

# **Elsinore Valley Municipal Water District's Commitment to Board's Best Management Practices**

## **I. Executive Summary**

### **Comprehensive Organizational Development Plan**

The Elsinore Valley Municipal Water District (District) approved the development of its first Comprehensive Organizational Development Plan (Plan) in September of 2014. The Plan assisted District leadership in better defining appropriate management policies and procedures while improving the overall management efficiency of the District by closely integrating three separate but uniquely linked elements. The three elements of the Plan include development of a Board Member Best Management Practices Handbook, an Organizational Performance Assessment and the 2021 Strategic Plan. This document deals with the first element of the Plan, The **Board's Best Management Practices**.

### **Board's Best Management Practices**

The members of the Board of Directors understand the importance of the role each of them plays in representing the District's customers and ratepayers in the most ethical and accountable manner possible. The legal framework that provides guidance for their roles as either elected or appointed public officials are established in the California Government and Water Codes. Additionally, policies within EVMWD's Administrative Code, further define and guide the Board of Directors and staff on management of the District. Sections 400, 500 and 700 of the Administrative Code were used extensively in the development of the Board's Best Management Practices and are utilized as a complement to this document

To further identify and define expectations of accountability and behavior the Board of Directors and General Manager conducted a thorough review of the Best Practices in early 2021 to ensure that the document paralleled "*standards and expectations for governance that guides organizational performance to achieve superior results.*" The following criteria were used in identifying the appropriate Best Practices:

- Ethical standards and accountable leadership
- Public confidence and integrity
- Protect and ensure public health
- Compliance with the letter and spirit of existing laws and policies
- Dedication to superior service
- Personalized standards of conduct

The process of developing a Board's Best Management Practices consisted of individual meetings with WESA staff, two workshops with the Board of Directors and a review of five separate elements of a proposed Handbook, starting with a review of the existing Government Code and Administrative Code as a first step. The second

step included identifying a set of agreed upon performance expectations for Board Members related to their roles in governance. This included Board and staff behavior expectations in the performance of their official capacity, official representation of the agency at various functions, the working relationship with staff and support of District objectives. The third step of the process included a review of the role and expectations for the official positions of the Board President, Vice-President and for that of a Board Member. The fourth step involved a review of the appropriate manner in which the Board provides direction to staff, the evaluation of the General Manager's staff and the level of respect required for the different roles of staff and of the Board. The final step of the workshop included development of a written expression of Best Practices which was then to be reviewed and signed by each Board Member as a public acknowledgement of the District's commitment to Best Practice expectations and accountability in the form of a Letter of Commitment.

In addition to the signed Letter of Commitment, the Board of Directors and General Manager agreed that a bi-annual review of the approved Board's Best Management Practices Handbook would serve as an ongoing reminder of their roles in policy governance and principles of behavior as a "Best of Class" water utility. The document would also serve as a valuable tool in the orientation of new Board Members as well as future General Managers.

## **II. Introduction**

### **Strategic Vision- Culture-Values**

The District's Board of Directors and its General Manager recognize the importance and value of a positive and constructive culture to the overall performance of the District. This culture in large part is a product of the District's Strategic Vision and the goal of performing as a Best in Class utility, individually and corporately. Whether in the capacity of an elected or appointed Director, or as an employee, their primary responsibility is to provide our customers with safe and affordable water, wastewater, and recycled water services essential to public health.

When considering the adoption of the new Strategic Plan as a part of the overall Comprehensive Organizational Development Plan, the Board of Directors considered a series of Strategic Vision Goals to guide the planning and application of all policies and procedures including the application of the Best Practices identified in this document. It is the responsibility of each Board and staff member to know, understand, and carry out their respective role as outlined in the Board's Best Management Practices as well as the Strategic Vision goals and its objectives within their respective capacities. The Vision Goals that will be considered will include but are not limited to the following categories:

1. Innovative, Creative, proactive, and technologically advanced.
2. "One Water" water sourcing, wastewater treatment, water recycling.
3. Trusted and recognized for positive relationships; Customers, Community, Staff.
4. Fiscally fit and highest value.

### **III. Authority, Role of the Board and General Guidelines**

#### **A. Authority**

The District is an independent public agency, which provides water service to the lands and inhabitants within its boundaries. The District operates under the authority of Division 12 of the Municipal Water District Act of 1911. The District is governed by an elected Board of Directors who has the authority to oversee the business and affairs of the District, including the authority to fix terms and conditions of employment (including compensation) of WESA employees. The Board is authorized to delegate those powers. The Board has the power to employ and set terms and conditions for employment of the General Manager who, in turn, has management authority over WESA employees.

In order for a Board of Directors to function in an effective manner, it is important that Directors understand their respective roles and the relationship to other members of the Board and to the General Manager. This also requires an understanding of the performance expectations necessary to carry out the duties of a Board Member.

The officers of the Board of Directors consist of the President, a Vice-President, Treasurer and Secretary. Officers of the District are selected every year corresponding with the end of the calendar year or as otherwise determined by the Board of Directors.

#### **B. Role of the Board**

The primary role of the Board is to establish policies that guide the District to achieve its mission. The policy decisions of the Board constitute the “action” of the Board of Directors. As such, each Board Member is strongly encouraged to support the actions of the collective Board even when there may be individual opinions.

#### **C. Best Practice General Guidelines**

1. The Board of Directors provides policy direction and leadership for the District.
2. The Board is responsible for ensuring (from a policy perspective) that the District is a progressive, innovative, and well-managed agency.
3. The Board exercises authority only as a Board.
4. The Board understands and provides leadership in regional, state and national issues affecting the operation and management of the District. This action may be supported by the General Manager as required.
5. The Board respects the role of constituents in the governance of the District, encourages their participation and consults with key stakeholders when and where appropriate.
6. Board Members recognize and respect the distinctions between the policy-setting role and the day-to-day implementation of policy by staff.
7. Board Members represent the District in various community and water industry events.

8. Board Members maintain a high level of communication with the General Manager and notify the General Manager of their unavailability in a timely manner.
9. Board Members have equal access to information including staff reports, committee agendas, customer inquiries, background information, etc.
10. Board Members inform the General Manager of any specific information they want to receive from outside agencies or organizations and are provided such information in a timely manner.
11. Board Members may request information from the General Manager, or the District Secretary while notifying the General manager of such request, provided such request does not cause significant disruption in staff workload. The General Manager shall advise if the requested information should be placed on the Board of Directors meeting agenda or the appropriate committee agenda to affect a policy change or approve an expenditure of public funds.

#### **IV. Principles and Performance Expectations of the Board of Directors**

1. The Board and the General Manager function as a participatory team.
2. The Board values a visionary, constructive, high-energy work environment.
3. The Board values open and honest communication, with open agendas.
4. The Board works for the common good of its customers and stakeholders and not for any private or personal interest.
5. Board Members are prepared for meetings.
6. Board Members practice continued professional development in their role as Board Members.
7. Board Members are respectful and considerate of each other and staff.
8. Board Members are expected to receive training and refresher training to assist Board productivity, legislative advocacy, Board governance & operating basics.

#### **V. Board of Directors Interaction and Communication**

1. Board Members maintain informal and professional relationships among one another.
2. Board Members refrain from personal attacks against other fellow Board and staff.
3. Attire at Board meetings, and when representing the District at public events, shall be business attire when appropriate for the event.
4. Board Members are representatives of the District's culture and values at all times and lead by example in their interactions.
5. Board Members are knowledgeable of the District's travel and expense reporting policies.
6. When attending meetings or conferences, Board Members are ambassadors and representatives of the District and conform with behavior that always places the District in a positive light.
7. Board Members are aware of the rules governing communication among Board Members in compliance with the Ralph M. Brown Act and the Public Records Act, and [Rosenberg's Rules of Order](#). This includes communications by electronic, written and verbal means and methods.

8. Board Members function as a team and are not exclusive in their communication and interaction.
9. Board Members will not include false or misleading information in a candidate's statement for a general District election.
10. Outside of scheduled meeting locations for Board Meetings, Committee Meetings and Study Sessions, tours or site visits to District facilities shall be pre-scheduled through the District Secretary and must be accompanied by staff with appropriate knowledge and access to those facilities.
11. Board Members shall have equal access to enter the District Headquarters during business hours.
12. When the Board of Directors participates in social media, communications shall be in compliance with the General Social Media Use policy, Section 1470 of the Administrative Code.

## **VI. Role of the General Manager and Board Interaction with Staff**

### **A. Role of the General Manager**

The most vital relationship in the District is between the Board and the General Manager. The General Manager is the primary agent of the Board, the individual to whom the Board delegates its authority to manage and administer the District's daily operations in accordance with policies approved by the Board. This position is important because to be successful, the District requires leadership and vision from its General Manager. In this capacity, the General Manager has two roles: Chief Executive Officer and top advisor to the Board. As the most visible employee, the General Manager truly represents the District to its many constituencies.

The success of the strong relationship between the Board and the General Manager depends on a shared sense of purpose, open communication, honest and mutual support. Both parties must also understand that the relationship itself is paradoxical with inherent tensions. The General Manager is hired to carry out Board policy directives, and at the same time, is looking to the Board for guidance and leadership.

One of the most important decisions a Board makes is the selection of a General Manager in whom the Board has confidence. The Board must be able to support the decisions of the General Manager and grant him or her the authority to manage and lead the District.

It is the General Manager's responsibility to ensure that the Board Members have the information needed to make Board level decisions. The General Manager provides the same information to all Board Members and will promptly alert them about problems and issues to prevent surprises. Board Members expect the General Manager to make a recommendation on issues before the Board, except those that are strictly a matter of the Board of Directors.

## **B. Board Interaction with the General Manager**

1. The General Manager establishes and presents annual goals, which are approved by the Board of Directors as a part of the formal performance review process.
2. The Board of Directors will provide the General Manager with constructive feedback on his or her performance annually in a written evaluation.
3. Board Members are encouraged to contact the General Manger about any subject related to the operations of the District. Similarly, the General Manger may discuss District related issues with any Board Member.
4. The Board's concerns regarding overall District operations, specific division issues or problems with staff are addressed with the General Manager.
5. The General Manager handles internal District matters. The Board of Directors does not interfere with the day-to-day operations of the District.
6. Board Members should report matters related to safety, concerns for safety, or hazards to the General Manager.
7. If contacted by constituents or officials of neighboring agencies regarding water or sewer related emergencies, Board Members should refer the calls to the General Manager, or in the absence of the General Manager, the General Manager's designee

## **C. Board Interaction with Staff**

1. Board Members shall not direct staff to take a particular action. Requests are made through the General Manager.
2. Board Members may contact the General Manager with questions related to District operations. The General Manager is responsible for ensuring that the requests are handled promptly and accurately.
3. Critical information about District operations is provided to all Board Members in verbal, written or electronic format, by the General Manager or by a designee at the request of the General Manager.
4. Board Members make every effort to contact the General Manager and District Secretary prior to a Board meeting regarding questions related to agenda items so the most accurate and prepared response can be provided. Information provided in response to questions related to the agenda shall be shared with the entire Board of Directors. The Board and staff operate by the "No Surprise Rule" regarding information sharing.
5. Board members should request all documents through the District Secretary.

## **D. Interaction with District Legal Counsel**

1. The District's Legal Counsel operates as an extension of and in collaboration with the Board, the General Manager and staff.
2. The Legal Counsel's primary point of contact is the General Manager.
3. The Legal Counsel regularly consults with the Board and the General Manager on items of concern related to any facet of District operations.

4. When more specialized legal expertise is needed for the District, the Legal Counsel will oversee their work to the extent possible or advise the General Manager on matters of their performance when necessary.
5. The Legal counsel is pro-active in informing and protecting the District and Board of Directors in the performance of their duties from any potential violations and conflicts that may arise.
6. The Legal Counsel meets with General Manager and the Board of Directors annually to review the performance of the Legal Counsel, establish goals and review their contract.
7. Board members recognize that General Counsel represents the District and does not represent individual Board members.
8. Board members shall not request legal research or legal opinions from General Counsel without Board consensus, unless matters are of ethical or conflict of interest concern.
9. Board members shall not request legal assistance or legal advice of a personal or business nature from General Counsel.
10. Board members recognize and acknowledge that the Attorney-Client Privilege, as applied to the District and that as individual Board members, they cannot waive the attorney client privilege of the District and, as such, they shall not disclose legal opinions or advice provided to the District to any third party without the approval of the Board.
11. Any complaints made by one Board member against another should be reported to the General Manager and General Counsel.

## **VII. Selection of the President and Vice-President**

### **A. President of the Board**

1. The President of the Board of Directors is selected by a majority vote of the Board corresponding with the end of the calendar year, unless otherwise modified by the Board.

### **B. Vice-President of the Board**

1. The Vice President of the Board of Directors is selected by a majority vote of the Board corresponding with the end of the calendar year, unless otherwise modified by the Board.

## **VIII. Public & Media Interaction**

### **A. Customer Inquires**

1. All customer concerns and inquiries are referred to the General Manager or an appropriate staff member in their absence.
2. Staff provides the Board with a written or verbal report of a customer concern or inquiry that cannot be handled as a routine manner along with a response to the concern or inquiry.

3. The Board is informed of significant, politically sensitive, urgent and/or repetitive communication inquiries. Staff will research the matter as soon as possible, and provide the General Manager with the appropriate follow-up and response. The General Manager will review the communication prior to dissemination to the Board.
4. Board Members refer responses and inquiries to customer or media concerns either to the General Manager or the President.
5. Inquiries from customers outside of the division of the receiving Board Member shall be forwarded to the Board Member of that customer's division with a courtesy copy to the District Secretary.

## **B. Board of Directors Meetings**

1. All noticed meetings are conducted using Rosenberg's Rules of Order. Rosenberg's Rules of Order provides for constructive and democratic meetings.
2. Special meetings are called by the President. Noticing for special meetings will be in compliance with the Ralph M. Brown Act.
3. All meetings are open meetings in compliance with the Ralph M. Brown Act.
4. The General Manager is responsible for setting the agenda. Any Director may request that an item be placed on the agenda through notification to the General Manager and President. Any member of the public may request that an item be placed on the agenda. The General Manager and the President will determine if the item should be placed on the agenda or referred to the appropriate Committee.
5. The General Manager or his designee informs the Board of items of significance that will be placed on future agendas.
6. Oral communications are allowed for items of significance not on the agenda pursuant to the Ralph M. Brown Act.
7. Directors may ask clarifying questions to ensure that staff provides an appropriate response. During meetings, Directors may respond briefly to public comments and the President may refer matters to the General Manager for follow-up. Occasionally, a prompt response may be offered when an obvious answer or resolution is available. Directors should refrain from debating or making decisions in response to public comments. If direction is made for a staff member to assist the customer with the public comment, Board Members may contact that customer independently.
8. The President presides at all meetings. The President decides all points of order and procedure during meetings. The President cannot make a motion but may second a motion on the floor. The President is responsible for maintaining an orderly progression of the business before the Board, and to the extent possible regulates the amount and type of input from the public and from Directors and staff.
9. Each Director may ask clarifying questions to the person or persons reporting on the item before them and may discuss the item after the presiding officer invites public comments and after a motion has been made.
10. Roll Call votes are required on all Resolutions and Ordinances considered for adoption. A Roll Call vote can be requested by a Director, but at the discretion of the President.



11. The Board works diligently to achieve unanimity on all actions items. At the request of a Director, and the discretion of the President, and prior to a vote where unanimity may not be achieved, the item may be referred back to a Standing Committee to consider a resolution to the issue.
12. Once an agenda item has been voted on, the disposition is considered as the “action” of the Board and subsequently supported by the individual Directors.
13. Directors on the minority side where less than unanimous vote is cast cannot bring back an item for consideration for one year. The majority can bring it back at will.

**C. Consent Calendar Agenda**

1. The District utilizes a Consent Calendar on the Agenda to approve routine business matters, such as minutes, production reports, cash reports and previously approved budgetary items.
2. If a Board Member has a question on a Consent Calendar Agenda item, they are encouraged to contact the General Manager and/or District Secretary for clarification prior to the official meeting, rather than having it pulled for separate discussion during the meeting.
3. Staff is prepared to provide a verbal report on any Consent Calendar Agenda items, when necessary.

**D. Closed Session**

1. All Closed Session discussions and materials are considered legal and confidential information, and as such, are not shared outside the Closed Session Conference unless specific action is taken, and then must be reported out of Closed Session. Closed Session staff reports should be returned to the General Manager immediately following the meeting. Electronic copies of the reports will not be provided to the Board.
2. Closed Session meetings may be held at times other than the regular meetings of the Board of Directors so long as the meeting is posted pursuant to the Brown Act rules.
3. Withholding confidential information that is discussed in Closed Session shall also extend to elected officials from other agencies and the media.
4. A Board Member should refer a request for information regarding a Closed Session item to the General Manager who, in concert with Legal Counsel, will prepare an appropriate response.

## **IX. Role and Responsibility of Standing Committees and Special Committees**

1. Board Committees are given the authority to obtain more information, investigate, and provide a report or recommendation to the full Board of Directors. The committee format allows the Board to conduct its business more efficiently.
2. Any Standing Committee may be formed, renamed, or have functions changed or terminated with approval of the Board.
3. A Standing Committee consists of two Board Members. Standing Committees are open to the public and subject to provisions of the Ralph M. Brown Act.
4. Other Board Members may attend the meetings of the Standing Committees; however, the Brown Act prohibits their participation in the meeting because this constitutes a quorum of the Board.
5. Staff assists members of Standing Committees by preparing agendas, staff reports, distributing materials, and performing other support functions as required. Committee members may request staff assistance through the General Manager.
6. Individuals appointed to Ad Hoc committees serve at the pleasure of the President of the Board, and their participation on the Committee ends upon completion of the project or issue for which the Ad Hoc committee was formed.
7. The Committee Chair is responsible for providing a report of items discussed and/or recommendations to the entire Board at the next available Board of Directors meeting.
8. Copies of committee agendas are made available to the entire Board.
9. Upon request of the General Manager or President, a committee meeting may be scheduled to address an issue requiring attention.
10. If members of committee are in disagreement on a recommendation, the issue is brought to the full Board for consideration.
11. Committee members shall make diligent efforts to attend assigned meetings and events. Members missing 25% or more of regularly occurring meetings, for reasons not associated with District business, may be replaced by another member of the Board, upon Board action.



# ELSINORE VALLEY

MUNICIPAL WATER DISTRICT

## **LETTER of COMMITMENT TO BEST MANAGEMENT PRACTICES**

As a member of the Elsinore Valley Municipal Water District Board of Directors and as the General Manager, I have read the District's Best Practices and understand the expectations placed on me as a representative of the District. I am committed to upholding the public trust and representing the best interest of our customers. I understand that the Board's Best Management Practices Handbook applies exclusively to performance expectations and ethical standards of conduct rather than legal issues. By signing this Letter of Commitment to the Board's Best Management Practices, I am pledging my commitment to uphold a standard of integrity and competence beyond what is required by law. I agree to uphold the following principles, which demonstrate my commitment to the District:

1. I will recognize the value of individual members and appreciate their talents, perspectives and contributions.
2. I will help create an atmosphere of respect and civility where individual members, staff and the public are free to express their ideas and work together to their full potential.
3. I will conduct my personal business and public affairs with honesty, integrity, fairness and respect for others.
4. I will keep the common good as my highest purpose and focus on achieving constructive solutions for the public's benefit.
5. I will avoid and discourage conduct which is divisive or harmful to the best interests of the Elsinore Valley Municipal Water District.
6. I will treat all people with whom I come into contact within a manner in which I wish to be treated.

Name \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Title or Official Position