

**MEETING OF THE ADMINISTRATIVE COMMITTEE  
OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA  
4040 PARAMOUNT BOULEVARD, LAKEWOOD, CALIFORNIA 90712  
12:00 P.M., MONDAY, JANUARY 10, 2011**

**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" or "For discussion" 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. MINUTES OF THE MEETINGS OF NOVEMBER 8, 2010 AND DECEMBER 13, 2010**  
*Staff Recommendation:* Approve as submitted.
- 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) POLICY**  
*Staff Recommendation:* For discussion.
- 5. PROPOSED ADMINISTRATIVE CODE AMENDMENTS – CHAPTER 12 ELECTRONIC MEDIA/INTERNET POLICY**  
*Staff Recommendation:* For discussion.
- 6. SALARY INFORMATION**  
*Staff Recommendation:* For discussion.
- 7. WORK SCHEDULE**  
*Staff Recommendation:* For discussion.
- 8. DEPARTMENT REPORT**  
*Staff Recommendation:* For information.
- 9. DIRECTOR'S REPORTS, INQUIRIES AND FOLLOW-UP OF DIRECTIONS TO STAFF**
- 10. ADJOURNMENT**

Posted by Abigail C. Andom, Deputy Secretary, January 7, 2011.

In compliance with the Americans with Disabilities Act (ADA), if special assistance is needed to participate in the Board meeting, please contact Deputy Secretary Abigail Andom at (562) 921-5521 for assistance to enable the District to make reasonable accommodations.

All public records relating to an agenda item on this agenda are available for public inspection at the time the record is distributed to all, or a majority of all, members of the Board. Such records shall be available at the District office located at 4040 Paramount Boulevard, Lakewood, California 90712.

Agendas and minutes are available at the District's website, [www.wrd.org](http://www.wrd.org).

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**MINUTES OF NOVEMBER 8, 2010  
MEETING OF THE ADMINISTRATIVE COMMITTEE  
OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA**

A meeting of the Administrative Committee of the Board of Directors of the Water Replenishment District of Southern California was held on November 8, 2010 at 12:30 p.m. at the District Office, 4040 Paramount Boulevard, Lakewood, California. Chairperson Willard H. Murray, Jr. called the meeting to order and presided thereover. Deputy Secretary Abigail C. Andom recorded the minutes.

**1. DETERMINATION OF QUORUM**

Attendees included:

Committee: Directors Willard H. Murray, Jr. and  
Lillian Kawasaki

Staff: Robb Whitaker, Scott Ota, Jenna Shaunessy,  
District Counsel Jamie Casso

**2. PUBLIC COMMENT**

None.

**3. MINUTES OF THE MEETING OF OCTOBER 21, 2010**

The minutes were approved as submitted.

The agenda items were taken out of order.

**8. PROPOSED CHANGES TO THE ADMINISTRATIVE CODE**

Director Murray stated that he would like to recommend that the Administrative Code be amended to remove the requirement of Board approval for the issuance of contract solicitations or request for proposals/qualifications (RFP/RFQ).

General Manager Robb Whitaker stated that it is his preference that the Board approves issuance of request for proposals and other contract solicitations. Mr. Whitaker explained that it is very rare that seeking Board approval would have a scheduling impact on the project and, if needed, a special board meeting can always be convened. He noted that although the issuance of the RFP does not commit the District, it sends a message that something is going to be done. Mr. Whitaker stated that he would like to have the intent of the RFP supported by a majority of the Board members.

Discussion followed. The Committee received and filed the staff report and stated that it would reserve the right to make changes in the future if it so desires.

**4. CEQA POLICY**

Director Kawasaki stated that she would like a California Environmental Quality Act (CEQA) policy for the District in place for Board consideration. She explained that the policy would determine if a project needs certain findings on CEQA or an exemption.

District Counsel Jamie Casso asked his associate, Tim Cremin of Meyers Nave, to participate via teleconference. Mr. Cremin stated that WRD is a public agency and state law defines what is subject to CEQA. He noted that local agencies do not necessarily adopt their own policies.

Discussion followed. The Committee asked Mr. Cremin to provide a legal opinion on what state law requires and make the corresponding recommendation if the District needs to adopt a CEQA policy. The Committee deferred the item to the next meeting.

**5. CPI ADJUSTMENT TO COMMUNICATIONS AND VEHICLE ALLOWANCE**

The Committee requested the item be continued to next month's Committee meeting.

**6. SALARY INFORMATION**

Mr. Whitaker stated that the proposed legislation related to public agencies posting salaries on their websites did not pass. He noted that the State Controller's office recently published on their website a list of local governments and the salaries, benefits and pensions of city and county employees in California. He stated that the site lists the salary range for each employee classification, the amount paid to each employee in 2009, the amount spent on medical and other insurance for each employee and other information.

Mr. Whitaker stated that the Board had asked the Administrative Committee to review the possibility of placing WRD salaries on the District's website.

Chief Financial Officer Scott Ota provided the Committee with a list of water and other local agencies that have posted salary information on their websites.

Discussion followed. The Committee requested the item be continued to next month's Committee meeting.

**7. COMMITTEE DELINEATION OF DUTIES**

The Committee reviewed the proposed changes to Section 3 of the Administrative Code regarding responsibilities of each standing committee of the WRD. Discussion followed and the Committee requested the item be continued to next month's meeting.

**9. DEPARTMENT REPORT**

Director Murray requested that the Department Report be mailed with the agenda packet.

Mr. Ota provided an update on the District's health reimbursement claim procedure. He stated that Flex-Plan, the District's health reimbursement administrator, had informed staff that changes can be made to the District's existing plan.

Discussion followed and the Committee recommended that an amendment be made to the District's plan coverage such that claims for health care reimbursement can go back to calendar year 2005. The Committee further recommended that staff develop the language for the contract amendment and present it to the Committee at next month's meeting.

**10. DIRECTOR'S REPORTS, INQUIRIES AND FOLLOW-UP OF DIRECTIONS TO STAFF**

The next regularly scheduled meeting is Monday, December 13, 2010 at 12:00 p.m.

**11. ADJOURNMENT**

With no other business to come before the Committee, the meeting was adjourned at 2:46 p.m.

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Chairperson

ATTEST:

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Director

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**MINUTES OF DECEMBER 13, 2010  
MEETING OF THE ADMINISTRATIVE COMMITTEE  
OF THE BOARD OF DIRECTORS  
WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA**

A meeting of the Administrative Committee of the Board of Directors of the Water Replenishment District of Southern California was held on December 13, 2010 at 12:35 p.m. at the District Office, 4040 Paramount Boulevard, Lakewood, California. Chairperson Willard H. Murray, Jr. called the meeting to order and presided thereover. Deputy Secretary Abigail C. Andom recorded the minutes.

**1. DETERMINATION OF QUORUM**

Attendees included:

Committee: Directors Willard H. Murray, Jr. and  
Sergio Calderon (Alternate)

Staff: Scott Ota, Jenna Shaunessy

**2. PUBLIC COMMENT**

None.

**3. MINUTES OF THE MEETING OF NOVEMBER 8, 2010**

Approval of the minutes was deferred to next month's meeting.

**4. HEALTH REIMBURSEMENT ARRANGEMENT**

Chief Financial Officer Scott Ota stated that staff was requested by the Committee to contact the District's health benefit administrator, Flex-Plan Services, Inc., to discuss other alternatives to the existing health reimbursement plan. Specifically, Mr. Ota stated that the Committee directed staff to check if it would be possible for Flex-Plan to allow reimbursement of medical expenses beyond the two years from the end of the plan year in which the date of service occurred.

Mr. Ota called Hillary Aitken, owner of Flex-Plan, who participated via teleconference. Ms. Aitken provided the Committee with information and Internal Revenue Service rulings and regulations. She stated that amendments may be made to the plan but they should be prospective and not retroactive.

Discussion followed and the Committee recommended no change be made to the existing plan.

**5. CPI ADJUSTMENT TO COMMUNICATIONS AND VEHICLE ALLOWANCE**

Discussion followed and the Committee recommended the Board adopt the following changes: (1) Eliminate the disparity between the vehicle allowance received by the Board President and the other directors; (2) Increase the vehicle allowance from \$308 per month to \$500 per month; (3) Increase the communications allowance from \$300 per month to \$400 per month; (4) Apply a consumer price index (CPI) to the vehicle allowance and communications allowance yearly for future adjustments; (5) Apply the CPI adjustment beginning in 2010 and 2011.

The Committee recommended the item be agendaized for the January 2011 Board meeting.

**6. SALARY INFORMATION**

Mr. Ota stated that staff was requested by the Committee to check if the State Controller's office has any legal authority to require the District to submit salary information for posting on the State Controller's website. He stated that District Counsel had provided an opinion which is that the State Controller has the authority to require the District to submit the required salary information.

Discussion followed. The Committee recommended no action is necessary at this time.

**7. COMMITTEE DELINEATION OF DUTIES**

The Committee reviewed the proposed changes to Section 3 of the Administrative Code regarding responsibilities of each standing committee of the WRD. Discussion followed and the Committee recommended the Board approve the changes.

The Committee requested the item be agendaized for the January 2011 Board meeting.

**9. DEPARTMENT REPORT**

Mr. Ota provided an update on the Department's activities. He stated that staff had discussions with Flex-Plan regarding possible changes to the District's existing medical reimbursement claims plan. He stated that staff is also working on drafting the request for proposals (RFP) for District Counsel services and working with Special Counsel regarding items relating to negotiations with the employees' association. Mr. Ota stated that staff has also been working with District Counsel on public records requests.

**9. DIRECTOR'S REPORTS, INQUIRIES AND FOLLOW-UP OF DIRECTIONS TO STAFF**

The next regularly scheduled meeting is Monday, January 10, 2011 at 12:00 p.m.

**10. ADJOURNMENT**

With no other business to come before the Committee, the meeting was adjourned at 1:28 p.m.

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Chairperson

ATTEST:

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Director



## MEMORANDUM

ITEM NO. 4

*Prepared by: Abbie Andom  
Reviewed by: Scott M Ota  
Approved by: Robb Whitaker*

**DATE: JANUARY 10, 2011**

**TO: ADMINISTRATIVE COMMITTEE**

**FROM: ROBB WHITAKER, GENERAL MANAGER**

**SUBJECT: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) POLICY**

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### SUMMARY

The Administrative Committee requested a review of the District's compliance with the California Environmental Quality Act ("CEQA") for applicable projects. Interim District Counsel will be present at the Committee meeting to discuss this issue with the Committee.

### FISCAL IMPACT

None.

### STAFF RECOMMENDATION

For discussion.



## MEMORANDUM

### ITEM NO. 5

*Prepared by:* Scott Ota

*Reviewed by:* Scott Ota

*Approved by:* Robb Whitaker

**DATE: JANUARY 10, 2011**

**TO: ADMINISTRATIVE COMMITTEE**

**FROM: ROBB WHITAKER, GENERAL MANAGER**

**SUBJECT: PROPOSED ADMINISTRATIVE CODE AMENDMENTS TO CHAPTER 12 - ELECTRONIC MEDIA/INTERNET POLICY**

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### SUMMARY

For your consideration and direction, attached is amended Chapter 12 of the Administrative Code, which includes a proposed Email Retention Policy ("Policy").

The Policy applies to emails of District officials, offices, employees, volunteers and contractors. The Policy also clearly identifies the types of emails 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, emails 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 the District's business should be retained as public records in accordance with the Policy and subject to the District's Records Retention Policy and Schedule.

Pursuant to the Policy, regardless of the retention requirements, emails 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 emails constituting public records for ongoing or long-term projects. The District may create a local network drive for storage of such emails 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 emails in to the appropriate District file. This way, the back-up tapes and the emails stored on the District's server can be purged as permitted by the Records Retention Policy and Schedule.

The Policy further provides that because emails and email systems may not be used for permanent storage of District records, the emails 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 emails, 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 emails is received, the person responsible for the covered records must, using his/her best efforts and by any lawful means available, preserve any email covered by the request until it is determined whether the email 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 email 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**

For discussion.

## 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 performing of 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~~ for any 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 eEmployee 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~~ 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 r~~Request assistance from Information Systems if ~~he or she does not~~ you do not know how to do this.

### ~~12.3~~ 12.2 Policies Regarding Electronic Mail

The official policy of the District is that all electronic mail ("Ee-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

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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 ~~and~~ information.

- a) Any communication by Ee-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 eE-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 eE-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 or other permanent file. Once the copy has been made and forwarded to the file, the e-mail message should be deleted from the system.

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### 12.3 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 eE-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)~~ 3 years.

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

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Comment [m1]: District's IT department should confirm whether the 6 months retention schedule would be acceptable, given District's systems.

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be printed, and filed or saved 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.

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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 eE-mails that are not public records include Ee-mails from friends or family, and Ee-mails from one coworker to another inviting him or her to lunch or coffee.

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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.

**Comment [m2]:** This time frame may be increased or decreased, at the direction of the Administrative Committee and approval by the Board of Directors.

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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.

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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.

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#### **12.4 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.

#### **12.5 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.

#### **12.6 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.

#### **12.7 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.~~
- e) \_\_\_\_\_ The downloading and usage of software obtained from the Internet is prohibited unless it is necessary to the performance of District duties and has been approved by the Network Administrator. 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) f) \_\_\_\_\_ 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) g) \_\_\_\_\_ 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.
- e) h) \_\_\_\_\_ Consistent with other District policies and applicable law, the District reserves the right to monitor any Internet communication passing through District facilities.
- h) i) \_\_\_\_\_ 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) j) \_\_\_\_\_ 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.

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## MEMORANDUM

### ITEM NO. 6

*Prepared by:* Scott Ota

*Reviewed by:* Scott Ota

*Approved by:* Robb Whitaker

**DATE:           JANUARY 10, 2011**

**TO:             ADMINISTRATIVE COMMITTEE**

**FROM:          ROBB WHITAKER, GENERAL MANAGER**

**SUBJECT:       SALARY INFORMATION**

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### SUMMARY

The Board of Directors asked the Administrative Committee to review the possibility of placing WRD salaries on the WRD's website.

At the September 23, 2010 meeting of the Administrative Committee, the Committee asked staff to find out if there is any pending legislation related to posting of salaries for either District staff or Board of Directors members. Staff reported to the Committee on October 21, 2010 that there was no pending litigation requiring the posting of salaries. The Committee also asked staff to look into local government agencies and report on which of the local agencies are posting their salaries on their websites.

At the November 8, 2010 meeting of the Administrative Committee, the Committee asked staff to find out if the State Controller has any legal recourse or binding power to require WRD to submit salary information for posting on the State Controller's website. District Counsel stated that pursuant to Government Code Sections 12463 and 53892, the Controller has the authority to require the District to submit salary information for posting on the Controller's website.

At the December 13, 2010 meeting of the Administrative Committee, the Committee reviewed the item again and recommended that no action was necessary at that time and staff will await the request from the State Controller's office.

Subsequent to that meeting, the WRD has received an official request from the State Controller's Office to provide the Division of Accounting and Reporting with the following information:

- Each and every job position within the district, including those filled by elected or appointed board members, full-time, part-time, temporary or seasonal employees, volunteers, and vacancies for which the special district issues a W-2
- The total 2009 salary, compensation, and benefits paid by the district for each and every job position, even in cases where the job position was occupied for only a portion of the year, or where two or more persons occupied the same job position during different times of the year

Interim District Counsel will be at the meeting to discuss their legal opinion.

**FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

For discussion.



**MEMORANDUM**

**ITEM NO. 7**

*Prepared by: Abbie Andom  
Reviewed by: Scott M Ota  
Approved by: Robb Whitaker*

**DATE: JANUARY 10, 2011**  
**TO: ADMINISTRATIVE COMMITTEE**  
**FROM: ROBB WHITAKER, GENERAL MANAGER**  
**SUBJECT: WORK SCHEDULE**

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**SUMMARY**

This item was requested by the Chair of the Administrative Committee.

**FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

For discussion.



## MEMORANDUM

ITEM NO. 8

*Prepared by: Scott Ota*

*Reviewed by: Scott Ota*

*Approved by: Robb Whitaker*

**DATE: JANUARY 10, 2011**

**TO: ADMINISTRATIVE COMMITTEE**

**FROM: ROBB WHITAKER, GENERAL MANAGER**

**SUBJECT: DEPARTMENT REPORT**

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### SUMMARY

Staff has been working on the following projects:

- Work with Interim District Counsel on procedures relating to the District and transitioning any outstanding items from previous District Counsel
- Work with Legal Counsel regarding items related to the District's negotiation with the labor union
- Work with Legal Counsel on financial data and historical records related to the lawsuit against WRD's replenishment assessment
- Work with Legal Counsel on a public records request in accordance with the California Public Records Request (CPRA) Act received from Sedgwick, Detert, Moran & Arnold, LLP on behalf of Central Basin Municipal Water District (CBMWD)
- Attended and prepared minutes for Board of Directors on 12/8/10,
- Attended and prepared minutes Finance Committee meeting on 12/9/10
- Prepared for Groundwater Contamination Conference held at the WRD Administration Building 12/09/10
- Attended and prepared minutes Administrative Committee meeting on 12/13/10
- Attended and prepared minutes External Affairs Committee meeting on 12/20/10
- Attended and prepared minutes Groundwater Quality Committee meeting on 12/22/10
- Working on various personnel, human resource and legal issues
- Researched and worked with legal firms regarding the California State Controller's Office demand for salary information of special districts
- Work with Interim District Counsel on a public records request in accordance with the California Public Records Request (CPRA) Act received from LBreport.com
- Met with final candidates for Manager of Water Quality position
- Briefed Interim District Counsel regarding items related to the District's CEQA issues
- Concluded ACWA open enrollment period
- Concluded Flex-Plan FSA enrollment period
- Updated and sent out all new year materials such as deferred compensation limits and information regarding the Healthcare Reform Act changes becoming effective January 1, 2011
- Briefed Interim District Counsel on the procedures and requirements of the District regarding the California Public Records Request (CPRA) Act

**FISCAL IMPACT**

None

**STAFF RECOMMENDATION**

For information