AGENDA

Each item on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "For information" may also be the subject of an "action" taken by the Board or a Committee at the same meeting.

1. DETERMINATION OF QUORUM

2. PUBLIC COMMENT

3. APPROVAL OF THE MINUTES OF THE MEETING OF MARCH 27, 2008
   
   Staff Recommendation: Approve as submitted.

4. ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO CHAPTER 7 OF THE WRD ADMINISTRATIVE CODE RELATING TO POLICY AND PROCEDURES FOR REIMBURSEMENT OF EXPENSES FOR MEMBERS OF THE BOARD OF DIRECTORS AND DISTRICT EMPLOYEES
   
   Staff Recommendation: Approve for consideration by the Board of Directors Resolution No. 08-820, adopting Policy and Procedures pertaining to reimbursement for expenses incurred by Directors and District employees in performance of official duties and amending Chapter 7 and partially repealing Chapter 13 of the Administrative Code to reflect same.

5. ADMINISTRATIVE CODE REVISIONS - DISTRICT POLICY PERTAINING TO FACILITIES USE AGREEMENT, PERTINENT FEES, AND RESERVATION FORMS
   
   Staff Recommendation: Approve for consideration by the Board of Directors the attached Resolution No. 08-821, adopting a Facilities Use Policy pertaining to procedures for making certain District facilities available to members of the public on reasonable terms and conditions.

6. ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO CHAPTER 12 OF THE WRD ADMINISTRATIVE CODE RELATING TO ELECTRONIC MEDIA/INTERNET POLICY
   
   Staff Recommendation: Review, discuss and provide staff with direction for the proposed amendments to Chapter 12 pertaining to the District's E-mail Retention Policy.
7. **DEPARTMENT REPORT**
   *Staff Recommendation:* For information.

8. **DIRECTOR’S REPORTS, INQUIRIES AND REVIEW OF DIRECTIONS TO STAFF**

9. **ADJOURNMENT**

   Posted by Abigail C. Andom, Deputy Secretary, June 5, 2008.
MINUTES OF MARCH 27, 2008
SPECIAL MEETING OF THE ADMINISTRATIVE COMMITTEE
OF THE BOARD OF DIRECTORS
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

A special meeting of the Administrative Committee of the Board of Directors of the Water Replenishment District of Southern California was held on March 27, 2008 at 9:14 a.m. at the District Office, 4040 Paramount Boulevard, Lakewood, California. Chairperson Lillian Kawasaki called the meeting to order and presided thereover. Deputy Secretary Abigail C. Andom recorded the minutes.

1. DETERMINATION OF QUORUM
   Attendees included:
   Committee: Directors Lillian Kawasaki and Rob Katherman
   Staff: Scott Ota, Bob Siemak, Jenna Shaunessy,
          District Counsel Jamie Casso

2. PUBLIC COMMENT
   None.

3. APPROVAL OF THE MINUTES OF THE SPECIAL MEETING OF MARCH 6, 2007
   The minutes were approved as submitted.

4. STUDENT INTERNSHIP PROGRAM
   Discussion of the item was deferred to the end of the meeting.

5. ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO CHAPTER 6 OF THE WRD ADMINISTRATIVE CODE RELATING TO POLICY AND PROCEDURES FOR DIRECTORS’ COMPENSATION
   Discussion followed on proposed changes to Chapter 6. The Committee recommended the item be agendized for Board approval at the April 18, 2008 Board meeting.

6. ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO CHAPTER 7 OF THE WRD ADMINISTRATIVE CODE RELATING TO POLICY AND PROCEDURES FOR REIMBURSEMENT OF EXPENSES FOR MEMBERS OF THE BOARD OF DIRECTORS AND DISTRICT EMPLOYEES
   Discussion followed on proposed changes to Chapter 7 and 13. The Committee recommended the item be agendized for Board approval at the April 18, 2008 Board meeting.
7. ADMINISTRATIVE CODE REVISIONS – DISTRICT POLICY PERTAINING TO FACILITIES USE AGREEMENT, PERTINENT FEES, AND RESERVATION FORMS
The item was deferred to a future Committee meeting.

8. ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO THE WRD ADMINISTRATIVE CODE RELATING TO ELECTRONIC MEDIA/INTERNET POLICY
The item was deferred to a future Committee meeting.

4. STUDENT INTERNSHIP PROGRAM
Chief of Engineering and Strategic Planning, Bob Siemak, stated that minor revisions have been incorporated to the Student Internship Program. The Committee recommended the item be agendized for the April 18, 2008 board meeting.

9. DEPARTMENT REPORT
None.

10. DIRECTOR’S REPORTS, INQUIRIES AND REVIEW OF DIRECTIONS TO STAFF
None.

11. ADJOURNMENT
With no other business to come before the Committee, the meeting was adjourned at 11:00 a.m.

__________________________
Chairperson

ATTEST:

__________________________
Director
DATE: JUNE 10, 2008

TO: BOARD OF DIRECTORS

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO CHAPTER 7 OF THE WRD ADMINISTRATIVE CODE RELATING TO POLICY AND PROCEDURES FOR REIMBURSEMENT OF EXPENSES FOR MEMBERS OF THE BOARD OF DIRECTORS AND DISTRICT EMPLOYEES

SUMMARY
The attached Resolution No. 08-820, if adopted, will amend Chapter 7 and integrate that portion of Chapter 13, of the Administrative Code relating to reimbursement of expenses for members of the Board of Directors and District employees.

The Administrative Committee at its December 10, 2007 and March 27, 2008, meetings evaluated the District’s current policy relating to the reimbursement of expense for members of the Board and District employees and directed staff to work with District Counsel in drafting changes discussed at the meeting for consideration by the Board.

The underlined text indicates additions and the strike through text indicates deletions to the Administrative Code.

FISCAL IMPACT
None.

STAFF RECOMMENDATION
Approve Resolution No. 08-820, adopting policy and procedures pertaining to reimbursement for expenses incurred by Directors and District employees in performance of official duties; thereby amending Chapter 7 and partially repealing Chapter 13 of the Administrative Code.
RESOLUTION NO. 08-820

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA
AMENDING CHAPTER 7 OF THE ADMINISTRATIVE CODE
RELATING REIMBURSEMENTS OF EXPENSES
FOR MEMBERS OF THE BOARD OF DIRECTORS
AND DISTRICT EMPLOYEES

WHEREAS, members of the Board of Directors ("Board") of the Water Replenishment District of Southern California ("District") and District employees perform official duties that require travel; and

WHEREAS, the official duties that involve travel include training, conferences, meetings with legislators and regulators, and meetings with staff and officials of surrounding communities regarding matters of mutual importance; and

WHEREAS, the performance of such official duties facilitates the efficient and satisfactory completion of District's business and promotes a good relationship between the District and surrounding communities, the state government, and the federal government; and

WHEREAS, members of the District's Board and District employees incur expenses related to the performance of official duties, which may take place both within and outside of the District's boundaries; and

WHEREAS, members of the Board use technologies such as cellular phones and Internet service to facilitate the performance of their official duties; and

WHEREAS, the California Water Code and Government Code permit the District to reimburse employees and members of the Board for actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, the District's Board has adopted an resolution authorizing reimbursement for the members of the board for expenses incurred in the performance of official duties; and

WHEREAS, Assembly Bill 1234 (2005) ("AB 1234") requires board of directors for water districts, prior to providing reimbursement to members of the District's Board, adopt a policy regarding the reimbursement for expenses incurred by members of legislative bodies in the performance of official duties; and
WHEREAS, the District's current policy is substantially in conformance with AB 1234, however, the District desires to revise its policy to more closely reflect the requirements of AB 1234; and

WHEREAS, this Resolution amending Chapter 7 and repealing that portion of Chapter 13, pertaining solely to reimbursement of expenses, is intended to: (a) satisfy the pertinent requirements of AB 1234 relating to reimbursement of expenses of members of legislative bodies; (b) set forth a reimbursement policy applicable to employees; and (c) establish other requirements related to travel expenses paid by the District; and

WHEREAS, the proposed amendments were considered by the Administrative Committee at its December 10, 2007, March 6 and March 27, 2008, meetings; and

WHEREAS, the Administrative Committee, after review and consideration, recommended the approval of this Resolution.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WATER REPLENISHMENT DISTRICT DOES RESOLVE AS FOLLOWS:

1. That portion of Chapter 13, entitled "Expenses", of the District's Administrative Code, pertaining solely to reimbursement of expenses incurred by members of the Board and District employees in performance of official duties is hereby repealed.

2. Chapter 7, entitled "Directors' Expenses", of the District's Administrative Code, is hereby amended to read in its entirety as follows:

7 REIMBURSEMENTS OF EXPENSES FOR MEMBERS OF THE BOARD OF DIRECTORS AND DISTRICT EMPLOYEES

7.1 PURPOSE
The purpose of this policy is to ensure that the reimbursement of members of the District Board (also referred to as "Board") and District management, staff (collectively referred to as "employees" or "District employees") for expenses incurred in the performance of official duties complies with California Water Code and Government Code, including the recently enacted Assembly Bill 1234, which adds Sections 53232.2 et seq. to the Government Code, to establish a reimbursement policy applicable to Board of Directors and District employees, and to establish other requirements related to travel, lodging and educational expenses paid by the District.
7.2 EXPENSES

In the conduct of District business, employees and members of the Board of Directors may incur expenses, subject to budgeted funds being available, adequate supporting documentation and required approvals, in accordance with the following:

a) Expenses outlined in this Chapter of the Administrative Code and Procurement Policies and Procedures;

b) Expenses that further the District’s mission concerning replenishment and quality of water in the Central and West Coast Groundwater Basins, including but not limited to, expenses directly incurred in connection with a program or capital project of the District, activities that facilitate relations or working arrangements with other government or private sector personnel that are important to the District’s mission, activities that enhance awareness and education of the District’s functions, and activities that promote the attraction and retention of high quality employees of the District.

c) Reimbursement of actual and necessary expenses incurred in performance of official duties as a member of the Board of Directors and District employees.

Each member of the Board of Directors is encouraged to participate in those outside activities and organizations, which in the judgment of the Board, furthers the interests of the District. The actual and necessary expenses incurred by Board members in connection with such activities are reimbursable in accordance with the expense reimbursement policy set forth in this Chapter.

7.2.1 Board Vehicle Allowance

Other than the President of the Board, Each Director may receive a vehicle allowance of Three Hundred and Eight Dollars ($308.00) per month provided they attend at least one meeting, as defined in Chapter 6, within the month. The President of the Board may receive a vehicle allowance of Four Hundred Dollars ($400.00) per month provided the President attends at least one meeting, as defined in Chapter 6, within the month. Alternatively, all Directors may choose to receive reimbursement for actual mileage incurred during any given month at the current IRS rate for business mileage reimbursement. The option to receive the monthly vehicle allowance or be reimbursed for actual mileage incurred during a month shall be at the sole discretion of each Director and shall be determined monthly.
7.2.2 **Dues to Professional Organizations**

Members of the Board of Directors shall receive reimbursement for reasonable dues required for membership in such professional organizations as listed in a resolution approved by the Board of Directors and provided that membership in such professional organizations is actual and necessary for performance of District official's duties.

7.2.3 **Cash Advances and Credit Card Usage**

With the exception of Chief Financial Officer, who shall make advance reservations and payments for lodging, traveling and conferences as permitted by this Chapter, members of the Board of Directors and District employees shall not be issued nor have in their possession District credit cards. The District will not make any cash advances. (Payment directly to third-parties for conference registration, airfare, hotel or other authorized expenses is not considered cash advances.)

7.2.4 **Board Communications Allowance**

Members of the Board of Directors may receive a communications allowance in such amount and upon such conditions as may from time to time be determined by the Board. The monthly communications allowance amount for members of the Board of Directors is Three Hundred Dollars ($300.00). This amount covers the following equipment and services, which are necessary for the conduct of official District business or to carry out official duties as a member of the Board of Directors:

i. Mobile Telephone, PDAs or similar mobile communication devices (subject to two-year replacement schedule and limited to the amount of direct compensation only);

ii. Mobile Telephone service;

iii. Computer software;

iv. Computer, monitor, all-in-one printer, fax machine, copier and scanner (subject to four-year replacement schedule);

v. Internet service;

vi. Dedicated phone line; and

vii. Printer and fax supplies
Directors may elect to receive a flat monthly communications allowance. Such monthly payment shall be in lieu of the acquisition by the Director of any telephone, electronic media or other equipment and for the payment or reimbursement for any telephone call, internet fees or similar expenditures. Directors who desire to receive the monthly communications allowance shall elect to do so by January 1 of each calendar year. Directors who do not make such an election by that date may seek reimbursement of any communications related expenses actually incurred by the Director in connection with District business in accordance with the general procedures for reimbursement of expenses set forth in this Administrative Code and subject to fiscal capital amount of Three Thousand Six Hundred Dollars ($3,600.00). Any requested reimbursement in excess of this amount shall require prior approval by the Board of Directors.

Members of the Board of Directors who elect to receive the monthly communications allowance shall be required to provide written verification on an annual basis that they have obtained appropriate mobile telephone service, and Internet service. Each Director shall, at his or her sole discretion, select the provider of the services and equipment covered by the communications allowance.

Any communications equipment purchased by the District for a Director prior to the effective date of Resolution No. 03-664 that is replaced through use of the communications allowance shall be returned to the District.

7.2.5 Educational Expenses

Members of the Board of Directors and District employees may receive reimbursement for education expenses of the Director or employee if the expenses are actually incurred in the performance of official duties and are necessary to the performance of those duties. The District will reimburse for the costs of necessary books and tuition incurred by the Director or employee while attending a seminar, conference or a course directly related to the officials' performance of his or her official duties. Examples of courses necessary to Director's or employee's performance of official duties may include governmental courses, communication courses and other courses necessary to improve Director's or employee's skill, knowledge, information levels and ability to perform their official tasks and better serve constituents. The Director or employee shall be reimbursed in the following manner: one half of the total cost of educational expenses at the time he or she registers for the course and the remaining one half of the total
cost the time he or she successfully passes the educational course. For the purposes of reimbursement of educational expenses, the minimum passing grade is "C" or its equivalent. If the Director or employee leaves the District voluntarily within 12 months of completion of such education courses, the Director or employee is not eligible for educational reimbursement and the educational reimbursement amount will be deducted from final compensation.

In the event a Director or employee is required to enroll and attend a review course for purposes of receiving a license or a continuing education course or seminar for the purpose of maintaining a license, e.g., membership in the State Bar, certificate for engineering services or certified public accountant, the District may reimburse the cost of such courses, seminars or examinations upon presentation by the Director or employee of their successful completion of the licensing examination or receipt of the certificate of completion of the continuing education seminar. Only those licenses or completion of continuing education seminars that are actual and necessary for the Director or employee to perform their official District duties shall be reimbursed.

7.2.6 Lodging Expenses

For the purpose of lodging, "local area" means a 40-mile radius from either one's residence or the District office, whichever is further. Within the discretion of the Board President, a Director may stay overnight at a site less than a 40-mile radius from the residence or the District office. If the Director desiring to stay overnight at such a site is the Board President, that Director shall obtain prior approval from the Board Treasurer. Otherwise, no requests for lodging or reimbursement claims for expenses incurred within the "local area" shall be approved by the Finance Committee.

Members of the Board of Directors and employees should arrange for lodging expenses to be paid in advance by the District. If government or group rates are offered by the provider of lodging services, such rates must be used when available. If government or group rates are not available, the most economical rate reasonably available must be used. For lodging in connection with a conference or organized educational activity conducted in compliance with Government Code Section 54952.2(b), such lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors or
employee at the time of booking. If the group rate is not available for lodging in connection with a conference or organized educational activity, then comparable lodging shall be booked at the most economical rate reasonably available.

Additionally, lodging shall only be paid for the length of the conference. Any additional days a member of the Board of Directors or employee wishes to stay at or near the conference site will be paid by the member of the Board of Directors or employee and shall not be reimbursed by the District.

It is the responsibility of the individual traveling to pay for personal incidentals, such as movies, snack bars fees and other travel expenses, as listed in the “Non-Reimbursable Expenses” section of this Chapter, prior to checking out of the hotel. Business center charges such as faxes, email, etc, are reimbursable if actual and necessary to the performance of official duties and the business purpose for business center services is documented. Business calls to District facilities will be paid in full.

Unless otherwise authorized by the Finance Committee, no reimbursement will be approved for lodging for greater than one night before or for any nights after an event outside of the "local area."

7.2.7 Business Meals

"Local area" in this section has the same definition as in the Lodging Expenses policy above.

When a member of the Board Directors or District employee is outside of the local area on District business for an entire day, such member or employee may receive up to One Hundred Dollars ($100.00) per day for meals, including gratuities, as follows:

- Breakfast: $20.00
- Lunch: $35.00
- Dinner: $45.00

When member of the Board of Directors or an employee is outside of the local area on District business for portions of a day, such member or employee shall receive compensation for those meals that occur during the portion of the day that the individual is outside the local area.
The meal compensation for events and meetings outside of the “local area” shall only be received for meals on the day immediately before the beginning of the event which the member of the Board of Directors or an employee is attending, the days when the event is occurring and the day immediately following the conclusion of that event. Meal expenses include the cost of meals and non-alcoholic beverages.

Further, where meal costs are included in airfare or in the event registration fees, the compensation received shall be reduced by the amounts indicated above.

Authorized personnel and Directors may, in lieu of per diem reimbursement, receive reimbursement for actual meal costs, including tips, if such costs are less than the permitted per diem amount.

The per diem amounts set forth above are provided for members of the Board Director or employee's meals while out of the local area on District’s business.

A meal receipt must be accompanied by an itemized account of charges, and include a description of the business purposes of the meal and the names of the guests, when claiming reimbursement for meals that include guests. A meal furnished by a member of the Board of Directors to a person who is not a District representative will be reimbursed only if the meal is necessary to promote District policies and the Finance Committee subsequently approves the request for reimbursement. Meals charged to the hotel, where the member of the Board of Directors or an employee is staying must include a receipt accompanied by an itemized account of the charges, a description of the business purpose of the meal and the names of the people present, if any. A line item on the hotel invoice or bill for “room service” shall not be sufficient because there is not itemized account of charges.

In calculating the amount to be reimbursed to the member of the Board of Directors or an employee, the Finance Committee shall reduce each Director’s or employee’s meal total by that meal’s per diem rate.

7.2.8 Attendance at Conferences and Business Meetings

Directors shall be entitled to reasonable expenses incurred and per diem for traveling to approved conferences, beginning one day prior to the start of the conference/business meetings and no later than one day following the conclusion of the conference.
Members of the Board of Directors and employees should arrange for conference and organized educational activity registration fees to be paid in advance of the conference by the District. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances, as approved by General Manager or designee, members of the Board of Directors and employees may be reimbursed for the actual cost of a conference or organized educational activity registration fee.

7.2.9 Travel and Transportation Expenses

Actual expenses for ground transportation to and from airports and while attending to District business shall also be reimbursed. Ground transportation shall include taxi, bus, train standard automobile rental and any other reasonable mode of transportation.

The District’s policy concerning reimbursement for travel expenses varies depending whether the destination is within or outside the "local area" and whether an individual receives or elects to receive a vehicle allowance. For purposes of this Policy, “local area” includes all of Los Angeles and Orange Counties, and those portions of Riverside and San Bernardino Counties located south of the San Gabriel Mountains and/or west of the San Bernardino Mountains.

Members of the Board of Directors who do not elect to receive a monthly vehicle allowance pursuant to Section 7.2.1 of this Chapter and all employees who do not receive a monthly vehicle allowance may be reimbursed for travel outside the "local area," including travel by personal automobile instead of by air travel.

Actual and necessary travel expenses may be incurred in connection with official representation of the District in order to:

i. Attend seminars, conferences, hearings, or other meetings directly related to the business of the District;

ii. Interview persons, inspect facilities, or exchange professional information; and

iii. Participate in other activities, as approved by the Board of Directors, requiring expenditures for travel, meals and lodging that are necessary and in the best interest of the District.
If government or group rates are offered by provider of transportation, such rates must be used when available. If group or government rates are not offered or available, reimbursement shall be limited to expenses not exceeding 14-day advanced purchase round trip standard coach airfare, plus ground transportation or when available, if group or government rates are offered, such rates shall be used.

Use of air, train, rental car, or private car shall be selected on the basis of the most reasonable and appropriate method, taking into consideration distance, time and total costs to the District.

The following types of travel expenditures while on District business are allowable:

i. **Travel by Private Automobile** – The driver must possess a valid California driver's license and carry automobile insurance. Any damages to the vehicle or service repairs are of a personal nature, and will not be reimbursed by the District.

Mileage reimbursement will be based on the vehicle (i.e., the owner of the vehicle will be paid and not the passengers). Mileage reimbursement shall be at the prevailing IRS established rate. Mileage will not be reimbursed to Directors who receive auto allowances for local travel. Parking will be reimbursed upon presentation of the original receipt.

If a traveler wishes to drive rather than fly to a destination, he/she may do so. The District will reimburse the lesser of the mileage rate to and from the site or the amount of the airline coach fare.

For local travel, the IRS rate for mileage will apply. When traveling either by car or plane outside the area is reasonable, the lesser of mileage or airfare will apply. The amounts reflected on receipts will be reimbursed for business meals while traveling.

ii. **Air Travel** – If government or group rates are offered by the provider of air travel services, such rates must be used when available. If no government or group rates are offered or available, travel shall be in coach class or equivalent service, unless the Board determines some
physical problem or exceptional circumstance warrants travel in a higher class.

iii. **Rental Vehicles** – When rental vehicles are used, government or group rates must be used if offered by the provider of rental services and available. If no government or group rate is offered or available, an inexpensive, appropriate vehicle is to be used.

a) The District will budget up to $3,000 for each of the five Directors to attend the annual legislative trips to Washington D.C. and Sacramento, California;

b) The District will also budget $7,500 for each Director to cover all other District travel;

c) There will be a 10% contingency fund set aside for use at the discretion of the Board President;

d) The budget will be adjusted by the change in the consumer price index each year.

### 7.2.10 Non-Reimbursable Expenses

Members of the Board of Directors and employees shall not obligate the District and shall not receive reimbursement for any of the following unallowable expenses:

i. Gifts;

ii. Entertainment;

iii. Alcoholic beverages;

iv. Goods and services for personal use;

v. Fines and penalties incurred by an employee;

vi. Memberships in social organizations, dining clubs, or country clubs;

vii. Advance payments for goods or services, except as generally required;

viii. Moving expenses, unless pre-approved as part of a written employment contract with a new employee;
ix. Travel related expenses incurred by or on behalf of spouse, companion, family member or a guest;

x. Certain travel costs, including but not limited to first-class airfare, hotel suites, luxury vehicle rental, movie rental fees, replacement of fees for keys, fees assessed for damage to lodging premises, premium television services, excess baggage, dry-cleaning;

xi. Theater tickets;

xii. Sporting event fees;

xiii. Fines or traffic violations; and

xiv. Any expenses incurred by the spouse, companion and/or family member of District Director or employee.

7.3 Directors’ Expenses: Finance Committee Approval and Expense Report Forms

At its regularly scheduled monthly meeting, the District’s Finance Committee shall approve or reject all requests and claims for reimbursement by members of the Board of Directors.

The requests for reimbursements must be submitted on Expense Report Forms provided by the District. The Expense Report Forms shall be accompanied by itemized receipts documenting each expense, provide description of the expense, date incurred, name(s) of attendees (if any), and description of the District business purpose. Additionally, Expense Report Forms shall document that expenses meet the requirements, rates and policies as set forth in this Chapter.

The Finance Committee shall meet once per month to consider such claims and requests as are submitted. Receipts must support claims and requests as submitted to the Finance Committee or other documentation the Finance Committee deems acceptable.

If a claim or request is submitted to the Finance Committee with documentation the Committee deems inadequate, or without documentation, or expenses in excess of the rates and policies provided in this Chapter, which were not approved by the Board of Directors, at a public hearing prior to incurring of the expense, that claim or request shall be rejected. A claim or request initially rejected can be appealed to the Board of Directors.
Requests for reimbursement must be submitted within 90 days of the date the expense was incurred. Specifically excluded from this time limit are expenses incurred for medical, dental, eye care, or other expenses that require processing by an insurance or benefit provider or an expense where backup documentation was delayed beyond the control of the Director. Any reimbursement for a non-excluded expense submitted after 90 days must be approved by the Board of Directors.

7.4 Staff Expenses: General Manager Approval

The General Manager or the Chief Financial Officer, acting as an agent of the General Manager, shall approve or reject all requests and claims for reimbursement by staff and shall report such approval/rejection to the Finance Committee at its monthly meeting. Any expenses in excess of the rates specified in this Chapter, shall be approved by the Board at a public meeting prior to incurring of the expense.

Claims must be submitted on forms supplied by the District, typically referred to Expense Report Forms. **The Expense Report Forms shall be accompanied by itemized receipts documenting each expense, provide description of the expense, date incurred, name(s) of attendees (if any), and description of the District business purpose. Additionally, Expense Report Forms shall document that expenses meet the requirements, rates and policies as set forth in this Chapter.**

If a claim or request is submitted to the General Manager or Chief Financial Officer with documentation he or she deems inadequate, or without documentation, expenses in excess of the rates provided in this Chapter, which were not approved by the Board of Directors at a public hearing prior to incurring the expense, that claim or request shall be rejected. A claim or request initially rejected can later be submitted for approval if it is supported by adequate documentation at such later time.

Requests for reimbursement must be submitted within 90 days of the date the expense was incurred. Specifically excluded from this time limit are expenses incurred for medical, dental, eye care, or other expenses that require processing by an insurance or benefit provider or an expense where backup documentation was delayed beyond the control of the employee. Any reimbursement for a non-excluded expense submitted after 90 days must be approved by the Board of Directors.
7.5 Board of Directors Approval of Expenses

7.5.1 Expenses in Excess of the Rates of This Chapter
Pursuant to Government Code Section 53232.2, any expenses in excess of the rates and policies specified in this Chapter, shall be approved by the Board of Directors, at a public meeting before such expense is incurred.

7.5.2 Other Expenses
All other actual and necessary expenses incurred in the performance of official duties that are not described in this Chapter, shall not be reimbursed unless approved by the Board of Directors, at a public hearing before the expense is incurred. Members of the Board of Directors or employees shall be responsible for any expenses incurred in excess of the rates set forth in this Chapter and which were not approved by the Board at a public hearing prior to incurring the expense.

7.5.3 Claims Submitted After 90 days
Claims for reimbursement submitted after 90 days of incurring the expense, must be approved by the Board of Directors.

7.5.4 Government Code Section 53065.5 Report
Pursuant to Government Code Section 53065.5, the District, in an annual, semi-annual or quarterly report, shall disclose any expense reimbursement paid to a District Director or employee for any individual expenditure exceeding One Hundred Dollars ($100.00).

7.6 Brief Report to Board Members
Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors immediately following the event for which reimbursement is sought. Reports may be made orally or in writing. If more than one member of the Board of Directors attends the event, the report from one of the members that mentions the other’s presence is sufficient.

7.7 Special Provisions
Where a member of the Board of Directors or other person is entitled to receive reimbursement for expenses from another employer or entity, the sum of total reimbursement from both the District and the other employer or entity shall not exceed actual expenses incurred.
All exempt District personnel attending a conference or other event outside of the District’s service area shall receive no additional salary for travel during a non-scheduled workday.

7.8 No Shows and Late Cancellations

This section applies when a member of the Board of Directors or employee fails to attend a conference or general business meeting, after incurring expenses for that event, including but not limited to conference fees, prepaid hotel charges, and airline charges. If a Director or employee is unable to attend a planned trip, including a conference, seminar or general business meeting, it is the Director’s or employee’s responsibility to ensure that any prepaid fees are refunded to the District. For any fees not fully refunded, the Director or employee shall attach a written explanation to the Expense Reimbursement Form addressing the reason(s) he or she was unable to attend.

The cancellation, charges or registration fees shall be deducted from the Director’s or employee’s compensation, unless the Board of Directors approves the payment of the cancellation, charges or registration fees incurred by the Director or employee, when he or she was unable to attend the scheduled event for any of the following reasons: illness, medical, family or other similar emergency.

7.9 Consultants Reimbursement Policy

The District shall not reimburse any contractor and/or consultant nor shall any consultant and/or contractor bill the District for any business meals with, including but not limited to, lobbyists, attorneys and District officials and/or official of other public agencies.

7.10 Reimbursement Policy Violations

Pursuant to Government Code Section 53232.4, violations of the reimbursement and expense policies, as set forth in this Chapter, including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges; (2) demand for restitution to the Districts; (3) civil penalties for misuse of public resources pursuant to Government Code Section 8314; (4) prosecution for misuse of public resources pursuant to Penal Code Section 424. Additionally, violations of the reimbursement and expense policies may result in any other applicable state and federal penalties, including criminal prosecution.
PASSED, APPROVED AND ADOPTED THIS ____ day of ____ 2008 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

_______________________________
Robert Katherman, President

ATTEST:

_______________________________
Willard H. Murray, Jr., Secretary

DATE
➤ The underlined text in red color shows provisions and language that was added to the chapters.

➤ The strikethrough text in green color shows provisions and language that was deleted from the chapters.

➤ The text in black indicates the provisions and language of the chapters that have not been revised.
7. DIRECTORS’ EXPENSES

The purpose of this policy is to ensure that the reimbursement of members of the District Board (also referred to as “Board”) and District management, staff (collectively referred to as "employees" or "District employees") for expenses incurred in the performance of official duties complies with California Water Code and Government Code, including the recently enacted Assembly Bill 1234, which adds Sections 53232.2 et seq. to the Government Code, to establish a reimbursement policy applicable to Board of Directors and District employees, and to establish other requirements related to travel, lodging and educational expenses paid by the District.

Each member of the Board is encouraged to participate in those outside activities and organizations, which in the judgment of the Board, further the interests of the District. Expenses incurred by Board members in connection with such activities are reimbursable in accordance with the expense reimbursement policy set forth elsewhere in this Code.

7.1  Board Vehicle Allowance

Other than the President of the Board, each Director may receive a vehicle allowance of Three Hundred and Eight Dollars ($308) per month provided they attend at least one Board meeting, as provided in Chapter 6, within the month. The President of the Board may receive a vehicle allowance of Four Hundred Dollars ($400) per month provided the President attends at least one Board meeting within the month. Alternatively, all Directors may choose to receive reimbursement for actual mileage incurred during any given month at the current IRS rate for business mileage reimbursement. The option to receive the monthly vehicle allowance or be reimbursed for actual mileage incurred during a month shall be at the sole discretion of each Director and shall be determined monthly. [BOD 11/16/2005]

7.2  Dues to Professional Organizations

Members of the Board of Directors shall receive reimbursement for reasonable dues required for membership in such professional organizations as listed in a resolution approved by the Board of Directors and provided that membership in such professional organizations is actual and necessary for performance of District official’s duties.

Subject to review and approval by the Finance Committee, Board members shall receive reimbursement for reasonable dues required for membership in professional organizations related to District business.

7.3  Use of District Credit Cards

With the exception of the Chief Financial Officer, who shall make advances reservation and payments for lodging, traveling and conferences as permitted by this Chapter, members of the Board of Directors and District employees shall not be issued nor have in their possession District credit cards. The District will not make any cash advances. (Payment directly to third-parties for conference registration, airfare, hotel or other authorized expenses is not considered cash advances.) Each Board Member, the General Manager and the Assistant General
Manager, and those employees as determined by the General Manager may be supplied with a credit card issued in the District's name. Such credit cards shall only be used for official District business. Credit card expenses shall be reasonable and necessary to the furtherance of District business. The Finance Committee shall periodically review credit card statements. Each credit card holder shall, as a portion of their periodic expense report, provide documentation regarding the District purpose of each credit card expenditure, including the business purpose for the expenditure and the identity of those in attendance for meals and other expenses incurred on behalf of others. Any amount charged to a District credit card that is disallowed by the Finance Committee for any reason (including, but not limited to, the fact that the amount was for personal expenses, was undocumented or was unapproved) shall be deducted from compensation to be paid to the card holder whose card was utilized. Additionally, all credit card bills and supporting receipts are to be submitted for payment in accordance with the general procedures for reimbursement of expenses set forth in this Administrative Code, otherwise the card shall be confiscated from the cardholder.

7.4 Board Communications Allowance

Members of the Board members of Directors may receive a communications allowance in such amount and upon such conditions as may from time to time be determined by the Board. The current monthly communications allowance amount for members of the Board of Directors is Three Hundred Dollars ($300.00). This amount at monthly amount covers the following equipment and services, which are necessary for the conduct of official District business or to carry out official duties as a member of the Board of Directors:

a) Mobile Telephone, PDAs or similar mobile communication devices (subject to two-year replacement schedule and limited to the amount of direct compensation only): Cellular-Phone

b) Fax-Machine

c) Computer software;

d) Computer and Monitor, all-in-one printer, fax machine, copier and scanner (subject to four-year replacement schedule);

e) Software

f) All-in-one-printer, copier and scanner (such equipment subject to four-year replacement schedule)

g) Internet service.

h) Dedicated phone line.

i) Printer and fax supplies.

Directors may elect to receive a flat monthly communications allowance. Such monthly payment shall be in lieu of the acquisition by the Director of any telephone, electronic media or other equipment and for the payment or reimbursement for any telephone call, internet fees or similar expenditures.
Directors who desire to receive the monthly communications allowance shall elect to do so by January 1 of each calendar year. Directors who do not make such an election by that date may seek reimbursement of any communications related expenses actually incurred by the Director in connection with District business in accordance with the general procedures for reimbursement of expenses set forth in this Administrative Code and subject to fiscal capital amount of Three Thousand Six Hundred Dollars ($3,600.00). Any requested reimbursement in excess of this amount shall require prior approval by the Board of Directors.

Members of the Board of Directors who elect to receive the monthly communications allowance shall be required to provide written verification on an annual basis that they have obtained appropriate mobile telephone service, and Internet service. They shall present any documentation for payment of that sum other than to verify on an annual basis that they have obtained an appropriate telephone and internet service. Each Director shall, at his or her sole discretion, select the provider of the services and equipment covered by the communications allowance.

Any communications equipment purchased by the District for a Director prior to the effective date of Resolution No. 03-664 that is replaced through use of the communications allowance shall be returned to the District.
13. EXPENSES

In the conduct of District business, employees and members of the Board of Directors shall incur expenses, subject to budgeted funds being available, adequate supporting documentation, and required approvals, according to the following:

a) Expenses outlined in this Chapter of the Administrative Code and Procurement Policies and Procedures.

b) Expenses that further the District's mission concerning replenishment and quality of water in the Central and West Coast Groundwater Basins, including but not limited to, expenses directly incurred in connection with a program or capital project of the District, activities that facilitate relations or working arrangements with other government or private sector personnel that are important to the District's mission, activities that enhance awareness and education of the District's functions, and activities that promote the attraction and retention of high quality employees of the District.

c) Reimbursement of actual and necessary expenses incurred in performance of official duties as a member of the Board of Directors and District employees.

13.1 Non-Reimbursable Expenses

Members of the Board of Directors and employees shall not obligate the District and shall not receive reimbursement for any of the following expenses are specifically unallowable expenses:

a) Gifts,
b)ii. Entertainment,

g)iii. Alcoholic beverages,
d)iv. Goods and services for personal use,
e)v. Fines and penalties incurred by an employee,

f)vi. Memberships in social organizations, dining clubs, or country clubs,
g)vii. Advance payments for goods or services, except as generally required,

viii. Moving expenses, unless pre-approved as part of a written employment contract with a new employee,

ix. Travel related expenses incurred by or on behalf of a spouse, companion, family member or a guest;
x. Certain travel costs, including but not limited to first-class airfare, hotel suites, luxury vehicle rental, movie rental fees, replacement of fees for keys, fees assessed for damage to lodging premises, premium television services, excess baggage, dry-cleaning;

x.i. Theater tickets;

xi.xii. Sporting event fees;

xii.xiii. Fines or traffic violations; and

xiv. Any expenses incurred by the spouse, companion and/or family member of the District Director or employee.

a) Repetitive seminars or educational courses on the same topic or issue and repetitive courses that provide training on a specific subject to a particular class of persons (e.g., training for persons new to the areas of water or special districts).

Employees and Board Members shall not obligate the District and shall not receive reimbursement for any of the unallowable expenses listed above.

13.2 Reimbursable Expenses

This Policy applies to all Board Members, management, staff, legal counsel, and any other authorized parties who may submit claims for reimbursement of amounts expended on the District’s behalf.

13.2.1 General Principles

The following general principles apply to the District’s reimbursement of amounts expended on the District’s behalf:

— All expenses shall be reasonable and necessary.

— The most economical mode and class of transportation consistent with scheduling requirements shall be utilized. In the event a more expensive mode or class of transportation is utilized, the reimbursable amount shall be limited to the cost of the most economical mode or class of transportation available, not to exceed the cost of coach airfare.

— Expenditure for food and lodging shall be moderate and reasonable.

— All reimbursements must be approved pursuant to the provisions of this Code.

— Approval Process for Reimbursable Expenses

— Claims shall be submitted on forms supplied by the District. Such forms shall include a description of the
13.2.2 Directors' Expenses: Finance Committee Approval and Expense Report Forms

At its regularly scheduled monthly meeting, the District's Finance Committee shall approve or reject all requests and claims for reimbursement by members of the Board of Directors.

The requests for reimbursements must be submitted on Expense Report Forms provided by the District. The Expense Report Forms shall be accompanied by itemized receipts documenting each expense, provide description of the expense, date incurred, name(s) of attendees (if any), and description of the District business purpose. Additionally, Expense Report Forms shall document that expenses meet the requirements, rates and policies as set forth in this Chapter.

The Finance Committee shall meet once per month to consider such claims and requests as are submitted. Receipts must support claims and requests as submitted to the Finance Committee or other documentation the Finance Committee deems acceptable.

If a claim or request is submitted to the Finance Committee with documentation the Committee deems inadequate, or without documentation, or expenses in excess of the rates and policies provided in this Chapter, which were not approved by the Board of Directors, at a public hearing prior to incurring of the expense, that claim or request shall be rejected. A claim or request initially rejected can be appealed to the Board of Directors.

13.2.3 For each expense less than $25, submission of documentation the Finance Committee deems acceptable shall be sufficient for purposes of this section. At the discretion of a Director, supporting receipts for each expense less than $25 may be submitted with the documentation. If a claim or request is submitted to the Finance Committee with documentation the Committee deems inadequate, or without documentation, that claim or request shall be rejected. A claim or request initially rejected can later be submitted for approval if it is supported by adequate documentation at such later time.

Requests for reimbursement must be submitted within 90 days of the date the expense was incurred. Specifically excluded from this
time limit are expenses incurred for medical, dental, eye care, or other expenses that require processing by an insurance or benefit provider, or an expense where backup documentation was delayed beyond the control of the Director. Any reimbursement for a non-excluded expense submitted after 90 days must be approved by the Board of Directors.

13.2.3 Staff Expenses: General Manager Approval

The General Manager or the Chief Financial Officer, acting as an agent of the General Manager, shall approve or reject all requests and claims for reimbursement by staff and shall report such approval/rejection to the Finance Committee at its monthly meeting. Any expenses in excess of the rates specified in this Chapter, shall be approved by the Board at a public meeting prior to incurring of the expense.

Claims must be submitted on forms supplied by the District, typically referred to Expense Report Forms. The Expense Report Forms shall be accompanied by itemized receipts documenting each expense, provide description of the expense, date incurred, name(s) of attendees (if any), and description of the District business purpose. Additionally, Expense Report Forms shall document that expenses meet the requirements, rates and policies as set forth in this Chapter.

Receipts must support claims and requests as submitted to the General Manager or Chief Financial Officer or other documentation the General Manager or Chief Financial Officer deems acceptable. For each travel related expense less than $25, submission of documentation the General Manager or Chief Financial Officer deems acceptable shall be sufficient for purposes of this section. At the discretion of staff, supporting receipts for each travel related expense less than $25 may be submitted with the documentation.

If a claim or request is submitted to the General Manager or Chief Financial Officer with documentation he or she deems inadequate, or without documentation, expenses in excess of the rates provided in this Chapter, which were not approved by the Board of Directors at a public hearing prior to incurring the expense, that claim or request shall be rejected. A claim or request initially rejected can later be submitted for approval if it is supported by adequate documentation at such later time, that claim or request shall be rejected. A claim or request initially rejected can later be
submitted for approval if it is supported by adequate documentation at such later time.

Requests for reimbursement must be submitted within 90 days of the date the expense was incurred. Specifically excluded from this time limit are expenses incurred for medical, dental, eye care, or other expenses that require processing by an insurance or benefit provider, or an expense where backup documentation was delayed beyond the control of the employee. Any reimbursement for a non-excluded expense submitted after 90 days must be approved by the Board of Directors. [BOD-7/20/05]

13.2.4 Travel and Transportation Expenses

Actual expenses for ground transportation to and from airports and while attending to District business shall also be reimbursed. Ground transportation shall include taxi, bus, train standard automobile rental and any other reasonable mode of transportation. The Board of Directors should pre-approve requests for out-of-state travel. The Board may retroactively approve out-of-state travel based on difficult or unexpected circumstances.

The District’s policy concerning reimbursement for travel expenses varies depending whether the destination is within or outside the “local area” and whether an individual receives or elects to receive a vehicle allowance. For purposes of this Policy, “local area” includes all of Los Angeles and Orange Counties, and those portions of Riverside and San Bernardino Counties located south of the San Gabriel Mountains and/or west of the San Bernardino Mountains. Except for travel within the “local area” by Board Members or other District employees entitled to a monthly car allowance pursuant to this Code, all Board Members, officers and employees of the District shall be entitled to a mileage reimbursement for authorized use of their privately-owned vehicles in the conduct of District business at the current maximum allowable per mile rate established by the Internal Revenue Service.

In the case of travel to a location outside of the “local area,” including travel by personal automobile instead of by air travel, reimbursement shall be limited to expenses for the Board Member, officer or employee not exceeding 14-day advanced purchase round-trip standard coach airfare, plus ground transportation.
Members of the Board of Directors who do not elect to receive a monthly vehicle allowance pursuant to Section 7.2.14 of this Chapter and all employees who do not receive a monthly vehicle allowance may be reimbursed for travel outside the "local area," including travel by personal automobile instead of by air travel. Reimbursement shall be limited to expenses not exceeding 14-day advanced purchase round trip standard coach airfare, plus ground transportation.

Actual and necessary travel expenses may be incurred in connection with official representation of the District in order to:

i. Attend seminars, conferences, hearings, or other meetings directly related to the business of the District;

ii. Interview persons, inspect facilities, or exchange professional information; and

iii. Participate in other activities, as approved by the Board of Directors, requiring expenditures for travel, meals and lodging that are necessary and in the best interest of the District.

If government or group rates are offered by provider of transportation, such rates must be used when available. If group or government rates are not offered or available, reimbursement shall be limited to expenses not exceeding 14-day advanced purchase round trip standard coach airfare, plus ground transportation or when available, if group or government rates are offered, such rates shall be used.

Use of air, train, rental car, or private car shall be selected on the basis of the most reasonable and appropriate method, taking into consideration distance, time and total costs to the District.

The following types of travel expenditures while on District business are allowable:

i. Travel by Private Automobile—The driver must possess a valid California driver's license and carry automobile insurance. Any damages to the vehicle or service repairs
are of a personal nature, and will not be reimbursed by the District.

Mileage reimbursement will be based on the vehicle (i.e., the owner of the vehicle will be paid and not the passengers). Mileage reimbursement shall be at the prevailing IRS established rate. Mileage will not be reimbursed to Directors who receive auto allowances for local travel. Parking will be reimbursed upon presentation of the original receipt.

If a traveler wishes to drive rather than fly to a destination, he/she may do so. The District will reimburse the lesser of the mileage rate to and from the site or the amount of the airline coach fare.

For local travel, the IRS rate for mileage will apply. When traveling either by car or plane outside the area is reasonable, the lesser of mileage or airfare will apply. The amounts reflected on receipts will be reimbursed for business meals while traveling.

ii. Air Travel – If government or group rates are offered by the provider of air travel services, such rates must be used when available. If no government or group rates are offered or available, travel shall be in coach class or equivalent service, unless the Board determines some physical problem or exceptional circumstance warrants travel in a higher class.

iii. Rental Vehicles – When rental vehicles are used, government or group rates must be used if offered by the provider of rental services and available. If no government or group rate is offered or available, an inexpensive, appropriate vehicle is to be used.

Actual expenses for ground transportation to and from airports and while attending to District business shall also be reimbursed. Ground transportation shall include taxi, bus fare or standard automobile rental. No reimbursement shall be provided for charges incurred due to the inclusion of personal loss insurance coverage.
i.e., loss damage waiver, supplemental liability, personal effects, uninsured or underinsured motorist) in a car rental agreement:

a) The District will budget up to $3,000 for each of the five Directors to attend the annual legislative trips to Washington D.C. and Sacramento, California;

b) The District will also budget $76,500 for each Director to cover all other District travel;

c) Due to increased travel needs, the travel budget for the Board President and the members of the External Affairs Committee will be $8,000;

d) There will be a 10% contingency fund set aside for use at the discretion of the Board President;

43.2.5e) The budget will be adjusted by the change in the consumer price index each year. [BOD 3/16/05]

13.2.5 Lodging

For the purpose of lodging, "local area" means a 40-mile radius from either one's residence or the District office, whichever is further.

Within the discretion of the Board President, a Director may stay overnight at a site less than a 40-mile radius from the residence or the District office. If the Director desiring to stay overnight at such a site is the Board President, that Director shall obtain approval from the Board Treasurer. Otherwise, no requests for lodging or reimbursement claims for expenses incurred within the "local area" shall be approved by the Finance Committee.

Members of the Board of Directors and employees should arrange for lodging expenses to be paid in advance by the District. If government or group rates are offered by the provider of lodging services, such rates must be used when available. If government or group rates are not available, the most economical rate reasonably available must be used. For lodging in connection with a conference or organized educational activity conducted in compliance with Government Code Section 54952.2(b), such lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors or employee at the time of booking. If the group rate is not available for lodging in connection with a conference or organized educational activity, then comparable lodging shall be booked at the most economical rate reasonably available.
Additionally, lodging shall only be paid for the length of the conference. Any additional days a member of the Board of Directors or employee wishes to stay at or near the conference site will be paid by the member of the Board of Directors or employee and shall not be reimbursed by the District.

It is the responsibility of the individual traveling to pay for personal incidentals, such as movies, snack bars fees and other travel expenses, as listed in the “Non-Reimbursable Expenses” section of this Chapter, prior to checking out of the hotel. Business center charges such as faxes, email, etc., are reimbursable if actual and necessary to the performance of official duties and the business purpose for business center services is documented. Business calls to District facilities will be paid in full.

43.2.6 Expenses will be allowed for adequate and reasonably priced lodging when necessary for the conduct of District business. When lodging is required in conjunction with a conference or similar function, whenever possible, lodging shall be at the conference location at the reduced rate provided by the conference, if applicable. In all cases, reasonable attempts shall be made to obtain reduced rates for lodging (i.e., government rates for domestic lodging as published by the U.S. General Services Administration).

Unless otherwise authorized by the Finance Committee, no reimbursement will be approved for lodging for greater than one night before or for any nights after an event outside of the "local area."

13.2.6 **Business Meals Reimbursements**

"Local area" in this section has the same definition as in the Lodging Expenses Overnight Accommodations policy above.

When a member of the Board of Directors member or other District employee is outside of the local area on District business for an entire day, such member or employee may receive up to the Board Member or employee may receive One Hundred Dollars ($100.00) per day for meals, including gratuities, as follows:

- Breakfast: $20.00
- Lunch: $35.00
- Dinner: $45.00
When member of the Board of Directors, member or other District employee is outside of the local area on District business for portions of a day, such Board member or employee shall receive compensation for those meals that occur during the portion of the day that the individual is outside the local area.

Authorized personnel and Directors may, in lieu of per diem reimbursement, receive reimbursement for actual meal costs, including tips, if such costs are less than the per diem amount.

The meal compensation for events and meeting outside of the “local area” discussed in Subsection (1) above, shall only be received for meals on the day immediately before the beginning of the event which the member of the Board of Directors or an employee is attending, the days when the event is occurring and the day immediately following the conclusion of that event. Meal expenses include the cost of meals and non-alcoholic beverages.

Further, where meal costs are included in airfare or in the event registration fees, the compensation received shall be reduced by the amounts indicated above.

The per diem amounts discussed above are provided for the members of the Board of Directors or member or other employee’s meals while out of the local area on District’s business.

13.2.6.6 A meal receipt must be accompanied by an itemized account of charges, and include a description of the business purposes of the meal and the names of the guests, when claiming reimbursement for meals that include guests. A meal furnished by a member of the Board of Directors to a person who is not a District representative will be reimbursed only if the meal is necessary to promote District policies and the Finance Committee subsequently approves the request for reimbursement. Meals charged to the hotel, where the member of the Board of Directors or an employee is staying must include a receipt accompanied by an itemized account of the charges, a description of the business purpose of the meal and the names of the people present, if any. A line item on the hotel invoice or bill for “room service” shall not be sufficient because there is not itemized account of charges.
In calculating the amount to be reimbursed to the Board member or employee, the Finance Committee shall reduce each meal's total by that meal's per diem rate.

13.3 Special Provisions

Where a member of the Board of Directors or other person is entitled to receive reimbursement for expenses from another employer or entity, the sum of total reimbursement from both the District and the other employer or entity shall not exceed actual expenses incurred.

All exempt District personnel attending a conference or other event outside of the District's service area shall receive no additional salary for travel during a non-scheduled workday.
7.2.5 Educational Expenses

Members of the Board of Directors and District employees may receive reimbursement for education expenses of the Director or employee if the expenses are actually incurred in the performance of official duties and are necessary to the performance of those duties. The District will reimburse for the costs of necessary books and tuition incurred by the Director or employee while attending a seminar, conference or a course directly related to the officials' performance of his or her official duties. Examples of courses necessary to Director’s or employee’s performance of official duties may include governmental courses, communication courses and other courses necessary to improve Director’s or employee’s skill, knowledge, information levels and ability to perform their official tasks and better serve constituents. The Director or employee shall be reimbursed in the following manner: one half of the total cost of educational expenses at the time he or she registers for the course and the remaining one half of the total cost the time he or she successfully passes the educational course. For the purposes of reimbursement of educational expenses, the minimum passing grade is “C” or its equivalent. If the Director or employee leaves the District voluntarily within 12 months of completion of such education courses, the Director or employee is not eligible for educational reimbursement and the educational reimbursement amount will be deducted from final compensation.

In the event a Director or employee is required to enroll and attend a review course for purposes of receiving a license or a continuing education course or seminar for the purpose of maintaining a license, e.g., membership in the State Bar, certificate for engineering services or certified public accountant, the District may reimburse the cost of such courses, seminars or examinations upon presentation by the Director or employee of their successful completion of the licensing examination or receipt of the certificate of completion of the continuing education seminar. Only those licenses or completion of continuing education seminars that are actual and necessary for the Director or employee to perform their official District duties shall be reimbursed.

7.2.8 Attendance at Conferences and Business Meetings
Directors shall be entitled to reasonable expenses incurred and per diem for traveling to approved conferences, beginning one day prior to the start of the conference/business meetings and no later than one day following the conclusion of the conference.

Members of the Board of Directors and employees should arrange for conference and organized educational activity registration fees to be paid in advance of the conference by the District. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances, as approved by General Manager or designee, members of the Board of Directors and employees may be reimbursed for the actual cost of a conference or organized educational activity registration fee.

7.5 Board of Directors Approval of Expenses

7.5.1 Expenses in Excess of the Rates of This Chapter
Pursuant to Government Code Section 53232.2, any expenses in excess of the rates and policies specified in this Chapter, shall be approved by the Board of Directors, at a public meeting before such expense is incurred.

7.5.2 Other Expenses
All other actual and necessary expenses incurred in the performance of official duties that are not described in this Chapter, shall not be reimbursed unless approved by the Board of Directors, at a public hearing before the expense is incurred. Members of the Board of Directors or employees shall be responsible for any expenses incurred in excess of the rates set forth in this Chapter and which were not approved by the Board at a public hearing prior to incurring the expense.

7.5.3 Claims Submitted After 90 days
Claims for reimbursement submitted after 90 days of incurring the expense, must be approved by the Board of Directors.

7.5.4 Government Code Section 53065.5 Report
Pursuant to Government Code Section 53065.5, the District, in an annual, semi-annual or quarterly report, shall disclose any expense reimbursement paid to a District Director or employee for any individual expenditure exceeding One Hundred Dollars ($100.00).

7.6 Brief Report to Board Members
Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular
meeting of the Board of Directors immediately following the event for which reimbursement is sought. Reports may be made orally or in writing. If more than one member of the Board of Directors attends the event, the report from one of the members that mentions the other’s presence is sufficient.

7.8 **No Shows and Late Cancellations**

This section applies when a member of the Board of Directors or employee fails to attend a conference or general business meeting, after incurring expenses for that event, including but not limited to conference fees, prepaid hotel charges, and airline charges. If a Director or employee is unable to attend a planned trip, including a conference, seminar or general business meeting, it is the Director’s or employee’s responsibility to ensure that any prepaid fees are refunded to the District. For any fees not fully refunded, the Director or employee shall attach a written explanation to the Expense Reimbursement Form addressing the reason(s) he or she was unable to attend.

The cancellation, charges or registration fees shall be deducted from the Director’s or employee’s compensation, unless the Board of Directors approves the payment of the cancellation, charges or registration fees incurred by the Director or employee, when he or she was unable to attend the scheduled event for any of the following reasons: illness, medical, family or other similar emergency.

7.9 **Consultants Reimbursement Policy**

The District shall not reimburse any contractor and/or consultant nor shall any consultant and/or contractor bill the District for any business meals with, including but not limited to, lobbyists, attorneys and District officials and/or official of other public agencies.

7.10 **Reimbursement Policy Violations**

Pursuant to Government Code Section 53232.4, violations of the reimbursement and expense policies, as set forth in this Chapter, including falsifying expense reports may result in any or all of the following: (1) loss of reimbursement privileges; (2) demand for restitution to the Districts; (3) civil penalties for misuse of public resources pursuant to Government Code Section 8314; (4) prosecution for misuse of public resources pursuant to Penal Code Section 424. Additionally, violations of the reimbursement and expense policies may result in any other applicable state and federal penalties, including criminal prosecution.
DATE: JUNE 10, 2008
TO: ADMINISTRATIVE COMMITTEE
FROM: ROBB WHITAKER, GENERAL MANAGER
SUBJECT: ADMINISTRATIVE CODE REVISIONS - DISTRICT POLICY PERTAINING TO
FACILITIES USE AGREEMENT, PERTINENT FEES, AND RESERVATION FORMS

SUMMARY
The attached Resolution No. 08-821, if adopted, will formalize the District's procedures for
making certain District facilities available to members of the public on reasonable terms and
conditions.

The Facilities Use Policy ("Policy") memorializes the procedures for permitting members of the
public, on reasonable terms and conditions, to make use of the rooms and the Board Room
located in the District's building. For your consideration and direction, the Policy provides two
options for the use of District's facilities. The first approach permits the use of facilities for
family, educational, and social purposes. The second approach limits the use of the facilities to
non-profit organizations for the purpose of business meetings or community service projects
and family events. Additionally, the Policy details procedures for reservations, fees and
deposits. Also attached for your review is a schedule of facility use fees and a reservation
form.

Attachments:
1. Resolution No. 08-821
2. Facility Use Fee Schedule
3. Facility Reservation Form

FISCAL IMPACT
The fiscal impact will be at least neutral and probably positive for the District, but the amount of
additional revenue is not known.

STAFF RECOMMENDATION
Approve Resolution No. 08-821, adopting a Facilities Use Policy pertaining to procedures for
making certain District facilities available to members of the public on reasonable terms and
conditions.
RESOLUTION NO. 08-821

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA
ADOPTING A FACILITIES USE POLICY

WHEREAS, the Water Replenishment District of Southern California ("District") wishes to make available to the members of the public certain portions of the District's building on reasonable terms and conditions; and

WHEREAS, the District desires to formalize the procedures for permitting members of the public, on reasonable terms and conditions, to make use of District's facilities; and

WHEREAS, the Facilities Use Policy was considered by the Administrative Committee at its March 27, 2008, meeting; and

WHEREAS, the Administrative Committee, after review and consideration, recommended the approval of this Resolution relating to the use of District facilities; and

WHEREAS, the Board of Directors of the District desires to establish a clear policy and procedure relating to the use of District facilities.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WATER REPLENISHMENT DISTRICT DOES RESOLVE AS FOLLOWS:

WATER REPLENISHMENT
DISTRICT OF SOUTHERN CALIFORNIA
FACILITIES USE POLICY

1. PURPOSE OF POLICY
The purpose of this Facilities Use Policy is to make available to members of the public certain portions of the Water Replenishment District of Southern California ("WRD") building on reasonable terms and conditions.

2. FACILITIES AVAILABLE FOR PUBLIC USE
Those portions of the WRD building which are available for use pursuant to this policy are the conferences rooms and Board Room. These facilities shall collectively be referred to as "Facilities."

3. USE OF FACILITIES
The Facilities may be used for family, educational, and social purposes. Applicants must be 21 years or older and take responsibility for clean up and damages.
The Facilities are limited to non-profit organizations and limited family events. Facility use by non-profit groups is limited to business meetings or community service projects. Applicants must be 21 years or older and take responsibility for clean up and damages.

4. RESERVATIONS
The Facilities are available on a "first-come, first-served" basis. The Facilities may be booked up to six months in advance by contacting the General Manager at 562-921-5521. Notwithstanding the above, official WRD functions shall always have first priority for the use of Facilities.

5. FEES, DEPOSIT
WRD shall charge a use fee to recoup the cost of making the Facilities available for use by the public, and such other fees as WRD may deem reasonable in light of the activities being conducted. Please refer to the Facility Use Fee Schedule for the rental fees. In addition, WRD shall require a non-refundable deposit for use of the Facilities and if alcohol is to be served and/or sold, WRD shall require an additional deposit to cover the potential costs of cleanup and damage. The alcohol deposit will be refunded if the Facilities, after completion of the event, are in as good condition as they were prior to the event.

6. PROCEDURE
a. The person ("Applicant") wishing to apply for use of the Facilities shall contact the phone number specified in Section 4 above and provide as much of the following information as possible:
   - Name of organization (if any) and the responsible individual applying for use of the Facilities
   - Applicant’s phone number (daytime and evening)
   - Applicant’s mailing address
   - Applicant’s e-mail address
   - Nature of proposed use
   - Anticipated number of attendees
   - Specific Facilities requested for use
   - Date Facilities are requested
   - Hours of use, and hours of event (if different)
   - Proposed set-up, with drawing if possible
   - Equipment proposed to be used

b. A WRD staff person will contact the Applicant and indicate whether the Facilities are available and, if so, will send a Fee Schedule, Conference Room Summary, and Facility Application and Agreement Form ("Form") to the Applicant. The Applicant must sign and return the Form to the WRD by the earliest of: (a) thirty (30) calendar days from when the WRD mailed the Form; or (b) at least thirty (30) calendar days prior to the event. If the application is for use of the Facilities less than thirty (30) calendar days before the event, the Applicant shall, by contacting the number specified herein, schedule an in-person appointment with the General Manager, or his designee.
c. With the application, the Applicant shall also include a non-refundable fee of $50.00, which shall be credited towards any fees charged by WRD for use of the Facilities.

d. Based on the information in the Form, WRD will determine and inform the Applicant as to the amount of insurance, deposit, use fee, staffing required, and other reasonable terms and conditions WRD may impose on the use of the Facilities. Once WRD sends the Form, signed by WRD’s General Manager, or his designee to the Applicant, WRD must receive the use fee, additional deposit (if any), requested forms of insurance, and any other documentation requested by WRD, within two weeks of mailing the signed Form or at least seven calendar days prior to the event, whichever is sooner. If WRD does not receive the documentation within the appropriate time, the Applicant will be deemed to have withdrawn its application for use of the Facilities.

7. TIMING OF RESERVATION
WRD Facilities shall not be deemed as having been reserved by an Applicant unless and until WRD receives the deposit(s), use fee, the insurance in the forms requested by the WRD, and other documents consistent with the terms and conditions set forth in the Form.

8. REVENUE PRODUCING ACTIVITIES
Only qualified non-profit organizations may sell items or otherwise engage in fundraising activities when using WRD facilities. For purposes of this policy, a “qualified non-profit organization” shall be defined as a tax exempt organization under Internal Revenue Code section 501(c). No solicitations or request of any kind for contributions or donations of any kind for any cause or purpose are allowed except for qualified non-profit organizations.

9. USE OF WRD PROPERTY
If requested in advance by the Applicant, WRD may allow use of its equipment on a case-by-case basis. The equipment available is listed on the Conference Room Summary sheet.

10. INDEMNIFICATION; INSURANCE
WRD shall require the Applicant utilizing the facilities to indemnify and hold harmless WRD, its elected officials, it officers, employees, agents, and volunteers from any and all losses, damages, claims, or costs of any nature stemming from the event and the Applicant’s use thereof. WRD shall also require the Applicant to provide insurance in a form and an amount, and from a carrier, acceptable to WRD’s General Counsel. WRD shall be named as an additional insured under Applicant’s coverage. In addition, this insurance as respect to any claim, loss or liability arising directly or indirectly from Applicant’s activities at WRD shall be the only insurance utilized, and any other insurance maintained by WRD shall be considered noncontributing.

11. USE RESTRICTIONS
a. The following activities or items are prohibited:
   - Pyrotechnics;
   - Candles, lanterns, incense, or open flames;
   - Mylar or plastic confetti;
   - Smoking;
   - “Silly String”;
• Decorations or other items that will damage building surfaces, such as nails, fasteners, glue, or other adhesives;
• Smog or fog generating devices;
• Any act which may cause harm, damage, or loss to WRD owned or leased structures, equipment, buildings, or supplies;
• Any modification to the Facilities, WRD’s property or premises
• Animals, excluding service animals; or
• Bicycles, skateboards, scooters, roller skates, rollerblades, or similar items, except in the parking lot.

b. The number of persons in any area shall not exceed the posted occupancy limit.

c. All exit doors shall remain unlocked and shall not be obstructed by any means for any reason during the entire event.

d. WRD is not responsible for lost or stolen items. WRD is not responsible for any items delivered before an event or left after an event.

12. COMPLIANCE WITH APPLICABLE LAW
Applicant’s use of the Facilities shall comply with the ADA, as well as all applicable local, State, and federal rules, regulations, and statutes.

13. SIGNAGE
The applicant may not post any signage outside of the Facilities, other than directional signs. Such directional signs must be approved by WRD’s General Manager, or designee thereof, at least three (3) business days before the event. Such directional signs must also be consistent with WRD policy. Such signage, to the extent possible, shall be posted only during the event, unless the Applicant obtains the prior written approval from the General Manager, or designee thereof.

14. ALCOHOLIC BEVERAGES
WRD reserves the right to determine whether or not alcoholic beverages may be served/sold. Under no circumstances shall alcoholic beverages be sold or served to anyone who is under 21 years of age. Applications for events with alcoholic beverages shall only be considered if accompanied by proof of appropriate insurance coverage and any necessary permits (including ABC permit if alcohol is to be sold).

15. WRD DISCLAIMER
The following disclaimer must be included in any published announcement:

“WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA NEITHER SUPPORTS NOR ENDORSES THE CAUSE NOR ACTIVITIES OF ORGANIZATIONS WHICH USE WRD FACILITIES THAT ARE MADE AVAILABLE AS A PUBLIC SERVICE”
16. **USE OF PARKING AREA**
Parking areas of WRD's building may be used for vehicle parking and for the event. WRD reserves the right to restrict parking to assigned areas of the parking lot.

17. **RIGHT TO TERMINATE**
WRD reserves the right to terminate use of the Facilities by the Applicant at any time.

18. **NON DISCRIMINATION**
Groups using the Facilities may not discriminate against anyone with regard to race, creed, color or national origin.

PASSED, APPROVED AND ADOPTED THIS ___th day of _______2008 by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

Robert Katherman, President

ATTEST:

Willard H. Murray, Jr., Secretary

DATE
Facility Application and Agreement Form
Water Replenishment District of Southern California
4040 Paramount Boulevard
Lakewood, CA, 90712
Phone: (562) 921-5521
Fax: (562) 921-6101

Name of Organization: _______________________________________
Name of Applicant: _______________________________________
Address: ___________________________________________________

Phone Number: (day) __________________ (evening) ________________ (cell) 
E-mail address: _______________________________________________
Nature of Proposed Use: (meeting, banquet, etc.) _____________________________
Anticipated number of attendees: Adults:__________ Children (under 18): _________
Special facilities requested for use: _______________________________________
Date Facilities are requested: ________________________________

Hours of Use: _________________________________ Hours of Event (if different)  __________

Proposed Set up, with attached drawing if possible: 
(number of requested tables, chairs, etc) : _____________________________

Equipment Proposed to be used: _______________________________________

Alcohol being served?  □ Yes □ No
(If alcoholic beverages are being served/sold, an additional deposit is also required.)

Alcohol being sold?  □ Yes □ No
(If alcoholic beverages are sold, an ABC Permit is required & copy to be provided to General Manager 7 days prior to event)

Facility area for reservation are limited to the following areas:

□ Gage Conference Room    □ Hollydale Conference Room    □ Silverado Conference Room
□ Sunnyside Conference Room □ Boardroom               □ Parking Lot*

* Only check parking lot if the event is to be held in the parking lot, otherwise the parking lot is limited to parking vehicles only.

IMPORTANT – PLEASE READ THE INFORMATION BELOW
I declare that the foregoing information is true and correct. I am aware that I will not have reserved the WRD facility until WRD receives the deposit(s), use fee, the insurance in the forms requested by WRD, and other documents consistent with the terms and conditions set forth in the Form. I agree to comply with the WRD Facilities Use Policy set forth on the reverse side of this application. I further agree to indemnify and hold harmless WRD its elected officials, officers, employees, agents, and volunteers from any and all losses, damages, claims, or costs of any nature stemming from the event and my use thereof.

_________________________________________  __________________________
Signature of Applicant  Date

Please See Reverse Side
Facilities Use Policy

1. The number of persons in any area shall not exceed the occupancy limit.

2. All exit doors shall remain unlocked and shall not be obstructed by any means for any reason during the entire event.

3. WRD is not responsible for lost or stolen items. WRD is not responsible for any items delivered before an event or left after an event.

4. Applicant’s use of the Facilities shall comply with the ADA, as well as all applicable local, State, and federal rules, regulations, and statutes.

5. The applicant may not post any signage outside of the Facilities, other than directional signs.

6. The following activities or items are prohibited:
   - Pyrotechnics
   - Candles, lanterns, incense, or open flames
   - Mylar or plastic confetti
   - Smoking
   - “Silly String”
   - Decorations or other items that will damage building surfaces, such as nails, fasteners, glue, or other adhesives
   - Smog or fog generating devices
   - Any act which may cause harm, damage, or loss to WRD owned or leased structures, equipment, buildings, or supplies
   - Any modification to the Facilities, WRD’s property or premises
   - Animals, excluding service animals
   - Bicycles, skateboards, scooters, roller skates, rollerblades, or similar items, except in the parking lot

WRD’s Use Only:
The following requirements must be met in order to reserve the requested WRD Facility:

Security Deposit $____________ Facility Use Fee $____________
(Non refundable)

Alcohol Deposit $____________

Insured Endorsement to be provided, listing the WRD as an additional insured (required 7 days prior to event)

Type of Insurance: ________________________________

Amount of Insurance: ________________________________

Staffing levels: ____________________________________

Other terms and conditions: __________________________

If the conditions and terms set forth above are met and applicant provides the requested documentation within two weeks of the mailing of this form, or at least seven calendar days prior to the event, whichever is sooner, the above indicated WRD Facilities shall be deemed to be reserved by the applicant.

Date: ___________________ General Manager ___________________
DATE: JUNE 10, 2008

TO: ADMINISTRATIVE COMMITTEE

FROM: ROBB WHITAKER, GENERAL MANAGER

SUBJECT: ADMINISTRATIVE CODE REVISIONS – AMENDMENT TO CHAPTER 12 OF THE WRD ADMINISTRATIVE CODE RELATING TO ELECTRONIC MEDIA/INTERNET POLICY

SUMMARY
For your consideration and direction, attached is amended Chapter 12 of the Administrative Code, which includes a proposed E-mail Retention Policy ("Policy"). This report briefly summarizes the amendments to Chapter 12 and provides options for Administrative Committee’s direction.

The Policy applies to E-mails of District officials, officers, employees, volunteers and contractors. The Policy also clearly identifies the types of E-mails that constitute public records and those that do not. For instance, the following definition of "public records" has been incorporated in the Policy: "any writing or recording of an event or information, which is kept in the custody of public officer, either because a law requires it to be kept or because it is necessary or convenient to the discharge of the public officer's duties, and was made or retained for the purpose of preserving its information content for future reference." (See 64 Cal.Op.Att’y.Gen 317). Permanent District electronic records are subject to disclosure in electronic form in accordance with the California Public Records Act (“CPRA”). Generally, E-mails that contain substantive information concerning the District’s policies, decision-making, proceedings, projects, or contractors, or that may later be important or useful for carrying out District’s business should be retained as public records in accordance with the Policy and subject to District’s Records Retention Policy and Schedule.

Pursuant to the Policy, regardless of the retention requirements, E-mails and other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded.

Additionally, the Policy addresses the storage of E-mails constituting public records for ongoing or long-term projects. The District may create a local network drive for storage of such E-mails on personal staff computers. Alternatively, and possibly a better approach, is to require District’s officials, officers, employees and volunteers to print and file such E-mails in to the appropriate District file. This way, the back-up tapes and the E-mails stored on the District’s server can be purged every three (3) years or as permitted by the Records Retention Policy and Schedule. We have left blank that portion of the Policy pertaining to the storage of permanent District records, pending the Administrative Committee’s direction and recommendation.
Under the Policy, District officials, officers, employees and volunteers are responsible for determining whether E-mails created, received or used by them should be retained as permanent records within ten (10) working days of creation, receipt or use of the E-mail. Please note that the ten-day time period may be increased or decreased at Administrative Committee's direction.

The Policy further provides that because E-mails and E-mail systems may not be used for permanent storage of District records, the E-mails are generally deemed to constitute preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the District in the ordinary course of business and that are therefore exempt from disclosure pursuant to the CPRA. Pursuant to the Policy, the District’s General Manager and Chief Financial Officer are responsible for determinations concerning disclosure of District records, including E-mails, in response to requests pursuant to the CPRA, subpoena or court order and as authorized by the District’s Administrative Code. When a request for disclosure of District records that applies to E-mails is received, the person responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any E-mail covered by the request until it is determined whether the E-mail is subject to retention and/or disclosure. The General Manager, Chief Financial Officer, and/or District Counsel must be contacted concerning any request for disclosure of District records that applies to E-mail in the possession of District officials, officers, employees and volunteers.

Finally, the Policy also provides that back-up tapes are only for disaster recovery purpose and that back-up copies performed by Information Technology staff are not records retention. We suggest that back-up tapes should be retained for no more than six (6) months. This time frame may, however, be increased or decreased, at Administrative Committee’s direction and recommendation.

**FISCAL IMPACT**
None.

**STAFF RECOMMENDATION**
Review, discuss and provide staff with direction for the proposed amendments to Chapter 12 pertaining to the District’s E-mail Retention Policy.
The underlined text in red color shows provisions and language that was added to the chapters.

The strikethrough text in green color shows provisions and language that was deleted from the chapters.

The text in black indicates the provisions and language of the chapters that have not been revised.
12 ELECTRONIC MEDIA/INTERNET POLICY

This Chapter shall be known as the District’s Electronic Media and Internet Policy (“Policy”). The District provides various electronic facilities and technology resources to authorized employees to assist them in performing their job duties for the District. Each employee has a responsibility to use these District resources in a manner that increases productivity, enhances the District’s public image, and is respectful of other employees. Failure to follow the District’s policies regarding the use of these resources may lead to disciplinary measures, up to and including termination of employment.

12.1 Policies Regarding Ownership of Information Stored on Electronic Media

All information, in any format, stored by any means on the District’s electronic facilities (Voicemail, Electronic Mail, computer network drives, hard disks or individual diskettes) is the property of the District and subject to inspection whenever the District has reasonable suspicion that an employee has violated this policy or for legitimate business needs. Under those circumstances, the Board President, General Manager and Assistant General Manager, Chief Financial Officer / Chief Engineer shall have the ability, and reserve the right, to review any electronic media with or without consent. However, no other person has the right to go into any electronic media of another person for any purpose other than legitimate District business.

In addition to reviews of stored material by authorized District employees, users of District resources shall be aware that such material might be retrieved by unauthorized “hackers” who have only curiosity or mischief as a motive. Any District Employee caught abusing the District’s electronic media will be held responsible for damages and will be disciplined, and may be up to and including terminated termination.

12.2 Safety and Integrity of Information Imported from Electronic Media

Information received from any source outside the District stored on removable media (such as diskettes or ZIP disks) must be virus-scanned before any files are opened or copied to the District network. Any authorized user of the District resources shall request assistance from Information Systems if he or she does not know how to do this.

12.3 Policies Regarding Electronic Mail

The official policy of the District is that all electronic mail ("E-mail") messages are treated as District correspondence. E-mail can be accessed by anyone on the network who has your password. Even the use of system passwords does not ensure confidentiality. Passwords are designed for District security, not individual privacy. E-mail should
not be used for non-District business. E-mail messages are not private. E-Mail should never be used to transmit confidential financial or personal information.

a) Any communication by E-mail should be drafted with the same care as a formal memorandum. E-mail messages should not contain informal remarks that might potentially be embarrassing to the District, its employees, or its constituents. Never write anything you do not want forwarded. Your message could end up being read by someone you were not expecting to read it.

b) E-mail messages must never contain offensive, abusive or harassing language. This includes, but is not limited to, the display or transmission of sexually explicit images, cartoons, jokes and messages or any other message that could bring discredit to the District. Employees should also refrain from using information in a way that would be disruptive, offensive, or harmful to morale. For example, the creation, display, or transmission of sexually-explicit images, messages or cartoons, any use of ethnic slurs, racial epithets, or any conduct which violates the District’s policy prohibiting discriminatory conduct or harassment is strictly prohibited.

c) The District encourages employees to report if someone is sending you offensive, harassing or sexually explicit e-mail messages — whether it is internal or external e-mail — to the General Manager or the , Assistant General Manager / Chief Engineer, or the Manager of Administration Chief Financial Officer. The District has a policy regarding discrimination or harassment of its employees and will not tolerate these actions. There will be no retaliation against an employee who makes any good faith complaint.

d) E-mail should never be used to solicit for charities, schools or personal business.

An e-mail instruction or request from a constituent, outside contractor, or other business contact is no less important than one in a letter. Therefore, employees should not erase their external e-mail messages (either incoming or outgoing) until doing the following: Employees should print hard copies of these external (incoming and outgoing) e-mail messages and send them to the appropriate file. Once the copy has been made and forwarded to the file, the e-mail message should be deleted from the system.

12.4 Electronic Mail Retention Policy

This section governs retention of e-mail, or electronic communication, that is created, sent, received, forwarded, edited, stored, or otherwise
used by means of District electronic information resources of any kind, including, but not limited to, computers, computer networks, software, telephones, voicemail, personal data assistants, and any other electronic data systems or equipment. This policy applies to e-mails of District officials, officers, employees, volunteers and contractors (collectively referred to as “Authorized Users”).

Emails may consist of correspondence and other documentation which may constitute District records subject to the requirements of the California Public Records Act (“CPRA”), the District’s Records Retention Schedule and the laws and regulations governing it, and other laws and regulations that apply to public agency information.

E-mail and E-mail systems are intended to be a medium of communication. E-mail and E-mail systems are not intended to be and may not be used for the electronic storage or maintenance of permanent District records. Back-up tapes are for disaster recovery purposes only. Retention is the responsibility of the sender of the message, not the back-up process. Back-up copies performed by Information Technology staff are not records retention. Back-up tapes should be retained no more than ____ (suggested retention period: 6 months).

Authorized users are responsible for determining whether E-mails created, received, or used by them should be retained as permanent District public records. The definition of public records is “any writing or recording of an event or information, which is kept in the custody of public officer, either because a law requires it to be kept or because it is necessary or convenient to the discharge of the public officer’s duties, and was made or retained for the purpose of preserving its information content for future reference.” Typically, E-mails that contain substantive information concerning District policies, decision-making, proceedings, projects, or contractors, or that may later be important or useful for carrying out District business should be retained as permanent District records in accordance with this policy and District’s Records Retention Schedule. Such E-Mails must be stored at [Instructions pertaining to storage of permanent electornig records should be inserted here] and deleted. All other E-mails that should be retained as either permanent or non-permanent records pursuant to the Records Retention Policy, should be printed and filed in the corresponding District file and deleted. The General Manager or Chief Financial Officer and District Counsel are available to assist persons subject to this policy in determining which E-mails should be retained as permanent WRD records and
how, and to address other questions concerning the application of this policy

Regardless of retention requirements, **E-mail and other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded.** Examples of e-mails that are not public records include e-mails from friends or family, and e-mails from one coworker to another inviting him or her to lunch or coffee.

Authorized Users should generally determine whether E-mails created, received or used by them should be retained as permanent City District records within **ten (10) working days** of creation, receipt or use of the District E-mail. Because E-mails and e-mail systems may not be used for permanent storage of District records, E-mails are generally deemed pursuant to this policy to constitute preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the District in the ordinary course of business and that are therefore exempt from disclosure pursuant to the CPRA. However, the District’s General Manager and Chief Financial Officer are responsible for determinations concerning disclosure of District records, including E-mails, in response to requests pursuant to the CPRA, subpoena or court order.

Upon request for disclosure of District records that applies to E-mails, Authorized Users responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any E-mail covered by the request until it is determined whether the E-mail is subject to retention and/or disclosure. The General Manager, Chief Financial Officer, and/or District Counsel must be contacted concerning any request for disclosure of District records that applies to E-mail in the possession of District officials, officers, employees and volunteers.

Authorized Users are responsible for managing E-mail and E-mail systems used by them in accordance with this policy. Authorized Users should regularly review their mailboxes or folders that contain E-mails and delete E-mails that are not required to be kept by law or pursuant to this policy, or that are unnecessary or inconvenient for the discharge of official District duties or the conduct of District business, or that are otherwise no longer needed in accordance with this policy.

12.412.5 **Policies Regarding Internet Usage**

Use of the Internet is limited to business purposes only. Accessing information for personal use and/or with no business relevance,
including sites that are inconsistent with the District's ethics and values, could discredit the District, or could lead to embarrassment and possibly legal consequences to the employee and the District, is prohibited. Non-business use also consumes resources, such as employee time and Internet connection bandwidth that could otherwise be used for the benefit of the District.

Where the District has a reasonable suspicion that this policy is being violated by an employee or has legitimate business need, the General Manager and the Assistant General Manager / Chief Engineer Chief Financial Officer reserve the right to record and monitor employee activity on the Internet when such activity takes place using the District's resources, login ID, and/or from District premises. Any Employee discovered abusing the District's Internet resources and policy will be held responsible for damages and will be disciplined, up to and including termination.

**12.512.6 Access to Internet**

Each person is responsible and accountable for his or her use of Internet resources. Access will be provided to District employees whom the District determines have a legitimate business need for it.

**12.612.7 Individual Accountability**

Many people use the Internet under the illusion that their actions are private and anonymous. This is not so. Every time you visit a site, you leave a calling card that reveals where you come from, what kind of computer you have, and other details about your identity and viewing habits. Most sites keep logs of all your visits. Remember: All access to the Internet from within the District network, or using the District login ID, is tagged with the District's name. This will appear in e-mail addresses, interactive sessions, and in other systems' operational logs — just as if a business card bearing the District logo was being provided when accessing the Internet. Individuals should conduct work on the Internet in accordance with established District ethics, values and business practices as described below, and elsewhere in this Administrative Code.

**12.712.8 Internet Guidelines**

All policies apply to Internet and related services including WWW, FTP, USENET groups, bulletin boards, Internet e-mail etc. Internet use must be consistent with District policies and provide business benefit.

a) The creation and/or usage of e-mail IDs for use while logged on to the Internet with the District login ID is prohibited.

b) The creation and/or receipt of e-mail messages from within any Internet Service Provider (ISP) are prohibited. External e-mail is to be sent from, and external e-mail received, through the District's e-mail system only.
c) The downloading and usage of software obtained from the Internet is prohibited. Such software could compromise the District’s entire computer network.

d) The downloading and usage of document files obtained from the Internet is permitted only if those files are virus-scanned by the user before opening. Request assistance from Information Systems if you do not know how to do this.

e) Files with the filename extension ".exe" or ".zip" or any file(s) located on an FTP site may not be downloaded by any user except the Assistant General Manager / Chief Engineer Chief Financial Officer or the Network Administrator.

f) Data and informational integrity should be considered questionable when obtained from the Internet. Care must be taken to ensure the validity of information before using it in District business.

g) Consistent with other District policies and applicable law, the District reserves the right to monitor any Internet communication passing through District facilities.

h) Employees, unless specifically authorized to do so by the General Manager or Assistant General Manager / Chief Engineer Chief Financial Officer, and only if such practices are validated under applicable law, are prohibited from entering into contractual agreements or making statements that may be interpreted as contractual via any Internet site.

i) All Internet users should be aware of significant security problems that could negatively impact the District. Uncontrolled (i.e. no firewall protection) access allows infected or malicious code (viruses) to be sent to the District’s computer network from the Internet and increases risk of unnoticed and unauthorized examination, export, modification, and/or destruction of proprietary information.
12 ELECTRONIC MEDIA/INTERNET POLICY

This Chapter shall be known as the District’s Electronic Media and Internet Policy ("Policy"). The District provides various electronic facilities and technology resources to authorized employees to assist them in the performance their job duties for the District. Each employee has a responsibility to use these District resources in a manner that increases productivity, enhances the District’s public image, and is respectful of other employees. Failure to follow the District’s policies regarding the use of these resources may lead to disciplinary measures, up to and including termination of employment.

12.1 Policies Regarding Ownership of Information Stored on Electronic Media

All information, in any format, stored by any means on the District’s electronic facilities (Voicemail, Electronic Mail, computer network drives, hard disks or individual diskettes) is the property of the District and subject to inspection whenever the District has reasonable suspicion that an employee has violated this policy or for any legitimate business needs. Under those circumstances, the Board President, General Manager and Assistant General Manager / Chief Engineer shall have the ability, and reserve the right, to review any electronic media with or without consent. However, no other person has the right to go into any electronic media of another person for any purpose other than legitimate District business.

In addition to reviews of stored material by authorized District employees, users of District resources shall be aware that such material might be retrieved by unauthorized “hackers” who have only curiosity or mischief as a motive. Any District employee caught abusing the District’s electronic media will be held responsible for damages and will be disciplined, and may be terminated.

12.2 Safety and Integrity of Information Imported from Electronic Media

Information received from any source outside the District stored on removable media (such as diskettes or ZIP disks) must be virus-scanned before any files are opened or copied to the District network. Any authorized user of the District resources shall request assistance from Information Systems if he or she does not know how to do this.

12.3 Policies Regarding Electronic Mail

The official policy of the District is that all electronic mail ("E-mail") messages are treated as District correspondence. E-mail can be accessed by anyone on the network who has your password. Even the use of system passwords does not ensure confidentiality. Passwords are designed for District security, not individual privacy. E-mail should not be used for non-District business. E-mail messages are not
private. E-Mail should never be used to transmit confidential financial or personnel information.

a) Any communication by E-mail should be drafted with the same care as a formal memorandum. E-mail messages should not contain informal remarks that might potentially be embarrassing to the District, its employees, or its constituents. Never write anything you do not want forwarded. Your message could end up being read by someone you were not expecting to read it.

b) E-mail messages must never contain offensive, abusive or harassing language. This includes, but is not limited to, the display or transmission of sexually explicit images, cartoons, jokes and messages or any other message that could bring discredit to the District. Employees should also refrain from using information in a way that would be disruptive, offensive, or harmful to morale. For example, the creation, display, or transmission of sexually-explicit images, messages or cartoons, any use of ethnic slurs, racial epithets, or any conduct which violates the District’s policy prohibiting discriminatory conduct or harassment is strictly prohibited.

c) The District encourages employees to report if someone is sending you offensive, harassing or sexually explicit e-mail messages — whether it is internal or external e-mail — to the General Manager, Assistant General Manager / Chief Engineer, or the Manager of Administration. The District has a policy regarding discrimination or harassment of its employees and will not tolerate these actions. There will be no retaliation against an employee who makes any good faith complaint.

d) E-mail should never be used to solicit for charities, schools or personal business.

e) An e-mail instruction or request from a constituent, outside contractor, or other business contact is no less important than one in a letter. Therefore, employees should not erase their external e-mail messages (either incoming or outgoing) until doing the following: Employees should print hard copies of these external (incoming and outgoing) e-mail messages and send them to the appropriate file. Once the copy has been made and forwarded to the file, the e-mail message should be deleted from the system.

12.4 Electronic Mail Retention Policy

This section governs retention of e-mail, or electronic communication, that is created, sent, received, forwarded, edited, stored, or otherwise used by means of District electronic information resources of any kind, including, but not limited to, computers, computer networks,
software, telephones, voicemail, personal data assistants, and any other electronic data systems or equipment. This policy applies to emails of District officials, officers, employees, volunteers and contractors (collectively referred to as "Authorized Users").

Emails may consist of correspondence and other documentation which may constitute District records subject to the requirements of the California Public Records Act ("CPRA"), the District's Records Retention Schedule and the laws and regulations governing it, and other laws and regulations that apply to public agency information.

E-mail and E-mail systems are intended to be a medium of communication. E-mail and E-mail systems are not intended to be and may not be used for the electronic storage or maintenance of permanent District records. Back-up tapes are for disaster recovery purpose only. Retention is the responsibility of the sender of the message, not the back-up process. Back-up copies performed by Information Technology staff are not records retention. Back-up tapes should be retained no more than ____ (suggested retention period: 6 months).

Authorized users are responsible for determining whether E-mails created, received, or used by them should be retained as permanent District public records. The definition of public records is "any writing or recording of an event or information, which is kept in the custody of public officer, either because a law requires it to be kept or because it is necessary or convenient to the discharge of the public officer's duties, and was made or retained for the purpose of preserving its information content for future reference." Typically, E-mails that contain substantive information concerning District policies, decision-making, proceedings, projects, or contractors, or that may later be important or useful for carrying out District business should be retained as permanent District records in accordance with this policy and District's Records Retention Schedule. Such E-Mails must be stored at [Instructions pertaining to storage of permanent electronic records should be inserted here] and deleted. All other E-mails that should be retained as either permanent or non-permanent records pursuant to the Records Retention Policy, should be printed and filed in the corresponding District file and deleted. The General Manager or Chief Financial Officer and District Counsel are available to assist persons subject to this policy in determining which E-mails should be retained as permanent WRD records and how, and to address other questions concerning the application of this policy.
Regardless of retention requirements, **E-mail and other electronic or paper documents pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded.** Examples of e-mails that are *not* public records include e-mails from friends or family, and e-mails from one coworker to another inviting him or her to lunch or coffee.

Authorized Users should generally determine whether E-mails created, received or used by them should be retained as permanent City records within **ten (10) working days** of creation, receipt or use of the District E-mail. Because E-mails and e-mail systems may not be used for permanent storage of District records, E-mails are generally deemed pursuant to this policy to constitute preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the District in the ordinary course of business and that are therefore exempt from disclosure pursuant to the CPRA. However, District's General Manager and Chief Financial Officer are responsible for determinations concerning disclosure of District records, including E-mails, in response to requests pursuant to the CPRA, subpoena or court order.

Upon request for disclosure of District records that applies to E-mails, Authorized Users responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any E-mail covered by the request until it is determined whether the E-mail is subject to retention and/or disclosure. The General Manager, Chief Financial Officer, and/or District Counsel must be contacted concerning any request for disclosure of District records that applies to E-mail in the possession of District officials, officers, employees and volunteers.

Authorized Users are responsible for managing E-mail and E-mail systems used by them in accordance with this policy. Authorized Users should regularly review their mailboxes or folders that contain E-mails and delete E-mails that are not required to be kept by law or pursuant to this policy, or that are unnecessary or inconvenient for the discharge of official District duties or the conduct of District business, or that are otherwise no longer needed in accordance with this policy.

### 12.5 Policies Regarding Internet Usage

Use of the Internet is limited to business purposes only. Accessing information for personal use and/or with no business relevance, including sites that are inconsistent with the District's ethics and values, could discredit the District, or could lead to embarrassment and possibly legal consequences to the employee and the District, is prohibited. Non-business use also consumes resources, such as
employee time and Internet connection bandwidth that could otherwise be used for the benefit of the District.

Where the District has a reasonable suspicion that this policy is being violated by an employee or has legitimate business need, the General Manager and the Assistant General Manager / Chief Engineer reserve the right to record and monitor employee activity on the Internet when such activity takes place using the District's resources, login ID, and/or from District premises. Any Employee discovered abusing the District's Internet resources and policy will be held responsible for damages and will be disciplined, up to and including termination.

12.6 Access to Internet

Each person is responsible and accountable for his or her use of Internet resources. Access will be provided to District employees whom the District determines have a legitimate business need for it.

12.7 Individual Accountability

Many people use the Internet under the illusion that their actions are private and anonymous. This is not so. Every time you visit a site, you leave a calling card that reveals where you come from, what kind of computer you have, and other details about your identity and viewing habits. Most sites keep logs of all your visits. Remember: All access to the Internet from within the District network, or using the District login ID, is tagged with the District's name. This will appear in e-mail addresses, interactive sessions, and in other systems' operational logs — just as if a business card bearing the District logo was being provided when accessing the Internet. Individuals should conduct work on the Internet in accordance with established District ethics, values and business practices as described below, and elsewhere in this Administrative Code.

12.8 Internet Guidelines

All policies apply to Internet and related services including WWW, FTP, USENET groups, bulletin boards, Internet e-mail etc. Internet use must be consistent with District policies and provide business benefit.

a) The creation and/or usage of e-mail IDs for use while logged on to the Internet with the District login ID is prohibited.

b) The creation and/or receipt of e-mail messages from within any Internet Service Provider (ISP) are prohibited. External e-mail is to be sent from, and external e-mail received, through the District's e-mail system only.

c) The downloading and usage of software obtained from the Internet is prohibited. Such software could compromise the District's entire computer network.
d) The downloading and usage of document files obtained from the Internet is permitted only if those files are virus-scanned by the user before opening. Request assistance from Information Systems if you do not know how to do this.

e) Files with the filename extension ".exe" or " .zip" or any file(s) located on an FTP site may not be downloaded by any user except the Assistant General Manager / Chief Engineer or the Network Administrator.

f) Data and informational integrity should be considered questionable when obtained from the Internet. Care must be taken to ensure the validity of information before using it in District business.

g) Consistent with other District policies and applicable law, the District reserves the right to monitor any Internet communication passing through District facilities.

h) Employees, unless specifically authorized to do so by the General Manager or Assistant General Manager / Chief Engineer, and only if such practices are validated under applicable law, are prohibited from entering into contractual agreements or making statements that may be interpreted as contractual via any Internet site.

i) All Internet users should be aware of significant security problems that could negatively impact the District. Uncontrolled (i.e. no firewall protection) access allows infected or malicious code (viruses) to be sent to the District's computer network from the Internet and increases risk of unnoticed and unauthorized examination, export, modification, and/or destruction of proprietary information.