

**CODE**  
**of**  
**NORTH OF THE RIVER**  
**MUNICIPAL WATER**  
**DISTRICT**

**adopted**

**NOVEMBER 2010**

PREFACE

DISTRICT ORDINANCE No. 2010-01

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## **PREFACE**

This introductory volume of the North of the River Municipal Water District Code contains the ordinances and resolutions of the District up to and including the date of its final adoption on November 17, 2010. While this Code has been adopted in accordance with Water Code section 71281 via District Ordinance 2010-01, the District reserves the right to amend, supersede and/or repeal the provisions of this Code via District resolution when the law so provides. Likewise, the District may amend, supersede and/or repeal the provisions of this Code via District ordinance when the law so provides. Please consult the District office in order to ascertain whether any particular provision of this Code as been amended, superseded and/or repealed.

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### **SECTION 1**

#### **OFFICIAL DISTRICT CODE**

**1-1-1-1      Title:**    Upon adoption by the Board of Directors, this District Code is hereby declared to be and shall hereafter constitute the official Code of the North of the River Municipal Water District.

**1-1-1-2      Citation:**    This District Code of Ordinances shall be known and

cited as the NORTH OF THE RIVER MUNICIPAL WATER DISTRICT CODE. Said CODE is hereby published by authority of the Board of Directors and shall be supplemented to incorporate the most recent legislation of the District as provided in Section 2 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this District Code by title in any legal documents.

**1-1-1-3      Acceptance:** The District Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the District of general and permanent effect, except the excluded ordinances enumerated in Section 2 of this Title.

**1-1-1-4      Availability for Public Review:** At least one official copy this official Code, as it may be properly amended, shall be made available for public inspection in the office of the District during normal business hours.

## SECTION 2

### AMENDMENTS TO CODE

**1-1-2-1 Amendments:** Any ordinance amending the District Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this District Code. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each official copy of this District Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the District Code.

**1-1-2-2 Code Alterations:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this District Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Board of Directors. The District Secretary shall see the replacement pages are properly inserted in the official copies maintained in the office of the Secretary. Any person having custody of a copy of the District Code shall make every effort to maintain said Code current as to the most recent ordinances

passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the District Secretary. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the District and shall be returned to the office of the District Secretary when directed so to do by order of the Board of Directors.

**1-1-2-3      Repeal of General Ordinances and Resolutions:**      All general ordinances of the District passed prior to the adoption of this District Code which are in conflict with the provisions herein are hereby repealed, except such as are included in this District Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax/fee/charge levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the District; and

all special ordinances. Questions regarding whether a particular ordinance or resolution has been superseded should be directed to the Board of Directors, through the District's General Manager, for a determination. The Board of Director's determination on whether a particular ordinance has been superseded shall be final, non-appealable and shall be accepted in all courts and administrative tribunals of this State.

**1-1-2-4 Utility Ordinances and Resolutions:** No resolution or ordinance relating to the conduct, duties, service or rates of District utility service shall be repealed by virtue of the adoption of this District Code or by virtue of the preceding Section, excepting as the District Code may contain provisions for such matters, in which case, this District Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. Questions regarding whether a particular ordinance or resolution has been superseded should be directed to the Board of Directors, through the District's General Manager, for a determination. The Board of Director's determination on whether a particular ordinance has been superseded shall be final, non-appealable and shall be accepted in all courts and administrative tribunals of this State.

**1-1-2-5 Court Proceedings:**

**a. Prior Acts:** No new ordinance shall be construed or held to

repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

- b. **Extend to All Repeals:** This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- c. **Currently Pending Actions:** Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the District herein repealed, and the provisions of all general ordinances

contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discounting, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, for or corporation, or as waiving any right of the District under any ordinance or provision thereof in force at the time of the adoption of this District Code.

### SECTION 3

#### GENERAL RULES OF INTERPRETATION

**1-1-3-1 Determination of Legislative Intent:** In the event the legislative intent of a provision of this Code is questioned, it shall be presumed that:

- a. Compliance with the constitutions of the State of California and of the United States is intended;
- b. The entire Code is intended to be effective;
- c. A just and reasonable result is intended;
- d. A result feasible of execution is intended.

**1-1-3-2 Grammatical Interpretation:** The following grammatical rules shall generally apply to this code:

- a. Any gender includes the other genders.
- b. The singular number includes the plural and the plural includes the singular.
- c. Words used in the present tense include the past and the future tenses and vice versa.

**1-1-3-3 Headings for Convenience:** The headings in this District Code are included for convenience only and shall neither affect the construction or interpretation of any provisions in this District Code.

**1-1-3-4 Common and Technical Usage:** Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

**1-1-3-5 Counting Days:** Days shall be counted to exclude the first and include the last, unless the last is a Saturday, Sunday or legal holiday, and then it shall be excluded and the time for performance of the obligation shall be extended to the first following day that is not a Saturday, Sunday or legal holiday.

**1-1-3-6 Severability Clause:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this District Code or any part thereof is for any reason held to be unconstitutional or invalid

or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The District Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, causes or phrases by declared unconstitutional, invalid or ineffective.

## **TITLE 2     ADMINISTRATION**

### **CHAPTER 1:    BOARD OF DIRECTORS**

#### **SECTION 1:     BOARD ESTABLISHMENT**

- 2-1-1-1            Number of Members
- 2-1-1-2            Term of Office
- 2-1-1-3            Time of Taking Office

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- 2-1-2-1            Election
- 2-1-2-2            Residency Qualification for Candidacy
- 2-1-2-3            Change in Residency Outside Boundaries of  
Director's Division
- 2-1-2-4            Filling of Vacancies on the Board

#### **SECTION 3:     ADJUSTMENT OF BOUNDARIES**

- 2-1-3-1            Adjustment of Boundaries

#### **SECTION 4:     OATH OF OFFICE**

- 2-1-4-1            Administration of Oath of Office

#### **SECTION 5:     BOARD OFFICERS AND THEIR DUTIES**

- 2-1-5-1            Officers of the Board of Directors
- 2-1-5-2            Election of Board President
- 2-1-5-3            Election of Board Vice President
- 2-1-5-4            Appointment of District Officers
- 2-1-5-5            Consolidation of Offices of Secretary and  
Treasurer
- 2-1-5-6            President and Secretary
- 2-1-5-7            Treasurer or other Authorized Person
- 2-1-5-8            General Manager
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- 2-1-6-1            Governing Body of the District
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## **TITLE 2     ADMINISTRATION**

### **CHAPTER 1:    BOARD OF DIRECTORS**

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#### **SECTION 3:     ADJUSTMENT OF BOUNDARIES**

- 2-1-3-1            Adjustment of Boundaries

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- 2-1-4-1            Administration of Oath of Office

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- 2-1-5-3            Election of Board Vice President
- 2-1-5-4            Appointment of District Officers
- 2-1-5-5            Consolidation of Offices of Secretary and  
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- 2-1-5-6            President and Secretary
- 2-1-5-7            Treasurer or other Authorized Person
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- 2-1-5-10           Bonds of Officers and Employees

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- 2-1-6-1            Governing Body of the District
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## SECTION 1

### BOARD ESTABLISHMENT

**2-1-1-1**      **Number of Members:**    In accordance with the District's Formation Document, County of Kern Resolution 69-389 adopted

on June 10, 1969, and Water Code section 71250, the District Board of Directors shall consist of five members, each of whom shall be a resident, as defined in Government Code section 244, of the division from which he is elected.

**2-1-1-2 Term of Office:** Each Director elected to a full-term shall hold office for a term of four years from and after the date for his/her taking of office and until the election and qualification of his successor. Directors elected to a short-term shall hold office for the term prescribe by their election and until the election and qualification of his/her successor.

**2-1-1-3 Time of Taking Office:** Directors elected to office in a regular election shall take the office at 12 o'clock noon on the first Monday after the January 1<sup>st</sup> succeeding their election.

## **SECTION 2**

### **DIRECTOR QUALIFICATIONS**

#### **AND ELECTION**

**2-1-2-1 Election:** Directors shall be elected in accordance with the provisions of the Municipal Water District Law.

**2-1-2-2 Residency Qualification for Candidacy:** A candidate for position as director must be a resident, as defined in Government Code section 244, of the division from which he seeks election.

**2-1-2-3 Change in Residency Outside Boundaries of Director's**

**Division:** If a director moves his or her residence, as defined by Government Code section 244, outside of the boundaries of that director's division, and within 180 days of that move, the director fails to reestablish a place of residence within the division to which the director was elected, it shall be presumed that a permanent change of residence has occurred and that a vacancy exists on the board of directors pursuant to Government Code section 1770.

**2-1-2-4 Filling of Vacancies on the Board:** Whenever a vacancy occurs in the office of director it shall be filled pursuant to Section 1780 of the Government Code, by a qualified person, who shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred.

**SECTION 3**

**ADJUSTMENT OF DIVISION BOUNDRIES**

**2-1-3-1 Adjustment of Division Boundaries:** The Board of Directors shall adjust the boundaries of any division by Board Resolution in accordance with Chapter 8 of Division 21 of the Elections Code.

**SECTION 4**

**OATH OF OFFICE**

**2-1-4-1 Administration of Oath of Office:** The Secretary of the Board, or authorized county elections personnel shall administer

the oath of office to newly elected or appointed directors. The oath shall be filed with the Clerk of Kern County.

## **SECTION 5**

### **BOARD OFFICERS AND**

### **THEIR DUTIES**

- 2-1-5-1 Officers of the Board of Directors:** The Board President and Vice-President shall be deemed Officers of the Board of Directors.
- 2-1-5-2 Election of Board President:** At its first meeting in the month of January of each odd-numbered year, the Board shall elect one of its members President.
- 2-1-5-3 Election of Board Vice President:** The Board may at any meeting elect one of its members Vice President. If the President is absent, or unable to act, the vice president shall exercise the powers of the President.
- 2-1-5-4 Appointment of District Officers:** The Board shall appoint District Officers and define their duties and fix their compensation by a majority vote. District Officers shall serve that the pleasure of the Board and may include a Secretary, Treasurer, Attorney, General Manager, and Auditor.
- 2-1-5-5 Consolidation of Offices of Secretary and Treasurer:** The Board may consolidate the offices of secretary and treasurer if is so

desires.

- 2-1-5-6 President and Secretary:** The President and Secretary shall, in addition to the duties placed upon them by law, perform such duties as may be imposed on them by the Board.
- 2-1-5-7 Treasurer or other Authorized Person:** The Treasurer, or such other person or persons as may be authorized by the Board, shall draw checks and warrants to pay demands when such demands have been audited and approved in the manner prescribed by the Board.
- 2-1-5-8 General Manager:** The General Manager shall perform such duties as may be imposed on him by the Board and shall report to the Board in accordance with such rules and regulations as it may adopt. Additionally subject to approval of the Board of Directors, the General Manager shall have full charge and control of the maintenance, operation, and construction of the waterworks or waterworks system of the District, with full power and authority to employ and discharge all employees and assistants, excluding officers, prescribing their duties and fixing their compensations.
- 2-1-5-9 Legal Advisor:** The District's Counsel shall be the legal advisor of the District and shall perform such other duties as may be prescribed by the Board.
- 2-1-5-10 Bonds of Officers and Employees:** The General Manager,

Secretary, Treasurer and other employees or assistants of the District designated by the Board may give such bonds to the District conditioned for the faithful performance of their duties as the Board may from time to time provide. If required by the Board, the premiums on the Bonds shall be paid by the District.

## **SECTION 6**

### **BOARD AUTHORITY**

#### **AND ACTION**

**2-1-6-1 Governing Body of the District:** The Board of Directors is the governing body of the District. All powers, privileges and duties of a District shall be exercised and performed by the Board.

**2-1-6-2 Formulation and Evaluation of Policy:** The primary responsibility of the Board shall be the formulation and evaluation of policy by majority vote. No individual Board member shall represent the District's policy unless said policy has been determined and adopted by the Board through a majority vote.

**2-1-6-3 Delegation of Powers:** Executive, administrative and ministerial powers may be delegated and re-delegated by the Board of Directors through a majority vote to any of the offices created by the Board. Routine operational, executive, administrative and ministerial matters are be delegated to the General Manager.

**2-1-6-4 Creation of Offices and Establishment of Powers:** The Board

of Directors may create any necessary offices and establish and re-establish the powers, duties and compensation of all officers and employees.

**2-1-6-5 Requirement of Official Bonds:** The Board of Directors may require and fix the amount of all official bonds necessary for the protection of the funds and property of the District.

**2-1-6-6 Quorum:** A majority of the Board shall constitute a quorum for the transaction of business. However, no ordinance, motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the Board.

**2-1-6-7 Board Action:** The Board shall only act by ordinance, resolution or motion. However, no ordinance, motion or resolution shall be passed to become effective without the affirmative vote of a majority of the members of the Board.

**2-1-6-8 Voting Procedure:** In acting upon every motion, the vote shall be by voice or roll call or any other method whereby the vote of each Board member can be clearly ascertained. The vote on each motion shall be entered and shown in the minutes of the meeting. Any Board member may change his vote before the next order of business.

**2-1-6-9 Reconsideration:** Any Board member who voted with the majority may move for reconsideration of any action at the same

meeting or the next meeting following the meeting where the matter was voted upon. After a motion for reconsideration has been acted upon, no other motion for reconsideration of that matter shall be made without the unanimous consent of the Board.

**2-1-6-10 Tie Votes:** Tie votes shall be lost motions. If a tie vote results when less than all the Board members are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Board, unless otherwise ordered by the Board.

**2-1-6-11 Adoption of Resolutions and Motions:** The Board may adopt Resolutions and Motions by voice vote, but on demand of any member of the Board the roll shall be called.

**a. Reading of Resolutions:** At the time of introduction, or adoption, a resolution shall not be read in full unless, after the reading of the title, further reading is requested by a member of the Board. If any member of the Board so requests, the resolution shall be read in full. Unless a member of the Board requests reading in full, the Board of Directors shall be deemed to have voted, by majority vote, to waive such reading.

**2-1-6-12 Adoption of Ordinances:** The Board shall generally abide by the following procedures during the adoption of an Ordinance.

**a. Preparation of Ordinances:** All ordinances shall be prepared by either the General Manager or the District's Counsel.

- b. Introduction/Adoption Minimum Time Frames:** In order to accommodate the required reading, publication and posting timeframe constraints, no Ordinance may be adopted within five days of its introduction. Notwithstanding the foregoing, the Board may adopt an Urgency Ordinance within five days of its introduction as provided for by law, including but not limited to Government Code section 25131.
- c. Adoption at a Regular Board Meeting:** As provided by law, District Ordinances shall generally be adopted at regularly agendized Board Meetings. However, as provided by law, the District may pass certain ordinances at special meetings of the Board.
- d. Enacting Clause:** The enacting clause of District ordinances shall be: "Be it ordained by the Board of Directors of the North of the River Municipal Water District as follows:"
- e. Alteration:** If an Ordinance, other than an Urgency Ordinance, is altered after its introduction, the Ordinance may be adopted only after the passage of at least five days from the alteration and at either a regular Board meeting or at an adjourned meeting. Simple corrections

of typographical or clerical errors are not considered alterations and corrections of such errors will not invoke the five day alteration requirement.

- f. **Voting Threshold:** All Ordinances shall generally require at least a majority vote of the total membership of the Board. Notwithstanding, the foregoing Urgency Ordinances shall require a four-fifths vote of the Board. Likewise, if a particular rule of law provides a higher, or lower, voting threshold, the Board shall, or may, act in accordance with that rule of law.
- g. **Roll Call Vote:** The Board shall only adopt Ordinances by roll call vote and the "ayes" and "noes" shall be recorded in the minutes of the meeting.
- h. **Signature and Attestation:** Ordinances shall be signed by the Board President and attested to by the Board Secretary.
- i. **Posting of Ordinances Prior to Adoption:** With the exception of Urgency Ordinances, the full text of proposed ordinances shall be posted and available for review in the District's office at least five (5) days prior to its adoption by the Board.
- j. **Publication of Ordinances Prior to Adoption:** The

publication requirements set forth in Government Code sections 25120 *et seq.* shall be complied with prior to the adoption of any ordinance by the Board. Generally, speaking these requirements provide that the District publish notice of a proposed ordinance at least five (5) days prior to its adoption by the Board. Notwithstanding, the foregoing, if a particular rule of law provides for a longer, or shorter, publication timeframe, the Board shall, or may, act in accordance with that rule of law.

**k. Reading of Ordinances:** At the time of introduction, or adoption, an ordinance shall not be read in full unless, after the reading of the title, further reading is requested by a member of the Board. If any member of the Board so requests, the ordinance shall be read in full. Unless a member of the Board requests reading in full, the Board of Directors shall be deemed to have voted, by majority vote, to waive such reading.

**l. Effective Date:** Ordinances generally take effect 30 days after their adoption by the Board of Directors. An ordinance takes effect immediately, if it is an ordinance:

**i.** Relating to an election.

**ii.** For the immediate preservation of the public

peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Board of Directors.

- iii. Relating to taxes for the usual and current expenses of the District.

Notwithstanding the foregoing, in the event that the effective date provisions provided for herein conflict with those set forth in Government Code sections 25120 *et seq.* the latter shall control.

**m. Posting of Ordinances Post Adoption:** With the exception of Urgency Ordinances, the full text of proposed ordinances shall be posted and available for review in the District's office for at least fifteen (15) days post its adoption by the Board.

**n. Publication of Ordinances Post Adoption:** The publication requirements set forth in Government Code sections 25120 *et seq.* shall be complied with post adoption of any ordinance by the Board. Generally, speaking these requirements provide that the District shall publish notice of an ordinance's adoption at least once within fifteen (15) days of its adoption. Said

publication shall include the names of the members voting for and against the ordinance. Notwithstanding, the foregoing, if a particular rule of law provides for a longer, or shorter, publication timeframe, the Board shall, or may, act in accordance with that rule of law.

**o. Rescission:** Unless otherwise prohibited by Law, the Board of the Directors hereby reserves and asserts that any Ordinance of the District maybe rescinded in whole, or in part, by a subsequent resolution of the Board, which expressly provides for said rescission.

**2-1-6-13 Urgency and Special Ordinances:** Notwithstanding any provision in this Code to the contrary, Urgency and/or other special Ordinances may be adopted as specifically provided for in law.

**2-1-6-14 Correction of Documents:** Upon occasion, resolutions, ordinances or other documents are submitted in draft form, or on the spot amendments occur, or typographical or other technical errors are found which necessitate retyping of the document; such redraft, when properly executed, shall become the original document, to be effective and to be retained in the files of the District.

**2-1-6-15 Notice of Ordinance to a Requestor:** Any member of the public may file with the District a request for notice of a specific

proposed ordinance or proposed amendments to ordinances. The District shall transmit notice to such persons at least five days before the council will take action on the proposed ordinance. As a practical alternative, the District may place the requestor on a general mailing list for the District and mail Board agendas to the requestor regularly. A request made in accordance with this provision shall be valid until the immediately following April 1<sup>st</sup> and the District shall charged a fee for said copies in accordance with the District's then applicable public records policy. The failure of a requestor to receive notice shall not invalidate and/or delay the adoption and/or enforcement of any District ordinance.

## **SECTION 7**

### **MEETINGS AND AGENDA**

- 2-1-7-1 Place:** All regular meetings of the Board shall be held at the District Office, or at such other place as determined and noticed by the Board.
- 2-1-7-2 Time:** All regular meetings of the Board shall be held at the time determined and noticed by the Board. As a general rule, the Board shall make every effort to meet at least once a month.
- 2-1-7-3 Special and Adjourned Meetings:** Special meetings may be called from time to time as provided for by the Ralph M. Brown Act.
- 2-1-7-4 Agenda For Regular Meeting of the Board:** In accordance

with the Ralph M. Brown Act, an agenda for Board of Director meetings shall be prepared and publicly posted at least seventy-two (72) hours prior to the meeting. The agenda for an adjourned meeting shall be the same as the agenda for the meeting which was adjourned not more than five (5) calendar days earlier.

**2-1-7-5      Agenda For Special Meeting of the Board:**      The agenda for a special meeting shall be posted at least twenty-four hours prior to the meeting.

**2-1-7-6      Notice of Agenda to a Requestor:**      Any member of the public may file with the District a request for notice of District agendas. The District shall transmit notice to such persons at the time said agenda is made available to the general public. A request made in accordance with this provision shall be valid until the immediately following April 1<sup>st</sup> and the District shall charge a fee for agenda copies in accordance with the District's then applicable public records policy. The failure of a requestor to receive an agenda shall not invalidate and/or delay any action of the Board.

**2-1-7-7      Preparation of the Agenda, Board Packet and Consent Calendar:**      The General Manager is responsible for the preparation of agendas, board packets and consent calendars. The General Manager, and/or any Board member, may place an item on the agenda for consideration. The General Manager may at his/her

sole discretion place an item on the agenda as the result of a written request by a member of the public so long as the item falls within the jurisdiction and authority of the Board. If a member of the public is unhappy with the General Manager's decision to reject a written request to place an item on the agenda, that member of the public may request the inclusion of the item on future agendas during the public comment portion of a board meeting.

**2-1-7-8 Rules of Order:** In all matters not otherwise provided for, the proceedings of the Board shall be generally governed by "Robert's Rules of Order". However, no act of the Board shall be invalidated or the legality thereof affected for failure to observe said rules.

**2-1-7-9 Action at Meetings of the Board:** The Board shall only act on matters appearing on the agenda, unless in accordance with Government Code section 54956.5, the Board determines by a two-thirds (2/3) vote of those present that an emergency situation exists, that there is a need to take an immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted.

**2-1-7-10 Public Comment at Meetings of the Board:** The Board shall receive public comments on matters within the jurisdiction and authority of the Board during public comment. Additionally, a member of the public may address the Board during the Board's

consideration of any item on the agenda for that meeting. With that said the Board President shall have the authority to control the length of public comment on any item before the Board and as a general rule the public comment period for any one member of the public shall be limited to 3 minutes on any one item.

**2-1-7-11 Closed Session:** All meetings of the Board shall be open and public except for those limited circumstances wherein the Ralph M. Brown Act provides for closed sessions. The agenda shall describe the closed session in accordance with the Ralph M. Brown Act and during the closed session, the Board shall only consider those matters described in the agenda. The discussions engaged in during closed session are confidential and the substance of those discussions are not to be discussed outside the closed session. In accordance with Ralph M. Brown Act, the Board shall publicly report any action taken in closed session.

**2-1-7-12 Minutes:** Following each Board meeting, the Secretary shall transcribe the minutes thereof and forward the same to the General Manager and the Board members. The Minutes, including any correction thereto, shall be approved at a following meeting of the Board. A full reading of the minutes may be dispensed with by a majority vote of the Board.

## SECTION 8

### COMMITTEES OF THE BOARD

- 2-1-8-1 Establishment of Committees of the Board:** The Board may establish Committees of the Board through a voice vote motion at a public meeting of the Board. Committees of the Board shall have the limited purpose of reviewing certain matters of District interest as defined by the Board at the time of the Committee's formation and for making recommendations to the Board on such matters. A Committee of the Board does not have the power to set District policy.
- 2-1-8-2 Appointment to a Committee of the Board:** Members of a Committee of the Board shall be appointed by the Board through a voice vote motion at the time of the Committee's establishment. Likewise, vacancies on a Committee of the Board shall be filled by the Board through a voice vote motion.
- 2-1-8-3 Meetings of Committees of the Board:** Committees of the Board shall meet in accordance with the requirements provided for such committees in the Ralph M. Brown Act.

## SECTION 9

### PROFESSIONAL ORGANIZATIONS

- 2-1-9-1 Association Memberships:** The District may obtain membership in associations which have the purpose of the furthering subjects



# *North of the River Municipal Water District*

4000 Rio Del Norte Street • Oildale, CA 93308 • Office (661) 393-5411 • FAX (661) 399-8911



February 17, 2011

To: File and attachment to the Administrative Code Section 11, 2-1-11-1  
From: The Board of Directors Meeting dated February 16, 2011  
Subject: Added policy to the Administrative Code

In harmony with Section 11 and specifically 2-1-11-1, 2-1-11-2, 2-1-11-3 and 2-1-12-2 and in conjunction with the Board of Directors approval of Agenda Item #4 at the February 16, 2011 Board of Directors Meeting, the following shall be implemented February 17, 2011:

Directors that attend Kern County Special District Association Meetings, Kern County Water Resources Committee Meetings, North of the River Chamber of Commerce Meetings, Water Association of Kern County Meetings, Member Unit Manager Meetings of Kern County Water Agency and Kern Fan Monitoring Committee Meetings of Kern County Water Agency will **NOT** receive stipend pay.

Directors will continue to be reimbursed for all expenses for attendance at any of these meetings.

## Agenda Supporting Information

## Agenda Item # 4

Subject: Discussion and Direction in Regard to "Meetings" that Qualify for Stipend Monies

Submitted By: David Aranda, General Manager

Meeting Date: February 16, 2011

Background: The Board asked that the General Manager bring to the February 2011 Board meeting some alternatives in regard to a policy for paying the stipend for attendance at 'meetings'.

Please understand that I am presenting suggestions only. The Board must come to consensus on what is the final policy they wish to follow.

As the General Manager, I have brought this subject up for discussion for two reasons. First, I like to look at how a paying water customer living in our water retail area would feel about any action we take, i.e., stipend pay for attending meetings. Second, OMWC has expressed their unhappiness with the amount that NORMWD spends each year for Director Stipends.

Please note: for calendar year 2009 and 2010, the District expended \$29,798 and \$29,745 respectively for Director Stipend pay.

Please also note that this discussion is NOT about reimbursement for District approved functions and meetings that Directors attend. The reimbursement for expenses is outlined in the Administrative Code Book and I do not feel that our paying customers would be upset about Directors being reimbursed for expenses that would assist them in their position. Please note that 'a - o' attempts to capture what are "meetings" Board members qualify for Stipend pay.

- a. Board Meetings
- b. Committee Meetings
- c. Meetings with the General Manager



relating to the powers and duties of the District and, as necessary, funds may be appropriate for said membership, provided that the membership is approved by the Board via a Resolution adopted by a four-fifths vote.

## **SECTION 10**

### **INITIATIVE, REFERENDUM AND RECALL**

- 2-1-10-1 Passage of Ordinances:** The voters of the District may pass District Ordinances in accordance with the methods provided for by the Elections Code for direct legislation in cities.
- 2-1-10-2 Disapproval of Ordinances:** The voters of the District may veto an Ordinance of the Board in accordance with the methods provided for by the Elections Code for direct legislation in cities

## **SECTION 11**

### **BOARD MEMBER COMPENSATION**

- 2-1-11-1 Director Compensation:** In accordance with previously adopted District ordinances and the provisions found in Water Code sections 20200 et seq., each Director shall receive compensation in the amount of One-Hundred Fifteen Dollars and Seventy-Six cents (\$115.76) for each "day of service". In no event shall a Director receive compensation for more than a total of ten (10) days in any one calendar month.

**2-1-11-2      “Day of Service” Definition:**      For purposes of determining eligibility for Director compensation, the term “day of service” as used herein is defined as attendance at one of the following events, provided that the attendance is reasonably necessary to further the interests of the District and its projects:

- a. Any occurrence that is listed in Government Code Section 53232.1(a);
- b. A regular, special, or emergency meeting of the Board;
- c. A meeting of a standing, ad hoc, or advisory committee of the Board;
- d. A meeting with the District's General Manager involving the operations of the District;
- e. A meeting with the District's auditors, attorneys, or other consultants involving matters for which the consultants have been retained by the District;
- f. A meeting of a local, state, or federal body with subject matter jurisdiction affecting the operations of the District;
- g. A meeting with a local, state, or federal representative concerning matters involving the operations of the District;
- h. A meeting of organizations with interests in matters involving the functions and operations of the District;

- i. A conference, seminar, or organized educational activity involving matters related to the functions and operations of the District; and
- j. All other occurrences for which the Board member has obtained prior approval from the Board to attend or participate on behalf of the District.

**2-1-11-3 Exclusions from the “Day of Service” Definition:** Meetings that would not be generally considered for compensation include:

- a. Purely ceremonial events unless pre-approved by the Board;
- b. Parades, festivals, holiday events and retirement dinners, unless pre-approved by the Board; and
- c. Meetings of a partisan political organization.

**2-1-11-4 Payment Request:** To receive compensation for a “day of service”, a Director shall submit to the District’s General Manager a written “payment request” for the calendar month prior to the regular Board meeting of the following month, at which time the Board will consider approval of the payment request. The “payment request” shall be on a form provided by the District and it shall include a brief summary of the event along with the time and date of attendance.

## SECTION 12

### BOARD MEMBER REIMBURSEMENT

**2-1-12-1 Right To Reimbursement:** As a general rule, the District's Board Members (individually referred to as "Board Member," collectively as "Board") are allowed reimbursement for their actual and necessary expenses for travel to, attendance at, and return from events outside the boundaries of the District provided that: 1) the expense is incurred in the performance of their official duties; and, 2) the expense is incurred under conditions conducive to, and substantially related to, the advancement of the interests of the District; and 3) the expense is within the guidelines set forth in this Policy.

**2-1-12-2 Events Qualifying For Reimbursement:** The following types of events generally constitute events for which a reimbursement of expenses is authorized, as long as the expense is incurred under conditions conducive to and substantially related to the advancement of the interests of the District, and as long as the other requirements of this Policy are met:

- a. Attendance at any of the events specified as a potential "Day of Service" in Section 11 of Chapter 1 of Title 2.
- b. Communicating with representatives of regional, state and national government on District policy positions;

- c. Attending organized education seminars, conferences or activities designed to improve the Board Member's skill and information levels;
- d. Participating in regional, state and national organizations whose activities affect the District's interests, as long as the District is a member of the organization, or the Board of Directors has approved the attendance in advance;
- e. Attending District sponsored events outside the boundaries of the District;
- f. Meeting with consultants, professionals or other governmental entities or agencies, which are necessary for the performance of the Board Member's duties; and,
- g. Attendance at any event which the General Manager and/or the Board have approved prior to the attendance.

**2-1-12-3 Unauthorized Expenses:** Personal expenses that the District *will not* reimburse include, but are not limited to:

- a. The personal portion of any trip;
- b. Political or charitable contributions or events;
- c. Family expenses, including a partner's expense when accompanying the Board Member on District-related business, as well as children or pet-related expenses;