



JOSHUA BASIN WATER DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
WEDNESDAY FEBRUARY 19, 2014 7:00 PM
61750 CHOLLITA ROAD, JOSHUA TREE, CALIFORNIA 92252
AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF QUORUM
4. APPROVAL OF AGENDA
5. PUBLIC COMMENTS:

This public comment portion of this agenda provides an opportunity for the public to address the Board of Directors on items not listed on the agenda that *are of interest to the public at large* and are within the subject matter jurisdiction of this Board. The Board of Directors is prohibited by law from taking action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Board does not respond to public comments at this time. Comments that concern individual customer accounts are welcome, however we encourage doing so only after other administrative avenues for redress have been fully exhausted. In all cases, your concerns will be referred to the General Manager for review and a timely response.

Comments are to be limited to three minutes per speaker and shall not exceed a total of 20 minutes. All comments are to be directed to the Board of Directors and shall not consist of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during their comments. Public input may be offered on an agenda item when the item comes up for discussion and/or action. Members of the public who wish to speak shall proceed to the podium when called by the President of the Board. Please state your name and community of residence for the record.

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6. CONSENT CALENDAR: Items on the Consent Calendar are considered routine in nature and 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.
 - A. Approve Draft Minutes of the February 5, 2014 Regular Meeting of the Board of Directors

Pg. 6-14

7. EMPLOYMENT AGREEMENT FOR THE GENERAL MANAGER
The Ad Hoc GM Negotiating Committee recommends approval of the Employment Agreement as presented.

Pg. 15

8. DISCUSS OPERATION OF PRIVATE PACKAGE TREATMENT PLANTS
Information only.

Pg. 16-24

9. NOMINATION OF JBWD DIRECTOR FOR REGULAR OR ALTERNATE SPECIAL DISTRICT MEMBER OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCO)
Recommend that the Board nominate any JBWD Director who wants to serve on the LAFCO Commission.

Pg. 25-27

10. CONSIDER INCREASE TO DIRECTOR COMPENSATION
Recommend that the Board receive information and provide staff direction.
11. COMMITTEE REPORTS:
AD HOC:
- A. ADMINISTRATION CODE UPDATE PROJECT: President Fuller and Director Luckman
 - B. HOSPITAL WASTEWATER PROJECT: Director Luckman and President Fuller
 - C. MOJAVE WATER AGENCY INTEGRATED REGIONAL WATER MANAGEMENT PLAN COMMITTEE: Director Luckman and President Fuller
 - D. RULES AND REGULATIONS COMMITTEE: President Fuller and Vice President Reynolds
 - E. TANK RESTORATION PROJECT: Director Wilson and Director Johnson
12. STANDING:
- A. PUBLIC INFORMATION COMMITTEE: Director Luckman and President Fuller: Kathleen Radnich, Public Outreach Consultant to report.
 - B. FINANCE COMMITTEE: President Fuller and Director Johnson
13. 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.
14. GENERAL MANAGER REPORT
15. DIRECTORS COMMENTS/REPORTS
16. DISTRICT GENERAL COUNSEL REPORT
17. FUTURE AGENDA ITEMS
18. ADJOURNMENT

INFORMATION

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.

This meeting is scheduled to be broadcast on Time Warner Cable Channel 10 on February 26 at 7:00 pm and March 5 at 7:00 pm. DVD recordings of Joshua Basin Water District Board meetings are available at the District office and at the Joshua Tree Library

JOSHUA BASIN WATER DISTRICT
Minutes of the
REGULAR MEETING OF THE BOARD OF DIRECTORS
February 5, 2014

1. CALL TO ORDER: 7:00 PM

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF QUORUM:

Victoria Fuller	Present
Bob Johnson	Present
Mickey Luckman	Present
Mike Reynolds	Present
Gary Wilson	Present

STAFF PRESENT:

Susan Greer, Acting General Manager
Marie Salsberry, HR Manager/Administrative Specialist
Keith Faul, GIS Coordinator

CONSULTANTS PRESENT:

Gil Granito, District Counsel
Mike Metts, District Engineer, Dudek & Associates
Justin Schiedel, Dudek & Associates
David O'Leary, USGS
Kathleen Radnich, Public Outreach Consultant

GUESTS 6

4. APPROVAL OF AGENDA

MSC Luckman/Johnson 5/0 to approve the agenda for the February 5, 2014 Regular Meeting of the Board of Directors.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

5. PUBLIC COMMENT

Kathleen Radnich, JBWD Public Outreach Consultant, stated the District will host a Water Education Day on March 30 along with Bighorn-Desert View Water Agency, Hi-Desert Water District, Mojave Water Agency, Twentynine Palms Water District and other local organizations.

6. CLOSED SESSION

The Board went to closed session at 7:06 pm and the meeting resumed in open session at 7:47 pm.

7. PUBLIC REPORT ON TONIGHT'S CLOSED SESSION

President Fuller reported that during the closed session the Board discussed appointment of a general manager and a roll call vote was taken for the conditional appointment, which will be subject to final action of Board approval of Mr. Sauer's contract as legally required during open session at the next meeting. President Fuller stated it had been nine months since the Board appointed Susan Greer as Acting General Manager and Susan has been amazing balancing her regular job and the job of General Manager.

President Fuller reported that, pending the contract and hiring approval at the February 19th Board meeting the Board has appointed Curt Sauer as the new general manager. She noted that Mr. Sauer has 30 years' experience managing programs, people and infrastructure; he served as the Joshua Tree National Park Superintendent and is a committed member of the Joshua Tree community. She reported the roll call vote for the appointment of Mr. Curt Sauer to the position of general manager:

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

District Legal Counsel Gil Granito reported that the Board has been diligent in adhering to the Brown Act and has done a remarkable job. He reported that an employment agreement will be included in the agenda packet for the next meeting so that it can be vetted by the public as well as deliberated by the Board.

Director Wilson commented opposing the choice of appointment for the general manager position. Director Luckman stated she was pleased with the appointment. Vice President Reynolds stated he was pleased with the decision and looking forward to working with Mr. Sauer.

8. CONSENT CALENDAR

MSC Luckman/Reynolds 5/0 to approve the draft minutes of the January 8, 2014 Special Meeting of the Board of Directors; to approve the draft minutes of the January 15, 2014 Regular Meeting of the Board of Directors; to approve the October 2013 Financial Report Review; and to approve the November 2013 Financial Report Review.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

9. UNITED STATES GEOLOGICAL SURVEY (USGS) STUDY CONTINUATION AT A COST OF \$143,075

Acting General Manager Susan Greer reported to the Board, and introduced David O'Leary of United States Geological Survey (USGS), who presented information on work done to date and the proposal for continued studies.

MSC Luckman/Johnson 4/1 to approve \$143,075 extension to the Joint Funding Agreement with USGS.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

10. APPROVAL OF CONSTRUCTION SUPPORT CONTRACTS FOR WATER RECHARGE FACILITY PROJECT AT A TOTAL COST OF \$153,043 INCLUDING 10% CONTINGENCY

District Engineer Mike Metts presented the staff report, describing the construction support services needed for the Recharge Facility project.

MSC Reynolds/Luckman 4/1 to authorize the contracts and costs for the Water Recharge Facility project as follows: 1) Dudek in the amount of \$54,860 for construction management and inspection; 2) Leighton

Engineering in the amount of \$49,288 for soils and geotechnical consulting; and 3) Diamondback Surveying in the amount of \$31,400 for construction staking; 4) Circle Mountain in the amount of \$3,595 for environmental services; and 5) a 10% contingency in the amount of \$13,900.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

11. APPROVAL OF CONSTRUCTION SUPPORT CONTRACTS FOR D3 PUMP STATION REHABILITATION PROJECT AT A TOTAL COST OF \$34,018 INCLUDING 10% CONTINGENCY

District Engineer Metts reported on services needed in conjunction with the D3 Pump Station Rehabilitation project. He recommended that the Board authorize contracts to Dudek in the amount of \$13,500 for construction management and inspection, Heider Engineering in the amount of \$4,918 for soils and geotechnical consulting, Rockwell Electric in the amount of \$12,500 for electrical inspection, and a 10% contingency in the amount of \$3,100.

Director Wilson made a motion to approve the construction support contracts with the exception of Rockwell Electric, this portion would be put out to bid for sealed bids opened by the Board. There was no second and the motion failed.

MSC Luckman/Johnson 4/1 to approve the construction support contracts for D3 Pump Station Rehabilitation project at a total cost of \$34,018 including 10% contingency.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	No

12. APPROVAL OF RESOLUTION 14-915 AMENDING THE BASIC WATER SERVICE RULES AND REGULATIONS

President Fuller reported that the Ad Hoc Rules and Regulations committee worked with staff and legal counsel to update the Rules and Regulations to provide clarity and transparency. AGM Greer reported that the proposed updates to Articles 1 and 2 clarify the rules for customers as well as for staff. She stated that Director Luckman had noted several typographical errors and correction of these could be included in the recommended action for this item.

Richard Fountain of Joshua Tree commented on several provisions of the Rules and Regulations. President Fuller stated no substantial changes were made to the Rules and Regulations; only the language was changed to make the document easier to read.

MSC Luckman/Reynolds 5/0 to adopt Resolution 14-915 Amending the Basic Water Service Rules and Regulations including correction of typographical errors noted by Director Luckman.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

13. CHANGE FINANCIAL REPORTING FREQUENCY TO QUARTERLY OR AS-NEEDED

AGM Greer reported on behalf of the Finance Committee that it is the Board's decision how often to receive

financial reports. The District's budget is annual but revenues and expenses do not occur regularly throughout the year. Most questions related to financial reports have been about the check register. The Committee recommended quarterly financial reporting to the Board. The check audit report would still be provided monthly. Director Luckman asked if quarterly financial reports could be tied to the Strategic Plan. Discussion ensued.

MSC Johnson/Reynolds 5/0 to approve quarterly financial reporting frequency or as-needed.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

14 COMMITTEE REPORTS

AD HOC COMMITTEES:

- A. GENERAL MANAGER SEARCH: Vice President Reynolds and Director Luckman: This committee will be dissolved.
- B. ADMINISTRATION CODE UPDATE PROJECT: President Fuller and Director Luckman: This will be addressed after updates to the Rules and Regulations are completed.
- C. HOSPITAL WASTEWATER PROJECT: Director Luckman and President Fuller: District Counsel Granito reported that a meeting is scheduled for this Friday.
- D. MOJAVE WATER AGENCY INTEGRATED REGIONAL WATER MANAGEMENT PLAN COMMITTEE: Director Luckman and President Fuller: Director Luckman reported the next meeting is tomorrow and President Fuller will attend.
- E. RULES AND REGULATIONS COMMITTEE: President Fuller and Vice President Reynolds: The committee will address the next phase.
- F. TANK RESTORATION PROJECT: Director Wilson and Director Johnson: Director Wilson reported that nothing will happen until the District has some money.

15. PUBLIC COMMENT

None.

16. GENERAL MANAGER REPORT

AGM Greer reported the Incode Version 10 upgrade is in process. The Department of Water Resources grant has been submitted and is under review. Another solar project is planned, for the area of Terrace and Cascade. Pre-construction meetings were held today for the Recharge Project and D3 Pump Station project; both projects will begin mid-march. AGM Greer addressed a question Director Wilson asked at the last meeting regarding vehicle use; a vehicle use policy is on the list of re-opener items in the current Memorandum of Understanding between the District and the general unit; after the current item being addressed in Meet and Confer is concluded she will request that the vehicle use policy be discussed next. Distribution department employees are no longer driving District vehicles home except when on call. She addressed comments that have been overheard in the community that the District is in serious financial distress and cannot pay its employees. That is not true; The District has cash flow concerns related to the grant; four million dollars have been spent and the grant funding of three million dollars will be coming back. Cash reserves are low but lowering the cash reserves was done intentionally. The District has three million dollars in reserve and is due three million dollars from grant funding for a total of six million dollars. Three million dollars is nearly one year's operating expense including all payroll for the District, so the

District is in good financial shape.
Newly designed water bills will go to customers for the first time next month; the newsletter will include information about the changes to the bill.

17. DIRECTORS COMMENTS/REPORTS

Director Johnson stated he looks forward to working with Mr. Sauer and welcomed him to the District. Director Luckman reported that the Association of California Water Agencies (ACWA) confirmed her appointment as a member of the Groundwater Committee representing Region 9. Vice President Reynolds welcomed Mr. Sauer. He reported attending the Association of San Bernardino County Special Districts meeting where the speaker was a representative of the San Bernardino County Sheriff Department. President Fuller reported attending the Mojave Water Agency meeting where a topic of discussion was the state's interest in oversight of groundwater management. President Fuller has been appointed to the ACWA Local Legislative Committee representing Region 9. She stated she is looking forward to having Mr. Sauer join the District.

18. DISTRICT GENERAL COUNSEL REPORT

District Counsel Granito reported on a third application for a solar facility; he and AGM Greer will prepare a response to express concerns about water issues.

19. FUTURE AGENDA ITEMS

Welcome for the new general manager once hired.

20. ADJOURNMENT 9:13 PM

MSC Luckman/Reynolds 5/0 to adjourn the February 5, 2014 Regular Meeting of the Board of Directors.

Fuller	Aye
Johnson	Aye
Luckman	Aye
Reynolds	Aye
Wilson	Aye

Respectfully submitted:

Susan Greer, Acting General Manager

February 19, 2014

The attached Employment Agreement for the General Manager has been developed by the Ad Hoc GM Negotiating Committee (Fuller/Johnson) with input and guidance from the Board.

The Committee recommends approval of the Employment Agreement as presented.

**EMPLOYMENT AGREEMENT
BETWEEN
JOSHUA BASIN WATER DISTRICT
AND
CURTIS L. SAUER**

This Employment Agreement (“Agreement”) is made and entered into as of February 19, 2014, by and between Joshua Basin Water District (hereinafter “District”) and Curtis L. Sauer (hereinafter “Sauer”).

RECITALS

A. **WHEREAS**, the District is a county water district organized and operating pursuant to Division 12 of the California Water Code; and

B. **WHEREAS**, the District, through its Board of Directors (sometimes referred to herein as “Board”), wishes to engage the services of Sauer as the District’s General Manager; and

C. **WHEREAS**, Sauer affirms that he has read the functions, responsibilities, and duties of the General Manager position set forth in Exhibit “A” attached to this Agreement and represents that he is qualified to perform such services;

NOW, THEREFORE, the parties agree as follows:

AGREEMENT

Section 1. Incorporation of Recitals. The Recitals set forth above are hereby made a part of this Agreement and are incorporated herein as though set forth in full by this reference.

Section 2. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matter of this Agreement.

Section 3. Employment. The District hereby employs Sauer, who accepts such employment, to serve as the District’s General Manager.

Section 4. Term. The term of this Agreement shall commence on the effective date of this Agreement and continue to March 31, 2018, unless otherwise terminated as provided for in Section 5 of this Agreement.

Section 5. Termination.

A. It is expressly understood that Sauer, in his capacity as District General Manager, is an at-will employee serving at the pleasure of the Board, subject to termination by the Board at any time with or without cause. Nevertheless, the District's Board of Directors shall not exercise its right of termination during any ninety (90) day period following a General District Election unless termination is for "cause" as defined in Section 8.5 of this Agreement.

B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Sauer and the District to voluntarily terminate this Agreement.

C. Due to the significance of the General Manager position and the difficulty of finding a replacement for said position, Sauer shall give the Board at least thirty (30) days written notice of his resignation.

Section 6. Duties.

A. Sauer shall perform the functions and duties specified in Exhibit "A," and such other duties and functions as shall, from time to time, be assigned by the Board, or be required by law.

B. Sauer will devote his full time and best efforts to performing his duties and to the District's business affairs.

C. Sauer may devote an appropriate amount of time to water district associations and meetings that support the District so long as the time devoted to these activities does not interfere with the performance of his duties to the District. Participation at these professional, organizational activities will be subject to the review and approval of the District's Board of Directors.

Section 7. Compensation.

A. **Annual Base Salary.** Sauer shall be paid an annual salary of \$128,000.00. Said compensation shall be paid in equal bi-weekly payments.

B. **Performance Review, Merit Adjustment.** The Board will conduct a review of Sauer's performance after Sauer's first six (6) months of service and consider making a reasonable adjustment to Sauer's annual base salary as the Board may deem appropriate in accordance with said evaluation. Thereafter, on or about March 5, 2015, and every year thereafter, on or about March 5th, the Board will evaluate Sauer's performance and other relevant factors and shall consider making reasonable adjustments to Sauer's annual base salary, as the Board may deem appropriate, in accordance with such evaluation. The Board shall meet and confer with Sauer in regard to such evaluation and the conclusions to be reached therefrom. However, it is understood that the District and its Board of Directors makes no commitment to increase or otherwise adjust Sauer's salary at any particular time or on any regular basis. In addition to the above, the

District's Board of Directors may, at its discretion, evaluate Sauer's performance at more frequent intervals as it deems appropriate.

C. **Cost of Living Adjustments (COLA)**. Sauer will be entitled to and receive cost of living salary increases at the same rate and at the same time as regular full-time management employees of the District that are approved by the District's Board of Directors.

D. **Overtime Pay**. As an exempt managerial employee, under no circumstances will Sauer be entitled to any overtime pay regardless of the number of hours he may work in any work week.

E. **Benefits**. Sauer will be entitled to and receive the following benefits.

- (i) Participation in the District's Cafeteria Plan, which terms and conditions are as follows: The District shall contribute \$900 per month to be used for purchase of Sauer's health, dental, vision and related insurance benefits. From the monthly benefit, the District shall deduct the "employee only" mandatory premiums for the District's dental and vision insurance coverage. The balance of the monthly benefit shall be applied toward the employee's (Sauer's) health insurance premium either provided by the District's health insurance or the employee's (Sauer's) alternate health insurance coverage. The employee (Sauer) must provide proof of the existence of such alternate health insurance yearly, and must sign a written notice of declination yearly indicating that the employee (Sauer) is declining the District's health insurance coverage and that the employee (Sauer) has alternate health insurance coverage. Any remaining balance of the monthly benefit may be used by the employee (Sauer) to purchase other optional District insurance benefits such as dependent health, dental or vision insurance, additional life insurance or deferred compensation. Any cost for additional benefits in excess of the monthly benefit is the responsibility of the employee (Sauer). Any balance of the monthly benefit remaining after the purchase of the mandatory and optional insurance benefits will be paid to Sauer as a taxable cash payout.
- (ii) Vacation, sick, administrative, bereavement leave, paid holidays and other leave equal to and on the same terms and conditions as that which is provided to all other full-time management employees of the District, except that Sauer shall be entitled to twenty (20) working days of vacation time per year, to be accrued starting in the course

of Sauer's initial year of employment and every year thereafter at the rate of twenty (20) working days per year.

- (iii) District shall reimburse Sauer at the prevailing IRS standard rate (which is currently 56¢ per mile) for any District business use of his personal vehicle. Sauer shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses pertaining to the purchase, operation, maintenance, repair, and regular replacement of said vehicle beyond that subject to reimbursement.
- (iv) Sauer will be entitled to the same (a) Deferred Compensation Programs, (b) Educational Assistance Programs, and (c) Retirement Programs/Benefits, which are provided to all other full-time management employees of the District.
- (v) Sauer shall be provided, at District expense, a District cell phone and lap top to be used for District business, water association conferences and meetings.

F. **Business Expenses.** Sauer will be reimbursed for documented and reasonable business expenses in connection with the performance of his duties under this Agreement and in accordance with the District's general policies on business expenses.

Section 8. Severance Pay.

8.1 In the event Sauer elects to terminate this Agreement, he shall not be entitled to severance pay.

8.2 In the event Sauer's employment is terminated by the District at any time without cause, he will be entitled to severance pay equal to the lesser of (a) his monthly salary multiplied by 2 or (b) his monthly salary multiplied by the number of months left on the unexpired term of this Agreement (See Government Code Section 53260.)

8.3 The severance pay provisions provided for in Section 8.2 above shall be paid in equal monthly installments.

8.4 In the event Sauer's employment is terminated by the District for cause, he will not be entitled to severance pay.

8.5 **Definition of Cause.** "Cause" means the occurrence or existence of any of the following with respect to Sauer as reasonably and in good faith determined by the Board: (a) acts in bad faith and to the detriment of the District; (b) exhibits in regard to his employment unfitness for service, misconduct,

dishonesty, or incompetence; or (c) breaches of any material term of this Agreement.

Section 9. Reimbursement to District.

Notwithstanding anything to the contrary in this Agreement, if Sauer is convicted of a crime involving an abuse of his office or position, Sauer shall fully reimburse the District as follows:

A. For any paid leave salary provided by the District pending an investigation. *See Government Code Section 53243.*

B. For any funds provided by the District for the legal criminal defense of Sauer. *See Government Code Section 53243.1.*

C. For any cash settlement provided by the District related to the termination of Sauer's employment. *See Government Code Section 53243.2.*

D. For purposes of this Section 8, "abuse of office or position" means either of the following:

- (i) An abuse of public authority, including, but not limited to, waste, fraud, and violation of the law under color of authority. *See Government Code Section 53243.4(a).*
- (ii) A crime against public justice, including, but not limited to, a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code. *See Government Code Section 53243.4(b).*

Section 10. Successors and Assigns. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the District's successor agency or entity as the case may be.

Section 11. Modifications. Modifications of this Agreement may only be made by formal written amendment approved and executed by both parties.

Section 12. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect without being impaired or invalidated in any way.

Section 13. Construction. This Agreement shall not be construed more strongly against either party regardless of which party prepared it.

Section 14. California Law and Venue. This Agreement shall be governed by the laws of the State of California. Proper venue for any litigation concerning this Agreement shall be in San Bernardino County.

Section 15. Notices.

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) DISTRICT: President, Joshua Basin Water District,
61750 Chollita Road, Joshua Tree, CA 92252

- (2) SAUER: Curt Sauer,
HCR 1 Box 1182
Joshua Tree, CA 92252

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed by the Parties, all as of the day and year first above written.

JOSHUA BASIN WATER DISTRICT:

By _____
Victoria Fuller, President
Board of Directors

By _____
Michael P. Reynolds, Vice President
Board of Directors

CURTIS L. SAUER:

Curtis L. Sauer

JOSHUABASIN WATER DISTRICT CLASS DESCRIPTION	Revised <u>07/03/2013</u> Description Approved <u>3/15/00</u>
Title: General Manager	Status: Exempt

Summary

Under the direction of the Board of Directors, this General Manager directs the administrative, finance, engineering, construction and operations and maintenance functions in order to achieve efficient and cost effective operation of the District. Serves as Secretary to the Board of Directors.

Distinguishing Characteristics

This position is characterized by the exceptional skills required to perform the principal duties of the position, as well as the accountability and responsibility this position has to the Board of Directors and customers of the District. Position reports directly to the Board of Directors and provides general supervision to subordinate employees.

Examples of Duties

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this class.

Public and Board of Director Relations: Implements the District's goals and objectives in order to achieve the District's mission. Ensures resolution of customer complaints; communicates politely with customers. On a frequent basis and in a comprehensive manner, communicates with the Board of Directors regarding District business. Attends and participates in all Board of Directors, standing and ad-hoc committee meetings. Performs the duties of Secretary to the Board in compliance with all laws, regulations and codes pertaining thereto.

Management: Formulates the policies, procedures, projects and schedules necessary for the orderly and lawful operation of the District and recommends them to the Board for adoption. Acts as an agent for the Board to ensure that policies and programs are implemented. Acts as Secretary to the Board and fulfills Water Code record keeping requirements. Compiles and analyzes data for reports and presentations. Organizes, directs and administers the operations and maintenance activities of the water district. Oversees consultant work and interfaces with the public and Board of Directors. Oversees the District's Strategic Planning process. Represents the District in all negotiations, transactions and liaison with state and federal officials. Acts as District spokesman with the media, community leaders, public officials and personnel at all levels. Performs or has performed studies, surveys, reports and economic appraisals as required by the Board of Directors. Ensure compliance with all state, federal and local regulations. Responsible for the safe operation of the water system.

Financial: Oversee the preparation of and submit the annual operating and capital budgets for the District. Has responsibility for several million dollar annual budget; oversees cost control systems as necessary. Oversee the review of expenditures throughout the fiscal year to determine if such expenditures are necessary and in accordance with Board policy. Oversees long-range financial planning, including procurement of grant funding.

Personnel: Oversees the application of personnel rules, regulations and the provisions of bargaining unit agreements to employees. Oversees bargaining unit negotiations, grievance resolution and compliance with all Federal and State employment laws.

JOSHUABASIN WATER DISTRICT CLASS DESCRIPTION	Revised <u>07/03/2013</u> Description Approved <u>3/15/00</u>
Title: General Manager	Status: Exempt

Construction: Oversees the planning and implementation of complex construction projects. Directs the solicitation and review of consultant services including engineers, construction contractors, geologists, and environmental services. Directs the work of professional and construction related services.

Supervision: Coordinates and directs the work of subordinates. Communicates effectively and regularly with subordinates and the Board. Consistently applies District policies, procedures and rules to subordinates in a legal and equitable manner. Prepares written evaluations of subordinate personnel and participates in disciplinary and complaint procedures.

Training and Problem Solving: Actively participates in the training of directly subordinate employees. Handles difficult and complex assignments with minimal oversight.

Safety: Follows proper safety practices at all times; ensures safety compliance when performing supervisory duties.

Job Requirements

Education, Training & Experience: Bachelor of Arts Degree in Business Administration, Engineering, Public Administration or related field required. Any combination of experience and/or training that could likely provide the required knowledge and ability to perform the job duties (e.g., 10 years of experience at a management level in a California water district). Water Treatment Operations and Distribution System certification desirable.

Skills and Abilities: Ability to work efficiently and productively when completing work tasks. Ability to function effectively as a manager. Knowledge of the laws, rules, principles and practices of water treatment and distribution, budgeting; long-term financing; contract administration; District policies, rules and regulations; supervision; labor relations and public administration. Ability to work effectively and proactively with the Board of Directors. Ability to understand and carryout verbal instructions. Ability to read and understand complex documents, drawings and financial information; Interpret and carry-out written instructions. Ability to make mathematical calculations with speed and accuracy. Ability to establish and maintain cooperative and respectful working relationships with those contacted in the course of work. Ability to maintain accurate records.

Physical: Subject to reasonable accommodation in accordance with the requirements of the Americans with Disabilities Act (ADA), possess the ability to lift and/or carry objects (no greater than 40 lbs) on a periodic basis. Ability to bend, twist, turn, push, pull and reach routinely, as well as perform repetitive motion tasks. Ability to stoop, bend and kneel routinely. Work in an environment with exposure to dust, dirt, fumes, vapors, noise, and extremes in weather and temperature conditions.

Other: Position subject to extensive work hours, evening meetings and periodic travel. Must possess a valid California Class C Driver's License.

JOSHUA BASIN WATER DISTRICT
MEETING AGENDA REPORT

Meeting of the Board of Directors

February 19, 2014

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:
DISCUSS OPERATION OF PRIVATE PACKAGE TREATMENT PLANTS

RECOMMENDATION:
Information only

ANALYSIS:
In 2007, the District obtained sewer authority from LAFCO as indicated on the attached copy of their Resolution No. 2978. The authorized services are operation of package treatment plants and planning and engineering for regional sewer service.

Subsequent to receiving that authority from LAFCO, the District adopted our Wastewater Treatment Strategy in 2009 which identifies both short- and long-term strategies for implementation of needed groundwater protection facilities. Ultimately, the Wastewater Treatment Strategy projects the need for construction of a regional wastewater treatment facility and interceptor sewer system. In the interim, until that regional plant is needed, small package treatment plants will provide the necessary groundwater protection, paid for by the developers as projects are constructed.

The first package treatment plant in the District has been completed at the hospital and we are currently negotiating changes to the contract for the hospital to own and the District to operate the plant. The District has already been contacted by a developer about whether we will operate the package treatment plant being required for their proposed project. The previous GM had already reportedly told the developer that we intended to operate the plant at their expense.

I've heard some comments from the Board, the public and staff asking why we should operate these privately-owned treatment plants. Mike Metts shared some relevant information about this topic with me which the Board also needs to hear. He will be at the meeting to present information about our wastewater responsibilities and why he believes that we *should* operate the plants.

STRATEGIC PLAN ITEM:
N/A

FISCAL IMPACT:
N/A, any operation of plants will be at owner/developer expense.

JOSHUA BASIN WATER DISTRICT
MEETING AGENDA REPORT

Meeting of the Board of Directors

February 19, 2014

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:

NOMINATION OF JBWD DIRECTOR FOR REGULAR OR ALTERNATE SPECIAL DISTRICT MEMBER OF THE LOCAL AGENCY FORMATION COMMISSION (LAFCO)

RECOMMENDATION:

Recommend nomination of any JBWD Director who wants to serve on the LAFCO Commission.

ANALYSIS:

The District received the attached notice from LAFCO regarding the nomination period for the position of Regular Special District member and Alternate Special District member on their commission.

Terms of office for two commissioners are expiring May 19, 2014. Commissioners serve a four-year term of office with meetings held monthly in San Bernardino. The nomination period is now open and ends on March 4, 2014. The Board will need to approve the nomination of any director seeking appointment on the LAFCO board.

The District will be expected to pay for expenses associated with the LAFCO commission meetings as well as director compensation for each day's service. Meetings are held monthly at 9:00 am on the third Wednesday of the month—the same day as our meeting. Since the meetings are the same day as our meetings and director compensation is paid for each *day* of service, no additional compensation would be due. Expenses, such as mileage or meals would be incurred, however.

STRATEGIC PLAN ITEM:

N/A

FISCAL IMPACT:

Expenses, which would include mileage and meals, are estimated at \$1,000 - \$1,500 per year assuming one meeting per month.

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN BERNARDINO**

215 North "D" Street, Suite 204
San Bernardino, CA 92415-0490 • (909) 383-9900 • Fax (909) 383-9901
E-mail: lafco@lafco.sbcounty.gov
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PROPOSAL NO.: LAFCO 3074

HEARING DATE: AUGUST 15, 2007

RESOLUTION NO. 2978

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3074 AND APPROVING THE EXPANSION OF POWERS FOR THE JOSHUA BASIN WATER DISTRICT TO INCLUDE SEWER SERVICE.

On motion of Commissioner Hansberger, duly seconded by Commissioner Cox, and carried, the Local Agency Formation Commission adopts the following resolution:

SECTION 1. The Local Agency Formation Commission of the County of San Bernardino hereby finds and determines:

a. That the Rules and Regulations affecting the functions and services of Special Districts were originally adopted on November 10, 1976; and,

b. That the Exhibit "A" of the Rules and Regulations lists each special district and its services and functions pursuant to the requirements of Section 6 of the Rules and Regulations; and,

c. That the Board of Directors of the Joshua Basin Water District desire to active latent powers for the Joshua Basin Water District for the following function: Sewers; and,

d. That said Commission proposed to consider the proposal without reference to a special district advisory committee; and,

e. That a public hearing on the proposed amendment to the Rules and Regulations affecting the functions and services of special districts was held on August 15, 2007; and,

f. That the following information and findings were noted by the Commission:

1. Notice of this hearing has been provided through publication in newspapers of general circulation in the area, as required by law.
2. This proposal does not conflict with the adopted County General Plan, Joshua Tree Community Plan and Homestead Valley Community Plan adopted for the area.

RESOLUTION NO. 2978

3. The Commission prepared an environmental assessment for the activation of sewer powers and has adopted a Negative Declaration which indicates that approval of the activation of sewer powers for the purposes of operating and managing package sewer treatment plants as defined in the staff report and the ability to plan and engineer for a sewage system will not have a significant adverse impact on the environment. The initial study prepared by LAFCO's Environmental Consultant has been reviewed by the Commission's staff and has been found to be adequate for the activation of sewer powers. Responses to comments received during the circulation of the Notice of Availability for the Negative Declaration have been provided by the Commission and are made a part the document.

The Commission certifies it has reviewed and considered the Negative Declaration and environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Negative Declaration adequate for its use in making a decision as a CEQA lead agency. The Commission further finds that it does not intend to adopt alternatives or mitigation measures for the project. The Commission hereby adopts the Negative Declaration, as presented by its Environmental Consultant. The Commission directs the Clerk to file a Notice of Determination within five working days of its adoption.

4. The area of the Joshua Basin Water District is currently served by the following local agencies:

County of San Bernardino
Joshua Basin Water District and its Improvement District #2
County Service Area 20 (fire protection, park and recreation, road maintenance, streetlighting)
County Service Area 38 (fire protection)
County Service Area 70 (multi-function regional agency) and its Improvement Zones R-19, TV-5, R-28
Mojave Water Agency and its Improvement District M
Hi-Desert Memorial Healthcare District
Mojave Desert Resource Conservation District

5. The Plan for Service submitted by the District as a part of Resolution No. 06-803 has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements. LAFCO 3084 is consistent with the Commission's policies and directives of State law indicating a preference for a multi-purpose entity to provide service to communities providing for a more accountable form of government.
6. LAFCO 3074 is consistent with the Commission's policies and directives of State law indicating a preference for a multi-purpose entity to provide service to communities providing for a more accountable form of government.
7. All notices required by law for this hearing have been provided. Protest to this consideration has been reviewed and considered by the Commission in making its determination.

SECTION 2. The Local Agency Formation Commission of the County of San Bernardino hereby resolves and orders that the Exhibit "A" of the Rules and Regulations of Special Districts shall be amended as follows:

RESOLUTION NO. 2978

	<u>FUNCTION</u>	<u>SERVICES</u>
Joshua Basin	Water	Retail, agricultural, domestic, replenishment
	Sewer	Operation of Package Treatment Plants defined as consisting of units or modules designed for construction, assembly, connection and installation at the site for treatment of sewage and are to be operated for a limited area, including but not limited to a residential subdivision Planning and engineering for regional sewer service

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission of the County of San Bernardino by the following vote:

AYES: COMMISSIONERS: Colven, Cox, Hansberger, McCallon, Mitzelfelt, Nuaimi, Pearson

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Biane (Mitzelfelt voting in his stead)

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, KATHLEEN ROLLINGS-McDONALD, Executive Officer of the Local Agency Formation Commission of the County of San Bernardino, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of August 15, 2007.

DATED: August 16, 2007


KATHLEEN ROLLINGS-McDONALD
Executive Officer





**Local Agency
Formation Commission**
for San Bernardino County

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Established by the State of California
to serve the Citizens, Cities, Special Districts
and the County of San Bernardino

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Special District

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Special District

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Board of Supervisors

SUNIL SETHI
Public Member

ROBERT W. SMITH
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STAFF

KATHLEEN ROLLINGS-McDONALD
Executive Officer

SAMUEL MARTINEZ
Assistant Executive Officer

MICHAEL TUERPE
Project Manager

REBECCA LOWERY
Clerk to the Commission

LEGAL COUNSEL

CLARK H. ALSOP

January 6, 2014

TO: Presidents of the Boards of Directors of the
Independent Special Districts in San Bernardino County

SUBJECT: Special Districts Selection Committee

This letter will officially open the nomination period for the position of Regular Special District member and Alternate Special District member on the Local Agency Formation Commission (LAFCO). The regular voting member position is currently held by James V. Curatalo and the alternate member position is currently held by Robert Smith. Their terms of office are scheduled to expire May 19, 2014. The nomination period for this position will be 30 days, opening on Monday, February 3, 2014, and ending at the close of business at 5:00 p.m. on Tuesday, March 4, 2014.

Nominations for the position will need to be submitted by District Board vote. The signed original nomination form, with the name of each voting Board Member outlined, must be received in the LAFCO office by 5:00 p.m. on **March 4, 2014**. If a faxed copy of the nomination form is provided by the March 4 deadline, the original signed copy must be received by 5:00 p.m. on **March 10, 2014**, or the nomination will be declared invalid.

Enclosed with this letter is a sample nomination form for each position outlining the date of the action and District Board vote. Nominations submitted without a date or Board action will be returned to the District and will need to be re-submitted within the nomination period in order to be considered valid. If only a single candidate is nominated for each position, pursuant to the provisions of Government Code Section 56332(c)(1), that candidate shall be deemed selected with no further vote required.

At the end of the nomination period, LAFCO staff will prepare and send, by certified mail, to each independent special district a ballot with the candidates nominated and the voting instructions.

A long-standing policy of the Selection Committee is to encourage balanced geographic representation with valley, desert and mountain districts seated on the Commission as voting or alternate members. The positions under nomination are now represented by the valley and north desert areas and represent a county water district and community services district. A copy of the Policy Statement is attached for your information.

Please let me know if you have any questions concerning the nomination process. You may contact me at the address listed above, by email at kmcdonald@lafco.sbcounty.gov, or by phone at (909) 383-9900.

Sincerely,



KATHLEEN ROLLINGS-McDONALD
Executive Officer

KRM/MT

Enclosures:

- 1) Regular Member Nomination Form
- 2) Alternate Member Nomination Form
- 3) Policy Statement

**NOMINATION FOR
REGULAR SPECIAL DISTRICT MEMBER
OF THE
LOCAL AGENCY FORMATION COMMISSION**

The _____
(Name of District)

hereby nominates the following person for the position on the Local Agency
Formation Commission

_____ REGULAR SPECIAL DISTRICT MEMBER
(Name of Nominee)

I, _____, do hereby certify that at its regularly
(Name of President or Designee of District)
scheduled meeting of _____, the Board of Directors voted to
nominate the above-identified candidate for the Regular Special District Member
of the Local Agency Formation Commission for San Bernardino County, by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

District President/Authorized Board Member

Dated: _____

Attached – Letter of Interest or Resume of Nominee

**NOMINATION FOR
ALTERNATE SPECIAL DISTRICT MEMBER
OF THE
LOCAL AGENCY FORMATION COMMISSION**

The _____
(Name of District)

hereby nominates the following person for the position on the Local Agency
Formation Commission

_____ ALTERNATE SPECIAL DISTRICT MEMBER
(Name of Nominee)

I, _____, do hereby certify that at its regularly
(Name of President or Designee of District)
scheduled meeting of _____, the Board of Directors voted to
nominate the above-identified candidate for the Alternate Special District Member
of the Local Agency Formation Commission of San Bernardino County, by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

District President/Authorized Board Member

Dated: _____

Attached – Letter of Interest or Resume of Nominee

SPECIAL DISTRICTS

POLICY STATEMENT ADOPTED BY INDEPENDENT SPECIAL DISTRICTS AND SAN BERNARDINO LAFCO REGARDING INDEPENDENT SPECIAL DISTRICT REPRESENTATION:

1. **SPECIAL DISTRICT REPRESENTATION.** *(Amended April 17, 2002)*

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, independent special districts shall have two representatives plus one alternate on LAFCO.

2. **METHOD OF SELECTION.** *(Amended April 17, 2002)*

An Independent Special Districts Selection Committee shall be composed of the presiding officers of the legislative body of each independent special district located wholly within the County of San Bernardino and those containing territory within said County representing 50% or more of the assessed value of taxable property of each district. The Selection Committee shall appoint all independent special district representatives and alternate. Each member of the Selection Committee shall be entitled to one vote for each independent special district for which they are presiding officer. The meetings of the Selection Committee shall be in accordance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000 et seq.

3. **TERM OF OFFICE.** *(Amended April 17, 2002)*

Other than the initial special districts representatives, the terms of office shall be for four years and until the appointment and qualification of a successor. Every officer whose term has expired shall continue to discharge his/her duties until his/her successor has qualified.

4. **SPECIAL DISTRICT REPRESENTATIVES.** *(Amended April 17, 2002)*

It shall be the policy of San Bernardino LAFCO that special district representatives and alternate should represent districts located in the San Bernardino Valley area, the desert area, and the mountain area. Inasmuch as possible, they should not represent agencies that provide like service, (i.e., they should represent fire protection service, water service, sewer service, cemetery service, etc.). They shall be chosen as provided by the provisions within Government Code Section 56000 et seq.

JOSHUA BASIN WATER DISTRICT
MEETING AGENDA REPORT

Meeting of the Board of Directors

February 19, 2014

Report to: President and Members of the Board

Prepared by: Susan Greer 

TOPIC:
CONSIDER INCREASE TO DIRECTOR COMPENSATION

RECOMMENDATION:
Receive information and provide staff direction

ANALYSIS:
Director compensation may be increased annually in accordance with the District's Administration Code and the California Water Code. Both allow for an increase not to exceed 5% for each calendar year since the effective date of the previous adjustment. The District currently pays \$173.63 per day of service and this amount has remained unchanged since December 2008.

If the Board desires, director compensation may be increased up to 25% because the amount has remained unchanged for five years. The Board could also elect to increase the compensation amount by any other smaller amount or not to increase the amount of compensation at all. Consideration of this issue has been raised by staff, since it has not been revisited for years. I recommend that the Board discuss this issue and go on the record each year, either increasing or not increasing the compensation, so that we know it was intentional, instead of five years passing, never revisiting the issue and not knowing why.

Last fiscal year, director compensation was roughly \$30,000 in total. A 5% increase would result in an additional \$1,500 cost per year making the new compensation amount \$182.31 per day of service.

We could bring this issue back to you for reconsideration after some fact-finding, such as how much other local agency directors are being paid. If the Board wants to increase the compensation, we have to hold a public hearing and adopt an ordinance. Any increase would not be effective until 60 days after the adoption of the ordinance. Staff has provided information and is requesting direction regarding whether to move forward to increase the amount of director compensation, and if so, the amount of the increase.

STRATEGIC PLAN ITEM:
N/A

FISCAL IMPACT:
Unknown until amount of increase determined. 5% increase would cost \$1,500 per year.



Code: Section: Search

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WATER CODE - WAT

DIVISION 10. FINANCIAL SUPERVISION OF DISTRICTS [20200 - 20220] (*Division 10 added by Stats. 1943, Ch. 371.*)

CHAPTER 2. Compensation of Water District Directors [20200 - 20207] (*Chapter 2 added by Stats. 1984, Ch. 186, Sec. 1.*)

20200. As used in this chapter, "water district" means any district or other political subdivision, other than a city or county, a primary function of which is the irrigation, reclamation, or drainage of land or the diversion, storage, management, or distribution of water primarily for domestic, municipal, agricultural, industrial, recreation, fish and wildlife enhancement, flood control, or power production purposes. "Water districts" include, but are not limited to, irrigation districts, county water districts, California water districts, water storage districts, reclamation districts, county waterworks districts, drainage districts, water replenishment districts, levee districts, municipal water districts, water conservation districts, community services districts, water management districts, flood control districts, flood control and floodwater conservation districts, flood control and water conservation districts, water management agencies, water agencies, and public utility districts formed pursuant to Division 7 (commencing with Section 15501) of the Public Utilities Code.

(Amended by Stats. 2007, Ch. 213, Sec. 5. Effective January 1, 2008.)

20201. Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or for each day's service rendered as a member of the board by request of the board, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202, increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

It is the intent of the Legislature that any future increase in compensation received by members of the governing board of a water district be authorized by an ordinance adopted pursuant to this chapter and not by an act of the Legislature.

For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(Amended by Stats. 2005, Ch. 700, Sec. 27. Effective January 1, 2006.)

20201.5. Reimbursement for expenses of members of a governing board of a water district is subject to Sections 53232.2 and 53232.3 of the Government Code.

(Added by Stats. 2005, Ch. 700, Sec. 28. Effective January 1, 2006.)

20202. In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district above the amount of one hundred dollars (\$100) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted.

No ordinance adopted pursuant to this chapter shall authorize compensation for more than a total of 10 days in any calendar month.

(Amended by Stats. 1989, Ch. 111, Sec. 1.)

20203. Any water district described in Section 20201 is authorized to adopt ordinances pursuant to this chapter. No ordinance shall be adopted pursuant to this chapter except following a public hearing. Notice of the hearing shall be published in a newspaper of general circulation pursuant to Section 6066 of the Government Code.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20204. An ordinance adopted pursuant to this chapter shall become effective 60 days from the date of its final passage. The voters of any water district shall have the right, as provided in this chapter, to petition for referendum on any ordinance adopted pursuant to this chapter.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20205. If a petition protesting against the adoption of the ordinance is presented to the governing board of the water district prior to the effective date of the ordinance, the ordinance shall be suspended and the governing board shall reconsider the ordinance.

If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district exceeds 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 5 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election. If the number of votes cast for all candidates for Governor at the last gubernatorial election within the boundaries of the water district is less than 500,000, the ordinance is subject to referendum upon presentation of a petition bearing signatures of at least 10 percent of the entire vote cast within the boundaries of the water district for all candidates for Governor at the last gubernatorial election.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20206. If the governing board does not entirely repeal the ordinance against which a petition is filed, the governing board shall submit the ordinance to the voters either at a regular election or a special election called for the purpose. The ordinance shall not become effective unless and until a majority of the votes cast at the election are cast in favor of it. If the ordinance is not approved by the voters, no new ordinance may be adopted by the governing board pursuant to this chapter for at least one year following the date of the election.

(Added by Stats. 1984, Ch. 186, Sec. 1.)

20207. Except as otherwise provided in this chapter, the provisions of the Elections Code applicable to the right of referendum on legislative acts of districts shall govern the procedure on ordinances against which a petition is filed.

(Added by Stats. 1984, Ch. 186, Sec. 1.)