of  
the Board of Directors Thereof

(SEAL)

---

Joe Guzzetta, Secretary  
Joshua Basin Water District and of  
the Board of Directors Thereof

**EXHIBIT A**  
**EXHIBIT B**  
**JOSHUA BASIN WATER DISTRICT**  
**Expense/Reimbursement Claim Form**  
(This form is a public document and a requirement of Assembly Bill 1234)

Claim of: \_\_\_\_\_ From: \_\_\_\_\_ to: \_\_\_\_\_  
Director Name (date) (date)

Event: \_\_\_\_\_

Location: \_\_\_\_\_

**COMPENSATION:** \$173.63 for \_\_\_\_\_ Days = (a) \$ \_\_\_\_\_

**EXPENSES PREPAID BY JOSHUA BASIN WATER DISTRICT:**

	<u>Credit Card, Check, or PO #</u>	<u>Amount</u>
Transportation	_____	\$ _____
Lodging	_____	_____
Meals	_____	_____
Event Registration	_____	_____
Miscellaneous	_____	_____

(b) \$ \_\_\_\_\_

**TOTAL PREPAID BY DISTRICT:** \_\_\_\_\_

**EXPENSES PAID BY CLAIMANT:**

	<u>SUN</u>	<u>MON</u>	<u>TUE</u>	<u>WED</u>	<u>THU</u>	<u>FRI</u>	<u>SAT</u>	<u>TOTAL</u>
Breakfast								
Lunch								
Dinner								
Lodging								
Airfare								
Ground Trans.								
Parking								
Bellman Tips								
# Miles Driven								
Mileage Reimbursement Dollar Amount								

**TOTAL PAID BY CLAIMANT** (c) \$ \_\_\_\_\_

**TOTAL DUE CLAIMANT OR (DUE DISTRICT)** (d) \$ \_\_\_\_\_

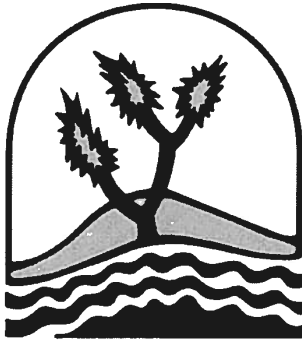
The undersigned makes the foregoing claim against the Joshua Basin Water District, states that the money claimed was actually expended and/or mileage stated was actually traveled on behalf of said District and in pursuance of the duties of claimant and that said claim is presented in good faith and has not heretofore been paid.

Claimant (signature) \_\_\_\_\_ (date) \_\_\_\_\_

Controller (signature) \_\_\_\_\_ (date) \_\_\_\_\_

Please attach receipts for all reimbursable expenses claimed on this form.

**EXHIBIT B**



# **JOSHUA BASIN WATER DISTRICT**

## **ADMINISTRATION CODE**

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## **ARTICLE 1**

### **GENERAL**

**1.01 Title.** These Rules and Regulations shall be known as "The Joshua Basin Water District Administration Code".

**1.02 Short Title.** This document may be referred to by its short title "Administration Code".

**1.03 Intent.** These Rules and Regulations are a result of policies adopted by the Board of Directors of the Joshua Basin Water District as well as certain statutes passed by the California State Legislature and signed into law by the Governor of California. It is the intent of the Board of Directors with this document to provide interested parties the policies by which the Board of Directors and its designates operate.

## ARTICLE 2

### BOARD OF DIRECTORS

**2.01 Officers.** The Board of Directors shall elect at the last regular meeting of each calendar year the Officers of the Board. The Officers elected shall take office upon their election.

**2.01.01 President.** The President of the Board shall preside over all meetings.

**2.01.02 Vice President.** The Vice-President shall act in the President's absence or inability to act.

#### **2.02 Director Compensation**

##### **(A) Amount of Per Diem Compensation**

Directors receive a daily meeting stipend in the amount set forth in Ordinance No. 08-7 for each day's attendance at meetings, as defined in this ARTICLE 2. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this ARTICLE 2.

##### **(B) Meetings for Which Specific Prior Approval Not Required (Preapproved Meetings, Conferences, Programs, and Activities)**

A Director is entitled to receive a daily meeting stipend without specific prior Board approval for attending the following:

1. Meeting of the Board;
2. Meeting of a standing committee of the Board, where the Director is an appointed member of that committee;
3. Meeting of an ad hoc committee of the Board, where the Director is an appointed member of that committee;
4. Meetings conferenceseminars and committee meetings of the Association of California Water Agencies;
5. Meetings of the Mojave Water Agency Board of Directors where the Director is designated by the President to attend.
5. A meeting of the Technical Advisory Committee of the Mojave Water Agency,



6. A meeting of any multi-jurisdictional governmental body on which the Director serves as the District's designated representative.
7. Meetings, conferences, or seminars of the Special Districts and Local Government Institute
8. Meetings of the Association of San Bernardino County Special Districts.
9. Meetings, conferences, or seminars of the California Special Districts Association

**C. Meetings for Which Specific Prior Board Approval is Required**

1. A conference or organized educational activity conducted in compliance with Government Code Sections 53232.1(a)(3) and 54952(c), including mandatory ethics training required by Government Code Section 53234;
2. Meetings of other water agencies where District business is discussed;
3. Meetings of the Local Agency Formation Commission (LAFCO) in which District business is discussed or affected as part of LAFCO's agenda;
4. Meetings with local, state or federal officials relating to District business, needs or interest.
5. District-sponsored events;
6. Any meeting attended or service provided on a given day at the request of the Board and for which the Board provides prior approval of payment of a daily meeting stipend.

**D. Daily Limits**

If a Director attends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

### **E. Aggregate Limits**

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and Ordinance No. 08-7 or any successor thereto, which provides that compensation shall not exceed ten (10) meetings/days per month.

### **F. Travel Days**

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved in advance, Directors shall not count travel to meetings within San Bernardino or Riverside Counties as a reimbursable per diem travel day.

**2.03 Reimbursement for Expenses.** Expenses directly incurred by a Director in connection with the activities listed in Section 2.02 constitute authorized expenses and will be reimbursed. This also includes the above mentioned types of activities for current Board Members' mandatory attendances for depositions and/or other legal obligations as well as former Board Members with approval of the Board.

To conserve District resources and keep expenses within budget guidelines, the following guidelines must be adhered to:

**2.03.01 Payment or reimbursement will be made based on the** the most available economical and efficient mode and class of transportation.

**(a)** Private automobile mileage will be reimbursed at Internal Revenue Service rates.

**(b)** Car Rental may be used only when it is the most economical and efficient mode of transportation.

**(c)** Taxi/Shuttle costs may be reimbursed including 15% gratuity only when the most economical and efficient mode of travel.

**2.03.02** Lodging expenses will be reimbursed only if attendance at the event reasonably requires an overnight stay. Group or government rates must be used if available.

**2.03.03** Meals including gratuities must be reasonable considering the location and event. The daily rate established by the Internal Revenue Service and meals included as part of a conference registration will be considered reasonable. Alcoholic beverages are excluded. Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with the Pacific Cities Consumer Price Index.

**2.03.04** Personal expenses such as movies, golf, laundry or loss of personal property are **excluded**.

**2.04 Expense Report.** All expense reimbursement requests must be submitted on an expense report form provided by the District (Exhibit B). Receipts for all claimed reimbursements must be attached. Receipts may include written explanations of reasonable expense including tips, parking meters and baggage handling for which third-party receipts are not provided. Directors should submit their expense reports within 30 days of an expense incurred, accompanied by receipts documenting each expense. All expenses are subject to verification of compliance with this policy (EXHIBIT B) The expense report and reimbursements are public records and subject to disclosure under the Public Records Act.

**2.05 Reports to Governing Board.** At the next regular board meeting following the attendance at meeting, each Director shall briefly report on the meetings attended at the District's expense, either verbally or in writing. If multiple Directors attend, a joint report may be presented.

**2.06 Violation of this Policy.** Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

**2.06.01** Loss of reimbursement privileges

**2.06.02** A demand for restitution to the District

**2.06.03** The District's

reporting the expenses as income to the elected official to state and federal tax authorities

**2.06.04** Civil penalties of to \$1,000 per day and three times the value of the resources used

**2.06.05** Prosecution for misuse of public funds.

## ARTICLE 3

### MEETINGS

**3.01 General.** The Joshua Basin Water District Board of Directors may meet and take action at a Regular, Special, or Adjourned Meeting.

**3.02 Regular Meetings.** Regular Meetings of the Board shall be held on the first and third Wednesday of each month, at 7:00 PM unless said Wednesday falls upon a holiday designated in Section 6700 of the Government Code of the State of California. Such regular meeting shall be cancelled or held at a date and time determined by the Board and the staff shall arrange its affairs accordingly.

**3.03. Special Meetings.** Special Meetings of the Board may be called at any time by the presiding officer or by a majority of the members of the Board, by delivering personally or by mail written notice to each Board member and to each local newspaper of general circulation, radio, and/or television station requesting notice in writing. Such notices must be delivered at least 24 hours before time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary a written notice of waiver.

**3.04 Adjournment and Adjourned Meetings.** The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Directors are absent from any regular, adjourned regular, special, or adjourned special meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.03 for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment.

**3.05 Notice of Meetings.** Notice of the regular meetings of the Board shall not be required. Notice of special, adjourned special, adjourned, and adjourned special meetings of the Board shall be given as provided in the Sections above.

**3.06 Place of Meetings.** All meetings of the Board shall be held at District's Administrative Offices, provided, that if, by reason of fire, flood, earthquake, other emergency, or anticipated attendance exceeding the capacity of District facilities, it would be held at such place as is designated by the Board within the boundaries of the District, in which event notice of such place of meeting shall be given in the manner required for giving notice of special meetings.

**3.07 Agenda.** Agendas will be posted at least 72 hours before a regular meeting. No action shall be taken on any item not appearing on the posted agenda except for the following:

**3.07.01 Emergency Situation.** Upon a determination by a majority vote of the legislative body that an emergency situation exists. For the purpose of this Section, "emergency situation" means:

- (a) Work stoppage or other activity which severely impairs public health, safety, or both.
- (b) Crippling disaster which severely impairs public health, safety, or both.

**3.07.02 Items Needing to Be Addressed Subsequent to Posting the Agenda.** Upon a determination by a four(4) member vote of the Board, or, if less than four members are present, a unanimous vote of those Directors present, the Board of Directors may take action on items if the Board determines that there is a need to take action and the need for action arose subsequent to the Agenda being posted.

**3.08 Meetings Open to the Public.** All meetings of the Board shall be Open and Public, and all persons shall be permitted to attend any meeting, except for Closed Sessions of the Board held in accordance with law.

**3.09 Public Participation.** Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the Board on any item of interest to the public, before or during the Board's consideration of the item, that is within the subject matter jurisdiction of the Board of Directors provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 3.07.02. Because of time constraints, individuals will be limited to three(3) minutes for each topic addressed.

**3.10 Minutes.** Minutes of the Board meeting shall be prepared within twenty(20) days or as close thereafter as reasonable. Such minutes shall not include the text of Ordinances, Resolutions, or Contracts approved or adopted, which shall be recorded in separate volumes by the Secretary.

**3.11 Distribution of Communications to the Board.** The General Manager shall provide copies of all items intended for the Board and other important communications received to the Board of Directors and all consultants unless they already have such copies. Board members' copies may be found in the area provided for such communications at the District office. Consultants' copies will be mailed when appropriate.

**3.12 Committees.** The President of the Board from time to time, may establish committees to help carry out the Board's responsibilities. To preserve Board integrity, committees will be used sparingly, only when other methods have been deemed inadequate. Committees will be used so as to minimally interfere with the wholeness of the Board's job.

**3.12.01 Committees Not to Represent Board.** Board Committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated in order not to conflict with authority delegated to the General Manager.

**3.12.02 Committees to Develop Policy.** Board Committees are to help the Board do its job, not to help the staff do its job. Committees will

assist the Board chiefly by preparing policy alternatives and implications for Board deliberation. Board Committees are not to be created by the Board to advise staff.

**3.12.03 Committees to be Non-Interfering.** Board Committees shall not exercise any authority over staff, and in keeping with the Board's focus on the future, Board committees will ordinarily have no direct dealings with Staff operations. Further, the Board will not impede its direct delegation to the General Manager by requiring approval of a Board Committee before an Administrative Action.

**ARTICLE 4**  
**GENERAL MANAGER**

**4.01 General.** The General Manager of the Joshua Basin Water District is employed by the Board of Directors to serve as the Chief Executive of the District and, pursuant to the California Water Code Section 30580, is responsible for: implementing the decisions of the Board; determining and executing administrative policies through subordinate managers; supervising the operations and staffing of the District as prescribed by the Board; managing all engineering, planning, design, and inspection for construction activities; and supervising and controlling the administrative, operational, and financial affairs of the District, including all administrative, executive, and ministerial powers not specifically reserved by law for the Board of Directors, General Counsel, or District Auditor.

**4.02 Director-Manager Relations.** The Board of Directors will deal with the administrative services of the District only through the General Manager. Neither the Board of Directors nor any Director will give orders to subordinates of the Manager. The General Manager shall take his orders and instructions from the Board of Directors only in a duly held meeting of the Board of Directors, and no individual Director will give any orders or instructions to the General Manager, except the officers of the District acting within the scope of their respective offices.

**4.03 Authority Over Employees.** The General Manager will have the authority to control and give directions to all employees. The General Manager will also hire, remove, promote, and demote any and all employees of the District. Consultants will be directed by the General Manager. Consultants will be hired and removed by the Board of Directors.

**4.04 Manager's Powers and Duties.** The General Manager is the administrative head of the Joshua Basin Water District, under the direction and control of the Board of Directors. He is responsible for the administration of all the affairs of the District under his control. In addition to general administrative powers, the General Manager's powers and duties shall include, but not be limited to, the following:

**4.04.01 Employee Positions and Job Classifications.** It shall be the duty of the General Manager to establish District employee positions and job classifications, subject to approval by the Board of Directors. The positions and classifications shall be reviewed, at a minimum, at the time the annual budget is adopted.

**4.04.02 Attendance at Board Meetings.** It is the duty of the General Manager to attend all regular and special meetings of the Board of Directors unless excused.

**4.04.03 Manager to be On Call.** The General Manager is expected to be on call twenty-four(24) hours a day and it shall be understood that no compensatory time will be allowed.

**4.04.04 Financial Reports.** It is the duty of the General Manager to keep the Board of Directors fully advised as to the financial

condition and needs of the District. The Manager shall be responsible for maintaining the District's books of accounts and will have said books audited at the end of each fiscal period by the District's Independent Auditor. It is the duty of the General Manager to prepare the monthly financial report, which shall include such items as determined by the Board. **4.04.05 Budget.** It is the duty of the General Manager to prepare the annual budget and submit it to the Board of Directors. The Manager shall adhere to the budget unless otherwise directed by the Board and shall establish a system of accounting for expenditures. The Manager shall regularly review the status of the budget with the Board and propose appropriate corrective action if revenues or expenditures vary materially from the approved budget.

**4.04.06 Purchasing.** It is the duty of the General Manager to be responsible for the purchase of all supplies and equipment for the District. All expenditures for items classified as capital assets, such as auto equipment, office machines, etc., shall be submitted to the Board of Directors for approval when the cost is in excess of \$20,000. Any amount over \$10,000 that the General Manager approves must be presented to the Board at the next Board Meeting, with explanation.

**4.04.07 Expenditure of Funds for Emergencies.** It shall be the duty of the General Manager to expend the funds necessary to correct an emergency situation. The General Manager shall notify the President of the Board as soon as possible as to the nature of the emergency and the estimated funds required to remedy the situation.

**4.04.08 Public Complaints.** It is the duty of the General Manager to investigate all complaints concerning the administration and operations of the District and report his finding to the Board of Directors.

**4.04.09 Public Property.** It is the duty of the General Manager to exercise general supervision over all property belonging to the Joshua Basin Water District. It is the duty of the General Manager to accept, on behalf of the District, easements and other real property rights and interests required for performance of the District's legitimate functions.

**4.04.10 Hours of Employment.** It shall be the duty of the General Manager to devote his entire time to the duties of his office. The General Manager shall see that the office is open to the public from 8:00 AM to 5:00 PM five days a week, excluding Saturdays, Sundays, and holidays.

**4.04.11 Payment of Bills.** It shall be the duty of the General Manager to pay all bills when due.

**4.04.12 Preparations for Board Meetings.** It is the duty of the General Manager to see that notice of all meetings and agendas are prepared as provided by law. The General Manager will be responsible for providing the services of a recording secretary at all Board Meetings and he will supervise the preparation of the agenda,



minutes, Resolutions, and Ordinances of all regular and special meetings.

**4.04.13 Correspondence.** It is the duty of the General Manager to reply to all correspondence except letters addressed to the Board of Directors requiring an Officer's signature, unless such authority is delegated to the General Manager. The General Manager will keep the members of the Board informed by furnishing copies or memoranda of all vital replies or notices.

**4.04.14 Annual Independent Audit.** It is the duty of the General Manager to submit a draft of the District's Annual Audit to the Board of Directors for its review and approval no later than the end of December of each year.

**4.04.15 Filing.** It is the duty of the General Manager to keep the District's files up to date.

**4.04.16 Director Attendance.** It is the duty of the General Manager to keep a record of all Directors in attendance at all regular and special meetings.

**4.04.17 Committee Meetings.** The General Manager is instructed to attend all committee meetings unless otherwise instructed.

**4.04.18 Special Problems.** It is the duty of the General Manager to call to the attention of the President special problems which can not await the next regular Board Meeting.

**4.04.19 News Media.** It is the duty of the General Manager to prepare and dispense such press releases as depict the growth and activities of the District.

**4.04.20 Manager's Activities.** It is the duty of the General Manager to report the District's activities at the regular Board Meetings.

**4.04.21 Petty Cash.** It is the duty of the General Manager to record disbursements from the petty cash fund and to replenish said fund as required.

**4.04.22 Additional Duties.** It is the duty of the General Manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by Resolution or other action of the Board of Directors.

**4.05 Removal of the General Manager.** The removal of the Manager shall be only upon not less than three(3) votes of the Board of Directors, subject to the applicable provision of the Employment Contract between the Manager and the Board of Directors.

**4.06 Temporary Manager.** The General Manager will recommend, subject to the approval of the Board of Directors, one of the employees of the District to

serve as General Manager pro tem during any temporary absence or disability of the Manager. In the event that the General Manager cannot make the appointment, the President of the Board shall make the appointment subject to approval by the Board of Directors.

**4.07 Reimbursement for Expenses.** The General Manager will be reimbursed for all sums incurred by him in the performance of his duties. Reimbursement will be made when an itemized expense voucher setting forth the sums expended has been presented to the Board of Directors for approval. The District will either furnish an automobile or reimburse the General Manager for use of his personal automobile at the established rate per mile while on District business at the discretion of the Board of Directors.

## **ARTICLE 5**

### **ETHICS TRAINING REQUIREMENTS FOR ELECTED OFFICIALS AND KEY EMPLOYEES**

**5.01** Ethics training is required of the elected board and key staff members. In addition, the board may designate any non-elected officials and staff to receive ethics training. Designated staff and board members shall receive ethics training no later than one year from the first day of employment or appointment to the District. Thereafter, board members must receive two hours of ethics training every two years. The required training shall cover, but is not limited to: laws relating to personal gain by public servants including laws prohibiting conflicts of interests and bribery; laws relating to gifts and travel, use of public resources or gifts of public funds; Government transparency laws; and laws relating to fair processes including competitive bidding and nepotism.

Officials should keep the original certificates of attendance for their own records and provide a copy of the certificates to the District.

## ARTICLE 6

### JOSHUA BASIN WATER DISTRICT CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code, Section 81000, et seq.) requires state and local government agencies, including the Joshua Basin Water District, to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) (copy attached) which contains the terms of a standard conflict of interest code, which can be adopted by reference. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation, and the attached Appendix designating employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Joshua Basin Water District.

Designated employees/positions (see Appendix "A," attached hereto) shall file their statements of economic interests with the Secretary of the Board of Directors of the Joshua Basin Water District, who will make the statements available for public inspection and reproduction upon request. (Government Code, Section 81008.) Upon receipt of the statement(s) of the designated employees/positions, the Secretary of the Board of Directors shall make and retain a copy and forward the original of the statement(s) to the Clerk of the Board of Supervisors, County of San Bernardino, which shall be the "filing officer" as required by state law.

(EXHIBIT "A" TO RESOLUTION NO. 11-867 ADOPTED 02 16 2011)

**APPENDIX “A”  
APPENDIX OF DESIGNATED POSITIONS AND  
CATEGORIES OF DISCLOSURE**

<b>DESIGNATED POSITIONS</b>	<b>DISCLOSURE CATEGORIES</b> (See Attachment No. 1)
Director	1-4
General Manager	1-4
Assistant General Manager/Controller	1-4
Human Resources/Administrative Services Supervisor	1-4
Accountant	1-4
GIS Coordinator	1-4
Water Distribution Supervisor	1-4
Water Production supervisor	1-4
Attorney	5
Auditor	5
Engineer	5

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interests pursuant to **Government Code Section 87200**:

- Directors
- District/Board Officer
- Controller/Chief Financial Officer

\*Consultants shall be included in the list of designated positions and shall Disclose pursuant to the broadest disclosure category in the code subject to the following limitations.

The General Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such a written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

The Designated position of Consultant includes attorneys as a position subject to the foregoing specialized disclosure category.

**DISCLOSURE CATEGORIES**  
**(Attachment No. 1 to Appendix "A")**

**CATEGORY 1**

Persons in this category shall disclose all interest 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 miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

**CATEGORY 2**

Persons in this category shall disclose all investments and business positions.

The Political Reform Act defines investment as follows:

“Investment” means any financial interest in or 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 owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, 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 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 equals or exceeds two thousand dollars (\$2,000). 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 immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Political Reform Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

### **CATEGORY 3**

Persons in this category shall disclose all income and business positions

The Political Reform Act defines income as follows:

“Income” means a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses other than an employer, and including any community property interest in the income of a spouse. Income also includes any outstanding loans. Income of an individual also include a pro rata share of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

### **CATEGORY 4**

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the Agency and associated with the job assignment of designated positions assigned to this disclosure category.

### **CATEGORY 5**

Consultants who are not employed as full-time staff members of the Agency shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (\*) in Appendix "A" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the District and shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

## **§ 18730. Provisions of Conflict-of-Interest Codes.**

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

### **(1) Section 1. Definitions.**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

### **(2) Section 2. Designated Employees.**

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

### **(3) Section 3. Disclosure Categories.**

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;



(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time

member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the



determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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<sup>1</sup>Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup>See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup>Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100,

California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.

12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).

13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).

14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).

15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only

subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

## ARTICLE 7

### RULES OF PROCEDURE FOR BOARD AGENDAS AND MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

#### 7.01 Board Meeting Agenda

The General Manager, in cooperation with and approved by the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act. Any Director may call or correspond with the General Manager and request any item to be placed on the agenda. Any such request must be in writing and submitted to the General Manager no later than 5:00 P.M. on the ninth day prior to the next meeting date.

**7.02** In the event there is a dispute between the Board President and an individual Board Member as to whether a matter shall be placed on the Agenda, the matter should be brought to the full Board for consideration of placement on a subsequent Agenda

**7.03 Public Request.** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

- (a) The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least fourteen days prior to the date of the meeting;
- (b) The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business." The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors in which case the Board will determine whether or not to place the item on a subsequent agenda.
- (c) No matter which is legally a proper subject for consideration by the Board in closed session will be accepted for discussion in open session under this policy.
- (d) The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

Section 7.03 does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the

agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss at length or take action on such matters at that meeting.

**7.04 Posting of Agenda.** At least 72 hours prior to the time of all Regular Meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.

The agenda for a Special Meeting shall be posted at least 24 hours before the meeting in the same location.

**7.05 Order of business.** The business of the Board of Directors shall be taken up for consideration and disposition in the order set out by the General Manager, or, by action of the Board, or the Board President in consultation with the General Manager.

The Presiding Officer or a majority of the Board of Directors may change the order of business at any time during the meeting.

**7.05.01 Call to Order.** The meeting of the Board shall be called to order by the President, or in his/her absence, by the Vice-President. In the absence of both the President and the Vice President, the Secretary to the Board shall call the Board to order, whereupon a temporary Presiding Officer shall be elected by the Board Members present to serve until the arrival of the Board President or Board Vice- President, or until adjournment.

**7.05.02 Roll Call.** Before proceeding with the business of the Board, the Secretary to the Board shall call the roll of the Board Members and the names of those present shall be entered in the minutes.

**7.05.03 Public Comment**

**(a) Time Allotted.** Pursuant to Government Code 54954.3, each agenda for a regular meeting shall provide an item entitled "Public Comment." The purpose of such item shall be to provide an opportunity for members of the public to directly address the Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the board of Directors. In order to assure that the intent of Government Code 54954.3 is carried out, three (3) minutes is the amount of time allocated for each individual speaker. The President or the majority of the Board may, at their sole discretion, grant additional time to the speaker during the Public Comment section of the agenda or at the end of the agenda.

In the event that the number of individuals desiring to address the Board during the Public Comment section of the agenda exceeds the total time allotted for Public Comment, the Board may continue the Public Comment section of the agenda to a time later in the agenda.

**(b) Referral to Staff.** At any time after the oral communication is commenced, the Presiding Officer may direct that the communication be made instead either to the General Manager during regular business hours, or in writing for subsequent submittal to Board Members.

**(c) Questions of the Board.** If a member of the public wishes to use this opportunity to ask questions of the Board, all questions shall be included within the three minute allowable Public Comment period. The Board shall refrain from giving any responses until the member of the public has completed his remarks. The Presiding Officer shall then determine whether to respond to any questions, request any Board Member or the General Manager to respond to any questions at that time, or refer any questions to staff for response at a later time.

**(d) Board Action on issue raised during Public Comment.** Government Code 54954.2 provides that no action shall be taken on any item not appearing on the agenda unless the action is authorized by government Code 54954.2 (b). On items of public comment or discussion, any matter raised by the public which does not specifically appear on the agenda shall, upon direction of any Board Members, be automatically referred to the staff or placed on the next meeting's agenda. It is hereby determined that such requests or direction by a Board Member shall not be considered action taken by the Board on said item raised by the public. Further, Board discussion of the matter shall not be considered action taken.

**7.05.04 Consent Calendar.** Items of routine nature, and non-controversial, may be placed on the consent agenda. Adoption of the consent calendar may be made by one motion only by the Board of Directors; provided, however, that the Presiding Officer should first advise the audience that the consent calendar matters will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard. In that event, the Presiding Officer may defer action on the particular matter or matters and place them on the regular agenda for consideration in any order he deems appropriate.

**7.05.05 Approval of Minutes.** The official minutes of the Board of Directors will be kept by the Secretary to the Board and may be placed and



approved as an item on the Consent Calendar. Minutes shall be prepared within 20 days of the meeting. The Secretary to the Board shall be required to make a record only of such business as was actually passed upon by the Board of Directors and shall not be required to record any remarks of any members of the Board or of any other person except at the special request of a member of the Board. The Secretary to the Board shall enter into the minutes the reasons for dissent from or protest against any action of the Board of Directors if any member of the Board so requests. Names and addresses of persons addressing the Board, the title of the subject matter to which their remarks are related, and whether they spoke in support of or in opposition to such matter shall be entered in the minutes.

#### **7.06 Public Hearings**

**(a) Public Hearings - Order.** Generally, public hearings shall be conducted in the following order:

- (i) Hearing opened by Presiding Officer
- (ii) Staff presentation
- (iii) Questions of Staff by Board
- (iv) Public testimony opened by Presiding Officer
- (v) Public testimony Hearing closed
- (vi) Questions by Board
- (vii) Discussion by Board
- (viii) Action by Board

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than 3 minutes per individual. Any person may speak for a longer period of time, upon approval of the Board, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the District Counsel shall advise the Board in this regard.

**(b) Public hearings—Closing.** When neither the applicant, his opponents, or the District staff have further evidence to produce or when, in the opinion of the Presiding Officer or the majority of the Board of Directors through the Presiding Officer, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the Board of Directors; provided, however, that this rule may be relaxed by the Presiding Officer or the majority of the

Board of Directors through the Presiding Officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing.

**(c) Public hearings—Reopening.** A public hearing on any matter once closed cannot be reopened on the date set for hearing. Nothing in this chapter, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the Board of Directors. No public hearing may be reopened without due and proper notice being given to the applicant and his opponents designating the time and place of the reopening

**(d) Public hearings—Continuation.** At any time that it appears to the Presiding Officer or a majority of the Board of Directors through the Presiding Officer that inadequate evidence has been presented to afford judicious consideration of any matter before the board at the time of a public hearing, a continuation of the hearing may be ordered to afford the applicant, his opponents, or the District staff adequate time to assemble additional evidence for the Board of Directors' consideration. Any continuation ordered by the Board of Directors through its Presiding Officer shall be to a date certain, which date shall be publicly announced in the Board Room and shall constitute notice to the applicant and his opponent of the time and place that further evidence will be taken. The public announcements provided for in this section shall constitute notice to the applicant and his opponents of the time and place when further evidence will be taken by the Board of Directors.

## **7.07 PRESIDING OFFICER**

**7.07.01 Powers and Duties.** The Presiding Officer shall preserve order at all meetings, have the power to reasonably limit the time of any citizen speaking from the floor, state questions coming before the Board of Directors, announce decisions on all subjects and decide all questions of order; subject, however, to majority vote of the board determining questions of order.

**7.07.02 Participation of Presiding Officer.** The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Board Members, and he shall not be deprived of any of the rights and privileges of a Board Member by reason of his acting as Presiding Officer. He shall vote on all motions. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he desires to personally engage in extended debate on questions before the Board, he should consider turning the Chair over to another member.

**7.07.03 Question to be Stated.** The Presiding Officer shall restate each question immediately prior to calling for the vote. Following the vote the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

**7.07.04 Signing of Documents.** The Board President, Vice-President, or Acting Presiding Officer, in the absence of the Board President, shall sign all ordinances and other documents adopted and approved for signature by the Board of Directors and attested by the Secretary (water Code Section 30528).

**7.07.05 Maintenance of Order.** The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

## **7.08 RULES, DECORUM AND ORDER**

**7.08.01 Points of order.** The Presiding Officer shall determine all points of order subject to the right of any Board Member to request full Board of Directors ruling, and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

**7.08.02 Point of personal privilege.** The right of a Board Member to address the Board of Directors on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are questioned or where the welfare of the board is concerned. A Board Member raising a point of personal privilege may interrupt another board- person who has the floor only if the Presiding Officer recognizes the privilege.

### **7.08.03 Decorum and Order – Board Members**

(a) Any Board Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding reference to character and indecorous language.

(b) A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Board Member; or unless the speaker chooses to yield to questions from another Board Member.

(c) Any Board Member called to order while he is speaking shall cease speaking immediately until the question of

order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.

(d) Board Members must preserve order and decorum and shall accord the utmost courtesy to each other, to District employees, and to the public appearing before the Board. They shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. Board Members shall not by conversation or otherwise delay nor interrupt the proceedings of the board in any way, nor disturb any other member of the Board while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this resolution.

(e) Any Board Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Board shall require him to so act.

(f) Any Board Member desiring to question the District staff shall, after recognition by the Presiding Officer, address his questions to the General Manager or District Counsel, who shall be entitled either to answer the inquiry himself or to designate a member of his staff for that purpose.

**7.08.04 Decorum and Order – Employees.** Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to member of the Board. The General Manager shall ensure that all District employees observe such decorum. Any staff members, including the General Manager, desiring to address the Board or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Board Member or member of the public.

Members of the District staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

**7.08.05 Decorum and Order – Public.** Members of the public attending Board meetings shall observe the same rules of order and decorum applicable to the Board. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Board or while attending the Board meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from the Board Room..

Unauthorized remarks from the audience, handclapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the Board Room.

**7.08.06 Enforcement of Decorum.** The Secretary to the Board shall serve as Sergeant-of-Arms. He shall carry out all orders and instructions given him by the Presiding Officer for the purpose of maintaining order and decorum in the Board Room. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-of-Arms or his representative to eject any person from the Board Room. The Sergeant-of-Arms may call upon the County Sheriff to take such action if deemed necessary.

**7.08.07 Remarks of Board Member and synopsis of debate.** A Board Member may request through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the Board of Directors entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.

**7.08.08 Protest against Board action.** Any Board Member shall have the right to have the reasons for his dissent from or his protest against any action of the Board of Directors entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons: . . .

**7.08.09 Limitation of Debate.** No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five minutes each time he has the floor, without approval of the majority vote of the Board.

## **7.09 ADDRESSING THE BOARD**

**7.09.01 Manner of Addressing the Board.** Any member of the public desiring to address the Board of Directors shall approach the podium, may state his/her name and/or address for the record, but shall not be required to do so, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and unless further time is granted by majority vote of the board, shall limit his remarks to three minutes. All remarks shall be addressed to the Board as a whole and not to any member thereof or of staff. No questions shall be asked of a Board Member or member of the District staff without obtaining permission of the Presiding Officer.

**7.09.02 Time Limitation.** Time limitation applicable to public hearings and public comment shall be as set out in Section 7.05.03 of this resolution.

**7.09.03 Addressing the Board after motion is made.** After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Board without first securing permission by a majority vote of the Board.

**7.09.04 Addressing the board—Spokesman.** In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board of Directors on the same subject matter, it shall be proper for the Presiding Officer to inquire whether or not the group has a spokesman and, if so, that he be heard with subsequent speakers in the group being limited to facts not already presented by the group spokesman. The Presiding Officer shall determine the length of time allocated to the spokesperson for the group and for any subsequent speakers represented by the spokesperson.

## **7.10 MOTIONS**

**7.10.01 Processing of Motions.** When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

**7.10.02 Division of Question.** If the question contains two or more divisional propositions, the Presiding Officer may, and upon request of a member shall (unless appealed), divide the same.

**7.10.03 Procedure of Motions.** When a motion is before the Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- (a) Adjourn
- (b) Fix hour of adjournment
- (c) Table
- (d) Limit or terminate discussion
- (e) Amend
- (f) Postpone

**7.10.04 Motion to Adjourn** (not debatable). A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion.
- (b) When made as an interruption of a member while speaking.

- (c) When discussion has been ended, and vote on motion is pending, and
- (d) While a vote is being taken.

**7.10.05 Motion to Fix the Hour of Adjournment.** Such a motion shall be to set a definite time at which to adjourn and shall be debatable and shall be amendable by unanimous vote.

**7.10.06 Motion to Table.** A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be “taken from the table” at any time prior to the end of the next regular meeting.

**7.10.07 Motion to Limit or Terminate Discussion.** Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

**7.10.08 Motion to Amend.** A motion to amend shall be discussed only as to the amendment. A motion to amend an amendment is possible but no additional motions to further amendments may be made. Any amendment shall relate to the original motion and not introduce a different matter. Amendments shall be voted first, then the main motion as amended. Alternatively, the original maker of the main motion may agree to revise the original motion and if the second agrees to second the revised motion, the Board may vote on the main motion as revised.

**7.11 VOTING PROCEDURES.** Any vote of the Board of Directors, including a roll call vote, may be registered by the members by answering “aye” for an affirmative vote or “no” for a negative vote. Every ordinance, resolution or motion requires an affirmative vote of a majority of the Board.

**7.11.01 Failure to Vote**

**(a) Failure to Vote other than for Potential for Conflict of Interest.** Every Board Member should vote unless disqualified by reason of a conflict of interest.

**(b) Failure to Vote due to Conflict of Interest or Potential for Conflict of Interest.** Any Board Member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state, or have the District Counsel state, the nature of such disqualification in the open Board of Directors meeting. A Board Member who abstains due

to reasons of conflict shall, for purpose of the item under consideration, be considered as if absent and if lawful, may remain in the Board Room or may request and be given the permission of the Presiding Officer to step down from the dais and leave the Board Room. In either case such Board Member shall not vote on the matter and shall not make any comments nor indicate support nor opposition to the action being considered. A Board Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

**7.11.02 Reconsideration.** Any Board Member who voted with the majority may move a reconsideration of any action at the same meeting or, within seven (7) calendar days, request in writing to the General Manager that it be agendized for consideration at the following meeting. If the seventh calendar day falls on a holiday, then the deadline shall be the next business day. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Board Member who voted against the earlier motion may move for reconsideration within the same seven (7) calendar day period. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Board.

**7.11.03 Tie vote.** Tie votes shall be lost motions or “no action” unless an additional motion is made which obtains a majority vote to break the tie.

**7.11.04 Changing vote.** A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the Secretary to the Board and prior to the time the next item in the order of business is taken up. A Board Member who publicly announces that he is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his abstention.

## **7.12 ORDINANCES, RESOLUTIONS, AND MOTION OR MINUTE ACTION**

**7.12.01 Definition.** Typically, legislative acts of the Board (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by “resolutions.” “Non-ordinance” actions are defined as “resolution,” “minute order,” and “motion” (thereafter recorded by minute entry). Technically, all three are equally and



legally effective and binding; they just vary in the formality of respective memorialization. The most formal is referred to as a "resolution." This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such "resolutions" are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

A "minute order" denotes a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and not separate document is made to memorialize it.

**7.12.02 Prior approval of ordinances, resolutions, and contracts by staff.** All ordinances, resolutions and contract documents shall, before presentation to the Board of Directors, have been approved as to form and compliance with all applicable laws by the District Counsel, and shall have been examined and approved for convenience of administrative application by the General Manager or his authorized representative. No ordinance shall be prepared for presentation to the Board of Directors unless ordered by the whole board, the General Manager, or prepared by the District Counsel on his own initiative.

**7.12.03 Reading of ordinances and resolutions.** At the time of adoption of an ordinance or resolution, reading of the same shall be deemed waived unless reading is requested by a majority of the Board.

**7.12.04 Board Committee.** The President of the Board from time to time, may establish committees to help carry out the Board's responsibilities. To preserve Board integrity, committees will be used sparingly, only when other methods have been deemed inadequate. Committees will be used so as to minimally interfere with the wholeness of the Board's job.

**(a) Committees Not to Represent Board.** Board Committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated in order not to conflict with authority delegated to the General Manager.

**(b) Committees to Develop Policy.** Board Committees are to help the Board do its job, not to help the staff do its job. Committees will assist the Board chiefly by preparing policy alternatives and implications for Board consideration and deliberation. Board Committees are not to be created by the Board to advise staff.

**(c) Committees to be Non-Interfering.** Board Committees shall not exercise any authority over staff, and in keeping with the Board's focus on the future, Board committees will ordinarily have no direct dealings with Staff operations. Further, the Board will not impede its direct delegation to the General Manager by requiring approval of a Board Committee before an Administrative Action.

**ARTICLE 8**  
**INVESTMENT POLICY**

**8.01** The Board of Directors of the Joshua Basin Water District hereby adopt an Investment Policy as follows. Any surplus funds or funds held for any length of time for special projects shall only be invested in the following with reputable institutions.

**8.01.01** Direct and general obligations (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America) of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America, including (in the case of direct and general obligations of the United States of America) evidences of ownership of proportionate interests of such obligations. Investments in such proportionate interests must be limited to circumstances wherein;

(a) a bank or trust company acts as custodian and holds the underlying United States obligations;

(b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations and is a corporation rated A or better by Standard & Poors Corporation (S&P) or the equivalent rating by another recognized rating agency; and

(c) the underlying United States obligations are held in a special account, segregated from the custodian's general assets and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated (the obligations described in this paragraph are referred to herein as "United States Obligations").

**8.01.02** Obligations issued or guaranteed by the following instrumentalities or agencies of the United States of America:

- (a) Federal Home Loan Bank system;
- (b) Export-Import Bank of the United States;
- (c) Federal Financing Bank;
- (d) Government National Mortgage Association;
- (e) Farmers Home Administration;
- (f) Federal Home Loan Mortgage Company;
- (g) Federal Housing Administration;

- (h) Private Export Funding Corp;
- (i) Federal National Mortgage Association;
- (j) Federal Farm Credit Bank;
- (k) Maritime Administration; and
- (l) Public Housing Corporation.

**8.01.03** Pre-refunded municipal obligations meeting the following conditions:

- (a) the bonds are
  - (i) not to be redeemed prior to maturity or the applicable trustee has been given irrevocable instructions concerning their calling and redemption, and
  - (ii) the applicable issuer has covenanted not to redeem such bonds other than as set forth in such instructions;
- (b) the bonds are secured by cash or United States Obligations that may be applied only to interest, principal, and premium payments of such bonds;
- (c) the principal of and interest on the United States Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the bonds;
- (d) The United States Obligations serving as security for the bonds are held by an escrow agent or trustee that has a combined capital and surplus of not less than \$50,000,000 and is either subject to supervision or examination by federal or state authority or that is rated A or better by S&P or the equivalent rating by another recognized rating agency;
- (e) the United States Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and
- (f) the municipal obligations are rated AAA by S&P or the equivalent rating by another recognized agency.

**8.01.04** Direct and general long-term obligations of any state, to the payment of which the full faith and credit of the state is pledged and that are rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.05** Direct and general short-term obligations of any state, to the payment of which the full faith and credit of the state is pledged and that are rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.06** Interest-bearing demand or time deposits or interests in money market portfolios issued by state banks or trust companies or national banking associations that are members of the Federal Deposit Insurance Corporation (FDIC). These deposits or interests must be continuously and fully insured by FDIC and with banks that are rated at least A or better by S&P or the equivalent rating by another recognized rating agency.

**8.01.07** Long-term and medium-term corporate debt guaranteed by any corporation that is rated by S&P or the equivalent rating by another recognized rating agency in its three highest rating categories.

**8.01.08** Repurchase agreements, the maturities of which are 30 days or less, entered into with financial institutions such as banks or trust companies organized under state law or national banking associations, insurance companies or government bond dealers reporting to, trading with, and recognized as primary dealers by the Federal Reserve Bank of New York and members of the Security Investors Protection Corporation or with dealers or parent holding companies. The financial institutions, dealers, or parent holding companies must be rated at least A or better by S&P or the equivalent rating by another recognized rating agency. If it is a parent holding company that has the required S&P rating or the equivalent rating by another recognized rating agency, then the counterparty must have combined capital and surplus not less than \$50,000,000. If the counterparty is a parent holding company, then the agreement must be unconditionally guaranteed by a financial institution subsidiary with a combined capital and surplus not less than \$50,000,000. The repurchase agreement must be secured by United States Obligations. The United States Obligations must have a fair market value, exclusive of accrued interest, at least equal to the amount invested in the repurchase agreements. The Trustee (who shall not be the provider of the collateral) must have a perfected first lien in, and retain possession of, the collateral. The obligations serving as collateral must be free from all third party liens.

**8.01.09** Prime commercial paper of a United States corporation, finance company or banking institution rated in any of the two highest rating categories of S&P or the equivalent rating by another recognized rating agency.

**8.01.10** Public housing bonds issued by public agencies. Such bonds must be fully secured by a pledge of annual contributions under a contract with the United States government; temporary notes, preliminary

loan notes or project notes secured by a requisition or payment agreement with the United States; or state or public agency or municipality obligations; provided that all of the above investments are rated in the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.11** Shares of a diversified open-end management investment company (as defined in the Investment Company Act of 1940) or shares in a regulated investment company (as defined in Section 851(a) of the Internal Revenue Code of 1986, as amended) that is (A) a money market fund that has been rated in the highest rating category by S&P or the equivalent rating by another recognized rating agency, or (B) a money market account of the Trustee or any state or federal bank that is rated A or better by S&P or the equivalent rating by another recognized rating agency or that has a combined capital and surplus of not less than \$50,000,000.

**8.01.12** Units of a money market portfolio rated Am or Am-g by S&P or the equivalent rating by another recognized rating agency composed solely of obligations rated Am-g or better by S&P or the equivalent rating by another recognized rating agency having a federal income tax exclusion.

**8.01.13** Tax-exempt obligations rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.14** Units of a taxable government money market portfolio rated at least Am or Am-g by S&P or the equivalent rating by another recognized rating agency composed solely of obligations issued or guaranteed as to payment of principal and interest by the full faith and credit of the United States Government or repurchase agreements collateralized by such obligations.

**8.01.15** Certificates of deposit issued by commercial banks, savings and loan associations and mutual savings banks rated A or better by S&P or the equivalent rating by another recognized rating agency and properly secured at all times by collateral security described in paragraphs (1) and (2) above.

**8.01.16** The following investments fully insured by the Federal Deposit Insurance Corporation: (a) certificate of deposit, (b) savings accounts, (c) deposit accounts, (d) depository receipts of banks.

**8.01.17** Local Agency Investment Fund

Investment Policy Approved September 1, 2010.

**EXHIBIT A**

**ORDINANCE NO. 08-7**

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE  
JOSHUA BASIN WATER DISTRICT PROVIDING FOR  
COMPENSATION OF MEMBERS OF THE  
BOARD OF DIRECTORS**

THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT,  
SAN BERNARDINO COUNTY, CALIFORNIA, DOES ORDAIN as follows:

Section 1. Purpose. This Ordinance is enacted under Section 20200 et seq. of the Water Code of California, which authorizes an increase in the amount of compensation above the amount of One Hundred Dollars (\$100.00) or more per day that each member of the governing board may receive, provided that such increase does not exceed an amount equal to five percent (5%) for each calendar year following the operative date of the last adjustment of compensation received when the Ordinance is adopted.

Section 2. Compensation. Pursuant to Joshua Basin Water District Ordinance No. 07-6, which was enacted on July 18, 2007, the operative date of the last adjustment of the compensation received by each member of the Board of Directors was September 18, 2007, which amount of compensation is One Hundred Sixty Five Dollars and Thirty Seven Cents (\$165.37) per day for each day's attendance at meetings of the Board of Directors or for each day's service rendered as member of the Board by request of the Board up to a total of ten (10) days in any calendar month.

Section 3. Increase of Compensation and Operative Date. On the effective date of this Ordinance, each Director shall receive an increase in compensation of Eight Dollars and Twenty Six Cents (\$8.26) per day for each day's service rendered, for a total of One Hundred Seventy Three Dollars and Sixty Three Cents (\$173.63) per day for each day's service rendered, not exceeding a total of ten (10) days in any calendar month.

**EXHIBIT A**

**EXHIBIT A**

Section 4. Effective Date. Pursuant to California Water Code Section 20204, this Ordinance will take effect on December 1<sup>st</sup>, 2008, sixty (60) days from and after the date of its passage.

THE FOREGOING ORDINANCE was introduced at a meeting of the Board of Directors of the Joshua Basin Water District held on October 1<sup>st</sup>, 2008 at a public hearing, notice of which was published in The Hi-Desert Star Newspaper once a week for two successive weeks, on Wednesday, September 17<sup>th</sup>, 2008 and Wednesday September 24<sup>th</sup>, 2008.

PASSED and ADOPTED by the Board of Directors of the Joshua Basin Water District at a regular meeting held on the 1<sup>st</sup> day of October, 2008.

---

William C. Long, President  
Joshua Basin Water District and of  
the Board of Directors Thereof

(SEAL)

---

Joe Guzzetta, Secretary  
Joshua Basin Water District and of  
the Board of Directors Thereof

**EXHIBIT A**  
**EXHIBIT B**  
**JOSHUA BASIN WATER DISTRICT**  
**Expense/Reimbursement Claim Form**

(This form is a public document and a requirement of Assembly Bill 1234)



Claim of: \_\_\_\_\_ From: \_\_\_\_\_ to: \_\_\_\_\_  
Director Name (date) (date)

Event: \_\_\_\_\_

Location: \_\_\_\_\_

**COMPENSATION:** \$173.63 for \_\_\_\_\_ Days = (a) \$ \_\_\_\_\_

**EXPENSES PREPAID BY JOSHUA BASIN WATER DISTRICT:**

	<u>Credit Card, Check, or PO #</u>	<u>Amount</u>
Transportation	_____	\$ _____
Lodging	_____	_____
Meals	_____	_____
Event Registration	_____	_____
Miscellaneous	_____	_____

(b) \$ \_\_\_\_\_

**TOTAL PREPAID BY DISTRICT:** \_\_\_\_\_

**EXPENSES PAID BY CLAIMANT:**

	<u>SUN</u>	<u>MON</u>	<u>TUE</u>	<u>WED</u>	<u>THU</u>	<u>FRI</u>	<u>SAT</u>	<u>TOTAL</u>
Breakfast								
Lunch								
Dinner								
Lodging								
Airfare								
Ground Trans.								
Parking								
Bellman Tips								
# Miles Driven								
Mileage Reimbursement Dollar Amount								

**TOTAL PAID BY CLAIMANT** (c) \$ \_\_\_\_\_

**TOTAL DUE CLAIMANT OR (DUE DISTRICT)** (d) \$ \_\_\_\_\_

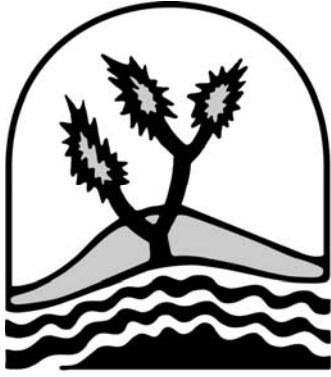
The undersigned makes the foregoing claim against the Joshua Basin Water District, states that the money claimed was actually expended and/or mileage stated was actually traveled on behalf of said District and in pursuance of the duties of claimant and that said claim is presented in good faith and has not heretofore been paid.

\_\_\_\_\_  
 Claimant (signature) (date)

\_\_\_\_\_  
 Controller (signature) (date)

Please attach receipts for all reimbursable expenses claimed on this form.

**EXHIBIT B**



# **JOSHUA BASIN WATER DISTRICT**

## **ADMINISTRATION CODE**

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## ARTICLE 1

### GENERAL

**1.01 Title.** These Rules and Regulations shall be known as "The Joshua Basin Water District Administration Code".

**1.02 Short Title.** This document may be referred to by its short title "Administration Code".

**1.03 Intent.** These Rules and Regulations are a result of policies adopted by the Board of Directors of the Joshua Basin Water District as well as certain statutes passed by the California State Legislature and signed into law by the Governor of California. It is the intent of the Board of Directors with this document to provide interested parties the policies by which the Board of Directors and its designates operate.

## ARTICLE 2

### BOARD OF DIRECTORS

**2.01 Officers.** The Board of Directors shall elect at the last regular meeting of each calendar year the Officers of the Board. The Officers elected shall take office upon their election.

**2.01.01 President.** The President of the Board shall preside over all meetings.

**2.01.02 Vice President.** The Vice-President shall act in the President's absence or inability to act.

**2.02 Compensation and Expense.** Expenses incurred in connection with the following types of activities generally constitute authorized expenses:

**2.02.01.** Communicating or participating with federal, state or local government entities or organizations on policy positions, needs or interests;

**2.02.02.** Attending educational seminars designed to improve officials' skills and information levels;

**2.02.03.** Recognizing service to the District (retirements or celebrations);

**2.02.04.** Attending District events;

**2.02.05.** Promoting the interests of the District or representing it in an official capacity.

All other expenditures require prior approval of the District Board. Attendance at events listed under section 2.02 of this Administration Code qualify as days of service and entitle the Director to compensation in accordance with JBWD Ordinance No. 08-7, Section 3 (Exhibit A).

**2.03 Reimbursement for Expenses.** Expenses (limited to meals, lodging and mileage) will be reimbursed for board-authorized business. This includes the above mentioned types of activities for current Board Members mandatory attendances for depositions and/or other legal obligations as well as former Board Members with approval of the Board.

To conserve District resources and keep expenses within budget guidelines, the following guidelines must be adhered to:

**2.03.01** The most economical and efficient mode and class of transportation must be used.

**(a)** Private automobile mileage will be reimbursed at Internal Revenue Service rates.

**(b)** Car Rental may be used only when it is the most economical and efficient mode of transportation.

**(c)** Taxi/Shuttle costs may be reimbursed including 15% gratuity only when the most economical and efficient mode of travel.

**2.03.02** Lodging expenses will be reimbursed only if attendance at the event reasonably requires an overnight stay. Group or government rates must be used if available.

**2.03.03** Meals including gratuities may not exceed the \$64 rate per day per person established for Southern California by the Internal Revenue Service. \$12 for breakfast, \$18 for lunch, and \$34 for dinner unless included as part of a conference registration. Alcoholic beverages are excluded. Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with the Pacific Cities Consumer Price Index.

**2.03.04** Personal expenses such as movies, golf, laundry or loss of personal property are **excluded**.

**2.04 Expense Report.** All expense reimbursement requests must be submitted on an expense report form provided by the district (Exhibit B). Receipts for all claimed reimbursements must be attached. Receipts may include written explanations of reasonable expense including tips, parking meters and baggage handling for which third-party receipts are not provided. Officials must submit their expense reports within 30 days of an expense incurred, accompanied by receipts documenting each expense. All expenses are subject to verification of compliance with this policy (EXHIBIT B) The expense report and reimbursements are public records and subject to disclosure under the Public Records Act.

**2.05 Reports to Governing Board.** At the next regular board meeting following the attendance at meeting, each official shall briefly report on the meetings attended at the District's expense, either verbally or in writing. If multiple officials attend, a joint report may be presented.

**2.06 Violation of this Policy.** Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following:

**2.06.01** Loss of reimbursement privileges

**2.06.02** A demand for restitution to the District

**2.06.03** The District's reporting the expenses as income to the elected official to state and federal tax authorities

**2.06.04** Civil penalties of to \$1,000 per day and three times the value of the resources used

**2.06.05** Prosecution for misuse of public funds.

## ARTICLE 3

### MEETINGS

**3.01 General.** The Joshua Basin Water District Board of Directors may meet and take action at a Regular, Special, or Adjourned Meeting. The Board may meet for a Workshop in order to address and focus on important topics. Committees may meet to address and focus on topics to be brought to the Board at a future date. No action may be taken at a Workshop or by a Committee.

**3.02 Regular Meetings.** Regular Meetings of the Board shall be held on the first and third Wednesday of each month, at PM unless said Wednesday falls upon a holiday designated in Section 6700 of the Government Code of the State of California. Such regular meeting shall be held at PM on the next business day and the staff shall arrange its affairs accordingly. Regular meetings shall be held at District facilities.

**3.03. Special Meetings.** Special Meetings of the Board may be called at any time by the President or by a majority of the members of the Board, by delivering personally or by mail written notice to each Board member and to each local newspaper of general circulation, radio, and/or television station requesting notice in writing. Such notices must be delivered at least 24 hours before time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary a written notice of waiver.

**3.04 Adjournment and Adjourned Meetings.** The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Directors are absent from any regular, adjourned regular, special, or adjourned special meeting, the Secretary of the Board may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.03 for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment.

**3.05 Notice of Meetings.** Notice of the regular meetings of the Board shall not be required. Notice of special, adjourned special, adjourned, and adjourned special meetings of the Board shall be given as provided in the Sections above.

**3.06 Place of Meetings.** All meetings of the Board shall be held in District facilities, provided, that if, by reason of fire, flood, earthquake, or other emergency, it would be held at such place as is designated by the President, either within or without the boundaries of the District, in which event notice of such place of meeting shall be given in the manner required for giving notice of special meetings.

**3.07 Agenda.** Agendas will be posted at least 72 hours before a regular meeting. Items to be placed on the Agenda shall be submitted to the Secretary in

writing ten(10) days prior to the meeting. No action shall be taken on any item not appearing on the posted agenda except for the following:

**3.07.01 Emergency Situation.** Upon a determination by a majority vote of the legislative body that an emergency situation exists. For the purpose of this Section, "emergency situation" means:

(a) Work stoppage or other activity which severely impairs public health, safety, or both.

(b) Crippling disaster which severely impairs public health, safety, or both.

**3.07.02 Items Needing to Be Addressed Subsequent to Posting the Agenda.** Upon a determination by a four(4) member vote of the Board, or, if less than four members are present, a unanimous vote of those Directors present, the Board of Directors may take action on items which arose subsequent to the Agenda being posted.

**3.08 Meetings Open to the Public.** All meetings of the Board shall be Open and Public, and all persons shall be permitted to attend any meeting, except for Closed Sessions of the Board held in accordance with law.

**3.09 Public Participation.** Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the Board on any item of interest to the public, before or during the Board's consideration of the item, that is within the subject matter jurisdiction of the Board of Directors provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 3.07.02. Because of time constraints, individuals will be limited to three(3) minutes for each topic addressed.

**3.10 Minutes.** Minutes of the Board meeting shall be prepared within twenty(20) days. Such minutes shall not include the text of Ordinances, Resolutions, or Contracts approved or adopted, which shall be recorded in separate volumes by the Secretary.

**3.11 Distribution of Communications to the Board.** The General Manager shall provide copies of all items intended for the Board and other important communications received to the Board of Directors and all consultants unless they already have such copies. Board members' copies may be found in the area provided for such communications at the District office. Consultants' copies will be mailed when appropriate.

**3.12 Committees.** The President of the Board from time to time, may establish committees to help carry out the Board's responsibilities. To preserve Board integrity, committees will be used sparingly, only when other methods have been deemed inadequate. Committees will be used so as to minimally interfere with the wholeness of the Board's job.

**3.12.01 Committees Not to Represent Board.** Board Committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated in order not to conflict with authority delegated to the General Manager.



**3.12.02 Committees to Develop Policy.** Board Committees are to help the Board do its job, not to help the staff do its job. Committees will assist the Board chiefly by preparing policy alternatives and implications for Board deliberation. Board Committees are not to be created by the Board to advise staff.

**3.12.03 Committees to be Non-Interfering.** Board Committees shall not exercise any authority over staff, and in keeping with the Board's focus on the future, Board committees will ordinarily have no direct dealings with Staff operations. Further, the Board will not impede its direct delegation to the General Manager by requiring approval of a Board Committee before an Administrative Action.

**3.13 Appearances Before Board.** Persons desiring to appear before the Board shall make their request in writing pursuant to Section 3.07. The President shall determine if the matter should be referred to the Board or to staff. If it is determined that staff is to review the item, staff will diligently address the issue and report its findings to the President. The President shall, with the approval of the person requesting the appearance, then determine whether the subject should be addressed by the full Board of Directors.

## ARTICLE 4

### GENERAL MANAGER

**4.01 General.** The General Manager of the Joshua Basin Water District is employed by the Board of Directors to serve as the Chief Executive of the District and, pursuant to the California Water Code Section 30580, is responsible for: implementing the decisions of the Board; determining and executing administrative policies through subordinate managers; supervising the operations and staffing of the District as prescribed by the Board; managing all engineering, planning, design, and inspection for construction activities; and supervising and controlling the administrative, operational, and financial affairs of the District, including all administrative, executive, and ministerial powers not specifically reserved by law for the Board of Directors, General Counsel, or District Auditor.

**4.02 Director-Manager Relations.** The Board of Directors will deal with the administrative services of the District only through the General Manager. Neither the Board of Directors nor any Director will give orders to subordinates of the Manager. The General Manager shall take his orders and instructions from the Board of Directors only in a duly held meeting of the Board of Directors, and no individual Director will give any orders or instructions to the General Manager, except the officers of the District acting within the scope of their respective offices.

**4.03 Authority Over Employees.** The General Manager will have the authority to control and give directions to all employees. The General Manager will also hire, remove, promote, and demote any and all employees of the District. Consultants will be directed by the General Manager. Consultants will be hired and removed by the Board of Directors.

**4.04 Manager's Powers and Duties.** The General Manager is the administrative head of the Joshua Basin Water District, under the direction and control of the Board of Directors. He is responsible for the administration of all the affairs of the District under his control. In addition to general administrative powers, the General Manager's powers and duties shall include, but not be limited to, the following:

**4.04.01 Employee Positions and Job Classifications.** It shall be the duty of the General Manager to establish District employee positions and job classifications, subject to approval by the Board of Directors. The positions and classifications shall be reviewed, at a minimum, at the time the annual budget is adopted.

**4.04.02 Attendance at Board Meetings.** It is the duty of the General Manager to attend all regular and special meetings of the Board of Directors unless excused.

**4.04.03 Manager to be On Call.** The General Manager is expected to be on call twenty-four(24) hours a day and it shall be understood that no compensatory time will be allowed.

**4.04.04 Financial Reports.** It is the duty of the General Manager to keep the Board of Directors fully advised as to the financial

condition and needs of the District. The Manager shall be responsible for maintaining the District's books of accounts and will have said books audited at the end of each fiscal period by the District's Independent Auditor. It is the duty of the General Manager to prepare the monthly financial report, which shall include a demand list, an income statement, and a balance sheet.

**4.04.05 Budget.** It is the duty of the General Manager to prepare the annual budget and submit it to the Board of Directors. The Manager shall adhere to the budget unless otherwise directed by the Board and shall establish a system of accounting for expenditures. The Manager shall regularly review the status of the budget with the Board and propose appropriate corrective action if revenues or expenditures vary materially from the approved budget.

**4.04.06 Purchasing.** It is the duty of the General Manager to be responsible for the purchase of all supplies and equipment for the District. All expenditures for items classified as capital assets, such as auto equipment, office machines, etc., shall be submitted to the Board of Directors for approval when the cost is in excess of \$5,000. Any amount over \$2,500 that the General Manager approves must be presented to the Board at the next Board Meeting, with explanation.

**4.04.07 Expenditure of Funds for Emergencies.** It shall be the duty of the General Manager to expend the funds necessary to correct an emergency situation. The General Manager shall notify the President of the Board as soon as possible as to the nature of the emergency and the estimated funds required to remedy the situation.

**4.04.08 Public Complaints.** It is the duty of the General Manager to investigate all complaints concerning the administration and operations of the District and report his finding to the Board of Directors.

**4.04.09 Public Property.** It is the duty of the General Manager to exercise general supervision over all property belonging to the Joshua Basin Water District. It is the duty of the General Manager to accept, on behalf of the District, easements and other real property rights and interests required for performance of the District's legitimate functions.

**4.04.10 Hours of Employment.** It shall be the duty of the General Manager to devote his entire time to the duties of his office. The General Manager shall see that the office is open to the public from 8:00 AM to 5:00 PM five days a week, excluding Saturdays, Sundays, and holidays.

**4.04.11 Payment of Bills.** It shall be the duty of the General Manager to pay all bills when due.

**4.04.12 Preparations for Board Meetings.** It is the duty of the General Manager to see that notice of all meetings and agendas are prepared as provided by law. The General Manager will be responsible for providing the services of a recording secretary at all

Board Meetings and he will supervise the preparation of the agenda, minutes, Resolutions, and Ordinances of all regular and special meetings.

**4.04.13 Correspondence.** It is the duty of the General Manager to reply to all correspondence except letters addressed to the Board of Directors requiring an Officer's signature, unless such authority is delegated to the General Manager. The General Manager will keep the members of the Board informed by furnishing copies or memoranda of all vital replies or notices.

**4.04.14 Annual Independent Audit.** It is the duty of the General Manager to submit a draft of the District's Annual Audit to the Board of Directors for its review and approval no later than the end of December of each year.

**4.04.15 Filing.** It is the duty of the General Manager to keep the District's files up to date.

**4.04.16 Director Attendance.** It is the duty of the General Manager to keep a record of all Directors in attendance at all regular and special meetings.

**4.04.17 Committee Meetings.** The General Manager is instructed to attend all committee meetings unless otherwise instructed.

**4.04.18 Special Problems.** It is the duty of the General Manager to call to the attention of the President special problems which can not await the next regular Board Meeting.

**4.04.19 News Media.** It is the duty of the General Manager to prepare and dispense such press releases as depict the growth and activities of the District.

**4.04.20 Manager's Activities.** It is the duty of the General Manager to report the District's activities at the regular Board Meetings.

**4.04.21 Petty Cash.** It is the duty of the General Manager to record disbursements from the petty cash fund and to replenish said fund as required.

**4.04.22 Additional Duties.** It is the duty of the General Manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by Resolution or other action of the Board of Directors.

**4.05 Removal of the General Manager.** The removal of the Manager shall be only upon not less than three(3) votes of the Board of Directors, subject to the applicable provision of the Employment Contract between the Manager and the Board of Directors.

**4.06 Temporary Manager.** The General Manager will recommend, subject to the approval of the Board of Directors, one of the employees of the District to

serve as General Manager pro tem during any temporary absence or disability of the Manager. In the event that the General Manager cannot make the appointment, the President of the Board shall make the appointment subject to approval by the Board of Directors.

**4.07 Reimbursement for Expenses.** The General Manager will be reimbursed for all sums incurred by him in the performance of his duties. Reimbursement will be made when an itemized expense voucher setting forth the sums expended has been presented to the Board of Directors for approval. The District will either furnish an automobile or reimburse the General Manager for use of his personal automobile at the established rate per mile while on District business at the discretion of the Board of Directors.

## ARTICLE 5

### ETHICS TRAINING REQUIREMENTS FOR ELECTED OFFICIALS AND KEY EMPLOYEES

**5.01** Ethics training is required of the elected board and key staff members. In addition, the board may designate any non-elected officials and staff to receive ethics training. Designated staff and board members shall receive ethics training no later than one year from the first day of employment or appointment to the District. Thereafter, board members must receive two hours of ethics training every two years. The required training shall cover, but is not limited to: laws relating to personal gain by public servants including laws prohibiting conflicts of interests and bribery; laws relating to gifts and travel, use of public resources or gifts of public funds; Government transparency laws; and laws relating to fair processes including competitive bidding and nepotism.

Officials should keep the original certificates of attendance for their own records and provide a copy of the certificates to the District.

## ARTICLE 6

### JOSHUA BASIN WATER DISTRICT CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code, Section 81000, et seq.) requires state and local government agencies, including the Joshua Basin Water District, to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations, Section 18730) (copy attached) which contains the terms of a standard conflict of interest code, which can be adopted by reference. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California code of Regulations, Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. This regulation, and the attached Appendix designating employees and establishing disclosure categories, shall constitute the Conflict of Interest Code of the Joshua Basin Water District.

Designated employees/positions (see Appendix "A," attached hereto) shall file their statements of economic interests with the Secretary of the Board of Directors of the Joshua Basin Water District, who will make the statements available for public inspection and reproduction upon request. (Government Code, Section 81008.) Upon receipt of the statement(s) of the designated employees/positions, the Secretary of the Board of Directors shall make and retain a copy and forward the original of the statement(s) to the Clerk of the Board of Supervisors, County of San Bernardino, which shall be the "filing officer" as required by state law.

**(EXHIBIT "A" TO RESOLUTION NO. 11-867 ADOPTED 02 16 2011)**

**APPENDIX “A”  
APPENDIX OF DESIGNATED POSITIONS AND  
CATEGORIES OF DISCLOSURE**

**DESIGNATED POSITIONS**

**DISCLOSURE CATEGORIES**  
(See Attachment No. 1)

Director	1-4
General Manager	1-4
Assistant General Manager/Controller	1-4
Human Resources/Administrative Services Supervisor	1-4
Accountant	1-4
GIS Coordinator	1-4
Water Distribution Supervisor	1-4
Water Production supervisor	1-4
Attorney	5
Auditor	5
Engineer	5

**OFFICIALS WHO MANAGE PUBLIC INVESTMENTS**

It has been determined that the positions listed below manage public investments and will file a Statement of Economic Interests pursuant to **Government Code Section 87200**:

- Directors
- District/Board Officer
- Controller/Chief Financial Officer

\*Consultants shall be included in the list of designated positions and shall Disclose pursuant to the broadest disclosure category in the code subject to the following limitations.

The General Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such a written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

The Designated position of Consultant includes attorneys as a position subject to the foregoing specialized disclosure category.



**DISCLOSURE CATEGORIES**  
**(Attachment No. 1 to Appendix "A")**

**CATEGORY 1**

Persons in this category shall disclose all interest 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 miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the District.

**CATEGORY 2**

Persons in this category shall disclose all investments and business positions.

The Political Reform Act defines investment as follows:

“Investment” means any financial interest in or 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 owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, 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 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 equals or exceeds two thousand dollars (\$2,000). 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 immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Political Reform Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

**CATEGORY 3**

Persons in this category shall disclose all income and business positions

The Political Reform Act defines income as follows:

“Income” means a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses other than an employer, and including any community property interest in the income of a spouse. Income also includes any outstanding loans. Income of an individual also include a pro rata share of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10-percent interest or greater.

#### **CATEGORY 4**

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the Agency and associated with the job assignment of designated positions assigned to this disclosure category.

#### **CATEGORY 5**

Consultants who are not employed as full-time staff members of the Agency shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (\*) in Appendix "A" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the District and shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

## § 18730. Provisions of Conflict-of-Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

### (1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

### (2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

### (3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time

member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:



1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of \$100 or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the

determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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<sup>1</sup>Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup>See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup>Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100,

California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.

12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).

13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).

14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).

15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only

subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).



## ARTICLE 7

### RULES OF PROCEDURE FOR BOARD MEETINGS AND RELATED FUNCTIONS AND ACTIVITIES

#### 7.01 MEETINGS

**7.01.01 Regular Meetings.** The Board of Directors shall hold regular meetings on the date of first and third Wednesdays of the month, at the Joshua Basin Water District offices, 61750 Chollita Road, Joshua Tree, California 92252, or at a location within the District, and time as may be set forth by the board by resolution. If by reason of fire, flood, or other emergency, it is unsafe to meet in the regular meeting place, the meetings may be held for the duration of the emergency at such other place as is designated by the Board of Directors. When the day for any regular meeting falls on a holiday, Christmas Eve or New Year's Eve, such meeting shall be cancelled or shall be held at the same hour and place on a subsequent day, as designated by the Board of Directors.

**7.01.02 Adjourned meetings.** Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

**7.01.03 Special Meetings** Special meetings may be called at any time by the President or majority of Board Members on 24-hour notice as set forth in Section 54956 of the Government Code of the State of California. Notice shall be delivered personally or by mail written notice to each Board Member and to each person or entity having filed written request for notice of meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting, as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any Board Member who at or prior to the time the meeting convenes files with the Secretary to the Board a written waiver of notice. Such waiver may be given by telegram or fax. Such written notice may also be dispensed with as to any Board Member who is actually present at the meeting at the time it convenes.

**7.01.04 Study sessions.** The board may, from time to time, meet in study sessions, open to the public, at a time and place designated by the Board President. The nature of such sessions will be given at the prior Board of Directors meeting, or by the Secretary to the Board to the local news media, at least twenty-four hours in advance of such meeting. The purpose of such a meeting shall be for hearing reports from the staff and reviewing, discussing and debating matters of interest to the District. The participation of the public in such session shall be subject to the discretion of the Board of Directors.

**7.01.05 Meetings to be public—Exceptions.** Study Sessions and all regular, adjourned or special meetings of the Board of Directors shall be open to the public; provided, however, the Board of Directors may hold closed sessions from which the public may be excluded which closed sessions shall only be held in accordance with the provisions of the Brown Act (Government Code 54950 et seq.)

No member of the Board of Directors, employee of the District, or any other person present during an executive session of the Board of Directors shall disclose to any person the content or substance of any discussion which took place during the executive session unless the Board of Directors authorizes the disclosure of such information by majority vote.

**7.01.06 Quorum.** Unless otherwise provided for by state law, a majority of the Board (3) shall constitute a quorum for the transaction of business (Water Code Sec 0524). No ordinance, resolution, or motion shall be passed or become effective without the affirmative vote of at least a majority of the members of the Board (3) (Water Code Section 30525).

## **7.02 BOARD AGENDA**

**7.02.01 Placing Items on the Agenda.** In order to facilitate the orderly conduct of the business of the Board of Directors, the Secretary to the Board shall be notified no later than twelve noon Wednesday, eight days preceding a regular board meeting, of all items requested by an individual Board Member to be submitted to the Board of Directors at such meeting. The Secretary to the Board shall be notified at least ten days preceding a regular board meeting, of all items requested by a member of the public to be submitted to the Board of Directors at such meeting.

No matters other than those on the agenda shall be finally acted upon by the Board of Directors unless a member of the Board of Directors, the General Manager, or District Counsel so requests. Any matter to be acted on not otherwise on the agenda and not posted at least seventy-two hours before such regular meeting, shall be placed on the agenda for action only in accordance with Section 54954.2(b) of the Government Code. Any item upon which action is proposed to be taken and a request for consideration to place on the agenda in accordance with the aforementioned Government Code Section, shall be provided to all members of the Board of Directors, the General Manager and District Counsel, as early as possible prior to said meeting.

**7.02.02 Order of business.** The business of the Board of Directors shall be taken up for consideration and disposition in the order set out by the General Manager, or, by action of the Board, the Board President in consultation with the General Manager.

The Presiding Officer or a majority of the Board of Directors may change the order of business at any time during the meeting.

**7.02.03 Call to Order.** The meeting of the Board shall be called to order by the President, or in his/her absence, by the Vice-President. In the absence of both the President and the Vice President, the Secretary to the Board shall call the Board to order, whereupon a temporary Presiding Officer shall be elected by the Board Members present to serve until the arrival of the Board President or Board Vice- President, or until adjournment.

**7.02.04 Roll Call.** Before proceeding with the business of the Board, the Secretary to the Board shall call the roll of the Board Members and the names of those present shall be entered in the minutes.

#### **7.02.05 Public Comment**

**(a) Time Alloted.** Pursuant to Government Code 54954.3, each agenda for a regular meeting shall provide an item entitled "Public Comment." The purpose of such item shall be to provide an opportunity for members of the public to directly address the Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the board of Directors. In order to assure that the intent of Government Code 54954.3 is carried out, three (3) minutes is the amount of time allocated for each individual speaker. The President or the majority of the Board may, at their sole discretion, grant additional time to the speaker during the Public Comment section of the agenda or at the end of the agenda.

In the event that the number of individuals desiring to address the Board during the Public Comment section of the agenda exceeds the total time allotted for Public Comment, the Board may continue the Public Comment section of the agenda to a time later in the agenda.

**(b) Referral to Staff.** At any time after the oral communication is commenced, the Presiding Officer may direct that the communication be made instead either to the General Manager during regular business hours, or in writing for subsequent submittal to Board Members.

**(c) Questions of the Board.** If a member of the public wishes to use this opportunity to ask questions of the Board, all questions shall be included within the three minute allowable Public Comment period. The Board shall refrain from giving any responses until the member of the public has completed his remarks. The Presiding Officer shall then determine whether to respond to any questions, request any Board Member or the General Manager to respond to any questions at that time, or refer any questions to staff for response at a later time.

**(d) Board Action on issued raised during Public Comment.** Government Code 54954.2 provides that no action shall be taken on any item not appearing on the agenda unless the action is authorized

by government Code 54954.2 (b). On items of public comment or discussion, any matter raised by the public which does not specifically appear on the agenda shall, upon direction of any Board Members, be automatically referred to the staff or placed on the next meeting's agenda. It is hereby determined that such requests or direction by a Board Member shall not be considered action taken by the Board on said item raised by the public. Further, Board discussion of the matter shall not be considered action taken.

**7.02.06 Consent Calendar.** Items of routine nature, and non-controversial, may be placed on the consent agenda. Adoption of the consent calendar may be made by one motion only by the Board of Directors; provided, however, that the Presiding Officer should first advise the audience that the consent calendar matters will be adopted in total by one action of the Board of Directors unless any Board Member or any individual or organization interested in one or more consent calendar items wishes to be heard. In that event, the Presiding Officer may defer action on the particular matter or matters and place them on the regular agenda for consideration in any order he deems appropriate.

**7.02.07 Approval of Minutes.** The official minutes of the Board of Directors will be kept by the Secretary to the Board and may be placed and approved as an item on the Consent Calendar. Minutes shall be prepared within 20 days of the meeting. The Secretary to the Board shall be required to make a record only of such business as was actually passed upon by the Board of Directors and shall not be required to record any remarks of any members of the Board or of any other person except at the special request of a member of the Board. The Secretary to the Board shall enter into the minutes the reasons for dissent from or protest against any action of the Board of Directors if any member of the Board so requests. Names and addresses of persons addressing the Board, the title of the subject matter to which their remarks are related, and whether they spoke in support of or in opposition to such matter shall be entered in the minutes.

**(a) Tape recordings.** The Secretary to the Board will electronically record all Board of Directors meetings as a stenographic aid, and will retain the recording tapes until the written minutes of the meeting are approved by the Board, but in no case longer than 30 days.

### **7.02.08 Public Hearings**

**(a) Public Hearings - Order.** Generally, public hearings shall be conducted in the following order:

- (i) Hearing opened by Presiding Officer
- (ii) Staff presentation

- (iii) Questions of Staff by Board
- (iv) Public testimony opened by Presiding Officer
- (v) Public testimony Hearing closed
- (vi) Questions by Board
- (vii) Discussion by Board
- (viii) Action by Board

Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than 3 minutes per individual. Any person may speak for a longer period of time, upon approval of the Board, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the District Counsel shall advise the Board in this regard.

**(b) Public hearings—Closing.** When neither the applicant, his opponents, or the District staff have further evidence to produce or when, in the opinion of the Presiding Officer or the majority of the Board of Directors through the Presiding Officer, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed, at which time no further evidence, either oral or written, will be accepted by the Board of Directors; provided, however, that this rule may be relaxed by the Presiding Officer or the majority of the Board of Directors through the Presiding Officer where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing.

**(c) Public hearings—Reopening.** A public hearing on any matter once closed cannot be reopened on the date set for hearing. Nothing in this chapter, however, is intended to prevent or prohibit the reopening of a public hearing at any subsequent regular or special meeting of the Board of Directors. No public hearing may be reopened without due and proper notice being given to the applicant and his opponents designating the time and place of the reopening

**(d) Public hearings—Continuation.** At any time that it appears to the Presiding Officer or a majority of the Board of Directors through the Presiding Officer that inadequate evidence has been presented to afford judicious consideration of any matter before the board at the time of a public hearing, a continuation of the hearing may be ordered to afford the applicant, his opponents, or the District staff adequate time to assemble additional evidence for the Board of Directors' consideration. Any continuation ordered by the Board of

Directors through its Presiding Officer shall be to a date certain, which date shall be publicly announced in the Board Room and shall constitute notice to the applicant and his opponent of the time and place that further evidence will be taken. The public announcements provided for in this section shall constitute notice to the applicant and his opponents of the time and place when further evidence will be taken by the Board of Directors.

### **7.03. PRESIDING OFFICER**

**7.03.01 Election.** The Board of Directors shall elect at the last regular meeting of each calendar year the President and Vice-President of the Board. *(Note: Water Code Section 30520 states: “within 30 days after taking office...the directors shall meet and shall elect one of their number president and may elect one of their number vice president.”)*

**7.03.02 Powers and Duties.** The Presiding Officer shall assume his place and duties immediately following his election. He shall preserve order at all meetings, have the power to reasonably limit the time of any citizen speaking from the floor, state questions coming before the Board of Directors, announce decisions on all subjects and decide all questions of order; subject, however, to majority vote of the board determining questions of order.

**7.03.03 Participation of Presiding Officer.** The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Board Members, and he shall not be deprived of any of the rights and privileges of a Board Member by reason of his acting as Presiding Officer. He shall vote on all motions. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If he desires to personally engage in extended debate on questions before the Board, he should consider turning the Chair over to another member.

**7.03.04 Question to be Stated.** The Presiding Officer shall restate each question immediately prior to calling for the vote. Following the vote the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

**7.03.05 Signing of Documents.** The Board President, Vice-President, or Acting Presiding Officer, in the absence of the Board President, shall sign all ordinances and other documents adopted and approved for signature by the Board of Directors and attested by the Secretary (water Code Section 30528).

**7.03.06 Maintenance of Order.** The Presiding Officer is responsible for the maintenance of order and decorum at all times. No

person is allowed to speak who has not first been recognized by the Chair. All questions and remarks shall be addressed to the Chair.

#### **7.04 RULES, DECORUM AND ORDER**

**7.04.01 Points of order.** The Presiding Officer shall determine all points of order subject to the right of any Board Member to request full Board of Directors ruling, and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

**7.04.02 Point of personal privilege.** The right of a Board Member to address the Board of Directors on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are questioned or where the welfare of the board is concerned. A Board Member raising a point of personal privilege may interrupt another board- person who has the floor only if the Presiding Officer recognizes the privilege.

#### **7.04.03 Decorum and Order – Board Members**

**(a)** Any Board Member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding reference to character and indecorous language.

**(b)** A Board Member, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer; unless a Point of Order is raised by another Board Member; or unless the speaker chooses to yield to questions from another Board Member.

**(c)** Any Board Member called to order while he is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled to be not in order, he shall remain silent or shall alter his remarks so as to comply with rules of the Board.

**(d)** Board Members must preserve order and decorum and shall accord the utmost courtesy to each other, to District employees, and to the public appearing before the Board. They shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. Board Members shall not by conversation or otherwise delay nor interrupt the proceedings of the board in any way, nor disturb any other member of the Board while speaking, nor refuse to obey the orders of the Board or the Presiding Officer, except as otherwise provided in this resolution.

(e) Any Board Member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Board shall require him to so act.

(f) Any Board Member desiring to question the District staff shall, after recognition by the Presiding Officer, address his questions to the General Manager or District Counsel, who shall be entitled either to answer the inquiry himself or to designate a member of his staff for that purpose.

**7.04.04 Decorum and Order – Employees.** Members of the administrative staff and employees of the District shall observe the same rules of procedure and decorum applicable to member of the Board. The General Manager shall ensure that all District employees observe such decorum. Any staff members, including the General Manager, desiring to address the Board or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual Board Member or member of the public.

Members of the District staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

**7.04.05 Decorum and Order – Public.** Members of the public attending Board meetings shall observe the same rules of order and decorum applicable to the Board. Any person making impertinent and slanderous remarks or who becomes boisterous while addressing the Board or while attending the Board meeting shall be removed from the room if the sergeant-of-arms is so directed by the Presiding Officer, and such person may be barred from the Board Room..

Unauthorized remarks from the audience, handclapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting, shall not be permitted by the Presiding Officer, who may direct the sergeant-of-arms to remove such offenders from the Board Room.

**7.04.06 Enforcement of Decorum.** The Secretary to the Board shall serve as Sergeant-of-Arms. He shall carry out all orders and instructions given him by the Presiding Officer for the purpose of maintaining order and decorum in the Board Room. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-of-Arms or his representative to eject any person from the Board Room. The Sergeant-of-Arms may call upon the County Sheriff to take such action if deemed necessary.

**7.04.07 Remarks of Board Member and synopsis of debate.** A Board Member may request through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the



Board of Directors entered in the minutes. If the board consents thereto, such statement shall be entered in the minutes.

**7.04.08 Protest against Board action.** Any Board Member shall have the right to have the reasons for his dissent from or his protest against any action of the Board of Directors entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons: . . .

**7.04.09 Limitation of Debate.** No Board Member normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. No member shall speak for a longer time than five minutes each time he has the floor, without approval of the majority vote of the Board.

## **7.05 ADDRESSING THE BOARD**

**7.05.01 Manner of Addressing the Board.** Any member of the public desiring to address the Board of Directors shall approach the podium, state his name and address for the record, state the subject he wishes to discuss, state whom he is representing if he represents an organization or other persons, and unless further time is granted by majority vote of the board, shall limit his remarks to three minutes. All remarks shall be addressed to the Board as a whole and not to any member thereof or of staff. No questions shall be asked of a Board Member or member of the District staff without obtaining permission of the Presiding Officer.

**7.05.02 Time Limitation.** Time limitation applicable to public hearings and public comment shall be as set out in Section 7.02.05 of this resolution.

**7.05.03 Addressing the Board after motion is made.** After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Board without first securing permission by a majority vote of the Board.

**7.05.04 Addressing the board—Spokesman.** In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board of Directors on the same subject matter, it shall be proper for the Presiding Officer to inquire whether or not the group has a spokesman and, if so, that he be heard with subsequent speakers in the group being limited to facts not already presented by the group spokesman. The Presiding Officer shall determine the length of time allocated to the spokesperson for the group and for any subsequent speakers represented by the spokesperson.

**7.05.05 Scheduling an Appearance Before the Board.** Persons desiring to appear before the Board or seek action of the Board shall make their request in writing at least 10 days prior to the date of a regularly scheduled meeting. The President shall determine if the matter should be referred to the Board or to staff. If it is determined that staff is to review the item, staff will diligently address the issue and report its findings to the President. The President shall, with the approval of the person requesting the appearance, determine whether the subject should be addressed by the full Board of Directors.

## **7.06 MOTIONS**

**7.06.01 Processing of Motions.** When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion so stated shall not be withdrawn by the mover without the consent of the person seconding it.

**7.06.02 Division of Question.** If the question contains two or more divisional propositions, the Presiding Officer may, and upon request of a member shall (unless appealed), divide the same.

**7.06.03 Procedure of Motions.** When a motion is before the Board, no motion shall be entertained except the following, which shall have precedence in the following order:

- (a) Adjourn
- (b) Fix hour of adjournment
- (c) Table
- (d) Limit or terminate discussion
- (e) Amend
- (f) Postpone

**7.06.04 Motion to Adjourn** (not debatable). A motion to adjourn shall be in order at any time, except as follows:

- (a) When repeated without intervening business or discussion.
- (b) When made as an interruption of a member while speaking.
- (c) When discussion has been ended, and vote on motion is pending, and
- (d) While a vote is being taken.

**7.06.05 Motion to Fix the Hour of Adjournment.** Such a motion shall be to set a definite time at which to adjourn and shall be debatable and shall be amendable by unanimous vote.

**7.06.06 Motion to Table.** A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration.

If the motion shall prevail, the matter may be “taken from the table” at any time prior to the end of the next regular meeting.

**7.06.07 Motion to Limit or Terminate Discussion.** Such a motion shall be used to limit or close debate on, or further amendment to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

**7.06.08 Motion to Amend.** A motion to amend shall be discussed only as to the amendment. A motion to amend an amendment is possible but no additional motions to further amendments may be made. Any amendment shall relate to the original motion and not introduce a different matter. Amendments shall be voted first, then the main motion as amended. Alternatively, the original maker of the main motion may agree to revise the original motion and if the second agrees to second the revised motion, the Board may vote on the main motion as revised.

**7.07 VOTING PROCEDURES.** Any vote of the Board of Directors, including a roll call vote, may be registered by the members by answering “aye” for an affirmative vote or “no” for a negative vote. Every ordinance, resolution or motion requires an affirmative vote of a majority of the Board.

#### **7.07.01 Failure to Vote**

**(a) Failure to Vote other than for Potential for Conflict of Interest.** Every Board Member should vote unless disqualified by reason of a conflict of interest.

**(b) Failure to Vote due to Conflict of Interest or Potential for Conflict of Interest.** Any Board Member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state, or have the District Counsel state, the nature of such disqualification in the open Board of Directors meeting. A Board Member who abstains due to reasons of conflict shall, for purpose of the item under consideration, be considered as if absent and if lawful, may remain in the Board Room or may request and be given the permission of the Presiding Officer to step down from the dais and leave the Board Room. In either case such Board Member shall not vote on the matter and shall not make any comments nor indicate support nor opposition to the action being considered. A Board Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

**7.07.02 Reconsideration.** Any Board Member who voted with the majority may move a reconsideration of any action at the same meeting or, within seven (7) calendar days, request in writing to the General Manager that it be agendized for consideration at the following meeting. If the seventh calendar day falls on a holiday, then the deadline shall be the next business day. In the event that the subject of the reconsideration is a motion that failed as the result of a tie vote, any Board Member who voted against the earlier motion may move for reconsideration within the same seven (7) calendar day period. If the motion to reconsider passes, then the original item may be reconsidered at that time or agendized for the next meeting which meets any applicable noticing requirements. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Board.

**7.07.03 Tie vote.** Tie votes shall be lost motions or “no action” unless an additional motion is made which obtains a majority vote to break the tie.

**7.07.04 Changing vote.** A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the Secretary to the Board and prior to the time the next item in the order of business is taken up. A Board Member who publicly announces that he is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his abstention.

## **7.08 ORDINANCES, RESOLUTIONS, AND MOTION OR MINUTE ACTION**

**7.08.01 Definition.** Typically, legislative acts of the Board (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more temporary and transitory in nature) are accomplished by “resolutions.” “Non-ordinance” actions are defined as “resolution,” “minute order,” and “motion” (thereafter recorded by minute entry). Technically, all three are equally and legally effective and binding; they just vary in the formality of respective memorialization. The most formal is referred to as a “resolution.” This, in addition to being referenced in the minutes, will be recorded by a separate document, numbered in sequence and preserved in a separate set of books. Such “resolutions” are used when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional “whereas” explanatory material it often recites) to facilitate such future reference and research.

A “minute order” denotes a Board action which is recorded simply by an item entry in the minutes of the meeting at which it was accomplished, and not separate document is made to memorialize it.

**7.08.02 Prior approval of ordinances, resolutions, and contracts by staff.** All ordinances, resolutions and contract documents shall, before presentation to the Board of Directors, have been approved as to form and compliance with all applicable laws by the District Counsel, and shall have been examined and approved for convenience of administrative application by the General Manager or his authorized representative. No ordinance shall be prepared for presentation to the Board of Directors unless ordered by the whole board, the General Manager, or prepared by the District Counsel on his own initiative.

**7.08.03 Reading of ordinances and resolutions.** At the time of adoption of an ordinance or resolution, reading of the same shall be deemed waived unless reading is requested by a majority of the Board.

**7.08.04 Board Committee.** The President of the Board from time to time, may establish committees to help carry out the Board’s responsibilities. To preserve Board integrity, committees will be used sparingly, only when other methods have been deemed inadequate. Committees will be used so as to minimally interfere with the wholeness of the Board’s job.

**(a) Committees Not to Represent Board.** Board Committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Such authority will be carefully stated in order not to conflict with authority delegated to the General Manager.

**(b) Committees to Develop Policy.** Board Committees are to help the Board do its job, not to help the staff do its job. Committees will assist the Board chiefly by preparing policy alternatives and implications for Board consideration and deliberation. Board Committees are not to be created by the Board to advise staff.

**(c) Committees to be Non-Interfering.** Board Committees shall not exercise any authority over staff, and in keeping with the Board’s focus on the future, Board committees will ordinarily have no direct dealings with Staff operations. Further, the Board will not impede its direct delegation to the General Manager by requiring approval of a Board Committee before an Administrative Action.

## ARTICLE 8

### INVESTMENT POLICY

**8.01** The Board of Directors of the Joshua Basin Water District hereby adopt an Investment Policy as follows. Any surplus funds or funds held for any length of time for special projects shall only be invested in the following with reputable institutions.

**8.01.01** Direct and general obligations (including obligations issued or held in book entry form on the books of the Department of the Treasury of the United States of America) of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America, including (in the case of direct and general obligations of the United States of America) evidences of ownership of proportionate interests of such obligations. Investments in such proportionate interests must be limited to circumstances wherein;

(a) a bank or trust company acts as custodian and holds the underlying United States obligations;

(b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations and is a corporation rated A or better by Standard & Poors Corporation (S&P) or the equivalent rating by another recognized rating agency; and

(c) the underlying United States obligations are held in a special account, segregated from the custodian's general assets and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated (the obligations described in this paragraph are referred to herein as "United States Obligations").

**8.01.02** Obligations issued or guaranteed by the following instrumentalities or agencies of the United States of America:

- (a) Federal Home Loan Bank system;
- (b) Export-Import Bank of the United States;
- (c) Federal Financing Bank;
- (d) Government National Mortgage Association;
- (e) Farmers Home Administration;
- (f) Federal Home Loan Mortgage Company;
- (g) Federal Housing Administration;

- (h) Private Export Funding Corp;
- (i) Federal National Mortgage Association;
- (j) Federal Farm Credit Bank;
- (k) Maritime Administration; and
- (l) Public Housing Corporation.

**8.01.03** Pre-refunded municipal obligations meeting the following conditions:

(a) the bonds are

(i) not to be redeemed prior to maturity or the applicable trustee has been given irrevocable instructions concerning their calling and redemption, and

(ii) the applicable issuer has covenanted not to redeem such bonds other than as set forth in such instructions;

(b) the bonds are secured by cash or United States Obligations that may be applied only to interest, principal, and premium payments of such bonds;

(c) the principal of and interest on the United States Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the bonds;

(d) The United States Obligations serving as security for the bonds are held by an escrow agent or trustee that has a combined capital and surplus of not less than \$50,000,000 and is either subject to supervision or examination by federal or state authority or that is rated A or better by S&P or the equivalent rating by another recognized rating agency;

(e) the United States Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(f) the municipal obligations are rated AAA by S&P or the equivalent rating by another recognized agency.

**8.01.04** Direct and general long-term obligations of any state, to the payment of which the full faith and credit of the state is pledged and that are rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.05** Direct and general short-term obligations of any state, to the payment of which the full faith and credit of the state is pledged and that are rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.06** Interest-bearing demand or time deposits or interests in money market portfolios issued by state banks or trust companies or national banking associations that are members of the Federal Deposit Insurance Corporation (FDIC). These deposits or interests must be continuously and fully insured by FDIC and with banks that are rated at least A or better by S&P or the equivalent rating by another recognized rating agency.

**8.01.07** Long-term and medium-term corporate debt guaranteed by any corporation that is rated by S&P or the equivalent rating by another recognized rating agency in its three highest rating categories.

**8.01.08** Repurchase agreements, the maturities of which are 30 days or less, entered into with financial institutions such as banks or trust companies organized under state law or national banking associations, insurance companies or government bond dealers reporting to, trading with, and recognized as primary dealers by the Federal Reserve Bank of New York and members of the Security Investors Protection Corporation or with dealers or parent holding companies. The financial institutions, dealers, or parent holding companies must be rated at least A or better by S&P or the equivalent rating by another recognized rating agency. If it is a parent holding company that has the required S&P rating or the equivalent rating by another recognized rating agency, then the counterparty must have combined capital and surplus not less than \$50,000,000. If the counterparty is a parent holding company, then the agreement must be unconditionally guaranteed by a financial institution subsidiary with a combined capital and surplus not less than \$50,000,000. The repurchase agreement must be secured by United States Obligations. The United States Obligations must have a fair market value, exclusive of accrued interest, at least equal to the amount invested in the repurchase agreements. The Trustee (who shall not be the provider of the collateral) must have a perfected first lien in, and retain possession of, the collateral. The obligations serving as collateral must be free from all third party liens.

**8.01.09** Prime commercial paper of a United States corporation, finance company or banking institution rated in any of the two highest rating categories of S&P or the equivalent rating by another recognized rating agency.

**8.01.10** Public housing bonds issued by public agencies. Such bonds must be fully secured by a pledge of annual contributions under a contract with the United States government; temporary notes, preliminary



loan notes or project notes secured by a requisition or payment agreement with the United States; or state or public agency or municipality obligations; provided that all of the above investments are rated in the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.11** Shares of a diversified open-end management investment company (as defined in the Investment Company Act of 1940) or shares in a regulated investment company (as defined in Section 851(a) of the Internal Revenue Code of 1986, as amended) that is (A) a money market fund that has been rated in the highest rating category by S&P or the equivalent rating by another recognized rating agency, or (B) a money market account of the Trustee or any state or federal bank that is rated A or better by S&P or the equivalent rating by another recognized rating agency or that has a combined capital and surplus of not less than \$50,000,000.

**8.01.12** Units of a money market portfolio rated Am or Am-g by S&P or the equivalent rating by another recognized rating agency composed solely of obligations rated Am-g or better by S&P or the equivalent rating by another recognized rating agency having a federal income tax exclusion.

**8.01.13** Tax-exempt obligations rated in any of the three highest rating categories by S&P or the equivalent rating by another recognized rating agency.

**8.01.14** Units of a taxable government money market portfolio rated at least Am or Am-g by S&P or the equivalent rating by another recognized rating agency composed solely of obligations issued or guaranteed as to payment of principal and interest by the full faith and credit of the United States Government or repurchase agreements collateralized by such obligations.

**8.01.15** Certificates of deposit issued by commercial banks, savings and loan associations and mutual savings banks rated A or better by S&P or the equivalent rating by another recognized rating agency and properly secured at all times by collateral security described in paragraphs (1) and (2) above.

**8.01.16** The following investments fully insured by the Federal Deposit Insurance Corporation: (a) certificate of deposit, (b) savings accounts, (c) deposit accounts, (d) depository receipts of banks.

**8.01.17** Local Agency Investment Fund

Investment Policy Approved November 5<sup>th</sup>, 2008

## EXHIBIT A

### ORDINANCE NO. 08-7

#### ORDINANCE OF THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT PROVIDING FOR COMPENSATION OF MEMBERS OF THE BOARD OF DIRECTORS

THE BOARD OF DIRECTORS OF THE JOSHUA BASIN WATER DISTRICT, SAN BERNARDINO COUNTY, CALIFORNIA, DOES ORDAIN as follows:

Section 1. Purpose. This Ordinance is enacted under Section 20200 et seq. of the Water Code of California, which authorizes an increase in the amount of compensation above the amount of One Hundred Dollars (\$100.00) or more per day that each member of the governing board may receive, provided that such increase does not exceed an amount equal to five percent (5%) for each calendar year following the operative date of the last adjustment of compensation received when the Ordinance is adopted.

Section 2. Compensation. Pursuant to Joshua Basin Water District Ordinance No. 07-6, which was enacted on July 18, 2007, the operative date of the last adjustment of the compensation received by each member of the Board of Directors was September 18, 2007, which amount of compensation is One Hundred Sixty Five Dollars and Thirty Seven Cents (\$165.37) per day for each day's attendance at meetings of the Board of Directors or for each day's service rendered as member of the Board by request of the Board up to a total of ten (10) days in any calendar month.

Section 3. Increase of Compensation and Operative Date. On the effective date of this Ordinance, each Director shall receive an increase in compensation of Eight Dollars and Twenty Six Cents (\$8.26) per day for each day's service rendered, for a total of One Hundred Seventy Three Dollars and Sixty Three Cents (\$173.63) per day for each day's service rendered, not exceeding a total of ten (10) days in any calendar month.

## EXHIBIT A

**EXHIBIT A**

Section 4. Effective Date. Pursuant to California Water Code Section 20204, this Ordinance will take effect on December 1<sup>st</sup>, 2008, sixty (60) days from and after the date of its passage.

THE FOREGOING ORDINANCE was introduced at a meeting of the Board of Directors of the Joshua Basin Water District held on October 1<sup>st</sup>, 2008 at a public hearing, notice of which was published in The Hi-Desert Star Newspaper once a week for two successive weeks, on Wednesday, September 17<sup>th</sup>, 2008 and Wednesday September 24<sup>th</sup>, 2008.

PASSED and ADOPTED by the Board of Directors of the Joshua Basin Water District at a regular meeting held on the 1<sup>st</sup> day of October, 2008.

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William C. Long, President  
Joshua Basin Water District and of  
the Board of Directors Thereof

(SEAL)

---

Joe Guzzetta, Secretary  
Joshua Basin Water District and of  
the Board of Directors Thereof

**EXHIBIT A**

**EXHIBIT B**  
**JOSHUA BASIN WATER DISTRICT**  
**Expense/Reimbursement Claim Form**

(This form is a public document and a requirement of Assembly Bill 1234)

Claim of: \_\_\_\_\_ From: \_\_\_\_\_ to: \_\_\_\_\_  
Director Name (date) (date)

Event: \_\_\_\_\_

Location: \_\_\_\_\_

**COMPENSATION:** \$173.63 for \_\_\_\_\_ Days = (a) \$ \_\_\_\_\_

**EXPENSES PREPAID BY JOSHUA BASIN WATER DISTRICT:**

	<u>Credit Card, Check, or PO #</u>	<u>Amount</u>
Transportation	_____	\$ _____
Lodging	_____	_____
Meals	_____	_____
Event Registration	_____	_____
Miscellaneous	_____	_____

(b) \$ \_\_\_\_\_

**TOTAL PREPAID BY DISTRICT:** \_\_\_\_\_

**EXPENSES PAID BY CLAIMANT:**

	<u>SUN</u>	<u>MON</u>	<u>TUE</u>	<u>WED</u>	<u>THU</u>	<u>FRI</u>	<u>SAT</u>	<u>TOTAL</u>
<b>Breakfast</b>								
<b>Lunch</b>								
<b>Dinner</b>								
<b>Lodging</b>								
<b>Airfare</b>								
<b>Ground Trans.</b>								
<b>Parking</b>								
<b>Bellman Tips</b>								
<b># Miles Driven</b>								
<b>Mileage Reimbursement Dollar Amount</b>								

**TOTAL PAID BY CLAIMANT** (c) \$ \_\_\_\_\_

**TOTAL DUE CLAIMANT OR (DUE DISTRICT)** (d) \$ \_\_\_\_\_

The undersigned makes the foregoing claim against the Joshua Basin Water District, states that the money claimed was actually expended and/or mileage stated was actually traveled on behalf of said District and in pursuance of the duties of claimant and that said claim is presented in good faith and has not heretofore been paid.

\_\_\_\_\_  
Claimant (signature) (date)

\_\_\_\_\_  
Controller (signature) (date)

Please attach receipts for all reimbursable expenses claimed on this form.

**EXHIBIT B**