



**WEST VALLEY WATER DISTRICT**  
855 W. Base Line Road, Rialto, CA 92376  
PH: (909) 875-1804 FAX: (909) 875-1849

**HUMAN RESOURCES COMMITTEE MEETING  
AGENDA**

**MONDAY, APRIL 10, 2023 - 6:00 PM**

**NOTICE IS HEREBY GIVEN** that West Valley Water District has called a meeting of the Human Resources Committee to meet in the Administrative Conference Room, 855 W. Base Line Road, Rialto, CA 92376.

**BOARD OF DIRECTORS**

**Director Kelvin Moore, Chair**  
**Director Channing Hawkins**

Members of the public may attend the meeting in person at 855 W. Base Line Road, Rialto, CA 92376, or you may join the meeting using Zoom by clicking this link: <https://us02web.zoom.us/j/8402937790>. Public comment may be submitted via Zoom, by telephone by calling the following number and access code: Dial: (888) 475-4499, Access Code: 840-293-7790, or via email to [administration@wvwd.org](mailto:administration@wvwd.org).

If you require additional assistance, please contact [administration@wvwd.org](mailto:administration@wvwd.org).

**I. CALL TO ORDER**

**II. PUBLIC PARTICIPATION**

*The public may address the Board on matters within its jurisdiction. Speakers are requested to keep their comments to no more than three (3) minutes. However, the Board of Directors is prohibited by State Law to take action on items not included on the printed agenda.*

**III. DISCUSSION ITEMS**

1. Updates to the Human Resources Committee
  - a. HR Assessment
  - b. Negotiations with IUOE, Local 12
  - c. Classification and Compensation Study
  - d. Employment Liability Insurance Coverage
2. Update on Employees on COVID-19 Leave
3. Update on Employees on FMLA and Medical Leave
4. Update on Liability Claims
5. Update on Workers Compensation Claims
6. Update on Recruitments
7. Ethics Policy.

**IV. ADJOURN**

**DECLARATION OF POSTING:**

**I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Human Resources Committee Agenda at the District Offices on April 5, 2023.**

*Elvia Dominguez*

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**Elvia Dominguez, Board Secretary**



**BOARD OF DIRECTORS  
HUMAN RESOURCES COMMITTEE  
STAFF REPORT**

**DATE:** April 10, 2023  
**TO:** Human Resources Committee  
**FROM:** Van Jew, Acting General Manager  
**SUBJECT:** ETHICS POLICY

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**BACKGROUND:**

Staff in its review of Ordinance 86, which addresses compensation and policies related to Board activities, found that it is required that the Board of Directors adopt an Ethics Policy.

**DISCUSSION:**

Ordinance 86 identifies that the Board needs to be presented with an Ethics Policy for approval each January following an election. The section in the Ordinance reads as follows:

**Section 207.** Ethics Policy. Each January, following a regular election cycle, the Board of Directors will approve an Ethics Policy presented by the Human Resources Department. The policy will support the issues covered by the ethics training required in Section 206, as well as any other issues specific to the District.

**Section 206.** Ethics Training. Pursuant to Government Code Sections 53234, et al, of the State of California each Director shall attend at least two (2) hours of ethics training every two (2) years at the expense of the District. Such ethics training must be approved or authorized by the California Attorney General's office and the Fair Political Practices Commission. Written proof of such ethics training must be filed by each Director with the District and the District shall retain records of such ethics training for at least five (5) years after the Director receives such training.

Staff found that the last time the Board of Directors adopted the Ethics Policy (**Exhibit A**) was on June 21, 2018. Staff will work with the General Counsel to review and update the policy as needed. The policy will be presented in final form for your review and discussion once the review is completed.

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

For information only.

Respectfully Submitted,

*Van Jew*

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Van Jew, Acting General Manager

VJ:hs

**ATTACHMENT(S):**

1. Ethics Policy



## ADMINISTRATIVE PROCEDURES WEST VALLEY WATER DISTRICT

APPROVAL DATE June 21, 2018	ADMINISTRATION POLICIES	POLICY NO. Resolution No. 2018-15
APPROVED BY Board of Directors	POLICY TITLE CODE OF ETHICS/ BOARD CONDUCT POLICY	EFFECTIVE DATE

### PREFACE

West Valley Water District ("District") has created its Code of Ethics Policy to provide clear direction on ethical behavior that reflect the good intentions of the District, its Board of Directors ("Board") and the communities it serves. The proper operation of the District requires that decisions and policies be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Board members remain objective and responsive to the needs of the public they serve. This policy sets the basic ethical standards to be followed by the Board of the District. The purpose of this policy is to provide guidance for dealing with ethical issues, heighten awareness of ethics and values as critical elements in Board members' conduct, and improve ethical decision-making and values based management.

The guidelines set forth in this policy are not meant to supersede existing State and Federal Laws but to be considered as supplemental information.

### 1.0 RESPONSIBILITIES OF PUBLIC OFFICE

The Board is the governing body of the District and sets the policy of the District. Board members are obligated to uphold the Constitution of the United States and the Constitution of the State of California. Board members will comply with all applicable laws regulating their conduct including, but not limited to, conflict of interest, financial disclosure, and open government laws. Board members will strive to work cooperatively with other public officials and the public unless prohibited from doing so by law or officially-recognized confidentiality of their work.

Members of the Board are expected to conduct themselves both professionally and personally in a manner above reproach.

*(California Water Code Sections 30575 through 30576; California Government Code Section 1360; Article 20, Section 3 of the California Constitution).*



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### 2.0 FAIR AND EQUAL TREATMENT

Board members, in the performance of their duties and responsibilities, will neither harass any person nor discriminate against any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Board member will not grant any special considerations, treatments, or advantage to any person or group beyond that which is available to every other person or group in similar circumstances. The intent of this District Policy is to ensure an environment for all employees which is fair, humane, and respectful.

### 3.0 PROPER USE AND SAFEGUARDING OF DISTRICT PROPERTY AND RESOURCES

Board members and employees will not use or permit the use of District owned vehicles, equipment, telephones, materials, or property for personal benefit or profit. A Board member will not ask a District employee to perform services for the personal benefit or profit of a Board member or employee. Each Board member must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard District property, equipment, monies, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members and employees responsible for maintaining written records, including expense accounts, shall maintain such records in sufficient detail to reflect accurately and completely all transactions and expenditures made on the District's behalf. Creating any District document with misleading or false information is prohibited.

### 4.0 CONFIDENTIAL INFORMATION

California Government Code Section 54950 et. seq., (also known as the Ralph M. Brown Act and the California Public Meeting Law) requires all meetings of the West Valley Water District Board of Directors to be open to the public, with only certain specific exceptions prescribed by law. The Brown Act sets forth provisions that require public officials to maintain the confidentiality of certain information.

- 4.1 A Board member is not authorized to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that;



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- (A) has been received for, or during, a closed session meeting of the Board;
- (B) is protected from disclosure under the attorney/client or other evidentiary privilege; or
- (C) is not required to be disclosed under the California Public Records Act of the California Government Code.

#### 4.2 The following, however, is allowed:

- (A) making a confidential inquiry or complaint to a district attorney or grand jury concerning perceived egregious violations of law including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, an elected official, or employee;
- (B) expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action; or
- (C) upon consultation with legal counsel, and agreement by legal counsel, disclosing information acquired by being present in a closed session that is not confidential information.

**Except for disclosures of Section 4.2 (A) material**, prior to disclosing confidential information pursuant to this section, a Board member will bring the matter to the full Board and the General Manager, to provide the Board an opportunity to cure an alleged violation or to assure that said information is not confidential.

#### 4.3 A Board member who willfully and knowingly discloses for pecuniary gain confidential information received by him or her in the course of his or her official duties financial or economic gain may be guilty of a misdemeanor under Government Code Section 1098. (A District Official may also be subject to disciplinary action or be referred to a grand jury for unlawful disclosure of confidential information obtained in a closed session under *Government Code* section 54936.)

*(California Government Code Section 54953).*



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### 5.0 CONFLICT OF INTEREST

No requirement or guideline contained in this Section shall supersede the District's Conflict of Interest Code and/or applicable state or federal law.

5.1 Board members and employees will not have a financial interest in a contract with the District, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Board member's participation was authorized under Government Code Section 1091 or 1091.5 or other provisions of law. A Board member will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter as defined in the Political Reform Act, Government Code Sections 81000, and following, relating to conflicts of interest. Generally, a Board member has a financial interest in a matter, if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by the Fair Political Practices Commission [FPPC] regulations) that is distinguishable from the effect on the public generally based upon the following grounds:

- (A) business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;
- (B) real property in which the Director has a direct or indirect investment interest with a worth in the amount specified in FPPC regulations;
- (C) a source of income of the Director in the amount specified in FPPC regulations, within 12 months before the Board decision;
- (D) a source of gifts to the Director in an amount specified in FPPC regulations within 12 months before the Board decision; or
- (E) a business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Board members and designated employees, by an agent on behalf of the Board member or by a business entity or trust in which the Board member or the Board member's spouse, dependent child or agent, owns directly, indirectly or beneficially a 10 percent interest or greater. A Board member or employee will not accept honoraria, or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Board members and





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employees will report all gifts, campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC Regulations.

*(California Government Code Sections 87100 and following.)*

- 5.2** If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:
- (A) If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District's General Manager and the District's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
- (B) If it is not possible for the Director to discuss the potential conflict with the General Manager and legal counsel before the meeting or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
- (C) upon a determination that there is a disqualifying conflict of interest, the Director (1) will not participate in the discussion, deliberation, or vote, on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and (2) leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the consent portion of the agenda. The Board member may speak on an uncontested matter during the time the general public speaks on the issue.
- 5.3** A Board member will not recommend the employment of a relative by the District. A Board member will not recommend the employment of a relative to any person known by the Board member to be bidding for or negotiating a contract with the District.
- 5.4** A Board member or employee who knowingly asks for, accepts, or agrees to receive any gift, reward or promise thereof for doing an official act, except as may be authorized by law, may be guilty of a misdemeanor under Penal Code Section 70.



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*(California Government Code Sections 1090 and following, 81000 and following, and 87105; California Penal Code Sections 68 & 70).*

### 6.0 SOLICITING POLITICAL CONTRIBUTIONS

Board members are prohibited from soliciting political funds or contributions at District facilities or from District employees.

(A) A Director will not use the District's seal, trademark, stationery or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to State or Federal law.

*(California Government Code Sections 3204 through 3205).*

### 7.0 INCOMPATIBLE OFFICES

Any Board member appointed or elected to a public office of another public entity, the duties of which may require action contradictory or inconsistent with the interest of the first entity (as determined under applicable law) will resign from the former office.

*(California Government Code Section 1099 and Section 53227).*

### 8.0 BOARD MEMBER/GENERAL MANAGER RELATIONSHIP

The Board sets the policy of the District. The General Manager is responsible for managing and administering the District's daily operations in agreement with the policies approved by the Board.

8.1 The General Manager makes recommendations to the Board concerning new policies and assists in the articulation of policies and the presentation of programs to the Board. He or she is the highest-ranking nonelected officer of the District. The General Manager is appointed by the Board and performs such duties as may be imposed by the Board. The Board will provide policy direction to the General Manager on matters within the authority of the Board by majority vote of the Board (unless a greater number of votes is required bylaw for a particular matter)



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during duly-convened Board and Board committee meetings. Members of the Board may deal directly with the General Manager or through other District employees, where appropriate, except as it pertains to the functions of the District Treasurer. Board members may make requests directly to District employees, where appropriate, or to the General Manager to undertake analyses, perform other work assignments; or change the priority of work assignments. Board members may also request non-confidential, factual information regarding District operations from District employees.

- 8.2** The General Manager has full charge and control of the maintenance, operation, and construction of the water works system of the District. With the exception of the Assistant General Managers and Department Heads, Board Secretary and Assistant Board Secretary, he or she has full power and authority to employ and discharge all employees at pleasure and prescribe the duties of employees. The General Manager has the authority to discipline employees.
- 8.3** The Board will retain and periodically review the work of an outside auditor who will report directly to the Board as an independent contractor of the District to conduct an annual audit of the District's books, records, and financial affairs.

*(California Water Code Sections 30580 through 30582).*

### **9.0 WHISTLE BLOWER PROTECTION**

The General Manager's primary responsibility is to ensure District employees are in compliance with the District's Personnel Manual and do not engage in improper activities, as well as to investigate allegations of improper activities and take appropriate corrective and disciplinary action. The Board has a duty to ensure that the General Manager is operating the District in accordance with the law and policies approved by the Board. Board members will disclose to the General Manager any improper activities within their knowledge and will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities unless the Board determines that the General Manager is not properly carrying out these responsibilities.

*(California Water Code Sections 30575, 30580 and 30581).*



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**9.1** A Board member will not directly or indirectly use or attempt to use the authority or influence of his or her position for the purpose of intimidating, threatening, coercing, commanding or influencing any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the General Manager or the Board any information that, if true, would constitute a work-related violation by a Board member or District employee of any law or regulation, gross waste of District funds, gross abuse of authority, a specified and substantial danger to public health or safety due to an act or omission of a District official or employee, use of a District office or position or of District resources for personal gain, or a conflict of interest of a District Board member or designated employee. Nothing in this section is intended to conflict with or supercede state or federal law. If there is a conflict, the state or federal law prevails.

**9.2** Board members will not use or threaten to use any official authority or influence to effect any action as a reprisal against a District Board member or District employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section. Nothing in this section is intended to conflict with or supercede state or federal law. If there is a conflict, the state or federal law prevails.

*(California Labor Code Section 1102.5 and following; California Government Code Sections 53298 and 53298.5)*

**9.3** Any person who believes that he or she has been subjected to any action prohibited by this Section is **REQUIRED** to file a confidential complaint with (1) the General Manager, or (2) the Board President if the complaint involves the conduct of the General Manager. The person receiving the report will refer the matter first to the General Counsel and General Manager to investigate. The General Counsel and General Manager will immediately alert the Board of any complaints received. Upon the conclusion of the investigation, the scope of which will be governed by the individual circumstances of each complaint, the General Manager (or the Board in the case of a complaint against the General Manager) will take appropriate action consistent with the District's Personnel Manual and applicable law.

### **10.0 COMPLIANCE WITH THE BROWN ACT**

The Board of Directors is dedicated to fulfilling its responsibility to provide every opportunity to the public to witness its deliberations and decision-making activities in an open environment and will fully comply with the provisions of the Brown Act.



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Board members shall direct legal counsel to update Brown Act policy by preparing and disseminating Brown Act guidelines each year there are changes made to the Brown Act.

*(California Government Code Sections 54950 and following, and 54952.1 and 54959).*

**11.0 CONFLICT OF INTEREST CODE/STATEMENT OF ECONOMIC INTERESTS**

All officials, employees and consultants are directed to refer to the District's Conflict of Interest Code for these specific requirements. The Conflict of Interest Code is held in the office of the Secretary to the Board as the District's Filing Officer/Official.

District Officials and designated employees shall annually file a Statement of Economic Interest as specified in the District's Code. District Officials and designated employees shall, within 30 days after assuming office/employment or leaving office/employment, file a Statement of Economic Interests as specified in the District's Code.

**12.0 DIRECTORS COMPENSATION AND EXPENSE REIMBURSEMENT**

Under Section 20200 of the Water Code, Board members are allowed compensation for each day's service rendered as a Board member. Section 20202 of the Water Code limits compensation to no more than a total of 10 days in any calendar month,) and limits increases to a maximum of 5% each year. In accordance with the Water Code, Compensation and Policies Related to Board Activities Ordinance 84 was adopted on September 1, 2016 and creates a framework for establishing Directors compensation.

**12.1** In addition to compensation at a daily rate consistent with applicable law for each day of service rendered as a member of the Board, Board members are allowed reimbursement for reasonable and necessary expenses related to meals, lodging and travel expenses incurred in attending any conference, meeting, or approved event as stated in Article 204 of Ordinance No. 84.

**12.2** California Government Code Section 53065.5 requires the District to at least annually disclose any reimbursement paid by the District within the immediately preceding fiscal year of at least \$100.00 for each individual charge for services or



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product received. "Individual charge" includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any District employee or member of the Board of Directors. The disclosure requirement must be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by the District and must be made available for public inspection. The calculation of whether an expense reimbursement amounts to \$100.00 or more is to be made on a day-to-day basis. Therefore, the reporting of an expense reimbursement need not be made if there is no expense reimbursement of \$100.00 or more for one meal or one day's hotel or any other one-day individual charge for which any Board member or employee receives reimbursement from the District. The reimbursements that need to be disclosed are those that are paid within the immediately preceding fiscal year. This law only requires disclosure of expenditures incurred by the Director/Employee and then reimbursed by the District.

### 13.0 CHANGES IN COMPENSATION

Changes in compensation of Board members will require the approval of the Board during an open meeting of the Board of Directors held at least 60 days prior to the effective date of the change.

- 13.1 Notice of public hearing on a proposed ordinance to change the compensation shall be published in a newspaper of general circulation once a week for at least two weeks prior to the Board meeting. Following the public hearing, the Board may consider adoption of an ordinance to increase the compensation received by Board members. Such an increase may not exceed an amount equal to 5% for each calendar year following the operative date of the adjustment. If the ordinance is adopted, it will become effective 60 days from the date of its passage.

*(California Water Code Sections 20200 and following.)*

### 13.2 ETHICS AND TRAINING

Directors and designated employees shall receive at least two (2) hours of ethics training every two (2) years as required by *Government Code* section 53235.



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### 14.0 CANDIDATE'S STATEMENT

A Board member will not include false or misleading information in a candidate's statement for a District election filed pursuant to Section 13307 of the State Elections Code.

*(California Elections Code Section 13313).*

### 15.0 VIOLATION OF ETHICS POLICY

A perceived violation of this policy by a Board member should be referred to the President of the Board or the full Board of Directors for investigation by the District's legal counsel and consideration of any appropriate action warranted. If an investigation determines a violation has occurred or has likely occurred, a written report shall be provided to the Board and to the Director accused. The accused Director shall be given the opportunity to respond to the report in writing. The report and the response shall be presented to the Board for majority action.

Where the Board determines that action is necessary due to a violation, to the extent possible given the nature and extent of the violation, the Board will employ internal procedures to remedy the violation, such as censure or formal disapproval. However, a violation of this policy may be addressed by the use of any remedies available under the law to the District, including, but not limited:

- (A) adoption of a resolution expressing disapproval or censuring of the conduct of the Board member who has violated this policy;
- (B) injunctive relief; or
- (C) referral of the violation to the District Attorney and/or the Grand Jury.