



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

MALAGA COUNTY WATER DISTRICT

MISSION STATEMENT

The mission of the Malaga County Water District shall be to manage the natural resources with which the district is entrusted, to provide a reliable, high-quality water supply, healthful and sanitary wastewater services, safe and accessible recreation and park facilities for the citizens of Malaga and protect and preserve the environment for future generations. In carrying-out its mission, the Malaga County Water District will ensure fair and equitable rates and charges, provide responsive and helpful customer services, ensure a fair and open process involving the public, exercise responsible financial management, promote ethical behavior in the conduct of district business, provide a healthy work environment, promote equality and diversity in personnel matters and contracting and shall promote environmental responsibility.

Secretary/Manager
MALAGA COUNTY WATER DISTRICT

Date Enacted: 4-27-93
Last Revised: 6/2009



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

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MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Purpose of Board Policies Policy No. 1000

1000.10 It is the intent of the Board of Directors of the Malaga County Water District to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Manual of Policies will serve as a resource for Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.

1000.20 If any policy or portion of a policy contained within the Manual of Policies is in conflict with rules, regulations or legislation having authority over Malaga County Water District, said rules, regulations or legislation shall prevail.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Adoption/Amendment of Policies** Policy No. **1010**

1010.10 Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director, or by the General Manager. The proposed adoption or amendment is initiated by submitting a written draft of the proposed adoption or amendment to each Director and the General Manager through the District office, and requesting that the item be included for consideration on the agenda of the appropriate regular meeting of the Board of Directors.

1010.20 Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require a four-fifths affirmative vote of the entire Board of Directors.

1010.30 Before considering to adopt or amend any policy, Directors shall have the opportunity to review the proposed adoption or amendment at the regular Board of Directors meeting prior to the meeting at which consideration for adoption or amendment is to be given. Copies of the proposed policy adoption or amendment shall be included in the agenda information packet for any meeting of consideration. The agenda information packets with said copies shall be made available to each Director for review at least two (2 days) prior to any meeting of consideration.

Date Enacted: 4-27-93

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Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Conflict of Interest Policy No. 1020

1020.10 The Political Reform Act, Government Code #81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. #18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. #18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix "A" in which members of the Board of Directors and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the Malaga County Water District.

1020.30 Designated employees shall file Statements of Economic Interests with the Clerk of the County of Fresno.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Public Complaints Policy No. 1030

1030.10 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

1030.20 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute of which the individual has been adversely affected.

1030.30 The method of resolving complaints shall be as follows:

1030.31 The individual with a complaint shall first discuss the matter with the Office personnel with the objective of resolving the matter informally.

1030.32 If the individual registering the complaint is not satisfied with the disposition of the complaint by the Office personnel, the complaint may be filed with the General Manager. Within a reasonable time, the General Manager shall meet with the person filing the complaint to resolve the matter. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. A written decision from the General Manager may be requested by the individual filing the complaint.

1030.33 If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager, a written complaint may be filed with the Board of Directors within ten (10) days of receiving the General Manager's decision. The board may consider the matter at the next regular meeting, or call a special meeting. The Board will



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Policy Title: Public Complaints Policy No. 1030

expeditiously resolve the matter. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. A written decision from the Board may be requested by the individual filing the complaint.

1030.40 This policy in no way prohibits or is intended to deter a member of the community or staff member from appearing before the Board to present verbally a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Claims Against the District Policy No. 1040

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use direction and good sense in handling each claim.

1040.10 Property (Land and Improvements) Damage Claims. In the course of the District's operations-(Installation or repair of water/sewer lines; Installation or repair of fire hydrants; performing maintenance on property, equipment or materials) – damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to the private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing: the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the appropriate division manager. The division manager, or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board of Directors, the information will be given to the General Manager. Directors should not independently investigate claims, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Claims Against the District Policy No. 1040

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- (a) Property owner agrees that the proposed repairs are appropriate and adequate;
- (b) Property owner agrees to allow District personnel access to their property to perform the repair work;
- (c) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- (d) Repair work can be accomplished within a reasonable amount of time; and,
- (e) Cost of material for the repairs will be exceed \$500.

If the cost of material for repairs is stated by claimant or estimated by staff to exceed \$500, the owner will be asked to submit their claim in writing on a District claim form (Attached hereto as **Appendix A-5**).

The General Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed \$1,500. A report shall be submitted to the Claims Committee (General Manager and two appointed Board Members) describing the damage claim, including a description of the manner in which it was resolved.

If the cost of material for repairs is stated by claimant or estimated to exceed \$1,500, the claim will be submitted to the Claims Committee. The Claims Committee shall review the claim and receive input from staff in closed session [qualifies as "anticipated litigation" under the Brown Act]. After reviewing the damage claim, the Committee may authorize the work if



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Policy Title: Claims Against the District Policy No. 1040

the cost of material for the repairs will not exceed \$3,000, or may make a recommendation to the Board of Directors. A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant to exceed \$3,000, the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session ["anticipated litigation"] of a regular or special meeting. Action to accept or reject the claim shall be taken in open session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the insurance deductible (currently \$10,000), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1040.20 Property (Vehicles and Unsecured Property) Damage Claims.

All Claims of damage to vehicles or other unsecured property shall be submitted to the General Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Claims Against the District Policy No. 1040

reimbursement of expenses to an amount not to exceed \$1,500. A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved.

The claim will be processed as described above if the cost of material for repairs is estimated to exceed \$1,500.

1040.30 Property Damage Claims On District Form

Except for damage to land and improvements estimated to cost less than \$500, all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all the following:

- (a) The name and post office address of the claimant.
- (b) The post office address to which the person presenting the claim desires notices to be sent.
- (c) The date, place, and other circumstances of the occurrence of transaction which gave rise to the claim asserted.
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim.
- (e) The name or names of the public employee or employees causing the injury, damage, or loss if known.



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Policy Title: Claims Against the District Policy No. 1040

- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code §910 and §910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

1040.40 Account Adjustment Requests [APPROPRIATE FOR UTILITY-TYPE DISTRICTS]

The General Manager, or Board President, in his/her absence, is authorized to adjust a customer's (water, sewer, garbage service) account when their bill reflects usage that is significantly greater than normal, due to accidental loss of water through broken pipes or when faucets are turned on in the owner's absence, etc. (or other type of abnormal account cost), subject to the following conditions:



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Policy Title: Claims Against the District Policy No. 1040

- (a) the customer requests the account adjustment in writing;
- (b) a similar request has not been made within the past 12 months; and
- (c) the account shows no record of being delinquent for more than 60 days during the past 24 months.

Date Enacted: 08/25/2009

Last Revised: 08/25/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Copying Public Documents Policy No. 1050

1050.10 Individuals requesting copies of public documents shall be charged ten cents (10¢) per sheet copied to defray expenses associated with the copying process.

1050.20 Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at no charge. Individuals requesting copies of such documents prior to the Board meeting will be charged ten cents (10¢) per sheet. The copy charge will be levied at Board meetings for copies of documents if more are needed and/or requested in addition to those normally prepared for the public at Board meetings.

Date Enacted: 08/25/09

Date Revised: 08/25/09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Policy Complaints Policy No. 1060

1060.10 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute by which the individual has been adversely affected.

1060.20 The Board of Directors of the Malaga County Water District desires that public complaints be logical and systematic.

1060.30 The method of resolving complaints shall be as follows:

1060.31 The citizen with a complaint shall first discuss the matter with the appropriate Division Manager with the objective of resolving the matter informally.

1060.32 If the citizen registering the complaint is not satisfied with the disposition of the complaint by the Division Manager, the complaint may be filed with the General Manager. Within a reasonable time, the General Manager shall discuss the matter with the plaintiff. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. A written decision from the General Manager may be requested by the plaintiff.

1060.33 If the citizen filing the complaint is not satisfied with the disposition of the matter by the General Manager, a written complaint may be filed with the Board of Directors within ten days of receiving the General Manager's decision. The Board may consider the matter at the next regular meeting, or call a special meeting. The Board will expeditiously resolve the matter and, as such, it will be implemented as if it were the official action of the Board. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The citizen filing the complaint may request a written decision from the Board.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Policy Complaints Policy No. 1060

1060.40 This policy in no way prohibits or is intended to deter a member of the community or staff from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

Date Enacted: 08/25/09

Secretary/Manager

Last Revised: 08/25/09

MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Executive Officer Policy No. 2000

2000.10 The General Manager shall be the Executive Officer of the Malaga County Water District and for the Board of Directors.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Hours of Work and Overtime Policy No. 2010

2010.10 This policy shall apply to all employees.

2010.20 The regular hours of work each day shall be consecutive except for interruptions for meal periods.

2010.30 The work week shall consist of seven (7) consecutive days from 12:01 o'clock A.M. Monday, through midnight Sunday.

2010.40 Overtime is define as:

2010.41 Time worked in excess of forty (40) hours in a work week;

2010.42 Time worked in excess of eight (8) hours on a scheduled workday if a five (5) day, eight (8) hour per day workweek is in effect; or,

2010.43 Time worked in excess of ten (10) hours on a scheduled workday if a four (4) day, ten (10) hour per day workweek is in effect; or,

2010.44 Time worked on a designated holiday.

2010.50 Other than regular hours of work, any time worked by an employee in emergency repair or emergency maintenance of facilities of the District shall be compensated at the overtime rate of pay.

2010.60 Standby and Call-back

A. Purpose. Standby and Call-back hours. In order to maintain the Districts water and wastewater treatment systems and to provide recreational services to the residents of Malaga, it may be necessary for the District to have an employee or employees on standby (on-call) to respond to customer calls, to make repairs to the District's facilities, or to be available for community and recreational department events and activities.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Hours of Work and Overtime Policy No. 2010

B. Procedures. The General Manager or his or her designee may develop procedures to implement this policy. Nothing in this policy or procedures implemented as a result of this Policy shall be construed to impair any employee's ability to switch standby assignments with another employee, allows another employee to assume an assignment or otherwise prevent employees from changing standby assignments with the approval of the General Manager, or his or her designee. It is not the goal of this Policy to control or restrict of the movement of the employees on standby rather, it is the goal of the District that employees on standby will be able to respond to calls or to telephone the General Manager, or other designated person, within a reasonable amount of time, typically less than thirty minutes, from receiving a call for service.

C. Scheduling. A schedule shall be maintained by each department head whereby maintenance employees shall be assigned, on a rotational basis, to be "standby" on weekends, holidays and other times not considered regular hours of work for District employees based on procedure developed by the General Manger or his or her designee. Those procedures should take into consideration the needs of the District, fairness to employees, and flexibility for employees to change standby assignments if they will be unavailable to respond to calls.

D. Standby Compensation. Employees on standby time will be compensated at a rate equal to 2 hours of that employee's base pay for each day on standby. Standby compensation shall be counted toward employee's retirement. Standby time shall not count toward paid time off accumulation.

E. Call-back. If necessary, an employee on standby may be called back to work.

F. Call-back contact. Employees on standby will be issued a District phone or other method of being contacted by the District. Said contact may in the form of a phone call, email, text, or automated call from monitoring equipment on one or more of the District's facilities.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Hours of Work and Overtime Policy No. 2010

G. Call-back response. Employees who receive a Call-back should respond to the call as soon as practicable. The method of response will be determined by the type of call. It is anticipated that most calls will not require the employee on standby to report to a District work site. Rather, it is anticipated that most Call-back calls may be handled by telephone, email, or other electronic communication with employees who are on duty. If for some reason an employee on standby is unable to respond to a call, that employee should notify the General Manager or his or her designee immediately so that the General Manager or his or her designee may coordinate an appropriate alternative response.

H. Call-back compensation. Employees who are on standby who are called back to work shall be compensated as follows:

1. Call-back time shall begin at the time employee is contacted as set forth in paragraph F above.

2. Call-backs that do not require an employee to return to a District worksite, such as those which may be handled by telephone, email, or other form of electronic response; the employee will be compensated for a minimum for 1.0 hours or the actual time of the call, whichever is greater.

3. If an employee on standby must report to a District worksite; then the employee shall be compensated for the actual time required to be at the worksite or 2.0 hours, whichever is greater.

4. Compensation for Call-backs shall be counted toward employee's retirement. Hours work for Call-backs shall count toward the accrual of Paid Time Off.

Date Enacted: 4-27-93

Last Revised: 2/13/2024

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Paid Time Off Policy No. 2020

2020.10 Application. This policy shall apply to all Full-time employees from and after March 1, 2021, Paid Time Off shall be accrued according to the following schedule.

2020.20 Accrual.

- A. At the completion of the first year of continuous employment with the District, full-time employees shall receive forty (40) hours of Paid Time Off ("PTO").
- B. During the second through fifth years of continuous employment with the District, full-time employees shall accrue PTO each year at the rate of eighty (80) hours per year (6.667 hours/month); to a maximum of two hundred (200) hours as set forth in Section 2020.30.
- C. During the sixth through tenth years of continuous employment with the District, full-time employees shall accrue PTO each year at the rate of one hundred twenty (120) hours per year (10 hours/month); to a maximum accrual of two hundred (200) hours as set forth in Section 2020.30.
- D. During the eleventh through nineteenth years of continuous employment with the District, full-time employees shall accrue PTO each year at the rate of one hundred sixty (160) hours per year (13.333 hours/month); to a maximum accrual of two hundred (200) hours as set forth in Section 2020.30.
- E. From and after the twentieth year of continuous employment with the District, full-time employees shall accrue PTO each year at the rate of one hundred sixty (200) hours per year (16.667 hours/month); to a maximum accrual of two hundred (200) hours as set forth in Section 2020.30.
- F. Employees shall not accrue PTO while on leave for any reason.
- G. Part-time, Probational, Seasonal and Temporary employees are not entitled to and shall not accrue PTO.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Paid Time Off Policy No. 2020

2020.30 Accumulation of Paid Time Off.

A. Accrual. PTO shall accrue as set forth above in §2020.20. The forty (40) hours of PTO set forth in § 2020.20(A) shall be available all at once to an employee upon the completion of one year of continuous employment with the District. All other PTO time (§2020.20(B)-(E).) shall accrue, on a prorated bases, and appear on employees' regular pay stubs.

B. Maximum Accrual. Total hours of accrued PTO shall not exceed two hundred (200) hours. At the end of each calendar year, employees who have accrued PTO in excess of two hundred (200) hours shall be paid the amount in excess of two hundred (200) hours at their current regular hourly rate.

2020.40 Use of Paid Time Off.

A. Employees may take their accrued PTO all at once, or gradually, as approved by the General Manager.

B. Employees may only use PTO that they have accrued.

C. Paid Time Off is provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation or to otherwise improve employee morale. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity, contentment of the employee and positive work environment. As such, pay in lieu of time off from work shall not be permitted if avoidable. Employees will be encouraged to take vacations and if necessary, the General Manager or his or her designee may direct an employee to take a vacation and use Paid Time Off to avoid accruals in excess of the maximum.

D. Donation of PTO. In the event that an employee or an employee's family member suffers a catastrophic event or injury that is expected to incapacitate the employee and create a financial hardship because the employee has exhausted all of his/her/their Sick Time and PTO, a full-time employee may donate any portion of their accrued PTO to the employee by making a request that their time be donated to the employee to the General Manager or his or her Designee in on a form prepared by the District. Donated PTO will be paid to the Recipient employee at the hourly rate of the Donating Employee or the Recipient Employee, whichever is lower. Donor and/or Donee will be responsible for paying all taxes associated with a donation.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Paid Time Off** Policy No. **2020**

E. The District will not require an employee to take PTO in lieu of Sick Leave or leave of absence during periods of illness unless required by the FMLA, CFLA, or other law or regulation. However, the employee may elect to take vacation time in case of extended illness where Sick Leave has been fully used accrued PTO hours may be used as permitted or required or at the request of the employee for time off due to disability, pregnancy disability, or the Family and Medical Leave Act or the California Family Rights Act.

F. If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

2020.41 **Terminated employees who have borrowed vacation will have such days deducted from their final paycheck.**

2020.50 **Pay Out at Termination. At termination of employment for any reason, the District shall compensate the employee for his/her/their accumulated PTO at his/her/their straight time rate of pay at the time of termination.**

2020.60 **The District will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used.**



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Paid Time Off** Policy No. **2020**

2020.70 If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

2020.80 Vacations will be scheduled on January 2 of each year and upon approval of the General Manager.

2020.90 Probationary employees shall not accrue vacation time during the probationary period. However, if a probationary employee becomes a regular employee of the District, after twelve (12) months of employment with the District, the period which the employee occupied probationary status shall be included in calculating his/her entitlement to vacation with pay.

2020.95 Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted. Employees are required to take annual vacations.

Date Enacted: 4-27-93

Last Revised: 10-28-97
04-14-09
6/2009
02-23-2021

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Holidays Policy No. 2030

2030.10 This policy shall apply to all employees.

2030.20 The following days shall be recognized and observed as paid holidays:

- 2030.21** New Years Day;
- 2030.22** Martin Luther King, Jr.'s Birthday;
- 2030.23** President's Day;
- 2030.24** Cesar Chavez Day (March 31),
- 2030.25** Memorial Day;
- 2030.26** Independence Day;
- 2030.27** Labor Day;
- 2030.28** Columbus Day;
- 2030.29** Veteran's Day;
- 2030.30** Thanksgiving Day and the Friday following Thanksgiving Day;
- 2030.31** Christmas Day, and one-half day on Christmas Eve;
- 2030.32** New Year's Eve; one-half day.

2030.30 All regular work shall be suspended and employees shall receive one (1) day's pay for each of the holidays listed above. An employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on vacation or had notified the General Manager and received permission to be absent from work on that specific day or days. Recreation staff may be required to work on holidays and substitute other days in its place.

2030.40 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Holidays Policy No. 2030

2030.50 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

2030.60 If any employee works on any of the holidays listed above, he/she shall be paid double pay, or as otherwise specified under Policy #2010, "Hours of Work and Overtime."

Date Enacted: 4-27-93

Last Revised: 7-14-98
2-12-08
6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Pension Funding Plan Policy No. 2036

2036.10 Purpose. The District's Pension Funding Policy will serve as the method the District will use to determine and fund its estimated employer contributions to the District's Money Purchase Plan.

A. This policy will also:

1. Provide guidance in making annual budget decisions;
2. Demonstrate prudent financial management practices;
3. Create sustainable and affordable budgets for pensions;
4. Provide transparency to employees and the public on how the District's pensions will be funded; and
5. Reassure bond rating agencies.

2036.20 Background. The District provides a Money Purchase Pension Plan to its employees. The plan is funded by mandatory contributions by the District and voluntary contributions from employees (as applicable). The applicable policy objectives of this plan as set forth in the report from the Pension Funding Task Force 2013 titled "Pension Funding: A Guide for Elected Officials" are as follows:

- A. Promote Funding Discipline. A commitment to making timely contributions to the District's Money Purchase Pension Plan.
- B. Promote Accountability and transparency. Clear reporting of pension funding that includes the identification of sufficient resources in each year's adopted budget to fully fund the District's employer's contribution to the Money Purchase Pension Plan on behalf of employees.

2036.30 Policy.

- A. Budgeting. Each year, during the District's budget process, the District will identify the estimated pension liability for each enterprise and budget sufficient revenues to ensure that the District can meet its pension liabilities as they become due.
- B. Timely Contributions.
 1. Employee Contributions. The District shall make employee contributions to the Money Purchase Pension Plan for each employee, based on the employee's eligible income and contribution election, no more than 15 days after the end of payroll period.
 2. Employer Contributions. The District shall calculate the employer contribution for each employee based on the employee's eligible income each pay period, subject to the terms and eligibility requirements of the



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Money Purchase Pension Plan document. The District will deposit the employer contribution, as calculated each pay period, for each employee into a restricted bank account to be used for the sole purpose of funding the District's employer share of the Money Purchase Pension Plan. The District will use the funds in the restricted account to make employer contributions to the pension plan administrator/trustee in accordance with and subject to the terms and eligibility requirements of the Money Purchase Pension Plan document.

- C. **Transparency and Reporting.** District employees shall have access to their individual accounts via an online portal provided by the Plan Administrator/Trustee. Additionally, the amount accrued for each employee for each pay period will appear on each employee's pay stub, subject to limitations of the District's payroll service and available space. Additionally, each employee shall receive a report or statement as required or applicable from either the District or the Plan Administrator or Trustee. A report on the District's Money Purchase Pension Plan shall appear in the District's annual audits and shall be published and available online to all employees and the public either in the Audit document or separately, as determined by the District.
- D. **Review of Funding Policy.** The Board of Directors of the District will review this policy, at least every two years, to determine if any changes are needed to ensure adequate resources being available to fund the District's Money Purchase Pension Plan.

Last Revised: 7/16/2024

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Sick Leave Policy No. 2040

2040.10 This policy shall apply to probationary and full-time employees in all classifications.

2040.20 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to General Manager.

2040.30 After six months of employment by the District, employees shall earn sick leave at the rate of one half ($\frac{1}{2}$) working day per month of continuous employment by the District up to a maximum of thirty-six (36) working days (288 hours), at which point, such sick leave shall become paid time off as described in Policy No. 2020. Sick leave accumulated by employees prior to November 1, 1997, shall not be considered in determining whether the maximum amount of accrued sick leave set by this policy has been achieved. With respect to sick leave accrued prior to November 1, 1997, only, employees may, at their election, hold such accrued sick leave or use it in accordance with other provisions of this policy. Upon termination of employment for any reason, including but not limited to retirement, the District shall compensate employees for unused sick leave accumulated prior to November 1, 1997, at the employee's straight time hourly rate in effect as of November 1, 1997. Upon termination of employment for any reason, or retirement, the District shall compensate employees their straight time hourly rate in effect at the time of termination or retirement for unused sick leave accumulated on or after November 1, 1997, up to a maximum of thirty-six (36) days of such accumulated sick leave.

2040.40 Sick leave is not a privilege which an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Sick Leave Policy No. 2040

2040.41 The definition of "immediate family" shall be the same as specified in Section 2050.30 of the Bereavement Leave policy (#2050).

2040.50 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

2040.60 If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager. Employees using sick leave on Fridays or Mondays must provide a doctors excuse.

2040.70 Notwithstanding the foregoing, the employee may accumulate up to an additional thirty-six days of sick leave which may be used for sick leave purposes only and which is not subject to compensation upon termination or retirement. An employee may transfer his or her entitlement to accrued sick leave to any other employee who is absent from work as a result of some catastrophic illness or injury. Such transfer of accrued sick leave pay shall only be made pursuant to written request of the employee whose accrued sick leave is to be transferred. Such requests shall specify the amount of accrued sick leave being transferred.

Date Enacted: 4-27-93

Last Revised: 7-11-00
7-10-07
4-14-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Family and Medical Leave Policy No. 2045

2045.10 The purpose of this policy is to clarify how Malaga County Water District will implement the Family and Medical Leave Act of 1993 (FMLA). The provisions of the employment agreement shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA.

2045.20 Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by Malaga County Water District for at least 12 months, which need not be consecutive; (2) worked for Malaga County Water District at least 1,250 hours during the 12 months immediately preceding the commencement of leave; and, (3) be employed at a worksite where the District employs at least fifty (50) employees within seventy-five (75) miles of the worksite.

2045.30 Leave Benefit.

2045.31 Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a seriously ill child, parent, or spouse. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails

(1) inpatient care in a hospital, hospice, or residential medical care facility; or,

(2) continuing treatment by a health care provider.

2045.32 To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Family and Medical Leave Policy No. 2045

part of the 12-week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without the General Manager's prior approval. If a husband and wife are both employed by Malaga County Water District, the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.

2045.33 Employees on leave who were previously covered by Malaga County Water District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.

2045.34 At the end of the leave the employee will be reinstated to their previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employees will not accrue seniority or employment benefits during the leave period. Malaga County Water District may also require the employee to obtain medical certification that they are able to resume work.

2045.40 Employee Obligations

2045.41 If an employee requests leave for the birth, adoption, or the foster placement of a child, and the need for leave is foreseeable, the employee must provide his or her division manager with at least 30 days' notice. However, if the date of the birth, adoption, or foster placement requires that leave begin in less than 30 days, the employee must provide the division manager with as much notice as practicable. If the employee requests leave because of a serious health condition, the employee must provide the division manager with 30-days notice, or with as much notice as practicable.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Family and Medical Leave Policy No. 2045

2045.42 Employees seeking leave due to a serious health condition must provide the division manager with medical certification regarding their condition. The General Manager may require employees to obtain, at Malaga County Water District's expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider.

2045.43 For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the General Manager's approval. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Bereavement Leave Policy No. 2050

2050.10 This policy shall apply to probationary and full-time employees in all classifications.

2050.20 In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three (3) days. This is in addition to regular sick leave and vacation time. Certification may be required by the General Manager.

2050.30 "Immediate family" is defined as being spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Jury Duty Policy No. 2060

2060.10 This policy shall apply to probationary and full-time employees in all classifications.

2060.20 An employee summoned for jury duty will immediately notify the General Manager. While serving on a jury, he/she will be given a paid leave of absence for the duration of said jury duty. Said paid leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday. It is also conditional upon the employee's conveyance to the District of any compensation received as a juror, not including any travel allowance received.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Continuity Policy No. 2070

2070.10 For probationary and full-time employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits such as sick leave and vacation time. Length of continuous service will also be one of the considerations in promotions, demotions and layoffs.

2070.20 Continuous service with the District will start with the date of employment and will continue until one of the follow occurs:

2070.21 An employee is discharged for cause;

2070.22 An employee voluntarily terminates his/her employment; or

2070.23 An employee is laid off.

2070.30 Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:

2070.31 Absence by reason of industrial disability;

2070.32 Authorized absence without pay for less than thirty (30) days in a calendar year; or,

2070.33 Absences governed by applicable state and/or federal laws such as military or National Guard Service.

2070.40 A re-employment list shall be maintained by the District. The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than full-time work is available and additional employees are needed. The list shall be arranged on the basis of seniority. An individual is considered to have



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Continuity Policy No. 2070

seniority of his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the re-employment list shall be rehired to fill a vacant position within a specific job classification if:

2070.41 He/she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and,

2070.42 He/she has seniority, as defined above.

2070.50 When an individual on the re-employment list is called to work and is unavailable to work, the next person on the list having seniority and satisfying the conditions listed in Section 2070.40, above, shall be called. If an individual is called to work three (3) times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list when he/she notifies the District that he/she has taken a permanent full-time position elsewhere and is unavailable to work for the District.

2070.60 Full-time employees who are laid off will be placed on the re-employment list and shall receive seniority based on previously earned length of service.

2070.70 Previous full-time employees who were laid off and called back for work not being full-time in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Continuity Policy No. 2070

2070.80 Part-time and temporary employees who are hired for a position having full-time status will have previously earned length-of-service maintained in their employment service records.

2070.90 Previous temporary employees who are rehired within eighteen (18) months of their last date of employment shall have their employment service records restored to include previously earned length-of-service.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Employee Status Policy No. 2080

2080.10 A "Full-time" employee is one who has been hired to fill a full-time position in any job classification and has completed his/her probationary period.

2080.20 A "Probationary" employee is one who has been hired to fill a full-time position in any job classification and has less than six (6) continuous months of service with the District. Upon completion of six (6) months of continuous service with the District in said classification, and upon the General Manager's decision to retain said employee, said employee shall be granted full-time employee status.

2080.30 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not full-time in nature. The duration of the work assignment of a temporary employee may range from one (1) day to a maximum of 999 hours of continuous service.

2080.40 A "Part-time" employee is one who is hired to work within any job classification, but whose position is not full-time in nature. The part-time employee works whenever the District's work load increases to a level that full-time employees can not accommodate it. He/she also works standby as discussed in Policy #2010, "Hours of Work and Overtime."

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Uniforms and Protective Clothing** Policy No. **2090**

2090.10 The cost of such uniforms and/or protective clothing, shoes, etc., that employees are required to wear shall be borne by the District.

2090.20 The District has the option of authorizing reimbursements to qualifying employees upon proof of purchase; or, of arranging with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements, and bill the District for the total cost of all products purchased.

2090.30 When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated for any reason prior to completing three (3) continuous months of service after said purchase, a portion of the cost of said items shall be retained from his/her final payment. That portion retained shall be a percentage of the total cost of said items equal to 100% less the ratio of the amount of time worked to three (3) continuous months of regular work.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Vehicle Cost Reimbursement Policy No. 2100

2100.10 When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

2100.20 Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.

2100.30 Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work.

2100.40 Proof of adequate insurance covering collision, personal injury and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Health and Welfare Benefits

Policy No. 2110

2110.10 Medical Insurance. Accident, health, hospital and dental insurance to cover non-occupational injuries and sickness (the “Health Benefits Plan”) for probationary full-time and full-time employees in all job classifications, and their eligible dependents, shall be provided by the District. The scope of coverage and the payment of premiums is subject to periodic review and revision by the Board of Directors. Members of the Board of Directors of the District and their eligible dependents may participate in the Health Benefits Plan provided by the District to employees. The Health Benefits Plan for Directors will be available only to active members of the Board of Directors and shall be unavailable after a Director is no longer an elected or appointed official of the District. In accordance with Government Code §53208.5, the benefits provided to Directors by the Health Benefits Plan may not be greater than the most generous schedule of benefits being received by any group of employees of the District. Directors and employees hired or eligible for benefits on or before February 8, 2022, in lieu of receiving health care coverage for themselves and their eligible dependents who elect not to participate in the Health Benefits Plan provided by the District, shall receive a payment each month, in the cash equivalent of the amount that the District would have otherwise incurred to enroll and maintain the employee or director in the medical insurance portion of the Health Benefits Plan provided by the District (hereinafter referred to as (“In Lieu of Payments”). In Lieu of Payments for directors, employees, and their eligible dependents shall be calculated based on the cost of the medical insurance portion of the Health Benefits Plan in effect on November 25, 2025, and shall not increase if the if the costs of providing such plan increase. A Director may direct and upon such direction the District will pay such In Lieu of Payments into a tax deferred retirement plan or account designated by the Director. Any employee hired or reclassified to a full-time or probationary full-time position on or after February 23, 2022, shall not be eligible for or receive In Lieu of Payments.

Last Revised: 11-25-2025



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Health and Welfare Benefits Policy No. 2110

2110.20 Workers' Compensation Insurance. All District employees will be insured against injuries received while on the job as required by State law.

2110.30 Retirement Plan. Upon achieving full-time employee status (four years), employees shall be enrolled in the District's employee retirement plan.

2110.40 Vision Care Benefit. The District shall provide a vision care benefit plan to all full-time employees and members of the Board of Directors.

2110.50 State Disability Insurance. SDI enrollment is automatic for all regular employees of the District. Employee contributions for SDI will be withheld from each regular employee's wages in an amount determined by the State of California. SDI and sick leave may be used in combination until sick leave is exhausted so that an employee does not receive more than one hundred percent (100%) of salary. Employees having further questions regarding SDI can contact the State of California Employment Development Department or the General Manager for more information.

Date Enacted: 4-37-93

Last Revised: 6-10-08
3-24-09
6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Volunteer Personnel Workers' Policy No. 2115
Compensation Insurance

2115.10 An unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.

2115.11 The Legislature of the State of California has provided through legislation (Labor Code §3363.5) authorization for the inclusion of such coverage in the District's Workers' Compensation Insurance policy.

Date Enacted: 8/25/09

Last Revised: 8/25/09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Educational Assistance Policy No. 2120

2120.10 Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities within the District, or which will prepare them for future career advancement.

2120.20 The District will reimburse full-time employees for approved courses of study on the following criteria:

2120.21 A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of A/B for the class.

2120.22 A refund of one-half ($\frac{1}{2}$) of the cost of tuition and required class materials will be made if the employee received a grade of C for the class.

2120.23 No refund will be made to employees who receive a grade below C for the class.

2120.24 The total amount of reimbursement which will be paid to an employee is limited to \$500 in any calendar year.

2120.30 To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the General Manager or the Board of Directors. Requests for reimbursement should be submitted in writing. The employee will be notified of final approval, or the reasons for disapproval. Those requests for reimbursement which are received after the class begins will be eligible for only one-half ($\frac{1}{2}$) of the usual reimbursement.

2120.40 Upon completion of the class(es) the employee is responsible for sending copies of the grade slips(s) and expense receipt(s) to the General Manager.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Educational Assistance Policy No. 2120

2120.50 Two types of classes are generally eligible for reimbursement per this policy:

2120.51 Classes which are related to the employee's present work assignment or which may prepare him or her for future foreseeable opportunities within the District. Such classes may be taken individually and need not be directed toward a degree or certificate.

2120.52 Classes which are taken as part of the requirement for a degree or certificate. In this case the employee must first have completed the equivalent of two (2) full years of college level study and have reached the equivalent of the "junior" year of a four-year degree program.

2120.60 Only residence courses are approved for reimbursement. Correspondence courses are not reimbursable under this policy.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Pay Periods Policy No. 2130

2130.10 The salaries and wages of all District employees shall be paid bi-weekly.

2130.20 In the event a pay day falls on one of the holidays listed in Policy #2020, "Holidays", the immediately previous working day shall become the pay day.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Advancement of Wages Policy No. 2140

2140.10 This policy shall apply to all District employees.

2140.20 Employees requesting payment of wages in advance of regular pay days as defined in Policy No. 2130, "Pay Periods", shall submit said request to the Secretary Manager.

2140.30 The Secretary Manager may authorize the requested advancement of wages if the amount requested does not exceed the wages accrued (excluding applicable deductions) by the employee to the date of said request.

2140.40 Advancement of wages prior to a regular payday is not a privilege that an employee may use as his/her discretion, but may be authorized by the Secretary Manager at his/her discretion in case of employee necessity and/or personal financial emergency.

2140.50 Requests for advancement of wages may be submitted only once in any pay period, and frequent requests shall be grounds for denial.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Compensation** Policy No. **2150**

2150.10 This policy shall apply to all District employees.

2150.20 **Compensation at Hiring.**

2150.21 New Employees. All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

2150.22 Advanced Step Hiring. If the General Manager finds that qualified applicants cannot be successfully recruited at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range. Whenever advanced step hiring is approved an employee being paid at a lower salary step in the same range may be advanced to the step at which the new employee is appointed.

2150.23 Former Employees. A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

2150.30 **Merit Advancement Within Range.**

2150.31 Performance Evaluation Required. The General Manager shall authorize a merit advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Compensation Policy No. 2150

2150.32 Period of Employment Required for Merit Advancement. Unless otherwise specified herein, each employee shall, in addition to receiving a satisfactory performance evaluation, complete the following required time of employment to be eligible to receive a merit increase:

2150.321 New Employees. A person hired as a new employee shall have a merit advancement date which is six (6) months following the appointment date.

2150.322 Promotion or Demotion. An employee who is promoted or demoted shall have a new merit advancement date which shall be one (1) year from the date of promotion or demotion.

2150.323 Voluntary Demotion. An employee who voluntarily demotes to a position at a lower salary range shall have no change in merit advancement date.

2150.324 Change in Range Allocation. If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

2150.325 Position Reclassification. An employee whose position is reclassified to a position having the same or lower salary range shall have no change in merit advancement date. An employee whose position is reclassified to a position having a higher salary range shall have a new merit advancement date which is one (1) year following the effective date of the position reclassification.

2150.326 Non-Merit Step Adjustments. An employee whose salary step is adjusted to a higher step for reasons other than regular merit advancement shall have a new merit advancement date effective one (1) year from the date of said adjustment.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Compensation** Policy No. **2150**

2150.33 Effective Date. An employee's merit increase shall take place on the first day of the pay period in which his/her merit advancement date falls. The General Manager may delay authorizing the merit advancement up to ninety (90) days beyond the employee's merit advancement date without effecting the normal merit advancement date. In case of such a delay, the employee's merit advancement shall be effective the first day of the pay period following the General Manager's authorization. If authorization for a merit advancement is delayed beyond ninety (90) days from the employee's merit advancement date, the employee shall not be eligible for a merit increase until his/her next normal merit advancement date.

2150.40 **Promotion.**

2150.41 Employees promoted to a position with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, whichever is greater, provided that an employee promoted to a salary range in excess of one (1) range above his/her former range shall receive no less than one (1) range increase, at the same step, in rate.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Gifts Policy No. 2155

2155.10 An employee or his/her immediate family may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

2155.11 Is customary and gives no appearance of impropriety and does not have more than a nominal value;

2155.12 Does not impose any sense of obligation on either the giver or the receiver;

2155.13 Does not result in any kind of special or favored treatment;

2155.14 Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense.

2155.15 Is given and received with no effort to conceal the full facts by either the giver or receiver.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Authorized Leave Policy No. 2160

2160.10 With the approval of the General Manager, an employee may request a leave of absence without pay for a period of up to six (6) months.

2160.20 Such a leave of absence may be taken in conjunction with, and at the conclusion of, an authorized use of vacation.

2160.30 At the conclusion, once the employee who has been authorized leave of absence without pay has used all available vacation and any other accrued leave time, then the continuation of such leave will be without any accrual of pay and/or other benefits available to regular employees of the District.

2160.40 If the employee is disabled or otherwise injured or unable to work, such period of time when the employee is on disability and/or receiving benefits under the District's Workers' Compensation program, shall be considered a period of authorized leave without pay and no other accrual of vacation, holiday, sick leave, shall be allowed during such periods of time, excepting applicable provisions of Policy No. 2070.

2160.50 Due to the District's limited work force, maintenance of job classifications for the term of an authorized leave of absence cannot be guaranteed beyond six (6) months. Employees returning from a leave of absence will be reinstated with the first available job classification for which they are qualified.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Unauthorized Voluntary Absence Policy No. 2165

2165.10 Voluntary absence from work without permission for five (5) consecutive working days shall be considered an automatic resignation.

2165.11 After three (3) consecutive days of voluntary absence from work without permission, the employee shall be notified in writing that the absence will be considered as resignation if it continues consecutively through the fifth working day. Said notice shall provide factual evidence that the employee's absence is voluntary and unauthorized and an invitation to the employee to present his/her version of the "facts" at an informal hearing before a neutral fact-finder.

2165.111 Constructive resignation shall not be determined to have occurred until after the employee has an opportunity to present his/her version of the "facts" at an informal hearing before a neutral fact-finder.

2165.112 The informal fact-finding hearing shall be held within ten (10) days after the end of the five consecutive days of unauthorized voluntary absence.

2165.113 The neutral fact-finder shall be an impartial and disinterested decision maker.

2165.12 The General Manager may, prior to the informal fact-finding hearing, reinstate the employee who has been voluntarily absent without leave for five (5) consecutive days if the employee provides a satisfactory explanation. If the employee is reinstated after providing a satisfactory explanation, back pay for the period of absence may be disallowed, including the employee's use of vacation or "comp" time to cover the period of absence.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Unauthorized Voluntary Absence Policy No. 2165

2165.20 If the neutral fact-finder determines, as a result of the evidence presented at the informal hearing, that the employee was voluntarily absent without leave and did not have a satisfactory explanation, the employee shall not be entitled to a post severance evidentiary hearing and the employee's resignation shall be considered to be effective at the end of the fifth consecutive day of his/her unauthorized voluntary absence.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Performance Evaluation Policy No. 2170

2170.10 This policy shall apply to all employees.

2170.20 The General Manager or his/her designated representative shall conduct a scheduled performance review of each employee prior to the merit advancement date.

2170.30 Performance evaluations shall be in writing on forms prescribed by the General Manager. Said evaluation shall provide recognition for effective performance and also identify areas which need improvement.

2170.40 The performance evaluation shall be signed by the evaluator and shall be discussed with the employee.

2170.50 Unscheduled performance evaluations may be made at the discretion of the General Manager or his/her designated representative.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Grievance Procedure Policy No. 2180

2180.10 This policy shall apply to all full-time employees in all classifications.

2180.20 The purpose of this policy is to provide a procedure by which employees may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation or instruction.

2180.30 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law; District Board of Directors resolutions, ordinances or minute orders, including decisions regarding wages, hours and terms and conditions of employment.

2180.40 Grievance Procedure Steps.

2180.41 Level I, Preliminary Informal Resolution. Any employee who believes he/she has a grievance shall present the evidence thereof orally to his/her immediate supervisor within five (5) working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter within three (3) working days after the presentation of such evidence. It is the intent of this informal meeting that at least one personal conference be held between the employee and the immediate supervisor.

2180.42 Level II, General Manager. If the grievance has not been resolved at the Level I, the grievant must present his/her grievance in writing on a form provided by the District (attached hereto as **Appendix A-1**) to the General Manager within ten (10) working days after the occurrence of the act or omission giving rise to the grievance.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Grievance Procedure Policy No. 2180

2180.421 The statement shall include the following:

- a. A concise statement of the grievance including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted;
- b. The circumstances involved;
- c. The decision rendered by the immediate supervisor at Level I;
- d. The specific remedy sought.

2180.422 The General Manager shall communicate his/her decision within five (5) days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of written decision by the General Manager. Within the above time limits either party may request a personal conference with the other.

2180.43 LEVEL III, Board of Directors. In the event the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as **Appendix A-1**) to the District's Board of Directors within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Grievance Procedure Policy No. 2180

2180.431 The Board of Directors, as soon as possible at a regular monthly meeting of the Board, shall schedule a hearing to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Board of Directors shall thereafter issue a written decision.

2180.50 Basic Rules.

2180.51 If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

2180.52 By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

2180.53 The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

2180.54 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Drug and Alcohol Abuse Policy No. 2190

2190.10 It is the desire of the Board of Directors that all work environments of District Employees be safe and productive and free of the influence of drugs, alcohol and/or other controlled substances. The Board of Directors is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

2190.20 The use (except as prescribed by a physician), sale, possession, purchase or transfer of drugs, alcohol and/or other controlled substances by any District employee or officer on District property or work sites or while said employee or officer is on District business is prohibited.

2190.21 Employees are also prohibited from being under the influence of drugs, alcohol and/or other controlled substances during hours of work where such substances could impair the fitness of an employee to perform his/her work.

2190.22 Commission of any of the actions described above will subject the employee to disciplinary action up to and including termination.

2190.23 For the purpose of applying this policy, being under the influence of drugs, alcohol and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substances in one's body.

2190.30 The decision to discipline or terminate an employee found to have used and/or be under the influence of drugs, alcohol and/or other controlled substances during working hours may be waived or held in abeyance by the General Manager pending said employee's attempt at rehabilitation. The General Manager has discretion to handle each case individually with factors such as the employee's frequency of use, commitment to rehabilitation, and type of substance taken into consideration regarding the waiving of penalties.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Drug and Alcohol Abuse Policy No. 2190

2190.31 Discipline or termination that is waived or held in abeyance pending rehabilitation should be done on the condition, set forth in writing, that the employee:

2190.311 Successfully complete an approved rehabilitation program;

2190.312 Faithfully comply with maintenance and therapeutic measures (e.g., attendance at AA or NA meetings); and,

2190.313 Be subject to periodic testing without further reasonable cause.

2190.32 Employees who are found to have brought drugs, alcohol or other non-prescription controlled substances onto District property or work sites and to have provided them to other employees shall be terminated without recourse to a rehabilitation program.

2190.33 Discipline or termination should not be taken until a thorough investigation has been completed.

2190.40 To assure that employees, property and equipment are not endangered by other employees who are involved with, or under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance speech or other characteristics create a reasonable suspicion of involvement with, or influence of said substances will be taken to a medical facility and be subject to an exam by a qualified physician at District expense. If said physician determines that a drug/alcohol test is warranted, said employee will be subject to testing for the presence of alcohol or drugs in their bodies.

2190.41 Presence of such substances will result in disciplinary action up to and including termination, as described above.



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Policy Title: Drug and Alcohol Abuse Policy No. 2190

2190.42 An employee who is suspected of involvement as described above and refuses to cooperate in the physician's exam and/or drug/alcohol testing is subject to termination.

2190.50 If a qualified physician, as a part of the examination specified in Section 2190.40 above, determines that an employee is not capable of working safely, said employee will be transported to his/her home by a supervising employee and not allowed to drive himself/herself home.

2190.60 Immediately prior to reporting for drug/alcohol testing, all employees shall complete a Consent and Release form to be kept on file in the District office which shall conform to the general format, as shown on **Appendix A-2**.

2190.70 District employees are required to notify the General Manager in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five (5) calendar days after such conviction.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Substance Abuse Policy No. 2192

2192.10 The purpose of this policy is to assure worker fitness for duty and to protect District employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 DFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988", which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

Malaga County Water District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

2192.11 APPLICABILITY

This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.



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Policy Title: Substance Abuse Policy No. 2192

A safety-sensitive employee is:

(a) One in any classification requiring the use of a Class "A" or Class "B" commercial drivers license, as listed in **Appendix A-3**;

(b) One who has voluntarily driven a District vehicle requiring a commercial license within the last 12-month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or

(c) One who performs safety-sensitive functions as specified in **Appendix A-3**. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

2192.12 PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

2192.121 Drugs: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

2192.122 Alcohol. The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

2192.123 Legal Medications. Using or being under the influence of any legally prescribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use or influence



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affects job safety or effective and efficient job performance. An employee who feels his/her performance or work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

2192.13 PROHIBITED CONDUCT

2192.131 Manufacture, Trafficking, Possession and Use. Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), and may result in discipline up to and including termination of employment.

2192.132 Impaired/Not Fit for Duty. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

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2192.133 Alcohol Use. No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision is prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.

2192.134 Compliance with Testing Requirements. All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

2192.135 Treatment/Rehabilitation Program. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

2192.135.1 Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee



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must follow the rehabilitation program recommended by the SAP and agree to sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one (1) year or longer than five (5) years.

2192.135.2 Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the General Manager or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

2192.14 NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988", any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

2192.15 PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy,



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concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

2192.161 Circumstances Under Which Employees May Be Tested

2192.161.1 *Pre-Employment Testing.* All job applicants who have been offered District employment, including current non-safety-sensitive employees who promote, demote or transfer to such positions, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide "clean" records from previous employers will fail to complete the District's probationary period.



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2192.161.2 Reasonable Suspicion Testing. All employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the affects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

- (a) Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- (b) Physical signs and symptoms consistent with prohibited substance use.
- (c) Occurrence of a serious or potentially serious accident that may have been caused by human error.
- (d) Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.

Reasonable-suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

2192.161.3 Post-Accident Testing. Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.



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Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

2192.161.4 *Random Testing.* Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

When safety-sensitive employees are off work due to long-term lay-offs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, 25% of the employee pool is tested for alcohol and 50% for substance abuse. The employee pool will either be all Malaga County Water District safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

2192.161.5 *Return-to-Duty Testing.* All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing



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following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.

2192.161.6 Employee Requested Testing.

Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

2192.162 Records Retention. The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and, employee evaluations and referrals. Records will be kept for a minimum of two (2) years regarding the alcohol and controlled substance collection process. Records will be kept for a minimum of one (1) year regarding the following: collection process; collection logbooks; documents or random selection process; calibration documents for breath testing device; and, documentation of breath alcohol technician training.



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2192.17 EMPLOYEE ASSESSMENT

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An SAP is District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and critically experienced in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse. If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

2192.18 TEST RELATED TIME-OFF WORK PROVISIONS

Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, administrative leave, personnel necessity leave or floating holidays, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.



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2192.19 CONTACT PERSON

Any questions regarding this policy should be directed to the following District representative:

Name: Russ Holcomb
Title: Secretary-Manager
Address: 3580 S. Frank Street, Fresno, CA 93725
Telephone: (559) 485-7353

2192.110 DEFINITIONS

2192.110.1 Accident – An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

2192.110.2 Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

2192.110.3 Alcohol Concentration – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).

2192.110.4 Alcohol Use – Consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).



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2192.110.5 *Breath Alcohol Technician (BAT)*

– A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BAT's are the only qualified personnel to administer the EBT tests.

2192.110.6 *Chain of Custody* – The

procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

2192.110.7 *Collection Site* – A place

designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breath.

2192.110.8 *Commercial Motor Vehicle* – A

motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight ratio of 26,001 or more pounds inclusive or a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

2192.110.9 *Confirmation Test* – For alcohol

testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)



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2192.110.10 *Controlled Substance (Drug)*

Test – A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the DHHS guidelines. The primary (initial screening) controlled substance test thresholds (subject to change based on DHHS guidelines) for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolites	50 ng/mi
Cocaine Metabolites	300 ng/mi
Phencyclidine (PCP)	25 ng/mi
Opiates Metabolites	3200 ng/mi

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolite (THC) ²	15 ng/mi
Cocaine Metabolite ³	150 ng/mi
Phencyclidine (PCP)	25 ng/mi
Opiates	
Morphine	300 ng/mi
Codeine	300 ng/mi
Amphetamines	
Amphetamine	500 ng/mi
Methamphetamine ⁴	500 ng/mi



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²Delta-9-tetrahydrocannabinol-9-carboxylic acid

³Benzoylcegonine

⁴Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

2192.110.11 *Covered Employee* – A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.

2192.110.12 *Department of Transportation Guidelines* – The controlled substance and alcohol testing rules – 49 CFR Part 382 (FWHA-Commercial Motor Vehicle) – setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.

2192.110.13 *District - Malaga County Water District*

2192.110.14 *District Time* – Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

2192.110.15 *Driver* – Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.

2192.110.16 *Drug – (Controlled Substance) Metabolite* – The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.



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2192.110.17 *Evidential Breath Testing Device (EBT)* – The device to be used for breath alcohol testing.

2192.110.18 *Medical Review Officer (MRO)* – A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

2192.110.19 *Performing (Safety-Sensitive Function)* – A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

2192.110.20 *Post-Accident Alcohol and/or Controlled Substance Testing* – Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See "Accident."

2192.110.21 *Pre-Employment Controlled Substance Testing* – Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.

2192.110.22 *Prohibited Drugs (Controlled Substances)* – Marijuana, cocaine, opiates, amphetamines, or phencyclidine.

2192.110.23 *Prohibited Substances* – Synonymous with drug abuse and/or alcohol mis-use of abuse.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

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2192.110.24 *Random Alcohol and/or Controlled Substance Testing* – Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.

2192.110.25 *Reasonable Suspicion Alcohol and/or Controlled Substance Testing* – Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

2192.110.26 *Refuse to Submit (to an Alcohol and/or Controlled Substance Test)* – Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).

2192.110.27 *Rehabilitation* – The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.

2192.110.28 *Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance Testing* – Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty upon the SAP recommendation.



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2192.110.29 *Return-to-Duty Agreement*

– A document agreed to and signed by the General Manager or his/her designee, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.

2192.110.30 *Safety-Sensitive Employee*

(Function and/or Position) – An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in **Appendix A-3** of this policy.)

2192.110.31 *Screening (Initial) Test* –

An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration.

2192.110.32 *Substance Abuse*

Professional (SAP) – A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of an clinical experience in the diagnosis and treatment of drug and alcohol related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

2192.110.33 *Supervisor* – Foreman,

Superintendent, Division Manager or General Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse.



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2192.110.34 *Vehicle* – Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

2192.20 PROCEDURES

2192.21 REASONABLE SUSPICION TESTING

2192.21.1 An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.

Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any supervisor (employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action). The supervisor must witness first-hand the employee's signs and symptoms.

2192.21.2 The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.

2192.21.3 When the supervisors(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a drivers license photo or state-issued photo identification card.

Whenever practical, the General Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.



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2192.21.4 At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.

2192.21.5 The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a District employee (or others designated).

2192.21.6 The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

2192.22 RANDOM TESTING

2192.22.1 The compliance company notifies the General Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.



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2192.22.2 The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a drivers license photo or state-issued photo identification card.

2192.22.3 At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

2192.22.4 The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

2192.22.5 The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.



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2192.23 POST-ACCIDENT

2192.23.1 The safety-sensitive employee notifies a supervisor that an accident has occurred.

2192.23.2 The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.

2192.23.3 At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

2192.23.4 The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.

2192.23.5 The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.



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2192.23.6 The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

2192.24 RETURN-TO-DUTY and FOLLOW-UP

2192.24.1 The compliance company notifies the District to send the employee to the collection site for alcohol and controlled substance testing.

2192.24.2 The supervisor notifies the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a drivers license photo or state-issued photo identification card.

2192.24.3 At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

2192.24.4 The employee whose confirmation test results indicate an alcohol concentration greater than 0.02, or whose controlled substance test is verified positive will be terminated from employment.



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2192.25 CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

2192.25.1 At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.

2192.25.2 Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.

2192.25.3 Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

2192.25.4 A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

2192.26 SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

2192.26.1 An employee is observed with a strange and/or unrecognizable substance.

2192.26.2 The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the witness.



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2192.26.3 An incident report is written by the supervisor and signed by both the supervisor and the witness.

2192.26.4 The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

2192.27 ALCOHOL CONCENTRATION

2192.27.1 The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.

2192.27.2 After an explanation of how the breathalyzer works, an initial breath sample is taken.

2192.27.3 If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.

2192.27.4 The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

2192.28 DEVIATIONS FROM PROCEDURES

Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Use of Tobacco Products Within the District Policy No. 2195

2195.10 Ample research exists demonstrating the health hazards of the use of tobacco products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, the smoking of tobacco products shall be banned completely within District buildings or confined spaces, or in District vehicles.

2195.11 The successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility of adhering to this policy.

2195.20 All District employees will be responsible for advising members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Said individuals shall be asked by staff to refrain from smoking.

2195.21 Members of the public who refuse to comply with this policy may be directed by all District employees to leave District property.

2195.30 District employees who violate this policy will be subject to disciplinary action in accordance with Policy #2260.

Date Enacted: 4-27-93

Secretary/Manager

Last Revised: 6/2009

MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Smoke-Free Workplace Policy No. 2197

2197.10 Smoking is prohibited within the buildings and facilities of the Malaga County Water District. Those who smoke are requested to do so outdoors.

2197.20 Extra care should be taken when working around combustible materials, or out in the field.

2197.21 Personnel who smoke in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner, using vehicle ashtrays, etc.

2197.30 Smoking is allowed in non-district vehicles with only one occupant.

Date Enacted: 8-25-09

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Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Pre-Employment Physical Examination** Policy No. **2200**

2200.10 All job applicants for full-time, temporary and part-time employment who are seriously being considered for hiring may be required to submit to a physician's examination and drug screen at District expense.

2200.11 No employment commitment shall be made until a negative drug screen result is obtained and a qualified physician has certified the applicant is qualified to do the type of work required by the position being applied for.

2200.12 Applicants who refuse to cooperate in the examination and testing shall not be considered further for employment.

2200.13 Applicants who have a positive drug test result shall be denied employment.

2200.20 Retesting of an individual who was previously employed on a temporary part-time or full-time basis will be required if more than three (3) months have elapsed since said individual's last day of work for the District.

2200.30 Appointments with the medical facility providing the examination and drug testing shall be made at least one day prior to testing, if possible, with the applicant provided minimal advance notice (no more than one day, if practical).

2200.40 When the applicant reports to the medical facility for the scheduled examination and drug testing, identification shall be provided to said facility in the form of a photograph and verifiable signature (e.g., vehicle operator's license).



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Policy Title: Pre-Employment Physical Examination Policy No. 2200

2200.50 All test results shall be kept confidential. The applicant may be told he/she failed to pass the test, but only the General Manager and other authorized confidential employees shall have access to the actual test results.

2200.60 District employment application forms shall contain a notice to applicants as follows:

Malaga County Water District has a policy of requiring a physician's exam, together with urine and blood testing of persons who are under serious consideration for employment. Persons who do not receive said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in their body will not be considered further. If you have reason to believe that you will not pass a physician's examination or will register positive on a drug test, or if you are unwilling to consent to such a test or examination, it is recommended that you not submit an application.

2200.70 Immediately prior to reporting for drug testing, all job applicants shall complete a Consent and Release Form to be kept on file in the District office which shall conform to the following general format: (refer to **Appendix A-2**)

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Sexual Harassment Policy No. 2210

2210.10 Purpose. It is legally mandated by State and Federal laws that employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964 and California Government Code Section 12940. Sexual harassment is a costly form of discrimination that can result in expensive litigation that may result in back pay or punitive damage awards, withdrawal of Federal support funds and/or other adverse actions. District employees have a grave responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the people it serves. It is, therefore, the policy of the Malaga County Water District that sexual harassment is unacceptable and will not be tolerated.

2210.20 Definition. Sexual harassment is generally defined as unsolicited and unwelcomed sexual advances of a severe and/or pervasive nature, be they written, verbal, physical and/or visual, that usually occur when:

2210.21 Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment;

2210.22 Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee; or,

2210.23 Such conduct or communication has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment.

2210.30 Definition Examples. Sexual harassment manifests itself in many forms. The following are a few examples of sexual harassment:



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

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2210.31 Written: sexually suggestive or obscene letters, notes or invitations.

2210.32 Verbal: sexually derogatory comments, slurs, jokes, remarks or epithets.

2210.33 Visual: leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons or posters.

2210.34 Physical: assault, attempted rape, impeding or blocking movement, or touching.

2210.35 Other:

2210.351 Sexual advances which are unwanted (this may include situations which began as reciprocal attractions, but later ceased to be reciprocal).

2210.352 Women in nontraditional work environments who are subjected to hazing (this may include being dared or asked to perform unsafe work practices, having tools and equipment stolen, etc.) if requests for sexual favors are not met.

2210.353 Employment benefits affected in exchange for sexual favors (may include situations where an individual is treated less favorably because others have acquiesced to sexual advances).

2210.354 Implying or actually withholding support for appointment, promotion, transfer or change of assignment; or initiating a rejection on probation or adverse action; or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

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2210.355 Reprisals or threats after negative response to sexual advances.

2210.40 Policy Publicizing. All employees shall be informed of the District's sexual harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

2210.41 All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be disclosed with said employee at that time by the General Manager or Supervisor.

2210.42 An annual bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy. Said bulletin shall also include summaries of cases involving sexual harassment, including examples of back pay, punitive damages and personal financial liability of supervisors.

2210.43 Within three (3) working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.

2210.50 Complaint Process. Any employee who believes they are the victim of sexual harassment may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

2210.51 An informal complaint is made verbally by the employee to his/her immediate supervisor. Although filing the complaint with said immediate supervisor is preferred, the employee is free to file his/her complaint with any supervisorial employee.



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2210.52 A formal complaint is made in writing, using the "Employee Grievance Form," attached hereto as **Appendix A-1**, and made a part thereof. Said form should be submitted by the employee to his/her immediate supervisor. Although submitting the formal complaint with said immediate supervisor is preferred, the employee is free to submit his/her formal complaint with any supervisory employee, or with the Chairman of the Board of Directors if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

2210.60 Complaint Response Process. Any supervisory employee who receives a formal or informal sexual harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the General Manager.

2210.61 Within twenty-four (24) hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall be conducted by the General Manager. Said investigation shall be conducted by an objective third party if the General Manager is unavailable or personally involved in said complaint.

2210.62 A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the General Manager.

2210.63 All discussions resulting from said investigation shall be kept confidential.

2210.64 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

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2210.70 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found. Whatever punishment is meted out to the harasser shall be made known to the victim of the harassment.

2210.71 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

2210.72 Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims.

2210.73 Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

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Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Harassment Policy No. 2215

2215.10 Malaga County Water District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment (see Policy #2210) and harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District - supervisors and co-workers.

2215.20 Harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including, but not limited to the following behavior:

2215.21 Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;

2215.22 Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;

2215.23 Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis; and,

2215.24 Retaliation for having reported or threatened to report harassment.

2215.30 If any employee of the District believes that they have been harassed, they should provide a written complaint to their supervisor, a division manager, the Administrative Assistant to the General Manager, or the General Manager as soon as possible after the incident. Their complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness(es).



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Harassment Policy No. 2215

2215.31 Staff receiving harassment complaints will refer them immediately to the General Manager or the President of the Board of Directors (in the event the complaint involves the General Manager) who will undertake an immediate, thorough and objective investigation of the harassment allegation(s).

2215.40 If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to and including termination. Whatever action is taken against the harasser will be made known to the employee lodging the complaint, and appropriate action will be taken to remedy any loss to the employee resulting from the harassment. Retaliation by management or co-workers against anyone filing a complaint will not be permitted or tolerated.

2215.50 Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Affirmative Action Policy No. 2220

2220.10 It is the policy of Malaga County Water District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

2220.20 This policy contains two major commitments:

2220.21 To recognize both a moral and legal obligation to work toward a work force composition reflecting the mix of ethnic minorities and women in the labor markets from which the District draws its staff.

2220.22 To make a demonstrable and deliberate effort in hiring to solicit applications from minority and women candidates in all cases where their representation is below the labor force standard.

2220.30 Allegations of wrongdoing such as arbitrary and discriminatory action should be made through the "Grievance Procedure," as described in Policy #2180, or complaints to regulatory agencies.

Date Enacted: 4-28-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Equal Opportunity Policy No. 2225

2225.10 The District employs persons having the best available skills to efficiently provide high quality service to the public.

2225.20 The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reduction in force, reinstatement, and all other matters of employment.

2225.21 Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, handicap, veteran status, or any other factor unrelated to job performance.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Nepotism Policy No. 2230

2234.14 No member of the Board of Directors shall vote, make recommendations, or in any way participate in decisions about any personnel matters which may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a relative who is a full time District employee.

2234.141 Repealed.

Date Enacted: 4-27-93

Last Revised: 11-23-99
01-25-05
04-26-05
6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Outside Employment Policy No. 2240

2240.10 No District employee shall be permitted to accept employment in addition to or outside of District service if:

2240.11 The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,

2240.12 The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,

2240.13 The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

2240.20 An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities or other District resources in connection with said employment.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Separation from District Policy No. 2250
Employment

2250.10 Resignation. To leave District service in good standing, an employee must file a written notice of termination with the General Manager at least two (2) weeks before the effective date. The General Manager may, however, grant good standing with less notice if he/she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

2250.20 Layoffs. Whenever, in the judgment of the District Board it becomes necessary due to the lack of work, lack of funds or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or demoted as set forth herein.

2250.21 Employees to be laid off shall be given at least fourteen (14) calendar days' prior notice.

2250.22 Except as otherwise provided, whenever there is a reduction in the work force, the General Manager shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off (in accordance with #2250.20 of this policy) is qualified.

2250.23 An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For the purpose of this document, seniority includes all periods of full-time service at or above the retreat position being considered.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Separation from District Policy No. 2250
Employment

2250.241 Employees retreating to a lower position shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.

2250.25 Temporary, provisional, and probationary employees shall be laid off according to the needs of the service as determined by the General Manager. In cases where there are two or more tenured positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the position, providing such rating has been filled at least 60 days prior to layoff as follows:

2250.251 First, all employees having ratings of "Unsatisfactory;"

2250.252 Second, all employees having ratings of "Marginal;"

2250.253 Third, all employees having ratings of "Less Than Satisfactory;"

2250.254 Fourth, all employees having ratings of "Satisfactory;"

2250.255 Fifth, all employees having ratings of "Commendable;"

2250.256 Sixth, all employees having ratings of "Superior;" and,

2250.257 Seventh, all employees having ratings of "Exceptional."



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Separation from District Employment Policy No. 2250

2250.258 Employees within each of the rating categories shall be laid off in order of least seniority first.

2250.26 The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. The re-employment list shall be used by the General Manager when a vacancy arises in the same or lower position before certification is made from an eligibility list.

2250.27 Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to tenured positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list. Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the discretion of the General Manager, the list may be extended for an additional year.

2250.30 Dismissal of Tenured Employees. A tenured employee may be dismissed at any time by the General Manager for cause, and after consulting with District Counsel.

2250.31 The following shall constitute sufficient cause for dismissal, however, it is understood that this is not an exhaustive list and other actions may also constitute sufficient cause for dismissal.

2250.311 Conviction of a felony;

2250.312 Fraud in securing employment;

2250.313 Misappropriation of District funds or property;



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Separation from District Employment Policy No. 2250

2250.314 Intentional or gross misconduct; and,

2250.315 Failure to respond or improve regarding an item specified in #2260.20, "Grounds for Discipline," of Policy No. 2260, "Disciplinary Action," after an evaluation or corrective action plan has failed to produce an improvement to performance.

2250.316 Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties.

2250.317 Severe physical or mental disability.

2250.32 A probationary employee may be dismissed at any time during a probationary period without right of appeal or hearing. In case of such dismissal, the General Manager shall notify the dismissed probationary employee in writing that he/she is being separated from District service.

2250.33 Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.

2250.40 Notice of Dismissal. All employees shall be provided with a notice of dismissal. This notice shall be prepared by the General Manager after consultation with District Counsel and shall contain the following:

2250.41 A description of the proposed action and its effective date or dates, and in the case of a tenured employee, the ordinance, regulation or rule violated;



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Separation from District Employment Policy No. 2250

2250.42 A statement of the acts or omissions upon which the action is based;

2250.43 A statement that a copy of the materials upon which the action is based are attached or available for inspection upon request; and,

2250.44 In the case of a tenured employee, a statement advising the employee of the right to file an appeal as provided in #2250.50 of this policy.

2250.50 Procedures for Disciplinary Action and Dismissal of Tenured Employees.

2250.51 A tenured employee may, upon receipt of a notice of dismissal or disciplinary action, appeal in writing to the General Manager within five (5) working days of the date of the notification. The General Manager shall then schedule an informal hearing at which the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of dismissal. The hearing guidelines and format shall be available upon request. The General Manager shall issue his/her opinion and decision within ten (10) working days of the hearing and may, if the General Manager finds that the dismissal was not justified, he/she may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Confidentiality Regarding Resignations¹ Policy No. 2251

2251.10 To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation from the District.

2251.11 This policy is itself a public record which the District must release upon request.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Letters of Recommendation¹ Policy No. 2255

2255.10 The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interests of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law. Therefore, the General Manager or his/her designee is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the General Manager or his/her designee before dissemination.

2255.11 The General Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the General Manager or his/her designee.

2255.12 At his/her discretion, the General Manager or his/her designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Disciplinary Action Policy No. 2260

2260.213 Conduct unbecoming a District employee.

2260.30 All acts of discipline will be accompanied by a letter of warning to the employee stating the reasons and grounds for such discipline. The employee must acknowledge receipt of the warning by signing the letter at the time of presentation; this signature signifies only receipt of the document, not necessarily agreement to the contents. The employee may, before the conclusion of the next regular working day, respond in writing to the contents of the letter of warning.

2260.40 All negative evaluations or letters of warning shall remain part of the employee's personnel file. Negative evaluation shall not be used by the General Manager in decisions to dismiss if the performance has improved or the action which merited a warning has not recurred, each/both for a period of at least one (1) year.

2260.50 Any disciplinary action which may result in suspension without pay shall be set forth in writing to the employee at least five (5) working days before the proposed effective date or dates. This notice shall be prepared by the General Manager after consultation with the District Counsel and shall contain the following:

2260.51 A description of the proposed action and its effective date or dates, and the ordinance, regulation, or rule violated;

2260.52 A statement of the acts or omissions upon which the action is based;

2260.53 A statement that a copy of the materials upon which the action is based is attached or available for inspection upon request;



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Disciplinary Action Policy No. 2260

2260.10 The following measures are part of the disciplinary process: warning, reprimand, suspension with or without pay, dismissal, demotion, or reduction in pay. The General Manager may discipline any employee for cause.

2260.20 Grounds for Discipline. The actions described below are grounds for dismissal, but are not exclusive grounds for discipline.

2260.201 Discourteous treatment of the public or fellow employees.

2260.202 Drinking of intoxicating beverages or use of illegal or non-prescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs.

2260.203 Habitual absence of tardiness.

2260.204 Abuse of sick leave.

2260.205 Disorderly conduct.

2260.206 Incompetency or inefficiency.

2260.207 Being wasteful of material, property, or working time.

2260.208 Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination.

2260.209 Neglect of duty.

2260.210 Dishonesty.

2260.211 Misuse of District property.

2260.212 Willful disobedience.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Disciplinary Action Policy No. 2260

2260.54 A statement advising the employee of the right to request a hearing as provided in #2250, "Separation from District Service;"

2250.55 A date by which time the employee must respond in writing if he/she wishes to contest the action.

2260.60 All notices of proposed action shall be personally served or be mailed by certified mail, return receipt requested, to the last known address of the employee.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Internet, E-Mail, and Electronics Policy No. 2270
Communication Ethics, Usage and Security

2270.10 Malaga County Water District believes that employee access to and use of the Internet, e-mail, and other electronic communications resources benefits the District and makes it a more profitable and successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success.

2270.20 The District has established this ethics, usage, and security policy to ensure that all District employees use the computer resources, which the District has provided its employees, such as the Internet and e-mail, in an ethical, legal, and appropriate manner. This policy establishes what is acceptable and unacceptable use of the Internet, e-mail, and other electronic communications.

2270.30 This policy also establishes the steps the District may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to the guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate termination.

2270.31 Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the internet and e-mail includes, but is not limited to:

2270.31.1 Accessing internet sites that contain pornography, exploits children, or sites that would generally be regarded in the community as offensive, or for which there is no official business purpose to access.

2270.31.2 Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the District's policies (i.e. policy on sexual harassment).

2270.31.3 Exploiting security weaknesses of the District's computing resources and/or other networks or computers outside the District.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Internet, E-Mail, and Electronics Policy No. 2270
Communication Ethics, Usage and Security

2270.31.4 Internet access is to be used for District business purposes only (unless the employee is on break). Employees who have completed all job tasks should seek additional work assignments. Use of the Internet should not interfere with the timely and efficient performance of job duties. Access to the Internet and e-mail is not a benefit of employment with the District. (Personal use of the Internet, e-mail, and other electronic communications is strictly prohibited.)

2270.32 Employees do not have any right to privacy in any District computer resources, including e-mail messages produced, sent, or received by District computers or transmitted via the District's servers and network. Employee access to the Internet and e-mail is controlled by use of a password. The existence of a password does not mean that employees should have any expectation of privacy. Employees must disclose their passwords to the District upon request, and the District will maintain a file of all passwords currently in use. The District may monitor the contents of all e-mail messages to promote the administration of the District, its business, and policies.

2270.33 Employees access to and use of the Internet, e-mail, and other electronic communications will be monitored frequently. Failure to follow the policy may lead to discipline, up to and including immediate termination. Disciplinary action may include the removal of Internet and e-mail access from their computer or termination of employment with the District.

2270.34 The Internet and e-mail provide means by which employees of the District may communicate with its customers (general public). Messages to or from customers through the District's e-mail system may be considered part of the District's business records and should be treated as such.

2270.35 Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the District's computer system. For a specific period of time, the District retains backup copies of all documents, including e-mail messages, produced, sent, and received on the District's computer system.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Internet, E-Mail, and Electronics Policy No. 2270
Communication Ethics, Usage and Security

2270.36 E-mail and any attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letters, and other paper-based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which the District may be involved.

2270.37 Currently all District e-mail being sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Due to the way Internet data is routed, all messages are subject to "eavesdropping." Messages may be "stolen" as they temporarily reside on host machines waiting to be routed to their destination, or they may be purposefully intercepted from the Internet during transfer to the recipient. It is possible for someone other than the intended recipient to capture, store, read, alter/or re-distribute your message. Do not transmit information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.

2270.38 E-mail, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.

2270.39 Use of electronic mail or the Internet to distribute copyrighted materials is prohibited.

2270.310 Each user should take the necessary steps to prevent unauthorized disclosure of confidential or privileged information. (This is especially important for law firms and accounting firms that have strict professional ethical obligations and duties toward their clients.)

2270.311 Use of electronic mail or the Internet to send offensive messages of any kind is prohibited.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Internet, E-Mail, and Electronics Policy No. 2270
Communication Ethics, Usage and Security

2270.312 Use of electronic mail or the Internet for inappropriate or unauthorized advertising and promotion of the District is prohibited.

2270.313 When District employees communicate using electronic mail or other features of the Internet, the employee must be extremely mindful of the image being portrayed of the District.

2270.314 Computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the Internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include e-mail and/or documents received via e-mail and the Internet. All downloaded files must be scanned for viruses.

2270.315 Use of another user's name/account, without express permission of the Systems Administrator, to access the Internet is strictly prohibited.

2270.316 Personal use of the District's computer resources for personal commercial activity or any type of illegal activity is strictly prohibited.

2270.317 It is advisable for all employees of the District to remind customers/clients/contractors of these security issues when sending confidential electronic mail and/or documents to the District via electronic mail. If applicable, our customer/clients/contracts should be reminded to implement a security policy and make sure their employees understand the ramifications of sending privileged information via electronic mail. (This is especially important for law firms and accounting firms that have strict professional ethical obligations and duties toward their clients.)



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Internet, E-Mail, and Electronics Policy No. 2270
Communication Ethics, Usage and Security

2270.318 The District will not be responsible for maintaining or payment of personal Internet accounts or related software. To maintain the integrity and firewall protection of the District's network system, telephone system, modem pool, or communication server to access the Internet.

2270.319 E-mail that users need to retrieve from their personal Internet account must be retrieved via that User's personal Internet account. District users shall not access such personal e-mail account using the District's network system, telephone system, modem pool, or communication server.

2270.320 Employees will only access the Internet through the District's network. Internet access through other methods (i.e. modems) will not be allowed, unless specifically authorized by the Director of Information Technology.

2270.321 Employees will only access the Internet using the approved Internet browser (Internet Explorer). Any other browser being used on a workstation will be promptly removed.

2270.322 Employees will respect all copyright and license agreements regarding software or publication they access or download from the Internet. The District will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication, which is downloaded onto District computer resources, becomes the sole property of the District.

2270.323 Employees will only download information and/or publications for official business purposes.

2270.324 Employees are to scan all downloaded materials before using or opening them on their computers to prevent the introduction of computer viruses.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Internet, E-Mail, and Electronics Policy No. 2270
Communication Ethics, Usage and Security

2270.325 All list subscriptions should be for business purposes only. The employee will make sure List Servers are notified when the employee leaves the District.

2270.40 Employee Acceptance. By signing this agreement, I hereby represent that I have read, understand, and agree to the District's Internet, e-mail, and electronic communications ethics, usage, and security policy.

Date

Signature

Print name here

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: District Vehicle Use/
Vehicle Cost Reimbursement. — Policy No. 2290

2290.010 Application. This policy applies to employees who drive District vehicles to and from work.

2290.020 Use of District Vehicles during working hours. While employees are at work, employees should use a District vehicle for District business.

A. Employees who need a vehicle for District business shall be assigned and will check out a District Vehicle. Assignment of District Vehicles shall be made by the General manager or his or her designee. The General Manager may assign certain vehicles to certain departments and delegate the authority to assign the vehicles on a daily basis to the department head(s).

B. When an employee is assigned a vehicle, the employee shall complete a vehicle checklist and mileage log daily. The vehicle checklist and milage log shall be in a form as determined by the General Manager or his or her designee. If more than one person is assigned a vehicle during a single day, each person assigned a vehicle shall complete a check list and milage log for that day.

C. If a safety or mechanical issue/problem is discovered during the vehicle inspection, the employee shall not drive the vehicle and shall notify the General Manager or supervisor who assigned the vehicle immediately and request a different vehicle. If a safety or mechanical issue/problem is discovered during use of the vehicle, the employee shall park the vehicle in a safe place as soon as possible and shall notify the General Manager or supervisor who assigned the vehicle immediately and request assistance.

D. District vehicles shall not be driven to and from home unless approved by the General Manager. Such approval should not be given unless there are extenuating circumstances.

E. District vehicles shall not be used for personal use. District vehicles may be used to go to lunch within the District as long as the employee is already out in the vehicle on District business. Employees shall use their personal vehicles for all trips not related to District business.

F. Anyone who uses a District vehicle must have a valid California driver's license and insurance.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: District Vehicle Use/ Policy No. 2290
Vehicle Cost Reimbursement.

G. Malaga County Water District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (a.k.a. "Pull Program"). Anyone who uses a District Vehicle shall be required to complete a DMV Authorization for Release of Driver Record Information. Records for anyone operating vehicles on District business shall be requested from DMV: (a) every six months; and, (b) immediately in the event of new activity (e.g., moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

H. Anyone using a District vehicle must wear a seatbelt at all times while operating the vehicle.

I. No person, other than a District employee or Director shall operate or be a passenger in a District vehicle without prior approval of the General Manager or his or her designee.

2290.030. Call-back use of District Vehicles/ Vehicle Cost Reimbursement.

A. Call-back use of District Vehicles. Employees who are Called-back to work shall drive their personal vehicle to their assigned work location or where their assigned District Vehicle is located.

B. Call-back Milage Reimbursement. Employees who are Called-back to work shall receive milage reimbursement from their home, or location where they received the Call-back notification to their work reporting site or location of their assigned District vehicle and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

2290.040. Use of Personal Vehicle for District Business.

A. Use of District Vehicle. Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work. Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: District Vehicle Use/
Vehicle Cost Reimbursement. Policy No. 2290

B. Reimbursement. When an employee is authorized to use his/her/their personal vehicle in the performance of District work, he/she/they shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

C. Insurance. Proof of adequate insurance covering collision, personal injury and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

D. Seatbelt. Anyone using a vehicle on District business must wear a seatbelt at all times while operating the vehicle.

2290.040 Disciplinary Action.

A. Anyone violating any provision of this Policy (2290) will be subject to disciplinary action up to and including termination.

B. Anyone who's job description/duties requires the regular use of District vehicles in the performance of their duties who does not have a valid driver's license, has their driver's license suspended or revoked, is convicted for driving under the influence or receives an excessive number of points on the license, and such condition imposes a hardship on District operations, will be terminated from District employment.

Date Enacted: 8-25-09

Last Revised: 2-13-2024

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Driver Training and Record Review Policy No. 2295

2295.10 Purpose. The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by: (a) applying a uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; (b) establishing disciplinary procedures for different types of driving violations.

2295.20 Scope. This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District. Directors are encouraged to provide their license information, but cannot be required to do so in accordance with State law.

2295.30 Implementation. Malaga County Water District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (a.k.a.: "Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV: (a) every six months; and, (b) immediately in the event of new activity (e.g., moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

2295.40 Review Criteria. Information that will be generated during the record review will include: (a) type of license; (b) expiration date; (c) endorsements; (d) DMV action suspensions, revocations, and penal code violations; and, (d) Vehicle Code violations.

2295.60 Disciplinary Procedures.

2295.61 A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:

- (a) they earn two points within 36 months of report date; or,
- (b) they receive any moving violation in a District vehicle within 36 months of report date; or,
- (c) they are involved in an accident within 36 months of report date.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Driver Training and Record Review Policy No. 2295

2295.62 A driver will be placed on a 12-month driving probation if they earn three to five points within 36 months of report date. Additional point violations within this probation period will affect a 120-day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.

2295.63 A driver will be suspended from District driving privileges for 120 days if:

- (a) they earn four or more points within 24 months of report date; or,
- (b) they earn six or more points within 36 months of report date; or,
- (c) they receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
- (d) if they are involved in two chargeable (resulting in a point violation) accidents within 24 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.

2295.64 A driver will be permanently suspended of District driving privileges if:

- (a) they receive a citation for DUI, reckless driving, or speed contest during District business within 36 months of report date; or,
- (b) they receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within 12 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.

2295.65 Occasionally, it may be brought to the District's attention that an employee is exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Driver Training and Record Review Policy No. 2295

2295.70 Defensive Driver Training. All drivers shall attend an approved defensive driver-training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State law.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Secretary Policy No. 2300
Manager (General Manager)

2300.10 Description. The Secretary/Manager is the Executive Officer of the District and Secretary for the Board of Directors. He/she administers the District and has exclusive management and control of operations and work of the District, subject to approval by the Board of Directors, and provides day-to-day leadership for the District. He/she has general charge, responsibility and control over all property of the District.

2300.11 He/she attends all meetings of the Districts' Board and such meetings as the Board specifies from time to time.

2300.12 He/she employees such personnel and other employees as he/she deems necessary for the proper administration of the District and the proper operation of the works of the District, in accordance with Policy #2150, "Compensation", subject to approval by the Board of Directors. He/she shall delegate authority at his/her discretion and has authority over and directs all employees, including terminating for cause or lack of worthwhile work. His/her personnel management goal will be to provide a motivating work climate for District employees.

2300.13 He/she maintains cordial relations with all persons entitled to the services of the District, and attempts to resolve all public and employee complaints. He/she shall encourage citizen participation in the affairs of the District.

2300.14 He/she seeks to carry into effect the expressed policies of the Board of Directors, including the short, medium and long term work program for the District, facilitating constructive and harmonious Board relations. He/she shall translate the goals and objectives of the Board to the community.

2300.15 He/she shall prepare and manage the District budget, conducting studies, making oral and written presentations.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Secretary Policy No. 2300
Manager (General Manager)

2300.20 Required Qualifications. He/she shall possess a bachelor's degree in public administration or a related field and shall have five (5) years experience in an increasingly responsible public agency management position. He/she shall possess a valid California driver's license.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Administrative Policy No. 2310
Secretary/Account Clerk

2310.10 Description. Under the supervision of the General Manager, the Administrative Secretary/Account Clerk serves as secretary to the General Manager, attends to administrative detail on special matters assigned by the General Manager, acts as office manager in the absence of the General Manager, receives bills and processes for payment, maintains ledgers and records of payment and expenditures; posts receipts; operates computer to perform all accounting, payroll, data base management and word processing functions, prepares payroll and quarterly reports; computes payroll taxes withheld; prepares bank deposits; responds to public inquiries.

2310.11 The Administrative Secretary/Account Clerk acts as District Treasurer, being responsible, under the direction of the General Manager, for depositing, withdrawing, transferring and investing District funds, maintaining efficient fiscal practices to maximize non-operational earnings, and maintaining cash flow for needed liquidity.

2310.20 Required Qualifications. He/she must possess four (4) years of increasingly responsible clerical and secretarial experience and in keeping or reviewing accounting or fiscal records (equivalent job-related education in accounting may be substituted for a maximum of two (2) years of experience on the basis of nine (9) semester units of accounting for one year of experience).

2310.21 He/she must have completed twelve (12) semester hours of professional accounting (one year of additional qualifying experience may be substituted for educational requirement) and the equivalent to completion of high school (grade 12).

2310.22 He/she must possess a valid California drivers license.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Administrative Policy No. 2310
Secretary/Account Clerk

2310.30 Desirable Qualifications. He/she should have knowledge of: modern office methods, practices and equipment and personnel matters.

2310.31 He/she should have the ability to: plan, organize and supervise the work of others in the performance of financial record-keeping and general clerical work; express ideas and give instructions effectively; apply rules and regulations to specific cases; analyze data and draw logical conclusions; and, take the lead and become the primary source of reference for assigned areas of responsibility.

2310.32 He/she should have the ability to: post financial data and make arithmetical calculations rapidly and accurately; operate office machinery; understand and carry out oral and written directions; and, maintain cooperative relations with those contacted in the course of work.

2310.33 He/she should have thorough knowledge of principles of financial record-keeping, basic principles of accounting, computerized accounting and principles of effective supervision.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Secretary/ Policy No. 2320

Receptionist

2320.10 Description. Under supervision of the Administrative Secretary/Account Clerk: types reports, letters, legal documents, and statistical and financial data; gives out information personally to the public in the office or by telephone; receives, distributes and dispatches mail; adds and checks columns of figures; checks and tabulates simple statistical or accounting data; receives money in payment of bills and fees, and keeps records of collections; maintains various files, listings and records used in conjunction with District business; proofreads copy, assists in preparing and checking various accounting records; operates office appliances, including calculators, photocopier, computer, word-processor and other office equipment; acts as receptionist, receiving, routing, and placing calls and directing visitors; sets up new accounts; maintains correspondence files; and, types, files and assists in other office work.

2320.20 Required Qualifications. He/she must possess one (1) year of responsible clerical and secretarial experience. He/she must have the equivalent to completion of high school (grade 12), preferably including or supplemental by course in secretarial work.

2320.30 Desirable Qualifications. He/she should have the ability to: perform responsible clerical and secretary duties and independently take care of administrative detail; prepare correspondence independently or from general directions; take, transcribe and edit Board material and minutes quickly and accurately; type at a speed of not less than fifty (50) words per minute from clear copy; and, maintain cooperative relationships with those contacted in the course of work.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Secretary/
Receptionist Policy No. 2320

2320.31 He/she should have knowledge of: correct English usage, spelling, grammar and punctuation; methods, practices and terminology in clerical work; and, modern office methods, practices and procedures.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Wastewater Treatment Plant Operator Policy No. 2330

2330.10 Description. Under the supervision of the General Manager, the Wastewater Treatment Plant Operator: assigns, reviews and evaluates the work of all treatment plant personnel in the operations, maintenance and repair of the wastewater treatment plant facilities; consults with the General Manager on general priorities, plans and policies; recommends and submits projects to the General Manager for inclusion in the annual budget; insures that operations, plans and personnel are sufficient to meet day-to-day as well as emergency situations; reads and interprets plans and specifications; performs inspections of the Districts collection system and private construction of sewer connections and operation of customer pre-treatment facilities, performs necessary laboratory testing, recordkeeping and reporting; assures that vehicles, equipment and facilities are maintained and in proper working order, evaluates daily work loads and determines priorities, subject to the approval of the General Manager, enforces requirements of all wastewater system ordinances; evaluates performance of sub-ordinates; conducts training programs; and, requisitions parts and supplies.

2330.20 Required Qualifications. He/she must possess five (5) years increasingly responsible experience in the operations, maintenance and repair of a wastewater treatment facility; including two (2) years in a supervisory capacity. He/she must possess the equivalent to graduation from high school (grade 12), preferably supplemented with college-level work in wastewater treatment and plant operations; must be certified by the State of California as a Grade III Wastewater Treatment Plant Operator; and, must possess an appropriate California drivers license.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Wastewater Policy No. 2330
Treatment Plant Operator

2330.30 Desired Qualifications. He/she should possess knowledge of: principles of supervision and management; methods, material and equipment used in wastewater treatment plant operations, construction, maintenance and repair; laws and regulations governing wastewater treatment plant operations; techniques used in planning and evaluation; and, engineering and surveying principles. He/she should have the ability to: plan, supervise and evaluate operations of a wastewater treatment plant; collect and interpret data; analyze emergency situations and take effective action; and promote and maintain cooperative relations with customers, employees, public and private agencies, and the general public.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Assistant Policy No. 2340
Wastewater Treatment Plant Operator

2340.10 Description. Under the supervision of the Wastewater Treatment Plant Operator: performs work as assigned for the continuous operation of the wastewater treatment plant, including maintenance, and repair of treatment works, cleaning of facilities; operation of maintenance equipment; performance of necessary laboratory tests and sampling; maintenance of vehicles, buildings, grounds and sewage collection system, assumes the responsibility of the Wastewater Treatment Plant Operator in his/her absence; share stand-by and emergency responsibility with other field personnel.

2340.20 Required Qualifications. He/she must possess two (2) years experience in the operations of motorized construction and maintenance equipment. He/she must have sufficient formal and informal education to assure the ability to read and write at level required for successful job performance. He/she shall possess a valid and appropriate California drivers license; must be certified by the State of California as a Grade I Wastewater Treatment Operator.

2340.30 Desirable Qualifications. He/she should have knowledge of: operation and use of a variety of light and moderately heavy motorized and power construction equipment; and methods and materials used in wastewater treatment plant facilities construction, maintenance and repair. He/she should have the ability to: skillfully use a backhoe and other equipment in the construction, maintenance and repair of wastewater treatment plant facilities, perform a variety of semiskilled work in general construction and maintenance, and, perform strenuous manual labor, often in inclement weather.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Maintenance and Operations Specialist Policy No. 2350

2350.10 Description. Under the supervision of the General Manager and Wastewater Treatment Plant Operator: performs necessary functions to keep all district equipment in good operating conditions; provide maintenance as assigned; develop and implement a preventative maintenance program for District equipment; performs a variety of unskilled and semi-skilled tasks in operations of wastewater treatment and collection systems; water production and distribution systems and parks and recreation facilities; and in general yard and shop work; assist in construction and maintenance of District property; and, shares standby and emergency responsibilities with other field personnel.

2350.20 Required Qualifications. He/she must possess three years experience in the operations and maintenance of wastewater treatment and collection systems and water production and distribution systems. He/she must have sufficient formal and informal education to assure the ability to read, write and perform maintenance at a level required for successful job performance. He/she shall have the equivalent of a high school diploma (grade 12); possess a valid California Grade II drivers license; possess a mechanics license or equivalent experience, should possess a Grade I water and wastewater treatment plant operators certificate.

2350.30 Desirable Qualifications. He/she should have knowledge of: operations and use of a variety of light and moderate heavy motorized and power construction equipment; and methods, materials and maintenance used in wastewater treatment facilities, water production and distribution systems; facilities construction, maintenance and repair. He/she should have the ability to: skillfully use a backhoe and other equipment in the construction, maintenance and repair of wastewater.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Job Description-Maintenance** Policy No. **2350**
and Operations Specialist

treatment facilities, water production and distribution systems and park and recreation facilities; perform a variety of skilled, semi-skilled and unskilled work in general construction and maintenance; and perform strenuous manual labor, often in inclement weather.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Water System Operator Policy No. 2360

2360.10 Description. Under the direction and supervision of the General Manager in: operating, repair and maintenance of water production and distribution systems; inspects well sites daily, repairs and coordinates repair to pumping facilities and distribution systems and equipment; keeps records on well performance, well soundings, water quality; conducts water quality sampling and resampling as required by regulatory agencies, reads all water meters monthly; installs and repairs water meters as needed; arranges and facilitates all new water connections; inspects for and reports violations of Water System Ordinances; responsible for grounds maintenance at well sites and hydrants and proper maintenance of equipment used in the line of duty.

2360.20 Required Qualifications. He/she must possess three (3) years experience as a Grade I Water Systems Operator; at least two (2) years increasingly responsible experience in the operations, repair and maintenance of pumping equipment, distribution systems, and water systems, in operations of light and medium motorized equipment and in the construction and/or maintenance of water production and distribution systems. He/she must possess the equivalent to graduation from high school (grade 12), preferably supplemented with college-level work in water systems operations; must be certified by the State of California as a Grade II Water System Operator; and must possess an appropriate California driver's license.

2360.30 Desirable Qualifications. He/she must be able to work independently; to insure an uninterrupted supply of water to all users; skillfully use a backhoe and other equipment in the maintenance, repair and construction of water production and distribution systems; techniques used in planning and evaluation.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Water System Operator Policy No. 2360

He/she should have the ability to; plan, supervise and evaluate operations of a water production and distribution system; collect and interpret data; analyze emergency situations and take effective action; promote and maintain cooperative relations with customers, employees, public and private agencies, and the general public. He/she should be able to perform a variety of skilled, semi-skilled and unskilled work in general construction and maintenance; and perform strenuous manual labor, often in inclement weather.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Building Policy No. 2370
Maintenance/Procurement

2370.10 Description. Under the supervision and direction of the General Manager, Wastewater Treatment Plant Operator and Recreation Director performs: maintenance functions for all District buildings and equipment; develop sources, price quotations, studies and inquiries; process requisitions for needed supplies and materials; stock and maintain inventory and supply of consumable materials; develop projections for needed inventories and maintain; inspect and insure that all District facilities are safe, clean and in good repair. He/she performs a variety of unskilled and semi-skilled tasks in the construction of facilities, maintenance and repair, and in general yard and shop work; assists other District personnel in construction and maintenance of District property; supervises volunteer and Summer Youth Employment programs; develops and implements maintenance schedules and programs; and shares standby and emergency responsibilities.

2370.20 Required Qualifications. He/she must possess two (2) years experience in the operation of light and medium motorized construction equipment. He/she shall have one (1) year of experience in purchasing and procurement for a governmental entity or college-level work in some phase of purchasing, business or procurement. He/she must possess the equivalent to graduation from high school (grade 12) and some college courses. He/she must possess an appropriate California driver's license.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Building Maintenance/Procurement Policy No. 2370

2370.30 Desirable Qualifications. He/should possess knowledge of principles of planning, supervision and management; methods materials and equipment used in building and facilities repair, maintenance and construction; purchasing and procurement principles. He/she should have the ability to plan, supervise and evaluate, collect and interpret data; analyze emergency situations and take effective action; promote and maintain cooperative relations with customers, employees, public and private agencies, and the general public.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Groundskeeper Policy No. 2380

2380.10 Description. Under the supervision of the General Manager and Recreation Director: performs a variety of unskilled and semi-skilled tasks in maintenance and upkeep of the District's park and grounds; assists in repair and maintenance of District facilities; assists in general yard and shop work; and, shares standby and emergency responsibilities with other field personnel.

2380.20 Required Qualifications. He/she must possess a one (1) year experience in maintenance and upkeep of a small community parks, grounds or similar setting. He/she must have sufficient formal or informal education to assure the ability to read and write and perform math calculations at a level required for successful job performance. He/she shall possess a valid and appropriate California driver's license.

2380.30 Desirable Qualifications. He/she should have knowledge of: tools and equipment used in construction, maintenance and repair of park facilities and grounds. He/she should have the ability to: use tools with skill and safety; understand and follow oral and written directions; perform strenuous manual labor, often in inclement weather; and learn and follow District policies and procedures.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Recreation Policy No. 2390
Coordinator

2390.10 Description. Under the direction of the General Manager, the Recreation Director administers the Districts recreational program and park facilities; including operations of programs in the community center; develops and implements sport leagues and team competition; provides day-to-day leadership of the park, community center and swimming pool; oversees staffing of rental facilities; solicits participation in recreation programs from the community and business; prepares and manages the Recreation budget.

2390.20 Required Qualifications. He/she shall possess a bachelors degree in recreation administration or a related field and shall have three (3) years recreation administration experience in an increasingly responsible public agency position. He/she shall possess a valid California driver's license and a water safety instructors license.

2390.30 Desired Qualifications. He/she should possess knowledge of: principles of supervision and management; budget development; methods, materials and equipment used in recreation programs and leisure activity; techniques used in planning and evaluation. He/she should have the ability to: plan, supervise and evaluate operations of a recreation program; collect and interpret data; analyze emergency situations and take effective action; and promote and maintain cooperative relations with the general public, employees and public and private agencies. He/she should be willing to work weekends and holidays, as needed.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Job Description-Recreation Aide Policy No. 2395

2395.10 Description. Under the supervision of the Recreation Director, the Recreation Aide assists the Recreation Director in: conducting recreation and leisure activities, including supervision of participants, managing materials and equipment of the recreation program; providing maintenance to recreation facilities and enforcing District rules and regulations relating to the park, community center and swimming pool.

2395.20 Required Qualifications. He/she must possess one (1) year of responsible experience in a sport or recreation position, and have skills in supervision. He/she must have the equivalent to completion of high school (grade 12), preferably including or supplemented by courses in recreation administration. He/she should possess a valid California driver's license.

2395.30 Desirable Qualifications. He/she should have knowledge of: methods, practices and terminology used in recreation administration; and methods, practices and procedures for successful program operations. He/she should be willing to work at times assigned including weekends, evenings and holidays. He/she should have knowledge of CPR, first aid and a desire and willingness to work with children and teenagers.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.10 Program Goal and Outline. The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

3010.11 Providing mechanical and physical safeguards to the maximum extent possible.

3010.12 Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

3010.13 Training all employees in good safety and health practices.

3010.14 Providing necessary personal protective equipment, and instructions for use and care.

3010.15 Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.

3010.16 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

3010.17 Developing a system of recognition and awards for outstanding safety service and/or performance.

3010.20 Program Responsibility. Although the District recognizes that the responsibility for safety and health is shared, the General Manager shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Illness and Injury Prevention Program**

Policy No. **3010**

3010.21 The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.

3010.22 Supervisory personnel are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

3010.23 No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program - including compliance with all rules and regulations and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

3010.30 Injury and Illness Records. The District's record keeping system for its Injury and Illness Prevention Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

3010.31 A report shall be obtained on every injury and illness requiring medical treatment. (See also Section 3010.8)

3010.32 Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 200, according to its instructions.

3010.33 A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness," with the same information as in 3010.32, above.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.34 Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.

3010.35 All records specified in this section shall be maintained in the District's files for a minimum of five (5) years after their preparation.

3010.40 Documentation of Activities. Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

3010.41 Records of scheduled and periodic inspections as required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

3010.42 Documentation of safety and health training required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] for each employee. The documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three (3) years.

3010.50 Program Communication System. Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.51 Written communications to employees shall be in a language they can understand. If an employee cannot read in any language, said communication shall be made orally in a language he/she can readily understand.

3010.52 The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's maintenance office, and shall be provided to each supervisory employee who shall keep it readily available.

3010.53 Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the General Manager for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three (3) years.

3010.54 Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every 10 working days to emphasize safety. Documentation of these meetings shall be maintained for three (3) years.

3010.55 General employee meetings shall be conducted (at least one per quarter) at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meetings shall be maintained for three (3) years. Discussions at these meetings should concentrate on:

3010.551 Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

3010.552 Feedback from employees.

3010.553 Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.554 Brief audio-visual materials that relate to the District's operations.

3010.56 Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three (3) years.

3010.561 New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training shall be maintained for three (3) years.

3010.57 Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's maintenance office.

3010.58 News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

3010.59 A safety suggestion box shall be maintained where employees, anonymously if desired, can communicate their concerns to the District's General Manager.

3010.60 Hazard Assessment and Control. Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures which could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.61 Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

3010.62 Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

3010.63 A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

3010.64 The General Manager will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

3010.70 Accident Investigation. All accidents shall be thoroughly and properly investigated by the Supervisor, with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

3010.71 The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.72 The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

3010.73 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

3010.74 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

3010.75 Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

3010.80 Code of Safe Practices.

GENERAL.

3010.801 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the Foreman, Supervisor, or General Manager.

3010.802 Supervising employees shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as necessary to obtain observance.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.803 Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition, and will be subject to the discipline specified in Policy #2190.

3010.804 Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.

3010.805 Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

3010.806 No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

3010.807 Employees shall not enter manholes, underground vaults, chambers or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.

3010.808 Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the Foreman or Field Operations Supervisor.

3010.809 Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.

3010.810 Workers shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received instructions from the Foreman or Supervisor.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.811 All injuries shall be reported promptly to the Foreman or Supervisor so that arrangements can be made for medical or first aid treatment.

3010.812 When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.

3010.813 Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.

3010.814 Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.

3010.815 Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.

3010.816 Gasoline shall not be used for cleaning purposes.

3010.817 No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from the Supervisor.

3010.818 Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to the Foreman or Supervisor.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

USE OF TOOLS AND EQUIPMENT

3010.819 All tools and equipment shall be maintained in good condition.

3010.820 Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."

3010.821 Pipe or Stillson wrenches shall not be used as substitute for other wrenches.

3010.822 Only appropriate tools shall be used for the job.

3010.823 Wrenches shall not be altered by the addition of handle-extensions or "cheaters."

3010.824 Files shall be equipped with handles and not used to punch or pry.

3010.825 Screw drivers shall not be used as chisels.

3010.826 Wheelbarrows shall not be used with handles in an upright position.

3010.827 Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.

3010.828 In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Illness and Injury Prevention Program** Policy No. **3010**

MACHINERY AND VEHICLES

3010.829 Only authorized persons shall operate machinery or equipment.

3010.830 Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

3010.831 Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.

3010.832 Where appropriate, lock-out procedures shall be used.

3010.833 Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.

3010.834 Air hoses shall not be disconnected at compressors until hose line has been bled.

3010.835 All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.

3010.836 Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Illness and Injury Prevention Program Policy No. 3010

3010.837 Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Budget Preparation Policy No. 3020

3020.10 An annual budget proposal shall be prepared by the General Manager.

3020.20 The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in June.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Fixed Asset Accounting Control Policy No. 3030

3030.10 The purpose of this policy is to ensure proper accounting control resulting in the maintaining of accurate financial reports of fixed assets.

3030.20 An accounting, or inventory, of all fixed assets shall be conducted on an annual basis. After the conclusion of said inventory, the General Manager shall certify its completeness and report the results thereof to the Board of Directors at its next regular monthly meeting.

3030.30 Applicable purchases for inclusion in said accounting shall be the following:

3030.31 Equipment, tools, and vehicles that individually have an original total cost of more than \$300;

3030.32 All land and building acquisitions regardless of price; and,

3030.33 Additions or major improvements to the District's service infrastructure.

3030.40 When any item defined in Section 3030.31 above is received, a tag with a unique identification number shall be affixed to said item, and the number recorded in the permanent inventory records.

3030.50 Permanent inventory records shall be maintained in either a paper file or electronic (computer data base) format. Said records shall be updated whenever a change in the status of a particular fixed asset occurs (e.g., original purchase, sale, destruction, loss, theft, etc.).



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Fixed Asset Accounting Control Policy No. 3030

3030.60 Information to be maintained in said inventory records shall include at least the following:

- 3030.61** Asset number;
- 3030.62** Description;
- 3030.63** Manufacturer's serial number;
- 3030.64** Storage location;
- 3030.65** Original cost;
- 3030.66** Acquisition date;
- 3030.67** Life expectancy; and,
- 3030.68** Classification code (e.g., office equipment, vehicle, etc.).

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

3035.10 PREMISE

The Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (California Government Code (CGC) §53600.6 and §53630.1); and,

Government Code Sections 5921 and 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,

The treasurer or fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (CGC §53646(a)).

For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the *[district]* to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of *[district]* funds.

3035.20 SCOPE

This investment policy applies to all financial assets of *[district]*. These funds are accounted for in the Independent Annual Financial Report and include:

Demand Account:
General Fund
Secretary Revolving Fund
Operation and Maintenance Fund
Enterprise Funds
[others]

Investments:
Local Agency Investment Fund
[others]



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

3035.30 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (CGC §53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations for expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

3035.40 OBJECTIVES

As specified in CGC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives of the investment activities, in priority order, shall be:

3035.41 Safety: Safety of principal is the foremost objective of the investment program. Investments of *[district]* shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

3035.42 Liquidity: The investment portfolio will remain sufficiently liquid to enable *[district]* to meet all operating requirements which might be reasonably anticipated.

3035.43 Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

3035.50 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from California Government Code Sections 53600, et seq. Management responsibility for the investment program is hereby delegated to the Treasurer *[or other appropriate district officer]*, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer *[or other appropriate district officer]*. The Treasurer *[or other appropriate district officer]* shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provisions of California Government Code §53600.3, the Treasurer *[or other appropriate district officer]* is a trustee and a fiduciary subject to the prudent investor standard.

3035.60 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

3035.70 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Treasurer *[or other appropriate district officer]* will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness that are authorized to



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds

Policy No. 3035

provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the Treasurer shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the Treasurer *[or other appropriate district officer]* shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for Malaga County Water District's account with the firm has reviewed Malaga County Water District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to *[district]* that are appropriate under the terms and conditions of the Investment Policy.

3035.80 AUTHORIZED AND SUITABLE INVESTMENTS

The Malaga County Water District is empowered by California Government Code §53601, et seq., to invest in the following:

3035.81 Bonds issued by the Malaga County Water District.

3035.82 United State Treasury Bills, Notes & Bonds.

3035.83 Registered state warrants or treasury notes or bonds issued by the State of California.

3035.84 Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including pooled investment accounts sponsored by the State of California, County Treasurers, other local agencies or Joint Powers Agencies.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

3035.85 Obligations issued by agencies or instrumentalities of the United States Government.

3035.86 Bankers' acceptances with a term not to exceed 270 days. Not more than 40% of surplus funds can be invested in bankers' acceptances and no more than 30% of surplus funds can be invested in the bankers acceptances of any single commercial bank.

3035.87 Prime commercial paper of U.S. corporations with assets greater than \$500 million, with a term not to exceed 180 days and the highest ranking issued by Moody's Investors Service (Moody's) or Standard & Poor's Corporation (S&P). Commercial paper cannot exceed 15% of total surplus funds, provided that, if the average maturity of all commercial paper does not exceed 31 days, up to 30% of surplus funds can be invested in commercial paper.

3035.88 Negotiable certificates of deposit issued by federally or state chartered banks or associations. Not more than 30% of surplus funds can be invested in certificates of deposit.

3035.89 Repurchase/reverse repurchase agreements of any securities authorized by this section. Securities purchased under these agreements shall be no less than 102% of market value. (See special limits in CGC §53601.i.)

3035.810 Medium term notes (not to exceed 5 years) of U.S. corporations rated "A" or better by Moody's or S&P. Not more than 30% of surplus funds can be invested in medium term notes.

3035.8.11 Shares of beneficial interest issued by diversified management companies (money market mutual funds) investing in the securities and obligations authorized by this Section. Such funds must carry the highest rating of at least two of the three largest national rating agencies. Not more than 15% of surplus funds can be invested in money market mutual funds.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

3035.812 Funds held under the terms of a trust indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements.

3035.813 Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations.

3035.814 Any mortgage pass-through security, collateralized mortgage obligation, mortgaged backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a maximum maturity of five years. Securities in this category must be rated AA or better by a nationally recognized rating service. Not more than 30% of surplus funds may be invested in this category of securities.

3035.815 Any other investment security authorized under the provisions of CGC §5922 and §53601. (Also, see CGC §53601 for a detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC §53601 is included by reference in this investment policy.)

3035.815.1 Prohibited Investments. Under the provisions of CGC §53601.6 and §53631.5, [district] shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

3035.90 COLLATERALIZATION

All certificates of deposits must be collateralized by U.S. Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralization on repurchase and



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

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3035.90 COLLATERALIZATION

All certificates of deposits must be collateralized by U.S. Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralization on repurchase and reverse repurchase agreements will adhere to the amount required under CGC §53601(i)(2).



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

3035.100 SAFEKEEPING AND CUSTODY

All security transactions entered into by the Malaga County Water District shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to Malaga County Water District by book entry, physical delivery or by third party custodial agreement as required by CGC §53601.

3035.110 DIVERSIFICATION

Malaga County Water District will diversify its investments by security type and institution. It is the policy of the Malaga County Water District to diversify its investment portfolio. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies shall be determined and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

3035.111 Portfolio maturities shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.

3035.112 Maturities selected shall provide for stability of income and liquidity.

3035.113 Disbursement and payroll dates shall be covered through maturities investments, marketable U.S. Treasury bills or other cash equivalent instruments such as money market mutual funds.

3035.120 REPORTING

In accordance with CGC §53646(b)(1), the Treasurer *[or other appropriate district officer]* shall submit to each member of the Board of Directors a quarterly investment report. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for Malaga County Water District by third party contracted managers. The report will also include the source of the



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Investment of District Funds Policy No. 3035

portfolio valuation. As specified in CGC §53646 (e), if all funds are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that: (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy; and, (2) Malaga County Water District will meet its expenditure obligations for the next six months as required by CGC §53646(b)(2) and (3), respectively. The Treasurer *[or other appropriate district officer]* shall maintain a complete and timely record of all investment transactions.

3035.130 INVESTMENT POLICY REVIEW

This Investment Policy shall be reviewed on an annual basis, and the Board of Directors must approve modifications.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Customer Payment Arrangements Policy No. 3037

3037.10 Upon request, the General Manager may grant approval of special arrangements to be made for payment of the following fees when an extreme hardship exists:

3037.11 Regular Water Service.

3037.12 Reasonable payment schedule following receipt of delinquency "shut-off" notice.

3037.13 Connection Fee.

3037.20 Monthly payments not to exceed 12 payments. When payments are to be made at the close of escrow and property is not sold, arrangements must be made for payments to continue on a regular basis.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Expense Authorization Policy No. 3040

3040.10 All purchases made for the District by staff shall be authorized by the General Manager, and shall be in conformance with the approved District budget.

3040.20 Any commitment of District funds for a purchase or expense greater than \$2,000.00 shall first be submitted to the Board of Directors for approval, or shall be in conformance with prior Board action and/or authorizations.

3040.30 A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$250.00.

3040.31 Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said items(s) or service(s) have been obtained, a receipt for same shall be submitted to the District Bookkeeper, and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$20.00.

3040.32 No personal checks shall be cashed in the petty cash fund.

3040.33 The petty cash fund shall be included in the District's annual independent accounting audit.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Expense Authorization Policy No. 3040

3040.40 Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon request from the District's petty cash fund. In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the General Manager prior to remuneration.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Credit Card Use Policy No. 3041

3041.10 Purpose. The purpose of this policy is to prescribe the internal controls for management of District credit cards.

3041.20 Scope. This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

3041.30 Implementation.

3041.30.1 All credit card accounts shall be authorized by the Board of Directors and issued to and in the name of the District.

3041.30.2 The General Manager, or his or her designee, shall keep all credit cards issued to the District locked, in a secure location, unless checked out to an employee or Director as set forth in section 3041.30.3.

3041.30.3 The General Manager, or his or her designee, shall maintain a check-out log for each credit card account of the District. No District credit card shall be taken from its secure location unless checked out to an employee or Director. Each check out list shall contain, at a minimum, the person to whom the credit card is checked out to, the date, time, purpose for which the credit card is checked out, and the date and time the credit card is checked in and returned to its secure location.

3041.30.4 All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card.

3041.30.5 All credit-card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder and approved by the General Manager and/or her or his designee. It shall be the responsibility of the person to whom the credit card is checked out to and the General Manager, or his or her designee, to ensure that there is a receipt for every credit card purchase and that every credit card purchase is authorized.

3041.30.6 All credit card bills shall be paid in a timely manner to avoid late fees and finance charges.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Credit Card Use Policy No. 3041

3041.30.7 The Board of Directors shall review and approve credit-card transactions by the General Manager. The General Manager shall review and approve credit-card transactions by District personnel. The Board shall receive a copy of all of the credit card statements, receipts and check-out log at least once per month in the same or similar manner as the check register, or as determined by the Board.

3041.40 Disciplinary Action. Failure to comply with the requirements of this Policy (3041) related to the use of District credit cards shall result in disciplinary action up to and including termination.

Date Enacted: 2/13/2024

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Employment of Outside Contractors** Policy No. **3042**

3042.10 The District employs outside contractors or consultants for construction or engineering projects, or for auditing purposes. The District's procedure is as follows:

3042.11 Construction projects will be advertised for bid in newspapers and the Contractors Exchange. The bid opening is open to the public and will be specified in the bid documents.

3042.20 Consultants will be selected by the Board of Directors. The Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to make a cost estimate for his/her services that will be used in his/her evaluation in the selection process.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Easement Abandonment Policy No. 3050

3050.10 Abandonment by the District of its interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board of Directors.

3050.20 Commitments to abandon easements or assurances that easements will be abandoned may be provided by staff only after approval of same by the Board of Directors.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Easement Acceptance Policy No. 3060

3060.10 Acceptance by the District of any interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board of Directors.

3060.20 Commitments to accept easements or assurances that easements will be accepted may be provided by staff only after approval of same by the Board of Directors.

3060.21 Acceptance of easements shall be accomplished by the Board of Directors by adoption of a resolution. Said resolution shall be in the following format:

RESOLUTION NO. _____

MALAGA COUNTY WATER DISTRICT

ACCEPTING [Specify Type of Service] EASEMENT

WHEREAS, a permanent easement is needed for the purpose of constructing, maintaining, servicing and/or replacing [specify type of service] facilities for the parcel listed below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Malaga County Water District that the District shall accept the easements offered to it by the owners of the parcels hereinafter listed:

Assessor's Parcel No.'s

Property Owner



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Easement Acceptance Policy No. 3060

BE IT FURTHER RESOLVED that the Secretary of the Board cause a copy of this Resolution certified by the Secretary of the Board of Directors to be filed for record in the office of the Recorder of the County of Fresno, State of California.

Date Enacted: 4-27-93 _____
Secretary/Manager
Last Revised: 6/2009 MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Encroachment Permit Policy No. 3070

3070.10 Whenever a property owner desires to install or construct physical improvements - landscaping, fencing, retaining walls, culverts, bridges and/or other structures or improvements - on, above or below the surface of any portion of their land which is encumbered by a district facility or dedicated easement or right of way, they shall, prior to commencement of said installation or construction, apply for and receive an Encroachment Permit from the General Manager, or his/her designated representative.

3070.11 Plans for said structures or improvements may be required by the General Manager to ensure that the resulting installation adequately accommodates existing district facilities.

3070.12 A fee in the amount of \$_____, together with actual county recording costs, shall be charged to cover district administrative and inspection costs, and the cost to record the Encroachment Permit with the County Recorder.

3070.13 The form of the Encroachment Permit shall be as designated by the General Manager, conforming generally as follows
[develop a form to capture the information you will need for your records]:

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Purchasing Policy No. 3080

3080.10 To purchase small items - such as office supplies, auto parts, and other miscellaneous items costing less than \$500 - vendors will be asked to submit pricing information. District accounts are then awarded to those firms that provide the best prices, discounts, etc. Acquisitions are process on purchase order forms that list instructions to vendors.

3080.11 Local firms will be allowed a ___% preference margin [*a local preference is not always without controversy, and may require a specific definition for "local"*].

3080.20 To purchase items costing more than \$500, quotations will be solicited from vendors and received by telephone, fax or mail prior to processing a purchase order. The General Manager and Treasurer must approve purchase orders.

3080.21 For large quantity orders, the district will provide suppliers with a list of items to be purchased. Items on the list will be purchased from the supplier quoting the lowest prices and having an acceptable delivery date.

3080.22 Vehicles will be purchased through the State's Vehicle Procurement Program, unless they can be acquired less expensively otherwise.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Insurance Claims Reporting And Handling Procedures (Liability) Policy No. 3082

3082.10 Policy.

It is the policy of the Malaga County Water District to see that all liability claims made against the district are investigated and settled fairly and expeditiously where legal liability is determined.

Decisions regarding the disposition of a claim shall be based on the merits of that claim; including the legal liabilities involved, the nature and extent of damage, and the coverage afforded by and/or through the district's insurance carrier.

It is the policy of the Malaga County Water District to process only those claims where the district may have legal liability.

3082.20 Procedure.

All claims filed under the districts liability insurance shall be handled according to the following procedures:

3082.21 Initial Reporting:

3082.211 All incidents involving damage to property not owned by the district or injury to non-employees that appear likely to produce a claim shall be reported promptly to the district office.

3082.212 An "Incident Report Form" (see Appendix A-4) shall be completed and promptly reported to the district office.

3082.213 In case of a serious accident involving substantial property damage or bodily injury, contact the district office, immediately. Then follow up with written documentation.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Insurance Claims Reporting And Handling Procedures (Liability) Policy No. 3082

3082.214 An SR-1 Form (Appendix A-5) should be filed with the Department of Motor Vehicles (DMV) as per State of California Vehicle Code 16022. A copy of form SR-1 shall be retained in the district's files.

3082.22 Subsequent Reporting:

In addition to the Incident Reporting Form, the following should be provided to the district office:

3082.221 a) Any claim form or letter or any subsequent correspondence or notes of conversations with potential or actual claimants;

3082.222 b) Any legal documents or related correspondence from attorney's or other representatives of claimant or insurance carriers;

3082.223 c) Any letters, memos or notes of conversations or other inquiries from interested parties;

3082.224 d) Any police or other public agency reports that are available; and

3082.225 e) Any photographs, newspaper articles, etc.

Date Enacted: 4-27-93

Date Revised: 6-14-94
8-25-09

Secretary/Manger
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Filing Insurance Claim Policy No. 3083

3083.10 Written Claim (G.C. 945.4)

Before commencing a suit for money or damages, the claimant must present a written claim to the Malaga County Water District and allow the district to act upon the claim (**Appendix A-6**).

3083.20 Sufficiency - Contents of Claim (G.C. 910 & 910.2)

The written claim must contain:

3083.21 Name and address of the claimant;

3083.22 Post Office address to which the person presenting the claim desires notices to be sent;

3083.23 Date, place and circumstances of the occurrence;

3083.24 Description of injury, damage, or losses so far as then known;

3083.25 Name(s) of district employee(s) causing injury, etc.;

3083.26 Amount claimed and basis for computation if under \$10,000.00, and;

3083.27 Signature of the claimant or representative.

3083.30 Timeliness (G.C. 911.2)

A claim for death, personal injury or damage to personal property or growing crops must be presented within one (1) year of the accrual of the cause of action. (some exceptions to the one year filing requirement may include claims for inverse condemnation, violations of Federal rights, contract violations, the interest of minors and damage to real property).



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Filing Insurance Claim Policy No. 3083

3083.40 Rejection of Sufficient and Timely Claims.

3083.41 Only those claims with proper and sufficient contents (3080.20) and presented in a timely fashion (3080.30) can be rejected (see 3080.43 and 3080.44).

3083.42 For insufficient or late claims (see 3080.45 and 3080.46).

3083.43 Written Rejections (G.C. 913 & 945.6 (a) (1))

If a claim is rejected in writing within forty-five (45) days of presentation and the rejection is in the prescribed manner, the claimant has only six (6) months in which to file suit. (**Appendix A-6** rejection form letter).

3083.44 Insufficient Claims (G.C. 910.8 & 911)

If the claim does not comply with the required contents of the claim (B), then the claim is insufficient. An insufficient claim should not be rejected. The district must notify the claimant in writing within 20 days of presentation that the claim is insufficient and state particulars, or the district waives the insufficiency and cannot claim insufficiency as a defense (**Appendix A-7** notice form letter).

3083.45 Late Claims (G.C. 911.4, 911.6 & 911.8)

3083.451 If a claim is not presented in a timely fashion (3080.30) then the claimant must present an application to present a late claim.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Filing Insurance Claim Policy No. 3083

3083.452 The application:

- a.) Must be presented within one (1) year of accrual of cause of action;
- b.) Must have written claim attached, and;
- c.) Must set forth the reason for the delay.

3083.453 Claims filed late, if not accompanied by an application for leave to file a late claim, should be rejected specifically because they are late. The claim should not be considered on it's merit. (Appendix A-8 rejection form letter).

3083.46 Acceptance of Application for Late Claim (G.C. 911.6)

The district shall grant the application where:

1. The failure to present a claim was by excusable neglect, mistake or the like, and the district was not prejudiced; or
2. The claimant was a minor during all of the time period; or
3. Physical or mental incapacitation or death was the cause.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Filing Insurance Claim Policy No. 3083

3083.47 Denial of Application for Late Claim (G.C. 911.8 & 946.6)

3083.471 The district may deny the application if it is not excused (see 3080.47). The denial must be in writing and must advise the claimant that he has only six (6) months to take the matter to court. The court can choose to allow the filing of the late claim on the same grounds as in 3080.47. (Appendix A-6, denial form letter)

3083.472 The denial of the application has nothing to do with the validity of the claim. It is not a rejection of the claim or its merits. It means only that the claim was not properly presented.

Date Enacted: 4-27-93

Last Revised: 6-14-94
8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Disposal of Surplus Property or Equipment Policy No. 3085

3085.10 Sale of Surplus Equipment.

3085.11 Board of Directors takes action to declare equipment surplus.

3085.12 Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)

3085.13 Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.

3085.14 Bidders are notified of Board's action.

3085.15 Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

3085.20 Sale of Real Estate:

3085.21 Board takes action to declare property surplus and authorizes District staff to obtain appraisal.

3085.22 Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property prior to advertisement to the general public.)

3085.23 If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.

3085.24 Board takes action at the next regular Board Meeting to accept or reject highest bid.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Disposal of Surplus Property or Equipment Policy No. 3085

3085.25 Bidders are notified of the Board's action.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. 3090

3090.10 The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of Malaga County Water District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

3090.20 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

3090.30 The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below.

3090.40 Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the Malaga County Water District.

3090.41 Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

3090.42 Originals of records, papers and documents more than two years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.

3090.43 In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

3090.44 Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. 3090

3090.44.1 The record, paper or document is photographed, microphotographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standard, or copies to an approved electronic media;

3090.44.2 The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

3090.44.3 The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

3090.45 Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

3090.45.1 There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

3090.45.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

3090.45.3 Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and that;

3090.45.4 Said audit or audits contain the expression of an unqualified opinion.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. 3090

3090.46 Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time:

3090.46.1 Duplicated (original-subject to
aforementioned requirements).

3090.46.2 Rough drafts, notes or working papers
(except audit).

3090.46.3 Cards, listings, nonpermanent indices,
other papers used for controlling work or transitory files.

3090.47 All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven years retention, provided said records have been microfilmed and qualify for destruction section 4, above. Payroll and personnel records include the following:

3090.47.1 Accident reports, injury claims and
settlements.

3090.47.2 Medical histories.

3090.47.3 Injury frequency charts.

3090.47.4 Applications, changes and
terminations of employees.

3090.47.5 Insurance records of employees.

3090.47.6 Time cards.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. 3090

descriptions). **3090.47.7** Classification specifications (job

3090.47.8 Performance evaluation forms.

3090.47.9 Earning records and summaries.

3090.47.10 Retirements.

3090.48 All assessing records may upon authorization be destroyed after seven years retention from lien date; however, their records may be destroyed three years after the lien date when said records are microfilmed as provided for section 4, above.

3090.49 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section 3090.4.4, above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if microfilmed as provided for in section 4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

3090.50 Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are microfilmed as provided for in section 4, above. Recording tapes (or other media) of Board meetings will be kept for a period of one year from the date of the recorded meeting, after which they will be destroyed.

3090.51 Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. 3090

3090.52 Contracts should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

3090.53 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

Refer to Appendix "1" and Appendix "2"

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Code of Ethics Policy No. 4010

4010.10 The Board of Directors of the Malaga County Water District is committed to providing excellence in legislative leadership that results in the provision of the highest quality of services to its constituents. In order to assist in the government of the behavior between and among members of the Board of Directors, the following rules shall be observed.

4010.11 The dignity, style, values and opinions of each Director shall be respected.

4010.12 Responsiveness and attentive listening in communication is encouraged.

4010.13 The needs of the District's constituents should be the priority of the Board of Directors.

4010.14 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

4010.15 Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.

4010.16 Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

4010.17 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Code of Ethics Policy No. 4010

4010.18 Directors should practice the following procedures:

4010.181 In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.

4010.182 In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.

4010.183 In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.

4010.184 In presenting items for discussion at Board meetings, see Policy #5020.

4010.185 In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

4010.19 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.

4010.20 The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Code of Ethics Policy No. 4010

4010.21 When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

4010.22 Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.

4010.23 Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

4010.24 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Voluntary Candidate Expenditure Policy No. 4015
Ceiling

4015.10 In accordance with Government Code 85400§ (Proposition 208), the voluntary expenditure ceiling for candidates for the Board of Directors of Malaga County Water District and controlled committees of such candidates, shall be one dollar (\$1) per resident for each election in which the candidate is seeking election to the Board of Directors.

4015.20 Proposition 208 establishes a two-tiered scheme of campaign contribution limitations applicable to candidates running for local office based on whether the recipient candidate accepts or rejects the voluntary expenditure ceiling established by the local jurisdiction. The decision by a candidate as to whether to accept the ceiling must be made before a candidate accepts any contributions.

4015.21 If a candidate for the Board of Directors elects to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$250.

4015.22 If a candidate for the Board of Directors elects not to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$100.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Attendance at Meetings Policy No. 4020

4020.10 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is a good cause for absence.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager

MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Remuneration and Reimbursement Policy No. 4030

4030.10 Members of the Board of Directors shall receive a "Directors Fee," the amount of which shall be annually established by the Board at its regular meeting in July. "Directors Fee" will be paid monthly, payable at the last meeting of the month.

4030.20 Members of the Board of Directors shall be reimbursed for all legitimate expenses incurred in attending any meetings or in making any trips on official business of the Board when so authorized in accordance with Policy #4090. Reimbursement for the cost of the use of a Director's vehicle shall be on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of the vehicle usage.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Directors Health Insurance Policy No. 4035

4035.10 Members of the Board of Directors of the Malaga County Water District may participate in the health benefits plan provided by the District through the Pacific Care on a self-pay basis. The District will pay the minimum monthly enrollment fee – currently set at \$___ - for each enrolled Director required of it by the Public Employees' Medical and Hospital Care Act. [*Specify details of district's payment on behalf of directors if different than the foregoing.*]

4035.20 In accordance with Government Code §53208.5, the benefits provided to Directors by the health benefits plan may not be greater than the most generous schedule of benefits being received by any group of District employees. Family members of the Director are also eligible for enrollment in the health benefits plan in accordance with the Act and Regulations of the PERS Board of Administration.

4035.30 The health benefits plan for Directors will be available only to active members of the Board of Directors, and shall not be available after a Director is no longer an elected or appointed official of the District.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board President Policy No. 4040

4040.10 The President of the Board of Directors shall serve as president at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

4040.20 In the absence of the President, the Vice-President of the Board of Directors shall serve as president over all the meetings of the Board. If the President and Vice-President of the Board are both absent, the remaining members present shall select one of themselves to act as president of the meeting.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Members of the Board of Directors** Policy No. **4050**

4050.10 Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

4050.11 Information that is exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

4050.20 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

4050.30 Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

4050.40 Directors may request for inclusion into minutes brief comments pertinent to an agenda item, only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

4050.50 Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision making responsibilities.

4050.60 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

Date Enacted: 4-27-93

Last Revised: 6/2009

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Committees of the Board of Directors Policy No. 4060

4060.10 The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

4060.20 The following shall be standing committees of the Board:

- 4060.21** Planning Committee;
- 4060.22** Ordinance Committee;
- 4060.23** Personnel Committee;
- 4060.24** Finance Committee; and,
- 4060.25** Public Relations Committee.

4060.30 The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January.

4060.40 The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

4060.41 All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Committees of the Board of Directors Policy No. 4060

4060.50 The Board's standing Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

4060.60 The Board's standing Ordinance Committee shall be concerned with proposed ordinances, resolutions and/or District policies, except those pertaining specifically to personnel.

4060.70 The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.

4060.80 The Board's standing Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

4060.90 The Board's standing Public Information Committee shall be concerned with assuring that information regarding the affairs of the District are adequately and appropriately communicated to its constituents and the public at large.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Basis of Authority Policy No. 4070

4070.10 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.

4070.20 Directors do not represent any fractional segment of the community, but are, rather, a part of the body which represents and acts for the community as a whole.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Membership in Associations Policy No. 4080

4080.10 The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Training, Education and Conferences Policy No. 4090

4090.10 It is the policy of Malaga County Water District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. However, it is the intent of the Board of Directors to not provide compensation for attendance at local, non-essential meetings. Therefore, no compensation to Board members will not be made without prior Board approval. (see 4080.30)

4090.20 District administrative staff shall be responsible for making arrangements for per diem, travel, lodging and registration for Directors attending state and national seminars, workshops and conferences. All expenses shall be reported to the District by Directors, together with validated receipts. Directors and staff may be accompanied by spouses, at their own cost. Spouses expenses will not be reimbursed by the District.

4090.30 Attendance by Directors of seminars, workshops and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

4090.40 Upon returning from seminars, workshops, or conferences where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

Date Enacted: 4-27-93

Last Revised: 8-29-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Travel Expense Policy Policy No. 4095

4095.10 The Board of Directors of the Malaga County Water District shall set policy as to the expenses of "Perdeim Meals" as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. The following proposed policy to be adopted by the Board.

A) Breakfast	-	\$ 40.00/day
B) Lunch	-	\$ 50.00/day
C) Dinner	-	<u>\$ 60.00/day</u>
GRAND TOTAL	-	\$ 150.00/day

Date Enacted: 12-21-06

Last Revised: 04-12-2022

Secretary-Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meetings Policy No. 5010

5010.10 Regular meetings of the Board of Directors shall be held on the second and fourth Tuesday of each calendar month at 7:00 p.m. in the District Office, 3580 South Frank Street, Fresno, CA. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organizational meeting of the Board.

5010.20 Special meetings (non-emergency) of the Board of Directors may be called by the Board President.

5010.21 All Directors, the General Manager, District Counsel and District Engineer shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, delivered to them at least twenty-four (24) hours prior to the meeting.

5010.22 Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code #54950 through #54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

5010.23 An agenda shall be prepared as specified for regular Board meetings in Policy #5020 and shall be delivered with the notice of the special meeting to those specified above.

5010.24 Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meetings Policy No. 5010

5010.30 Special Meetings (emergency). In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the twenty-four (24) hour notice required in 5010.21, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by the General Manager, Board President or Vice-President in the President's absence.

5010.31 Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code #54950 through #54926) shall be notified by at least one (1) hour prior to the emergency special meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the General Manager, or his/her designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.

5010.32 No closed session may be held during an emergency special meeting, and all other rules governing special meetings shall be observed with the exception of the twenty-four (24) hour notice. The minutes of the emergency special meeting, a list of persons the General Manager or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten (10) days in the District office as soon after the meeting as possible.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meetings Policy No. 5010

5010.40 Adjourned Meetings. A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in 5010.22 above.

5010.50 Annual Organizational Meeting. The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice-President from among its members to serve during the coming calendar year, and will appoint the General Manager as the Board's Secretary and Treasurer.

5010.60 The President of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

5010.70 The President and the General Manager shall insure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meeting Agenda Policy No. 5020

5020.10 The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request any item to be placed on the agenda no later than 1:00 o'clock P.M. on the Friday prior to the meeting date.

5020.20 Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

5020.21 The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least five (5) business days prior to the date of the meeting;

5020.22 The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

5020.23 No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy;

5020.24 The Board of Directors may place limitations on the total time to be devoted to a public request at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.

5020.30 This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meeting Agenda Policy No. 5020

5020.40 At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review within the District office.

5020.41 The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting in the same location.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meeting Conduct Policy No. 5030

5030.10 Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. The latest edition of Robert's Rules of Order, Revised shall also be used as a general guideline for meeting protocol. District policies shall prevail whenever they are in conflict with Robert's Rules of Order, Revised.

5030.20 All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

5030.30 The conduct of meetings shall, to the fullest possible extent, enable Directors to:

5030.31 Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,

5030.32 Receive, consider and take any needed action with respect to reports of accomplishment of District operations.

5030.40 Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:

5030.41 Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter;

5030.42 No boisterous conduct shall be permitted at any Board meeting. Persistence in boisterous conduct shall be grounds for summary termination, by the President, of that person's privilege of address.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Meeting Conduct Policy No. 5030

5030.43 No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by another reference which tends to identify. All charges or complaints against employees shall be submitted to the Board of Directors under provisions contained in Policy #1030.

5030.50 Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the room cleared and subsequently conduct the Board's business without the audience present.

5030.51 In such an event, only matters appearing on the agenda may be considered in such a session.

5030.52 After clearing the room, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to re-enter the meeting room.

5030.53 Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be admitted to the remainder of the meeting.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Actions and Decisions Policy No. 5040

5040.10 Actions by the Board of Directors include but are not limited to the following:

5040.11 Adoption or rejection of regulations or policies;

5040.12 Adoption or rejection of a resolution;

5040.13 Adoption or rejection of an ordinance;

5040.14 Approval or rejection of any contract or expenditure;

5040.15 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

5040.16 Approval or disapproval of matters which require or may require the District or its employees to take action and/or provide services.

5040.20 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three (3) votes to be effective (unless a 4/5 vote is required by policy or other law).

5040.21 A member abstaining in a vote is considered as absent for that vote.

5040.211 Example. If 3 of 5 Directors are present at a meeting, a quorum exists and business can be conducted. However, if 1 Director abstains on a particular action and the other 2 cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Board Actions and Decisions Policy No. 5040

5040.212 Example. If an action is proposed requiring a two-thirds vote and 2 Directors abstain, the proposed action can not be approved because 4 of the 5 Directors would have to vote in favor of the action.

5040.213 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, 3 Directors must vote in favor of the appointment for it to be approved. If 2 of the 4 Directors present abstain, the appointment is not approved.

5040.30 The Board may give directions which are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

5040.31 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

5040.32 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer matter to the General Manager for review and recommendation, etc.).

5040.33 Informal action by the Board is still Board action and shall only occur regarding matters which appear on the agenda for the Board meeting during which said informal action is taken.

Date Enacted: 4-27-93

Last Revised: 8-29-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Review of Administrative Decisions Policy No. 5050

5050.10 The provisions of #1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of #1094.5 of said code. The provisions of #1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

5050.20 This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.

5050.30 The purpose of this policy is to insure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Minutes of Board Meetings Policy No. 5060

5060.10 The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

5060.11 Copies of said minutes shall be made for distribution to Directors with the agenda for the next regular Board meeting.

5060.12 The official minutes of the regular and special meetings of the Board shall be kept in a fire-proof vault or in fire-resistant, locked cabinets.

5060.20 A video and/or audio tape recording of any meeting of the Board of Directors, including closed sessions, may be made at the request of the Secretary, General Manager or any Director when such request is approved by the majority of the whole Board.

5060.21 The Chairperson will announce the fact that a recording is being made at the beginning of the meeting, and the recording device shall be placed in plain view of all present, so far as is possible.

5060.22 Recordings made during closed sessions of the Board are deemed not to be public records.

5060.23 The recordings, tapes, discs or other electronic data/information storage devices shall be kept in fire-resistant, locked cabinets or in a fire-proof, locked vault.

5060.30 Motions, resolutions or ordinances shall be recorded as having passed or failed, and individual votes will be recorded unless the action was unanimous.

5060.31 All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each fiscal year.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Minutes of Board Meetings Policy No. 5060

5060.40 The minutes of Board meetings shall be maintained as hereinafter outlined.

5060.41 Procedure:

- 5060.411** Date, place and type of each meeting;
- 5060.412** Directors present and absent by name;
- 5060.413** Call to order;
- 5060.414** Arrival of tardy Directors by name;
- 5060.415** Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon;
- 5060.416** Adjournment of the meeting;
- 5060.417** Record of written notice of special meetings; and,
- 5060.418** Record of items to be considered at special meetings.

5060.42 Board Actions:

- 5060.421** Approval of amended approval of the minutes of preceding meetings;
- 5060.422** Complete information as to each subject of the Board's deliberation;
- 5060.423** Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Minutes of Board Meetings Policy No. 5060

5060.424 All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;

5060.425 A record of all contracts entered into;

5060.426 All employments and resignations or terminations of employment within the District;

5060.427 A record of all bid procedures, including calls for bids authorized, bids received, and other action taken;

5060.428 A record by number of all warrants approved for payment;

5060.429 Adopted of the annual budget;

5060.430 Financial reports, including collections received and deposited and sales of District property, shall be presented to the Board every month;

5060.431 A record of all important correspondence;

5060.432 A record of the General Manager's report to the Board;

5060.433 Approval of all policies and Board-adopted regulations; and,

5060.434 A record of all visitors and delegations appearing before the Board.

Date Enacted: 4-27-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Rules of Order for Board and Policy No. 5070
Committee Meetings

5070.32.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated in a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

5070.40 Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

5070.41 Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

5070.42 Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

5070.43 Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

5070.44 Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

5070.45 Motion to Close Debate and Vote Immediately. As provided above, any Director may move to close debate and immediately vote on a main motion.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Rules of Order for Board and Committee Meetings Policy No. 5070

5070.10 General.

5070.11 Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

5070.11.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the chairperson. If the ruling of the chairperson is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

5070.20 Obtaining the Floor.

5070.21 Any Director desiring to speak should address the chairperson and, upon recognition by the chairperson, may address the subject under discussion.

5070.30 Motions.

5070.31 Any Director, including the chairperson, may make or second a motion. A motion shall be brought and considered as follows:

5070.31.1 A Director makes a motion; another Director seconds the motion; and the chairperson states the motion.

5070.32 Once the motion has been stated by the chairperson, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the chairperson will call for the vote.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Rules of Order for Board and Committee Meetings Policy No. 5070

5070.46 Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

5070.50 Decorum.

5070.51 The chairperson shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The chairperson may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the chairperson, or otherwise disrupting the meeting or hearing.

5070.52 The chairperson may also declare a short recess during any meeting.

5070.60 Amendment of Rules of Order.

5070.61 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Improvements Standards Policy No. 6010

6010.10 In order to provide a uniform and consistent method of regulating and guiding the design and preparation of plans for construction of water and sewer facilities; and, of insuring proper installation of all private works involving water and sewer, Improvement Standards, including Standard Details, shall be maintained by the District.

6010.20 The purpose of the Improvement Standards is to provide standards to be applied to water and sewer improvements and private works to be dedicated to the public and accepted by the District for operation and maintenance. This is necessary in order to provide for coordinated development of required facilities to be used by the public.

6010.30 It is recognized that it is not humanly possible to anticipate all situations that may arise or to prescribe standards applicable to every situation. Therefore, any items or situations not included in the Improvement Standards shall be designed and/or constructed in accordance with accepted engineering practice, the State of California "Standard Specifications" and "Highway Design Manual", "Malaga County Water District, Standard Specifications for Public Works", and as required by the District Engineer and or General Manager.

6010.40 Proposed changes in the Improvement Standards shall be presented to the Board of Directors for their review and consideration. If the proposed change(s) is approved by the Board, staff shall incorporate said change(s) in the originals of said Standards, and shall annotate the date of said revision approval upon the documents.

6010.50 Copies of the current Improvement Standards shall be available at the District office and shall be available to interested parties upon request and payment of the cost of producing the requested copy.

Date Enacted: 6-8-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Environmental Review Guidelines Policy No. 6020

ARTICLE I - GENERAL

Section 1. Purposes. These guidelines implement the California Environmental Quality Act of 1970 (CEQA) as amended and ensure that consideration is given to the environmental effects of projects that are subject to CEQA. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways either to mitigate or avoid the effects. It is an information document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. The information in an EIR constitutes evidence that the District shall consider along with any other information that may be presented to the District. While CEQA requires that major consideration be given to preventing EIR damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. Economic information may be included in an EIR or may be presented in whatever form the District desires. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long term and short-term costs and benefits of a project in making the decision to approve or disapprove it.

Section 2. General Implementing Procedures. The regulations contained in Title 14, Division 6, Chapter 3 of the California Administrative Code are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures. (14 Code of Cal. Regs. Section 5022).

Section 3. Definitions.

- A. "District" means the Malaga County Water District
- B. "Board" means the District's Board of Directors.
- C. "District staff" means the District's General Manager or other delegated District employee.



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- D. “Lead Agency” means the public agency that has the principal responsibility for carrying out or approving a project.
- E. “Responsible Agency” means the public agency that proposes to carry out or approve a project, for which the Lead Agency is preparing or has prepared an EIR.
- F. “Trustee Agency” means the state agency with legal jurisdiction over natural resources held in trust for the people of the state, and which are affected by a project.
- G. “Substantial evidence” means facts, fact-related reasonable assumptions and expert opinion.
- H. “Cumulative Impact” means two or more environmental effects which, when considered together, are considerable or which compound or increase other environmental impacts.
- I. Other definitions as found in 14 Code of Ca. Regs. Section 15350, *et seq.*

ARTICLE II - APPLICABILITY

Section 4. Scope of Applicability. These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.

Section 5. Statutory Exemptions. The following activities are exempt from the requirements of CEQA and these Guidelines and consequently no environmental documents are required therefore.

A. Ministerial Projects. Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. Examples of such projects include but are not limited to individual utility service connections and disconnections, agreements to install in-tract utility facilities to subdivisions, development of which has been approved by other appropriate governmental agencies, utility service connections and disconnection's to potential customers within such subdivision and the District's issuance of facility encroachment permits. (14 Code of Cal. Regs. Section 15369).



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The decision as to whether or not a proposed project is ministerial in nature, and thus outside the scope of this enactment, shall be made by the District Board on a case-by-case basis or as part of these Guidelines as set forth hereafter.

B. Emergency Projects. The following emergency projects: (14 Code of Cal. Regs. Section 15269).

(a) Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

(b) Emergency repairs to public service facilities necessary to maintain service.

(c) Specific actions necessary to prevent or mitigate an emergency.

C. Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future actions that the District has not approved, adopted or funded, does not require the preparation of environmental documentation, but does require consideration of environmental factors. (14 Code Cal. Regs. Section 15252).

D. Pipelines in Public Right of Ways. A project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline. A pipeline includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. (Public Resources Code, Division 13, Paragraph 21080.21).

Section 6. Categorical Exemptions. The Secretary of Resources, State of California has found that specific classes of projects do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. A list of these exemption classes commonly found in District operations, along with the specific activities that the District has found to be within these categorical exemptions follows. The



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categorical exemptions listed herein are not intended to be, and are not to be construed to be a limitation of the exemption classes set forth in 14 Code Cal. Regs. Section 15300, *et seq.*

A. Class I: Existing Facilities. Operation, repair, maintenance or minor alteration of all existing District facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion or use beyond that previously existing, including, but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) treatment plants;
- (7) recreational facilities;
- (8) buildings; and,
- (9) dams.

B. Class II: Replacement or Reconstruction. Replacement or reconstruction of any existing District facilities, structures or other property where the new facility or structure will be located on the same site and have substantially the same purpose and capacity as the replaced or reconstructed facility or structure, including but not limited to:

- (1) treated water conveyance facilities and appurtenant structures;
- (2) water connection facilities, including meter boxes;
- (3) fire hydrants;
- (4) storage reservoirs;
- (5) pump stations;
- (6) buildings;
- (7) treatment plants;
- (8) recreational facilities, and
- (9) dams and appurtenant structures.

For the purpose of determining the extent of this class exemption for buried pipelines under the water conveyance facility category, the



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following shall apply. A replacement of a buried pipeline will be considered as categorically exempt under Class II if the replacement is within 30 feet of the existing pipeline, the nominal inside diameter of the replacement pipe is no larger than the existing pipeline or 8-inch, whichever is greater, and no substantial clearing of mature trees or bushes is necessary.

C. Class III. New Construction or Conversion of Small Structures. Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to:

- (1) Raw water conveyance facility appurtenances, including control and measuring structures.
- (2) Treated water conveyance facility appurtenances, including meter boxes, fire hydrants, blow offs and air release valves.
- (3) Water conveyance facility appurtenances, including water meters, booster pumps, gate, ball and check made in the interior of the structure. Examples of this exemption include but are not limited to valves, blowoffs, valve boxes, etc.

D. Class IV: Minor Alterations to Land. Minor alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees, including but not limited to:

- (1) small water diversion facilities;
- (2) grading on land with a slope of less than ten percent (10%), except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
- (3) new gardening or landscaping but not including tree removal;
- (4) filling of earth into previously excavated land with material compatible with the natural features of the site;
- (5) minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities



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- that result in improvement of habitat for fish and wildlife resources or greater fish production;
- (6) minor temporary uses of land having negligible or no permanent effects on the environment;
 - (7) maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.

E. Class V: Information Collection. Basic data collection, research, experimental management and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information-gathering purposes or as part of a study leading toward the undertaking of a project.

F. Class VI: Inspection. Inspection activities, including but not limited to inquiries into the performance of an operation and examination of the quality, health or safety of a project.

G. Class VII: Accessory Structures. The construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.

H. Class VIII: Surplus Government Property Sales. Sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in 14 Code Cal. Ergs. Section 15206. However, if the surplus property to be sold is located in any of those areas even its sale is exempt if:

- (1) the property does not have significant values for wildlife habitat or other environmental purposes; and,
- (2) any of the following conditions exist:
 - (a) the property is of such size or shape that it is incapable of independent development or use, or
 - (b) the property to be sold would qualify for an exemption under any other class of categorical exemption in Section 6 of these Guidelines, or
 - (c) the use of the property and adjacent property has not changed since the time of purchase by the District.



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I. Class IX: Annexations of Existing Facilities and Lots for Exempt Facilities. The following annexations:

- (1) annexations to the District of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (2) annexations of individual small parcels of the minimum size for facilities exempted by Class III, New Construction or Conversion of Small Structures.

D. Class X: Changes in Organization of the District. Changes in the organization or reorganization of the District where the changes do not modify the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (1) establishment of an improvement district;
- (2) consolidation of two or more districts having identical powers;
- (3) merger with a district lying entirely within the boundaries of the District.

K. Class XI: Small Hydroelectric Projects at Existing Facilities. Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:

- (1) the capacity of the generating facilities is 5 megawatts or less;
- (2) operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (a) rate and volume of flow;
 - (b) temperature;
 - (c) amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and;
 - (d) timing of releases.



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- (3) new power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- (4) repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- (5) there will be no significant upstream or downstream passage of fish affected by the project;
- (6) the discharge from the powerhouse will not be located more than 300 feet from the toe of the diversion structure;
- (7) the project will not cause violations of applicable state or federal water quality standards;
- (8) the project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and,
- (9) construction will not occur in the vicinity of any rare or endangered species.

L. Class XII: Acquisition of Land for Wildlife Conservation.

Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

ARTICLE III - ENVIRONMENTAL REVIEW PROCEDURES

Section 7. General. The requirements set forth in these Guidelines apply to projects which may have a significant effect on the environment and which involve discretionary governmental action. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not covered by the requirements set forth in CEQA. However, these Guidelines should be consulted to determine the procedures necessary to verify that conclusion.

The procedures to be followed are summarized in the flow chart included as Exhibit "C" of these Guidelines.



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ARTICLE IV - PRELIMINARY REVIEW AND INITIAL STUDY

Section 8. Preliminary Review. At the outset, a proposed activity shall be examined by District staff for the purpose of determining whether it is either statutory or categorically exempt or involves another agency as the lead agency (14 Code Cal. Regs. Section 15050, *et seq.*). If it is determined that the project is exempt from CEQA, or the District is not the lead agency, District staff may complete the form provided as Exhibit "B" of these Guidelines, Preliminary Environmental Assessment. If the District staff determines that the project is exempt from CEQA and the District approves or determines to carry out the project, the District may file with the County Clerk of the county in which the project will be located, a Notice of Exemption on the form provided as Exhibit "C".

Section 9. Initial Study. If the project is determined not to be exempt and the District is the lead agency, the District staff shall conduct an initial study to determine if there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect. In making such a study, the District staff shall prepare a written determination using the Environmental Checklist Form attached as Exhibit "D" of these Guidelines. Prior to determining if a Negative Declaration or Environmental Impact Report (EIR) is required for a project, District staff shall consult informally with all responsible agencies and all trustee agencies responsible for resources affected by the project. If the project is determined to be of statewide, regional, or area wide significance as defined in 14 Code Cal. Regs. Section 14206, District staff will consult with transportation planning agencies and other public agencies which have transportation facilities within their jurisdictions which could be affected by the project. Consultation will be conducted in the same manner as for responsible agencies and will be for the purpose of obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, and rail transit service within the jurisdiction of a transportation planning agency or a public agency. "Transportation Facilities" includes major local arterials and public transit within five (5) miles of the project site and freeways, highways, and rail transit service within ten (10) miles of the project site.



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If there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect, regardless of whether the overall effect of the project is adverse or beneficial, then an EIR must be prepared.

Section 10. The Existence of Public Controversy. The mere existence of public controversy over the environmental effects of a project is no longer enough to require the preparation of an EIR. Substantive evidence is needed including facts, reasonable assumptions predicated upon facts and expert opinion supported by facts. If there is disagreement among expert opinion then the District will treat the effect as significant and prepare an EIR.

A mitigated Negative Declaration will be prepared instead of an EIR when the initial study has identified potentially significant environmental effects but, prior to public review of the proposed Negative declaration, the initial study was revised, providing for the mitigation of the effects of the proposed project to less than significant levels, and when there is no substantial evidence "in light of the whole record" that the project as revised will have a significant environmental effect.

Section 11. Development and Publication Criteria. The District is encouraged to develop and publish the thresholds that it uses to determine the significance of environmental effects caused by projects it reviews. By identifying criteria that it uses, the District can show some predictability in its determination process and an interested party can ascertain the standard of significance for a particular resource in the community. If thresholds are to be adopted as part of the District's environmental review process then they must be adopted by ordinance, resolution, rule, or regulation after a public review period.

Section 12. Consideration of Cumulative Effects. The cumulative effects of a project will be considered in the decision of whether an EIR is needed. An EIR must be prepared if the cumulative impacts may be significant and the project's incremental effect is cumulatively considerable and will not be lessened through the mitigation measures set forth in a Mitigated Negative Declaration. "Cumulatively considerable" means that the incremental effects of an individual project are



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considerable when viewed in connection with the effects of past, current, and probable future projects. (14 Code Cal. Regs. Section 15064(I). If the cumulative impact will not be considerable then a Negative Declaration can be prepared.

The District Staff, at the conclusion of the initial study, will complete an Environmental Impact Assessment form, Exhibit "E" of these Guidelines, or include a similar statement in the initial study document.

ARTICLE V - NEGATIVE DECLARATION

Section 13. Proposed Negative Declaration. If the District staff determines that there is no substantial evidence "in light of the whole record" that the project will have a significant environmental effect, the District will give notice that the District proposes to adopt a Negative Declaration. (14 Code Cal. Regs. Section 15072). The format for this notice is given in Exhibit "F" of these Guidelines.

Notice will be provided to the public no less than twenty (20) calendar days prior to adoption by the District of Negative Declaration in the following manner:

- A. Mailed to the last know name and address of all organizations and individuals who have previously requested such notice in writing;
- B. Mailed to all responsible and trustee agencies;
- C. Posted in the office of the County Clerk of each county in which the project will be located within 24 hours of receipt for a period of at least twenty (20) days.
- D. Sent to the State Clearinghouse, Office of Planning and Research, if any state agencies or trustee agencies are responsible and the review period is extended to thirty (30) calendar days.
- E. Where the project meets the definition of statewide, regional or area wide significance as defined in 14 Code Cal. Regs. Section 15206, notice will also be submitted to the State Clearinghouse and to the appropriate Metropolitan Area Council of Governments for review and comment.



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The public review period is thirty (30) days unless a shorter period is approved by the State Clearinghouse (not less than 20 days). Notice will also be given by at least one of the following procedures:

- A. publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, publication in the newspaper with largest circulation from among the newspapers of general circulation in those areas;
- B. posting of notice by the District on and off site in the area where the project is to be located;
- C. direct mailing to owners and occupants, as shown on the latest equalized assessment roll, of property contiguous to the project.

The alternatives for providing notice specified above shall not preclude the District from providing additional notice by other means if the District so desires, nor shall these requirements preclude the District from providing the public notice at the same time and in the same manner as public notice required by any other law for the project.

The District shall make copies of the proposed Negative Declaration available for public inspection for at least 20 days. Copies of the Negative Declaration may be provided to any person upon payment to the District of a fee established by the Board to cover nominal copying and staff processing costs.

The Board shall hold a hearing on the proposed Negative Declaration after notice is given as provided above. Comments relating to the inadequacies of a proposed Negative Declaration should identify the environmental effect, explain why the reviewer believes the effect would occur and explain why they believe the effect would be significant. Reviewers should explain the basis of their comments and whenever possible, should submit data or references in support of the comments. Prior to approving the project, the Board shall consider the proposed Negative Declaration together with any comments received during the public review process. If the Board determines that there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect, it shall require that an EIR be prepared.



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Section 14. Recirculation of Negative Declaration. A Negative Declaration will be recirculated for public review before it is adopted and the project approved when it has been significantly revised. This happens when a new, avoidable significant effect is identified and mitigation measures or project revisions must be added to reduce the effect or when the District determines proposed mitigation measures will not properly reduce effects thus new measures or revisions are required. There will not be a recirculation when: 1) mitigation measures are replaced with equal or more effective measures; 2) new project revisions are added which are not new, avoidable significant effects; 3) measures or conditions are optional under CEQA that do not create new significant effects and are not necessary to mitigate an avoidable a significant effect; 4) or new information is added to clarify, amplify, or make insignificant modifications. (14 Code Cal. Regs. Section 15073.5)

Section 15. Adoption of Negative Declaration. At a hearing, if the Board determines that there is no substantial evidence "in light of the whole record" that the project may have a significant environmental effect, it shall adopt the Negative Declaration on the form provided as Exhibit "G" of these Guidelines. If the Negative Declaration is to be prepared under contract, such contract must be executed within forty-five (45) days. From the District's determination that it is required.

Section 16. Notice of Determination for Negative Declaration. After the final approval has been made on the Negative Declaration, and the project is approved by the Board, the District staff shall prepare a Notice of Determination in the form attached as Exhibit "H" and file it with the County Clerk of the county in which the project will be located. Such filing shall be done within five (5) working days of the approval of the project, be posted for thirty (30) days, and be retained in the agency files for nine (9) months. If the project requires discretionary approval from a State agency, the Notice of Determination shall be filed with the State Clearinghouse in the Office of Planning and Research (OPR). For a project of statewide, regional, or area wide significance, a transportation planning agency or public agency which provides information to District staff shall be notified of and provided with copies of, environmental documents pertaining to the project.



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Section 17. Proposed Mitigated Negative Declaration. If the District staff determines through the initial study that there are potentially significant effects to the environment, but (1) revisions in project plans or proposals made or agreed to by the applicant prior to release for public review of the Proposed Negative Declaration and initial study will avoid or mitigate the effects, and (2) there is not substantial evidence "in light of the whole record" that the revised project will have a significant effect on the environment, then the District will give the same notice as for a Negative Declaration. The format for this notice is given Exhibit "F" of these Guidelines.

ARTICLE VI - ENVIRONMENTAL IMPACT REPORT

Section 18. Notice of Preparation. If the Board determines that there is substantial evidence "in light of the whole record" that the project may have a significant environmental effect, it will require that an EIR be prepared. Immediately after deciding that an environmental impact report is required for the project, the District staff shall send to each responsible or trustee agency, any public agency which has jurisdiction by law with respect to the project, and any city or county which borders on a city or county within which the project is located, a Notice of Preparation by certified mail on the form attached as Exhibit "I" of these Guidelines, by certified mail or any other method of transmittal which provides a record that the notice was received, stating that an EIR will be prepared. Such Notice of Preparation must also be published in a newspaper of general circulation.

The Notice of Preparation shall provide the addressee agencies with a brief description of the project, project location, and project effects on the environment; the date, time and place of a public hearing on the notice; the address where documents relating to the projects are available and where written comments may be sent and the deadline for submitting comments. Within thirty (30) calendar days after receiving the Notice of Preparation, each addressee agency shall provide the District with specific details about the scope and content of the environmental information related to each affected agency's area of statutory responsibility, which must be included in the draft EIR.



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When one or more State agencies will be a responsible or trustee agency, the District shall send a Notice of Preparation to each State affected agency with a copy to the State Clearinghouse.

A copy of the Notice of Preparation will be posted at the District's main office. The Notice shall also be posted in the Office of the County Clerk of the county or counties in which the project will be located and shall remain posted for a period of thirty (30) days.

Section 19. Draft EIR. The draft EIR shall be prepared directly by or under contract to the District. If it is prepared under contract, such contract must be executed within forty-five (45) days after a project application has been accepted as complete. The required contents of a draft EIR are discussed in 14 Code Cal. Regs. Section 15120, *et seq.* A standard format must be used whenever feasible.

If the project is determined to be of statewide, regional, or area wide significance, the draft EIR shall be submitted to the State Clearinghouse and should be submitted also to the appropriate Metropolitan Area Council of Governments, as well as to a transportation planning agency or public agency which provides transportation information to District staff for review and comment.

Prior to completing the draft EIR, the District may consult directly with any person or organization it believes will be concerned with the environmental effects of the project.

Section 20. Notice of Completion of Draft EIR. As soon as the draft EIR is completed and approved by the Board, the District will file, with the State Clearinghouse, a Notice of Completion of Draft EIR on the form attached as Exhibit "J" of these Guidelines or electronically by diskette or e-mail.

Section 21. Review of Draft EIR. After completing a draft EIR, the District shall consult with and obtain comments from public agencies having jurisdiction by law with respect to the project and should consult with persons having special expertise with respect to any environmental impact



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involved. Others might need to be consulted including any city or county bordering the city or county of the project; transportation planning and public agencies which have transportation facilities within their jurisdictions that might be affected, for statewide, regional or area wide projects; and California Department of Water Resources for a subdivision project within one mile of a facility of the State Water Resources Development System. The District shall provide the general public with an opportunity to comment on the draft EIR.

The District shall provide Public Notice of the Completion of a Draft EIR, on the form attached as Exhibit "K", at the same time as it sends a Notice of Completion of Draft EIR to the State Clearinghouse. Notice shall be mailed to all organizations and individuals who have previously requested such notice and shall also be given by:

- A. publication at least one time by the District in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, publication in the newspaper with largest circulation from among the newspapers of general circulation in those areas;
- B. posting of notice by the District on and off site in the area where the project is to be located;
- C. direct mailing to owners and occupants, as shown on the latest equalized assessment roll, of property contiguous to the project.

The alternative for providing notice specified above will not preclude the District from providing additional notice by other means if it so desires, nor will these requirements preclude the District from providing the public notice at the same time and in the same manner as public notice required by any other law for the project.

The District shall use the State Clearinghouse to distribute EIRs and other environmental documents to state agencies for review. The District will identify to the State Clearinghouse those state agencies that are likely to be interested and provide at least 10 copies of the Draft EIR to the State Clearinghouse along with an electronic format on diskette or by e-mail.



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In making copies of draft EIRs available to the public, the District will, whenever possible, make environmental information available on the Internet on a Web site maintained or used by the District. In order to provide sufficient time for public review, review periods for draft EIRs will not be less than thirty (30) calendar days, nor longer than sixty (60) calendar days from the date of the notice except in unusual situations. If a State responsible or trustee agency is reviewing the draft EIR, the public review period must be not less than forty-five (45) calendar days.

Public hearings may be conducted by the Board on the draft EIR, either in separate proceedings, or in conjunction with other proceedings of the District. Reviewers of a draft EIR should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

Section 22. Final EIR. The District staff shall evaluate comments on environmental issues received from persons and organizations that reviewed the draft EIR and shall prepare a written response to all comments received during the review period.

The District staff shall prepare a final EIR, which shall consist of:

- A. The draft EIR or a revision of the draft.
- B. Comments and recommendations received on the draft EIR either verbatim or in summary.
- C. A list of persons, organizations, and public agencies commenting on the draft EIR.
- D. The responses of the District to significant environmental points raised in the review and consultation process.
- E. Any other information added by the District.



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The response of the District to comments received may take the form of a revision to the draft EIR or may be a separate section in the final EIR, as an attachment. The major issues raised when the District's position is at odds with the recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted and listing factors of importance warranting an override of the suggestions.

The District may provide an opportunity for review of the final EIR by the public or commenting agencies. When significant new information is added to the EIR after the close of public comments period but before certification of the Final EIR, then the Draft EIR will be recirculated.

Section 23. Certification of Final EIR. After completion of the review period, the Board shall consider by resolution certifying that:

- A. the final EIR has been completed in compliance with CEQA; and
- B. the final EIR was presented to the Board; and the Board reviewed and considered the information contained in the final EIR prior to approving the project; and
- C. the Final EIR represents the Board's independent judgment and analysis.

CEQA requires the District to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects may be considered acceptable through the Board passing a statement of overriding considerations (14 Code of Cal. Regs. Section 15093). Moreover, when evaluating the feasibility of mitigation measures, the Board may cite legal, social and technological factors, as well as the provision of highly trained job opportunities as reasons for deciding that certain mitigation measures are infeasible.

After Board approval of the project, copies of the certified final EIR shall be filed with the appropriate planning agency of any city or county where



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significant effects on the environment may occur and to each responsible and trustee agency. The Board must hear all appeals concerning the District decision to certify an EIR.

Section 24. Notice of Determination for EIR. After said approval or a determination to carry out the project is made by the Board, the District shall prepare a Notice of Determination in the form attached as Exhibit "H" and file it with the County Clerk within five (5) working days of the approval of the project. The Notice of Determination shall include a statement of overriding considerations if adverse environmental impacts have been identified and not mitigated. If the project requires discretionary approval from a State agency, the Notice of Determination shall also be filed with the State Clearinghouse. (14 Code of Cal. Regs. Section 15094).

ARTICLE VII - MASTER EIR

Section 25. Process. The filing of a Master EIR is an optional process designed to streamline the entire CEQA process. A Master EIR may be filed in lieu of an EIR for the adoption of plans, phased or multiple approval projects, development agreement projects and rules and regulations to be carried out in subsequent projects. The Master EIR can be used to limit subsequent project reviews for subsequent projects within five (5) years of the Master EIR's certification.

Section 26. Contents. A Master EIR must contain the same information as a standard EIR. In addition, a Master EIR must give sufficient information concerning the anticipated projects within its scope. Such additional information must include the size, location and alternatives for the subsequent projects; the intensity; and the schedule governing the submission and approval of the subsequent projects. The Master EIR must also discuss the potential impacts of the anticipated subsequent projects, which cannot be fully assessed at the time the Master EIR is prepared.



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Section 27. Subsequent Projects. When the anticipated subsequent projects are up for approval, the District must conduct an Initial Study to determine if the subsequent projects and its significant environmental effects were included in the Master EIR. If no new impacts are discovered, and if no new mitigation measures or alternatives are necessary, the District may simply adopt a finding that the subsequent project was adequately covered by the Master EIR. The District must also provide public notice, using the form provided as Exhibit "M", of its intent to approve the project and incorporate all feasible, applicable mitigation measures. Public notice will be mailed to the last known name and address of all organizations and individuals that have previously requested notice in writing and in at least one of the following ways:

- A. Publication at least one time in a newspaper of general circulation in the area affected by the proposed project or if more than one area is affected then in the newspaper with the largest circulation from those areas,
- B. Posting notices on and off the site in the area where the project is to be located.
- C. Direct mailing to the owners as shown on the last equalized assessment roll and occupants of the property contiguous to the project location.

After the District approves the subsequent project a Notice of Approval of a Subsequent Project will be filed with the OPR using the form provided as Exhibit "N".

If the District finds during its Initial Study that there do exist new environmental impacts, which may now be mitigated, it must prepare a mitigated Negative Declaration or a Focused EIR for the subsequent project. See Sections 17 and 28.

A Master EIR must be reviewed periodically to determine that it is still an adequate analysis of the significant environmental effects of the project for which it was prepared. This can be done by using the Environmental



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Checklist provided as Exhibit "D". Updating the Master EIR, including preparing subsequent or supplemental EIRs, maintains its effectiveness as the basis for streamlined review of projects that are within its scope. If the District discovers new impacts, which cannot be mitigated, it must prepare either a new EIR or a Focused EIR before it may approve the project. See Section 18-24 and 28.

Section 28. Focused EIR. District has the choice of preparing a Focused EIR, instead of a completely new EIR, prior to approval of a project that was previously covered by a Master EIR when new significant impacts have been discovered and a Mitigated Negative Declaration cannot be prepared. The Focused EIR must examine the additional significant environmental effects not covered by the Mater EIR and any new mitigation measures not covered in the Master EIR. It must also analyze the significant environmental effects previously covered in the Master EIR for which substantial new information exists that demonstrates that these effects may be more significant than described in the Master EIR.

The District must also examine those mitigation measures previously found to be infeasible in the Mater EIR which new information shows may now be feasible. The Focused EIR need not cover the effects successfully mitigated by the measures as discussed in the Master EIR for which mitigation is the responsibility of another agency.

Section 29. Time Limits. The Master EIR may be used to limit the review of subsequent projects for five years. After the five year period has run, the lead agency may only use the Master EIR after it has reviewed its adequacy and found no new information is applicable and no new changes are apparent.

Section 30. Other Projects. If, during the approval of a later project not within the scope of the Master EIR, substantial changes are made to or new relevant information concerning the Master EIR is discovered, the lead agency must: (1) prepare a new or supplemental Master EIR based upon the changes and/or new information; (2) prepare a mitigated



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Negative Declaration for all subsequent projects within the scope of the Master EIR; or (3) prepare a Focused EIR for all subsequent projects within the scope of the Master EIR.

ARTICLE VIII - MISCELLANEOUS

Section 31. Mitigation Monitoring or Reporting. To ensure mitigation measures and project revisions identified in the EIR or Negative Declaration are implemented, the District must adopt a program for monitoring or reporting on the revisions it has required in the project and the measures it has imposed, to mitigate or avoid significant environmental effects. The District can delegate such reporting and monitoring responsibilities to another public agency or to a private entity that accepts the delegation; however the District remains responsible for ensuring implementation of the mitigation measures until such measures have been completed.

The District has the choice of monitoring mitigation, reporting on mitigation, or both. "Reporting" consists of a written compliance review presented to the decision making body or authorized staff person. It ensures that the District is informed of compliance. "Monitoring" is an ongoing or periodic process of project oversight. It ensures that compliance is checked on a regular basis. At times there is no clear distinction between reporting and monitoring, but the following, form 14 Code Cal. Regs. Section 15097, provides a guide:

- A. Reporting is suited to projects with readily measurable or quantitative mitigation measures or already involves regular reviews.
- B. Monitoring is suited to projects with complex mitigation measures that may exceed the expertise of the local agency to oversee, are expected to be implemented over time, or require careful implementation to assure compliance.
- C. Both are suited to all but the simplest projects.



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Section 32. District Projects. The District, when it is the lead agency on a Non-District Project, can require the proposed project applicant to submit information that the District considers necessary for preparing the environmental documentation.

The applicant shall pay all costs incurred for administration and preparation of environmental documentation. The costs for environmental impact report preparation and administration shall include public hearing attendance, printing costs, consultant's fees, and any other relevant expenses incurred by the District. The applicant will be required to deposit with the District the estimated cost of preparation of the required environmental documentation as determined by the District. The applicant will be responsible for paying all related costs on a time and material basis. If the costs are greater than the deposit, the applicant shall pay the additional amounts within ten (10) calendar days of notice by the District. In the event that payment is not received for the additional amounts, the District will immediately cease processing the environmental documentation.

Section 33. De Minimis Impact Finding. In order to determine the necessity of paying Department of Fish and Game fees, the District must determine if the project has an adverse effect on wildlife resources. Projects found by the District in the initial study to be categorically exempt or to be de minimis in their effect on wildlife resources shall pay no fee.

The District will file two (2) copies with the County Clerk of the county in which the project will be located a Certificate of Fee Exemption on the form provided as Exhibit "L" if either of the following findings can be made.

- A. The District determines, when considering the record as a whole, that there is no evidence before the District that the project will have a potential for adverse effect on wildlife resources as defined in Fish and Game Code Section 711.2.
- B. The District rebuts the presumption of adverse effect on wildlife resources contained in 14 Code of Cal. Regs. Section 753.5(d).



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For purposes of signing the Certificate of Fee Exemption, the District's General Manager is considered the Chief Planning Official.

Section 34. Historic and Archeological Resources. A project that may cause a "substantial adverse change" in the significance of a historical resource may also have a significant effect on the environment. A historical resource is included in a local historical register or any object, building, structure, site, area, place, record, or manuscript which a District determines "in light of the whole record" to be historically significant because of the architectural, engineering, economic, agricultural, educational, social, political or cultural significance to California. If the project affects a state-owned historical resource, the State Historic Preservation Office (SHPO) will be consulted.

If a project will impact an archaeological site it will be determined whether the site meets the definition of a historical resource. If it is a historical resource it will be treated as such. If not, it will be determined if it is a "unique archaeological resource" as defined in Pub. Res. Code sec. 21083.2. If the project meets neither definition then the impact will not be considered significant.

Section 35. Partial Invalidity. In the event any part or provision of these Guidelines shall be determined to be invalid, the remaining portions of these Guidelines that can be separated from the invalid unenforceable provisions shall nevertheless continue in full force and effect.

Date Enacted: 8-25-09

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



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Policy Title: Annexation Procedures Policy No. 6030

6030.10 Property must be annexed to the District prior to receiving water and sewer service. Furthermore, unconditional commitments to provide sewer service to property and/or proposed developments will not be granted until said property is annexed to the District.

6030.20 In conformance with Policy #6020, District approval of residential, commercial, unconditional or other types of development projects will not be granted by the Board of Directors until the entire site has been annexed to the District, or will be granted with the condition that the entire project site be successfully annexed to the District.

6030.30 Annexation Procedures.

6030.31 Determine suitability. Property owners or project developers desiring annexation to the District should first determine several factors regarding their property's suitability for water and sewer service:

6030.311 Is the property presently not within the District's boundaries?

6030.312 Is the property within the sphere of influence established for the District by the Local Agency Formation Commission (LAFCO)?

6030.313 Where are the District's existing water and sewer facilities relative to the property?

6030.314 Is the excess capacity in the District's existing facilities adequate for the property's proposed development density?



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Policy Title: Annexation Procedures Policy No. 6030

6030.315 Information regarding District annexation, sphere of influence, and the location of existing water and sewer facilities and available excess capacity will be provided by District staff upon request. Determination of the property's suitability for development and/or connection to the water and sewer service is the responsibility for the property owner, and his/her use of professional engineering and/or development consultants is encouraged.

6030.32 Application to LAFCO. LAFCO has been established by the State Legislature to, among other duties, review and approve or disapprove proposals for annexation of territory to special districts. Approval by LAFCO of any annexation proposal is required before the District can approve the annexation and provide water and sewer service.

6030.321 To initiate the LAFCO application procedure, owners of the property proposed for annexation, or the registered voters residing within the area proposed for annexation, shall submit a petition (#56704, Ca. Gov. Code) to LAFCO. The contents of the petition, itemized below, shall conform to #56700 of the California Government Code.

6030.322 With the petition, annexation proponents shall submit to LAFCO a map and legal description of the proposal. The contents of the map and legal description, itemized below, shall conform to LAFCO and the State Board of Equalization requirements.

6030.323 Also with the petition, annexation proponents shall submit to LAFCO a completed application form and appropriate filing and environmental review fees to cover LAFCO's, filing and environmental review fees and State Board of Equalization fees.

6030.33 Application to District. If annexation proponents desire to receive confirmation of District acceptance of their proposal prior



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Annexation Procedures Policy No. 6030

to initiating the LAFCO application, the petition, map, legal description and LAFCO application form, discussed in 6010.323 above, should be submitted to the District office. A deposit of \$2,000.00 must also accompany said submittal (of which \$1,000 is non-refundable), to cover review and District processing costs. When the annexation process is complete or terminated, cost overruns will be billed to the applicant, and underruns will be refunded.

6030.331 The Board of Directors will consider the annexation proposal at a regularly scheduled meeting. Acceptance by the Board of the proposed annexation shall be formalized by the adoption of a resolution. Said resolution shall contain the following:

- a. all of the information required in the petition, as itemized below, excepting provisions regarding signatories and signatures;
- b. the annexation map and legal description as attachments;
- c. verification that the District desires to annex the subject territory;
- d. authorization for the resolution to be submitted as an application for annexation approval by LAFCO; and,
- e. a request that LAFCO approve and authorize the District to conduct proceedings for the annexation without notice and hearing and without an election (only if the petition has been signed by all of the owners of land within the boundaries of the proposed annexation).

6030.34 District Approval of Annexation. If LAFCO accepts the annexation proposal it will adopt a resolution and forward same to the



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Annexation Procedures Policy No. 6030

District. After confirmation of LAFCO acceptance, and after the annexation proponent(s) tenders to the District applicable annexation fees (discussed below) and appropriate recording and State Board of Equalization fees, as determined by LAFCO, the District's Board of Directors, at a regularly scheduled meeting, will consider approval of the proposed annexation. Approval by the Board of the proposed annexation shall be formalized by the adoption of a resolution.

6030.341 Said resolution shall contain the following provisions:

a. That a description of the annexed lands shall be attached to said resolution;

b. The annexed land shall be subject to the District's policies, rules and regulations, charges made, and assessments levied pursuant to the provisions of the laws pertaining to County Water districts to pay for outstanding obligations of said district, and also shall be subject to all and any combination of assessments, tolls and charges as may exist at the adoption of the resolution and as thereafter may be established and/or levied by the County of Fresno and/or the District for any District purpose;

c. The District shall be under no obligation to install a water or sewer system or any facilities in connection with the subject annexation and the owners of the land to be annexed shall install, as and when water and sewer service is desired, without cost, charge or obligation to the District, a complete water and sewer service system as may be specified by the District, in accordance with plans and specifications approved by the District Engineer and General Manager, in a manner meeting their approval, and shall convey, at no cost to the District, all of said water and sewer system, including rights of way over all parts thereof, to the District; and



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Annexation Procedures Policy No. 6030

d. The project developers and/or owners of the annexed property, and their heirs, successors and assigns shall agree to abide by all Board policies, rules and regulations of the District presently established and as shall be established by the Board in the future.

6030.342 After adoption of said resolution of approval by the Board of Directors, it shall be sent to LAFCO along with necessary fees, for processing of State filings, local recordings, and filing with the State Board of Equalization.

6030.35 Annexation Petition. In accordance with #56700 of the California Government Code, the petition proposing annexation of property to the District shall do all of the following:

6030.351 State that the proposal is made pursuant to said #56700;

6030.352 State the nature of proposal (i.e. annexation of property to Malaga County Water District);

6030.353 Include a description of the boundaries of the affected territory accompanied by a map showing the boundaries;

6030.354 State any proposed terms and conditions;

6030.355 Explain the reason for the proposal (e.g., to receive water and sewer service);

6030.356 State whether the petition is signed by registered voters or owners of land;

6030.357 Designate no more than three (3) persons as chief petitioners, including their names and mailing addresses;

6030.358 Request that proceedings be taken for the proposal pursuant to said #56700; and,



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Annexation Procedures Policy No. 6030

6030.359 State whether the proposal is consistent with the sphere of influence designated by LAFCO for the District.

6030.36 Descriptions and Maps. In accordance with State Board of Equalization and District requirements, annexation descriptions and maps shall conform to the following conditions:

6030.361 All documents must be capable of producing a readable photographic image;

6030.362 Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document, with references to deeds of record used only a a secondary reference;

6030.363 When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the boundary may be omitted, with the points of departure from the existing boundary clearly established;

6030.364 A specific parcel description in sectionalized land is permissible without a metes and bounds description of the perimeter boundary;

6030.365 A parcel description making reference only to a subdivision or a lot within a subdivision is not acceptable, unless all dimensions needed to plot the boundaries are given on an accompanying plat, and the relationship of lot lines with street rights of way must be clearly indicated;

6030.366 Every map must clearly indicate all existing streets, roads and highways within and adjacent to the lands to be annexed, together with the current names of these thoroughfares;

6030.367 Every map shall be a scale and a north point;



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Annexation Procedures Policy No. 6030

6030.368 The point of beginning of the legal description must be shown on the map;

6030.369 The boundaries of the lands to be annexed must be distinctively shown on the map without obliterating any essential geographic or political features;

6030.370 All maps must be professionally drawn or copies (rough sketches of maps or plats will not be accepted); and

6030.371 All descriptions must be prepared by a surveyor or civil engineer licensed in the State of California, and his/her stamp and signature shall be affixed to said description.

6030.38 District Fees. In addition to LAFCO filing, environmental review, State filing, recording, State Board of Equalization and any other applicable non-District fees, an annexation fee shall be paid to the District prior to adoption by the Board of Directors of the resolution approving any annexation. Said annexation fees may be adjusted from time to time by the Board of Directors, are presently established as:

6030.381 For the purpose of providing water service, where water mains presently exist, the owner or developers of annexed land shall be subject to a charge for the cost of the existing pipeline based on a price of pipe, per foot, as set forth from time to time at the discretion of the Board in the district's Master Schedule of Fees, Charges and Recovered Costs.

6030.382 Where water mains do not exist, all costs of installation of water mains shall be paid for by the owner or developers of the annexed land;

6030.383 The cost of existing water wells, pumps and appurtenances will be based on each one thousand (1,000) square feet of property, more than one hundred-fifty (150) feet in depth of the property adjacent to the existing water main, the district engineer shall recommend a charge to be approved by the Board at the time of annexation;



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Annexation Procedures Policy No. 6030

6030.384 For the purpose of providing sewer service, where sewer mains presently exist, the owner or developers of annexed land shall be subject to a charge for the cost of the existing pipeline, based on a price of pipe, per foot, as set forth from time to time at the discretion of the Board in the district's Master Schedule of Fees, Charges and Recovered Costs.

6030.385 Where sewer mains do not exist, all cost of installation of sewer mains shall be paid for by the owner or developer of the annexed land;

6030.386 The cost of the existing sewer treatment facilities, as part of the annexation shall be based on a proportionate share of the cost of the facilities existing bond debt service at the time of the annexation. The cost of existing debt service will be determined at the time of annexation and the cost will be determined according to the following formula:

$$\frac{\text{area to be annexed (acres)}}{\text{total area of the district}} \times \text{Bond Debt Service}$$

6030.387 Prior to actual connection and development, the owner or developer of the annexed land shall pay the district a permit fee to connect to the district facilities, at a rate of \$200.00 per acre of annexed land. Said permit fees may be adjusted from time to time by the Board of Directors.

Date Enacted: 6-9-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Project Approval Policy No. 6040

6040.10 Developers of residential, commercial, industrial or other type of projects shall obtain approval from the District prior to:

6040.11 Construction of associated water and sewer facilities which they proposed to connect to the District's system; or,

6040.12 Relocation of existing District facilities.

6040.13 "Project" shall be defined as the proposed construction of any development involving the District's water and sewer system and/or alterations to provide additional capacity in existing facilities in order to obtain water and sewer services.

6040.20 The developer initiates a request for project approval by submitting, to the District Engineer and General Manager, plans for the proposed improvements. The initial plan submittal shall be prepared by a registered civil engineer. The District Engineer and General Manager shall review the project plans and related information to insure their conformance with the Improvement Standards, District policies, good engineering judgment and the best interests of the District.

6040.30 The project shall be submitted by the General Manager to the Board of Directors for approval consideration when the following have been accomplished:

6040.31 The improvement plans satisfy the requirements of the Improvement Standards, the District Engineer and General Manager;

6040.32 The developer and project-property owner have executed a development agreement (see Policy #6030) as prepared by the District Engineer, Manager and Legal Counsel; and,

6040.33 The project site has been annexed to the District.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Project Approval Policy No. 6040

6040.40 Upon written request from the project developer and/or project engineer, the Board will review the requirements specified by the District Engineer for the involved improvement plans, development agreement, or other related items, to determine if they are in keeping with the Improvement Standards, District policies, and/or the best interests of the District. If the subject of the request involves general engineering judgment, the Board may request an impartial opinion of another professional engineer (one who is not involved with the project or its principals).

6040.50 Upon approval of the project by the Board of Directors, the Chairman of the Board shall be authorized to execute the development agreement on behalf of the District, and the General Manager shall be authorized to affix his/her signature of approval on the project's improvement plans.

6040.60 Approval of a project by the Board of Directors is valid for one year. If significant construction of the project has not commenced by the end of one year from the date of approval, or if construction commences and then is halted for more than one year, project approval shall expire.

Date Enacted: 6-8-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.10 Prior to the Board of Directors considering a private development project for approval, a development agreement specifying the terms and conditions of said approval, prepared by the General Manager and/or Legal Counsel, shall be executed by the project's developer(s) and property owner(s) (see Policy #6020).

6050.20 The development agreement shall contain the following information:

6050.21 Name(s) of developer and/or project sponsor(s), and owner(s) of subject property;

6050.22 Assessor's parcel number of subject property;

6050.23 Type and purpose of project (e.g., residential, commercial, industrial, etc.); and,

6050.24 A graphic description of the project attached to the agreement as "Exhibit A."

6050.30 The following shall be used as standard terms and conditions of the development agreement:

6050.31 STANDARDS FOR WATER AND SEWER SYSTEM: Plans have, at no cost to District, been designed and prepared for the on-site and off-site water and sewer system which include Developer's obligation to accomplish the following:

6050.311 Construct the water and sewer system in conformance with the approved plans therefore; and,

6050.312 Obtain an encroachment permit from the Department of Public Works of the County of Fresno and comply with all requirements thereof, including trench restoration and street resurfacing requirements for any portion of the project situated within existing or proposed future county right of way.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.32 ACCEPTANCE OF PLANS AND SPECIFICATIONS: The completed plans as described above for the water and sewer system have been prepared in conformance with District Improvement Standards and the requirements of the District Engineer, and General Manager are in a form acceptable to same.

6050.33 REVISION OF PLANS: Any changes in such accepted plans shall require written approval of Developer and the District Engineer.

6050.34 RIGHTS OF WAY: Owners will provide to District, at no cost to District and in a form acceptable to the District Engineer and General Manager appropriate easements and rights of way for the maintenance, repair, and replacement of all water and sewer system facilities not within existing public rights of way, public utility easements, and/or water and sewer easements.

6050.35 CONSTRUCTION: Developer shall, without expense to District, construct the water and sewer system pursuant to the accepted plans and or any approved modification thereof. Developer shall provide in any contract for construction of the water and sewer system that any contractor's materials supplier's guarantees thereunder, including a one (1) year warranty on the completed improvements, shall insure to the benefit of District after the works constructed thereunder have been conveyed to District as provided for in 6030.39, below. Developer shall also provide in any contract for construction of the water and sewer system that the contractor's public liability and property damage insurance shall be extended to cover Developer and District and their agents, officers and employees as additional insured with liability and bodily injury limits of not less than \$1,000,000/500,000, and property damage coverage of not less than \$500,000.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.36 PAYMENT OF PREVAILING WAGES:

Developer has been advised that the State of California (State) Attorney General has opined that, in certain circumstances, construction of facilities for provision of public utility service, with the understanding and agreement that said facilities will be turned over to District for ownership, operation and maintenance at the conclusion of construction, may be subject to the prevailing wage laws of the State. Developer has determined that, at this time, said opinion of the Attorney General does not affect the wages paid by Developer to laborers employed on said facilities constructed pursuant to this agreement. Developer agrees, however, that should it be determined that the prevailing wage laws of the State (Labor Code #1770, et seq.) apply to the work performed in accordance with this agreement, then Developer shall defend and hold District harmless from any liability, claims, damages, or costs in any way associated with said determination by the State and Developer shall, as further consideration of District entering into this agreement, take all necessary and appropriate action, including payment of back wages, and any associated penalties which may be required, due to enforcement of the prevailing wage laws in connection with construction of the water and sewer system. Developer agrees that District has not represented or in any way advised Developer in connection with this matter except to advise Developer of his potential liability and Developer does not in any way rely upon any opinion or information of District in making his determination in connection with the payment or nonpayment of such wages for the work performed under this agreement. The obligation of Developer to, if required, pay prevailing wages for the work performed in accordance with this agreement shall be a continuing obligation and shall bind the heirs, successors and assigns of Developer and District's obligation to provide operation and maintenance on the facilities to be turned over to District, and to provide water and sewer therein, shall be dependent upon Developer's continuing compliance with this provision.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.37 INSPECTION OF CONSTRUCTION: The District Engineer and his/her agent(s) shall inspect the construction of the water and sewer system to assure that the works are installed in accordance with the accepted plans. Said inspection shall be funded by an inspection fee paid by Developer as specified in District's Improvement Standards. Construction of the water and sewer system shall not commence until said inspection fee is paid. The District Engineer shall notify Developer as to any deviation or failure to construct pursuant to the accepted plans as soon as such deviation or failure is brought to his/her attention, and Developer shall correct such deviation or failure.

6050.38 HOLD HARMLESS: District is not, by inspection of the construction or installation of the water and sewer system, representing Developer or providing a substitute for inspection and control of the work by Developer. Any inspections and observations of the work by District are for the sole purpose of providing notice of stage and character of the work. Any failure of District to vote variances in the work from the plans does not excuse or exempt Developer from complying with all terms of the plans. The fact that District inspects the construction of work and notifies Developer of deviations or failures to construct them pursuant to the accepted plans shall not be deemed to constitute a guarantee by District that the works have been built in accordance with the accepted plans. During construction and prior to conveyance thereof to and acceptance thereof by District, Developer shall hold District harmless against any and all claims, demands and charges by third parties arising out of alleged deviations or failures to construct pursuant to the accepted plans.

6050.39 CONVEYANCE: Within ninety (90) days after completion of construction of the water and sewer system in accordance with the accepted plans therefore and District's Improvement Standards.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.391 Developer and Owners shall convey title of the completed works to District without cost and free and clear of all liens and encumbrances, by appropriate conveying documents, acceptable in form to the District Engineer and General Manager;

6050.392 Developer shall provide District with one set of 24" x 36" reproducible "as built" drawings of the completed project on matte mylar (5 mil minimum);

6050.393 Owners shall provide easements as specified in 6050.34, above;

6050.394 Developer shall furnish to District a bond, irrevocable letter of credit, cash deposit, or other form of surety meeting District's approval in the amount of 25% of the cost of the water and sewer system, as estimated by the Project Engineer, (name and address of developer's engineer) protecting District against any failure of the work due to natural phenomenon or catastrophe, faulty materials, poor workmanship, or defective equipment within a period of one (1) year after acceptance of the water and sewer system by the District's Board of Directors. Said bond or irrevocable letter of credit shall name Developer as Principal and District as Obligee; and,

6050.395 District shall accept conveyance of title of the completed water and sewer system by resolution and include it as part of its system, and shall thereafter operate and maintain said system.

6050.40 DEVELOPER'S RESPONSIBILITIES AFTER CONVEYANCE: After District's acceptance of the water and sewer system, Developer and Owners shall have no obligation for the operation, maintenance, repair or replacement thereof, except that to the extent Developer and/or Owners retain ownership of any parcel to which service from such works is available, they shall pay the same rates and charges levied by District from time to time as any other property owner.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.41 APPLICATION FOR SEWERAGE SERVICE:

The water and sewer system shall not be operated, other than for testing purposes, until the said system is conveyed to District and formally accepted by District as specified in 6030.39, above, and proper applications for service having been filed with District accepted.

6050.42 OBLIGATION FOR PIPELINE AND/OR FACILITIES: District shall be under no obligation to provide additional facilities in order to serve the Project. Upon acceptance of the facilities by District, it shall become the sole property of District and shall be used and operated as District's sole discretion.

6050.43 RATES AND CHARGES FOR SERVICE: All service made available by District to users within the Project shall be at the established rates and charges as fixed by District's Board of Directors from time to time.

6050.44 NOTICES: Notices or requests from any party to this agreement to the remaining parties thereof shall be in writing and delivered or mailed, postage prepaid, to the following addresses:

Malaga County Water District
3580 South Frank Street
Fresno, California 93725
Attention: General Manager

[DEVELOPER'S NAME]
[ADDRESS]
[CITY, STATE ZIP]



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.45 SUCCESSORS AND ASSIGNS: This Agreement shall be binding upon and inure to the benefit of the successors and assigns of all parties. Developer and Owners shall not assign any of their rights, duties or obligations under this Agreement without the prior written consent of District, which consent shall not be unreasonably withheld.

6050.46 DISTRICT POWERS: Nothing herein contained shall be deemed to limit, restrict, or modify any right, duty, or obligation given, granted, or imposed upon District by the laws of the State of California now in effect, or hereafter adopted, not to limit or restrict the power or authority of District, including the enactment of any rules, regulations, policies, resolutions or ordinances, and in the event that any part of provisions herein contained in this agreement or incorporated herein, be found to be illegal or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining parts, portions, or provisions hereof.

6050.47 ATTORNEY FEES: Should any party have to be required to institute legal action to either compel performance of this agreement or recover damages for nonperformance, the prevailing party(s) shall be entitled to reasonable attorney's fees, cost of suit, and all other expenses of litigation incurred in connection therewith.

6050.48 TERMINATION: This Agreement shall terminate and be of no further force and effect at District's discretion if District determines that construction of the water and sewer system has not commenced within twelve (12) months from the date of this agreement, and Developer has not submitted the plans and specifications for reacceptance as provided for in 6030.33, above.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Agreements Policy No. 6050

6050.50 Any inapplicable portions of the foregoing standard terms and conditions may be deleted by, or upon approval of the General Manager and Legal Counsel to accommodate project-specific situations. When warranted, additional conditions and requirements may be added to the standard terms and conditions by, or upon approval of, the General Manager and Legal Counsel to accommodate project-specific situations. The project developer and/or property owner may appeal to the Board of Directors any agreement terms or conditions or requirements proposed by District staff.

Date Enacted: 6-8-93

Last Revised: 8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Development Project Plans Policy No. 6060

6060.10 Developers of residential, commercial, industrial or other types of projects proposing to, or relocate facilities to the District's water and sewer system, shall provide three (3) sets of plans of the proposed improvements, prior to issuance of permits.

6060.11 "Project" shall be defined as proposed construction of any development involving the District's water and sewer system in order to obtain water and sewer service.

6060.12 All plans other than residential, shall be professionally drawn and prepared by an architect or civil engineer, licensed in the State of California, and his or her stamp and signature shall be affixed.

6060.13 Upon completion of the development, the Developer shall provide the District with three sets of "as built" drawings.

Date Enacted: 4-27-93

Last Revised: 10-11-94
8-25-09

Secretary/Manager
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Part I - Designated Employees** Policy No. **APPENDIX A**
Part II - Disclosure Categories

PART I - DESIGNATED EMPLOYEES

<u>Position</u>	<u>Disclosure Category</u>
Board Members	1
General Manager	1
[Other Management/Supervisory Employees]	1
Board Treasurer	1
Consultants	2

PART II - DISCLOSURE CATEGORIES

1. Interests in real property.

Investments and business positions in any business entity or income from any source if the business entity or source of income manufactures or sells supplies, machinery or equipment of the type utilized by the District.

Investments and business positions in any business entity or income from any source if the business entity or source of income is a contractor or subcontractor engaged in the performance of work or services of the type utilized by the District.

2. Consultants shall disclose all sources of income, interests in real property and investments and business positions in business entities.

The General Manager of the District may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extend of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Employee Grievance Form Policy No. Appendix A-1

EMPLOYEE GRIEVANCE FORM **MALAGA COUNTY WATER DISTRICT**

Employee's Name _____ Date: _____

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Consent and Release Form Policy No. Appendix A-2

CONSENT AND RELEASE FORM DRUG/ALCOHOL TESTING

I hereby authorize Malaga County Water District, and any laboratories or medical facilities designated by Malaga County Water District, to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to Malaga County Water District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with Malaga County Water District.

Any attempt to switch a sample or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only drugs, medicine or mind-altering substances, including drugs prescribed by a physician and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol, Robitussin-DM, Allerest, Mediprin, etc.), that I have used in the last forty-five (45) days are as follows:

<u>DRUG/MEDICINE</u>	<u>ISSUED BY: WHEN USED</u>	<u>(IF PRESCRIPTION)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME OF EMPLOYEE: _____

FACILITY PERFORMING TEST: _____

DATE OF TEST: _____

SIGNATURE OF APPLICANT/EMPLOYEE _____
(Signature) (Date)

SUPERVISOR REQUESTING TEST: _____
(Signature) (Date)



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Substance Abuse Policy No. Appendix "A-3"

SAFETY-SENSITIVE CLASSIFICATIONS AND FUNCTIONS

Water Division Safety-Sensitive Classifications

Equipment Operator
Mechanic

Maintenance Technician
Utility Worker

Safety-Sensitive Function

Operating any vehicle where a Class A or Class B drivers license would be required.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Substance Abuse Policy No. Appendix "B"

VOLUNTARY PARTICIPATION IN RANDOM TESTING

In accordance with **Appendix A-3** of the District's Substance Abuse Policy, my classification is not considered safety-sensitive. Therefore, I am not required to participate in the random testing for controlled substances, even though I have a Class A or Class B (commercial) drivers license.

However, for the convenience of the District, and because I would like to have the opportunity to operate District vehicles and equipment requiring a commercial license, designated as safety-sensitive functions in the District's policy, I hereby request that I be included - during the current calendar year - in the pool of safety-sensitive employees for the purpose of controlled substance random testing, in conformance with the District's Substance Abuse Policy.

Employee's Signature

Date

Employee's Name Printed

Claims Incident Report Form

DISTRICT:		MAIL TO:	
		167	
Phone #: ()		Previously Reported Yes No	
Date & Time of Accident:		Reported	
Mo. _____ Day _____ Year _____ AM _____ PM _____		By: _____	
		Reported	
		To: _____	
Location of Accident (including City & State)		Authority Contacted & Report No.	
Description of Accident			
INSURED'S VEHICLE			
Vehicle No.	Year Make Model	V.I.N. (Vehicle Identification)	Plate No.
Driver's Name & Address		Residence Phone #	Business Phone #
Date of Birth	Drivers License #	Purpose of Use	Used with Permission
Describe Damage		\$ Estimate Amount	Where Can Vehicle Be Seen
Yes			
PROPERTY DAMAGE			
Describe Property (If Auto – Year, Make, Model, Plate No.)		Company or Agency Name & Policy No.	
Owner's Name & Address		Business Phone	Home Phone
Driver's Name & Address (Check if Same as Owner)		Business Phone	Home Phone
Describe Damage		Estimate Amount	When Can Vehicle Be Seen
INSURED			
Name & Address		Phone #	Age
Extent of Injury			
WITNESSES OR PASSENGERS			
Name & Address			Phone No.
Name & Address			Phone No.
COMPLETE FOR ALL OTHER INCIDENTS – USE ABOVE BOXES IF APPLICABLE			
Describe Incident including sequence of events, using facts.			
This Report Prepared by:		Date:	Time:

REPORT OF TRAFFIC ACCIDENT OCCURRING IN CALIFORNIA

READ IMPORTANT INFORMATION ON BACK

AS APPROPRIATE, PLEASE TYPE OR PRINT IN BOXES

	# OF VEHICLES	DATE OF ACCIDENT	ACCIDENT LOCATION - CITY/COUNTY (CALIFORNIA ONLY)		ON PRIVATE PROPERTY <input type="checkbox"/> Yes <input type="checkbox"/> No
REPORTING PARTY'S INFORMATION	TIME OF ACCIDENT <input type="checkbox"/> AM <input type="checkbox"/> PM <input type="checkbox"/> Moving <input type="checkbox"/> Stopped in Traffic <input type="checkbox"/> Parked <input type="checkbox"/> Pedestrian <input type="checkbox"/> Bicyclist <input type="checkbox"/> Other (E.G., ROLLAWAY) Hour _____				DRIVING FOR EMPLOYER <input type="checkbox"/> Yes <input type="checkbox"/> No
	DRIVER'S NAME (FIRST, MIDDLE, LAST)			DRIVER LICENSE NUMBER	STATE
	DRIVER'S STREET ADDRESS				DATE OF BIRTH
	CITY		STATE	ZIP CODE	TELEPHONE NUMBERS Wk () Hm ()
	VEHICLE (YEAR AND MAKE)	VEHICLE LICENSE PLATE OR VEHICLE IDENTIFICATION NUMBER			STATE DAMAGES OVER \$750 <input type="checkbox"/> Yes <input type="checkbox"/> No
	VEHICLE OWNER—PERSON OR COMPANY				DATE OF BIRTH
	ADDRESS		CITY	STATE	ZIP CODE
	INSURANCE COMPANY NAME (NOT AGENT OR BROKER) AT THE TIME OF THE ACCIDENT			POLICY NUMBER	
	COMPANY NAIC NUMBER	POLICY PERIOD From: _____ To: _____		POLICY HOLDER NAME	
	OTHER PARTY'S INFORMATION	<input type="checkbox"/> Moving <input type="checkbox"/> Stopped in Traffic <input type="checkbox"/> Parked <input type="checkbox"/> Pedestrian <input type="checkbox"/> Bicyclist <input type="checkbox"/> Other (E.G., ROLLAWAY)			
DRIVER'S NAME (FIRST, MIDDLE, LAST)			DRIVER LICENSE NUMBER	STATE	
DRIVER'S STREET ADDRESS				DATE OF BIRTH	
CITY		STATE	ZIP CODE	TELEPHONE NUMBERS Wk () Hm ()	
VEHICLE (YEAR AND MAKE)		VEHICLE LICENSE PLATE OR VEHICLE IDENTIFICATION NUMBER			STATE DAMAGES OVER \$750 <input type="checkbox"/> Yes <input type="checkbox"/> No
VEHICLE OWNER—PERSON OR COMPANY				DATE OF BIRTH	
ADDRESS		CITY	STATE	ZIP CODE	
INSURANCE COMPANY NAME (NOT AGENT OR BROKER) AT THE TIME OF THE ACCIDENT			POLICY NUMBER		
COMPANY NAIC NUMBER		POLICY PERIOD From: _____ To: _____		POLICY HOLDER NAME	
INJURY/DEATH PROPERTY DAMAGE		NAME AND ADDRESS OF INDIVIDUAL INJURED OR DECEASED			<input type="checkbox"/> Injured <input type="checkbox"/> Deceased
	NAME AND ADDRESS OF INDIVIDUAL INJURED OR DECEASED			<input type="checkbox"/> Injured <input type="checkbox"/> Deceased	<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Bicyclist <input type="checkbox"/> Pedestrian
	OTHER PROPERTY DAMAGED (TELEPHONE POLES, FENCE, LIVESTOCK, ETC.)				DAMAGES OVER \$750 <input type="checkbox"/> Yes <input type="checkbox"/> No
	PROPERTY OWNER'S NAME AND ADDRESS				

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATE	PRINTED NAME	SIGNATURE X
------	--------------	-----------------------

ADDITIONAL INFORMATION ATTACHED

A YOUR VEHICLE

CALIFORNIA INSURANCE INFORMATION

DO NOT DETACH

DMV FILE NUMBER

The Department may send this part to the **insurance company** indicated. If not **fully completed**, it will be assumed you were **not insured** for the accident and **your license will be suspended**.

**I
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E**

NAME OF INSURANCE COMPANY (NOT AGENCY OR BROKERAGE) THAT ISSUED THE LIABILITY POLICY COVERING THE OPERATION OF YOUR VEHICLE		POLICY PERIOD		DRIVER LICENSE NUMBER (DRIVER OF YOUR VEHICLE)	
POLICY NUMBER		From: _____ To: _____			
DATE OF ACCIDENT	IN OR NEAR (CITY OR TOWN) (CALIFORNIA ONLY)				
VEHICLE (YEAR AND MAKE)		VEHICLE IDENTIFICATION NUMBER		VEHICLE LICENSE PLATE NUMBER	STATE
DRIVER			ADDRESS		
OWNER			ADDRESS		
FULL NAME OF POLICY HOLDER			ADDRESS		

SR 1A (REV. 9/2008) WWW

If the policy was not in effect, this form must be completed and returned to the Department within 20 days.

The undersigned company advises that with respect to the reported accident, the policy reported on the reverse side:

- WAS NOT IN EFFECT**
- Was not a liability policy Did not cover the vehicle/driver Number is not a company policy number

Policy Number _____ Policy Period from _____ to _____

Signature _____

Title _____

Date _____

MAIL TO:
Department of Motor Vehicles
Financial Responsibility
P. O. Box 942884
Sacramento, CA 94284-0884

SR 1A (REV. 9/2008) WWW

IMPORTANT INFORMATION

California law requires *traffic accidents* on a California street/highway or private property to be reported to the Department of Motor Vehicles (DMV) within 10 days if there was an injury, death or property damage in excess of \$750. Untimely reporting could result in DMV suspending a driver license. Accidents involving vehicles *not required to be registered* such as an off-road vehicle (OHV), implement of husbandry, or snowmobile or occurring on a military base or occurring on the driver's *own* property involving *only* the personal property of the driver *and* there was no injury or death are not reportable.

The law requires the driver to file **this SR-1 form** with DMV **regardless of fault**. This report must be made in addition to any other report filed with a law enforcement agency, insurance company, or the California Highway Patrol (CHP) as their reports **do not** satisfy the filing requirement. An insurance agent, attorney, or other designated representative may file the report for the driver.

The law requires every driver and every owner of a motor vehicle to be "financially responsible" for any injury or damage resulting from operating or owning a motor vehicle. The minimum insurance level for "financial responsibility" is **public liability and property damage coverage** of \$15,000 for injury or death of one person, \$30,000 for injury or death of two or more persons and \$5,000 property damage per accident. Comprehensive and collision insurance **does not meet the legal requirement**.

§1806 of the California Vehicle Code (CVC) requires the DMV to record accident information **regardless of fault** when individuals report accidents under the Financial Responsibility Law or if law enforcement agencies or CHP investigate and make a report.

WHEN COMPLETING THIS FORM...

Please print within the spaces and boxes on this form. If you need to provide additional information on a separate piece of paper(s) or you include a *copy* of any law enforcement agency report, please check the box to indicate 'Additional Information Attached'. **If you are the passenger reporting the accident**, be sure to identify yourself by using the 'other' box and stating 'passenger' in the explanation.

- Write **unk (for unknown)** or **none** in any space or box when you do not have information on the other party involved.
- Give insurance information that is complete and which *correctly* and *fully* identifies the **company** that *issued* the policy.
- Place the correct National Association of Insurance Commissioners (NAIC) number for your insurance company in the boxes provided. The NAIC number should be located on your insurance ID card or you can contact your insurance agent or company for the information.
- Identify any person involved in the accident (driver, passenger, bicyclist, pedestrian, etc.) who you saw was injured *or* complained of bodily injury or know to be deceased.
- Record in the OTHER PROPERTY DAMAGED section any damage to telephone poles, fences, street signs, guard posts, trees, livestock, dogs, etc., meeting the filing requirement, including amount. *This may require that you contact the owner of the property for an estimate of damages.*
- Once you have completed this report, please mail it to:

DEPARTMENT OF MOTOR VEHICLES
FINANCIAL RESPONSIBILITY
MAIL STATION J237
P.O. BOX 942884
SACRAMENTO, CA 94284-0884

DMV does not accept reports or take actions against non-reporting or uninsured motorists unless this SR-1 form is sent to DMV by someone involved in the accident or their designee and the report is received by DMV *within one calendar year of the accident date*.

ADVISORY STATEMENT

The accident information on the SR-1 is required under the authority of Divisions 6 and 7 of the California Vehicle Code. Failure to provide the information will result in suspension of the driving privilege. Except as made confidential by law (e.g., medical information) or exempted under the Public Records Act, the information is a public record, is regularly used by law enforcement agencies and insurance companies, and is open to public inspection. §16005 CVC limits the public record for SR-1 reports to accident involvement, but does allow persons with a proper interest (involved drivers, their employers, etc.) to receive specified information. Individuals may inspect or obtain copies of information contained in their records during regular office hours. The Financial Responsibility Section Manager, 2570 24th Street, Sacramento, CA 95818 (telephone number: 916-657-6677) is responsible for maintaining this information.

Claim Form

(A claim shall be presented by the claimant or by a person acting on his behalf)

NAME OF DISTRICT:

1 Name, address, mailing address if different, and phone number:

Name: _____

Address(es): _____

Phone Number _____

2 List name, address and phone number of any witnesses.

Name: _____

Address: _____

Phone Number: _____

3 List the date, time, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.

Date: _____ Time: _____ Place: _____

Tell What Happened (give complete information):

NOTE: Attach any photographs you may have regarding this claim.

4 Give a general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim.

5 Give the name or names of the public employee or employees causing the injury, damage, or loss if known.

6 If the actual amount of your claim is less than \$10,000, indicate the exact amount of your claim, and if possible, show specific itemization and/or include copies of any documents in support thereof. If the amount of the claim exceeds \$10,000, no dollar amount should be included in this claim form: However, it is necessary to indicate whether jurisdiction will rest in Municipal or Superior Court. (Jurisdiction for any claim under \$25,000 would rest in Municipal Court, and any claim over \$25,000 would rest in Superior Court.)

Date: _____ Time: _____ Signature: _____

ANSWER ALL QUESTIONS. OMITTING INFORMATION COULD MAKE YOUR CLAIM LEGALLY INSUFFICIENT!



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Merit Rejection Letter Policy No. Appendix A-7

MERIT REJECTION LETTER

(THIS LETTER TO BE TYPED ON DISTRICT LETTERHEAD and used to notify potential claimants that their claim has been rejected on its MERITS, not because the claim is late, or that the claim is insufficient to content. If used, this form must be mailed within 45 days of presentation of the claim. G.C. 913)

Date

Dear _____:

NOTICE IS HEREBY given that the claim which you presented to the Malaga County Water District on (Date) was (rejected/allowed) in the amount of \$ _____ and/or rejected as the balance, on (Date).

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a State Court Action on this claim. See Government Code Section 945.6. Your time for filing an action in federal court may be less than this six months.

You may seek the advice of an attorney or your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

In providing this notice, or by any other action it has taken on this claim, the Malaga County Water District does not intend to relinquish or waive any of your legal claims requirements or any rights or defenses potentially available to Malaga County Water District or its officers, employees or agents.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Merit Rejection Letter Policy No. Appendix A-7

(Addressee)
Page 2
(Date)

Should you file a lawsuit in this matter which is determined to be in bad faith and without reasonable cause, please be advised that Malaga County Water District will attempt to recover all of its defense costs from you as allowed by California Code of Civil Procedure #128.5 and #1038.

If you have any questions about your claim, or this letter, please call the undersigned, or our claims administrator at _____.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Insufficiency Letter Policy No. Appendix A-8

INSUFFICIENCY LETTER

(THIS LETTER SHOULD BE USED TO NOTIFY POTENTIAL CLAIMANTS OF INSUFFICIENCIES IN CLAIMS FILED)

Date:

Dear _____:

Re: Notice of Insufficiency of Claim Filed with
Malaga County Water District

Your claim which was received by the Board of Directors of the Malaga County Water District on (date) failed to substantially comply with the California Government Code #910, #910.2, #910.4 and/or #910.8. It was insufficient for failing to provide the following information:

(indicate insufficiency)

[The name and post office address of the claimant or the Post Office address to which the person presenting the claim desires notices to be sent.]

[The [date], [place], [facts describing the circumstances] of the event, occurrence or transaction which you claim caused the injury to the claimant.]

[A description of the injury, damage or loss to the claimant so far as is known at the time the claim was presented.]

[The name or names of the public employee or employees causing the injury, damage or loss, if known.]



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Insufficiency Letter Policy No. Appendix A-8

(Addressee)
Page 2
(date)

[The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage or loss insofar as is known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed is over \$10,000, no dollar amount shall be included in the claim, however you must indicate whether jurisdiction over the claim rests in municipal or superior court.]

You may correct the insufficiency by filing an amended claim supplying the missing information listed above. You have 15 days after the date of this letter or six months from the date of the alleged accident, **whichever is later**, in which to file this amended claim. If you fail to provide the missing information, your claim **MAY** be rejected and you may also lose the right to initiate a lawsuit.

Sincerely,
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Late Filing Letter Policy No. Appendix A-9

LATE FILING LETTER

(THIS LETTER SHOULD BE USED TO NOTIFY POTENTIAL CLAIMANTS WHO FILE LATER THAN 6 MONTHS BUT WITHIN ONE YEAR, BUT WITH NO ACCOMPANYING APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM)

TO: Claimant

RE: Response to Your Late Claim Filed with
Malaga County Water District

The claim (or material) which you presented to the Board of Directors of the Malaga County Water District on (date) is being returned to you herewith, without any action having been taken by the Board of Directors.

The claim (or material) is being returned because it was not presented within the time required by law. See California Government Code Sections 911.2 to 912.2 and 946.6. Your only recourse at this time is to file a written Application for Leave to Present a late Claim as required by the Government Code. After this Application has been received by the Board of Directors, it will be reviewed and considered.

Due to legal time requirements, this should be done without delay. To determine if you have a further remedy, or whether further procedures are open to you, you may wish to consult with an attorney of your choice. If you desire to consult with an attorney, you should do so immediately.

Sincerely,
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Late Claim Presentation Letter Policy No. Appendix A-10

LATE CLAIM PRESENTATION LETTER

(THIS LETTER SHOULD BE USED TO REJECT LATE CLAIMS
PRESENTED WITHIN ONE YEAR OF ACCRUAL)

TO: Claimant

RE: Rejection of Application to Present a Late
Claim to Malaga County Water District

Your application to Present a Late Claim was presented to the Board of Directors of the Malaga County Water District on (date), and was denied on (date).

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of California Government Code Section 945.4. Also see Government Code Section 946.6. Such petition must be filed with the state court within six (6) months from the date your Application for Leave to Present a Late Claim was denied. Your time for filing in federal court may be less than this six months.

You may seek the advise of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Sincerely,
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Over One Year Late Claim Policy No. Appendix A-11
Presentation Letter

OVER ONE YEAR LATE CLAIM PRESENTATION LETTER

(THIS LETTER SHOULD BE USED TO REJECT LATE CLAIMS
PRESENTED AFTER A YEAR FROM ACCRUAL)

TO: Claimant

RE: Rejection of Application to Present a Late
Claim to the Malaga County Water District

The Application which you presented to the Board of Directors of the Malaga County Water District on (date) is being returned to you herewith, without any action having been taken on it by the Board of Directors.

The Application is being returned because it was not presented within the time required by law.

To determine whether you have any further remedy or whether further procedures are open to you, you may wish to consult with an attorney. If you do decide to consult with an attorney, you should do so immediately.

Sincerely,
MALAGA COUNTY WATER DISTRICT



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. Appendix "1"

Definitions for Records Retention and Disposal Policy

1. AUTHORIZATION. Approval from the General Manager, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:
 - a. SOURCE DOCUMENTS
 - (1) Invoices
 - (2) Warrants
 - (3) Requisitions/Purchase Orders (attached to invoices)
 - (4) Cash Receipts
 - (5) Claims (attached to warrants in place of invoices)
 - (6) Bank Statements
 - (7) Bank Deposits
 - (8) Checks
 - (9) Bills
 - (10) Various accounting authorizations taken from Board minutes, resolutions or contracts
 - b. JOURNALS
 - (1) Cash Receipts
 - (2) Accounts Receivable or Payable Register
 - (3) Check or Warrant (payables)
 - (4) General Journal
 - (5) Payroll Journal
 - c. LEDGERS
 - (1) Expenditure
 - (2) Revenue
 - (3) Accounts Payable or Receivable Ledger
 - (4) Construction
 - (5) General Ledger
 - (6) Assets/Depreciation



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. Appendix "1"

d. TRIAL BALANCE

e. STATEMENTS (Interim or Certified - Individual or All Fund)

- (1) Balance Sheet
- (2) Analysis of Changes in Available Fund Balance
- (3) Cash Receipts and Disbursements
- (4) Inventory of Fixed Assets (Purchasing)

f. JOURNAL ENTRIES

g. Payroll and personnel records include but are not limited to the following:

- (1) Accident reports, injury claims and settlements
- (2) Applications, changes or terminations of employees
- (3) Earnings records and summaries
- (4) Fidelity Bonds
- (5) Garnishments
- (6) Insurance records of employees
- (7) Job Descriptions
- (8) Medical Histories
- (9) Retirements
- (10) Time Cards

h. OTHER

- (1) Inventory Records (Purchasing)
- (2) Capital Asset Records (Purchasing)
- (3) Depreciation Schedule
- (4) Cost Accounting Records

3. LIFE. The inclusive or operational or valid dates of a document.

4. RECORD. Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

5. RECORD COPY. The official District copy of a document or file.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. Appendix "1"

6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.
7. RECORDS CENTER. The site selected for storage of inactive records.
8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.
11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:
 - a. The resumption and/or continuation of operations;
 - b. The recreation of legal and financial status of the District, in case of a disaster;
 - c. The fulfillment of obligations to bondholders, customers, and employees.

Vital records include but are not limited to the following:

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements
- (7) Deeds
- (8) Depreciation schedule



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: **Records Retention**

Policy No. **Appendix "1"**

- (9) Disposal of surplus & excess property
- (10) Disposal of scrap materials
- (11) District insurance records
- (12) District water rights
- (13) Employee accident reports, injury claims & settlements
- (14) Employee earning records
- (15) Employee fidelity bonds
- (16) Employee insurance records
- (17) Encroachment permits (by others)
- (18) Encroachment permits (by OWID)
- (19) Facility improvement plans
- (20) Improvement districts
- (21) Individual water rights
- (22) Individual claims/settlements
- (22) Inventory
- (24) Journal vouchers
- (25) Ledgers
- (26) Licenses & permits (to operate)
- (27) Loans & grants
- (28) Maps
- (29) Minutes of Board meetings
- (30) Payroll register
- (31) Policies, Rules & Regulations
- (32) Purchase orders & requisitions
- (33) Restricted materials permits
- (34) Rights of ways & easements
- (35) Spray permits
- (36) Statements of Economic Interest
- (37) State surplus acquisitions
- (38) Warehouse requisitions
- (39) Warrant/Voucher register
- (40) Warrants (with backup)
- (41) Water rights history



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: Records Retention Policy No. Appendix "2"

Records Retention & Storage Summary

Group No.	Title or Description	Original	Duplicate	Retention Periods		
				Office	Record Center	Retain or Destroy
1	Records affecting title to real property or liens thereof.	X		2 yrs.	OP	ES
2	Records required to be kept permanently by statute.	X		2 yrs.	OP	ES
3	Minutes, ordinances & resolutions of Board.	X		2 yrs.	OP	ES
4	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 yrs.	OP	ES
5	Correspondence, operational reports and information upon which District policy has been established.	X		2 yrs.	10 yrs.	12 yrs.
6	Duplicates of 5, above, when retention is necessary for reference.	X		2 yrs.		2 yrs.
7	Records requiring retention for more than five years, but no more than fifteen years by statute or administrative value.	X		2 yrs.	13 yrs.	15 yrs.
8	Duplicates needed for administrative purposes for five to fifteen years.		X	2 yrs.	13 yrs.	15 yrs.
9	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 yrs.	1 yr.	3 yrs.
10	Duplicates and other documents not public records required to be maintained for administrative purposes.	X	X	2 yrs.	3 yrs.	5 yrs.
11	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3 yrs.		3
12	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, feeder reports, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 yr.		1 yr.



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

13	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, feeder reports, and other duplicate copies no longer needed.	X	X	3 mos.		3 mos.
14	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 yrs.	3 yrs.	5 yrs.
15	Policy files and reference sets of publications.		X	I		I
16	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.		X	I		I

- OP = Original or photographic copy.
- ES = May be destroyed if stored in electronic media.
- I = Indefinitely



MALAGA COUNTY WATER DISTRICT POLICIES AND PROCEDURES

Policy Title: MCWD CEQA Guidelines Policy No. Appendix "3"

MALAGA COUNTY WATER DISTRICT CEQA GUIDELINES EXHIBIT INDEX

<u>INDEX</u>	<u>TITLE</u>
A	CEQA Process Flow Chart
B	Preliminary Environmental Assessment
C	Notice of Exemption
D	Environmental Checklist Form
E	Environmental Impact Assessment
F	A Notice of Preparation of Negative Declaration
G	Negative Declaration Regarding Environmental Impact
H	Notice of Determination
I	Notice of Preparation of Draft EIR
J	Notice of Completion of Draft EIR
K	Public Notice of Completion of a Draft EIR
L	Public Notice of Intent to Approve Subsequent Project Under Master EIR
M	Notice of Approval of Subsequent Project <i>[not included in sample handbook]</i>
N	Certificate of Fee Exemption and Attachment