



BIGHORN-DESERT VIEW WATER AGENCY

"To provide a high-quality supply of water and reliable service to all customers at a fair and reasonable rate."

BOARD OF DIRECTORS SPECIAL MEETING - WORKSHOP AGENDA

**BOARD MEETING OFFICE
1720 N. CHEROKEE TRAIL
LANDERS, CALIFORNIA 92285**

**May 2, 2026
Time – 9:30 a.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1. PUBLIC COMMENT

Any person may address the Board on any matter within the Agency's jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Board of Directors from discussing or taking action on items not included on the agenda.

2. WORKSHOP PURPOSE & OPENING REMARKS

- Overview of workshop goals
- Importance of Board alignment, visioning, and governance
- Framing this session as a strategic reset and forward-planning discussion

3. BOARD HANDBOOK REVIEW

- Roles and responsibilities of Board Members
- Governance best practices for California Special Districts
- Brown Act overview and meeting protocols
- Ethical standards and fiduciary responsibilities
- Board–General Manager relationship and communication expectations

4. CURRENT STATE OF THE AGENCY

- Organizational overview
- Financial status and budget snapshot

- Staffing and operational structure
- Infrastructure status and system overview
- Overview of ongoing and planned capital projects
- Compliance requirements (State Water Board, reporting, audits, etc.)

5. GENERAL MANAGER BRIEFING

- Transition overview and initial observations
- Day-to-day operational priorities
- Immediate challenges and risks
- Opportunities for improvement and efficiencies

6. BOARD PRIORITIES & IDEA SHARING SESSION

- Directors present individual priorities and ideas (roundtable format)
- Identification of common themes and shared goals
- Discussion of community needs and expectations
- Alignment with District mission and service obligations

7. STRATEGIC PRIORITIES DISCUSSION

- Identification of key priority areas (e.g., Water quality, infrastructure, financial sustainability, water reliability, customer service, compliance, workforce)
- Short-term vs. long-term priorities
- Discussion on measurable goals and outcomes

8. DIRECTION TO GENERAL MANAGER

- Board consensus on top priorities
- Direction on development or refinement of Strategic Plan
- Direction on implementation timelines and reporting expectations
- Establishment of performance metrics and progress tracking

9. NEXT STEPS & FOLLOW-UP

- Schedule for future workshops or study sessions
- Timeline for Strategic Plan adoption/update
- Assignment of action items

10. ITEMS FOR NEXT OR FUTURE AGENDA

11. VERBAL REPORTS – Including Reports on Courses/Conferences/Meetings.

- a. General Manager Report
- b. Directors' Reports

12. ADJOURNMENT

In accordance with the requirements of California Government Code Section 54954.2, this agenda

May 2, 2026 Board of Directors Special Meeting Workshop Agenda

Posted April 30, 2026

Page 2 of 3

has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above. As a general rule, agenda reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda. Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

Calendar Reminder - Upcoming Director Meetings

- Regular Board Meeting – second Tuesday every month at 6 p.m.
- Mojave Water Agency Board of Directors Meeting – second and fourth Thursday every month (regular schedule)
- Landers Homestead Valley Community Association Meeting – second Monday at 5 p.m. every month
- ASBCSD Monthly Dinner Meeting – third Monday (regular schedule)

Bighorn-Desert View Water Agency Board of Directors' Handbook



The policy of Bighorn-Desert View Water Agency, is to maintain the highest ethical standards for its Board members. Agency transparency is key in maintaining public trust.

The objective of this handbook is to provide guidance in operating procedures, ethics, duties and responsibilities of the Board of Directors in support of these standards.

Updated
April 29, 2026
PENDING
ADOPTION



Board of Directors Policy Handbook

Mission Statement, Vision Statement, Values & Integrity

Mission Statement

To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate.

Our Vision

To demonstrate accountability by taking economically responsible action today to secure our water supply for tomorrow.

Our Values

We pledge to use all available resources for maintaining our existing facilities as well as plan, design, finance and construct our future infrastructure for benefit to our customers in our service area.

Our Integrity

Staff and Board are committed to a comprehensive evaluation of the most important issues while establishing a record of fairness to all customers and consideration for protecting our desert environment.



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“WHEN THE
WELL IS DRY
WE KNOW THE
WORTH OF
WATER”

BENJAMIN
FRANKLIN

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Agency Background



The Bighorn-Desert View Water Agency (Agency) is located in the southwest Mojave Desert, in San Bernardino County and encompasses 54-square miles serving Flamingo Heights, Johnson Valley, and Landers.

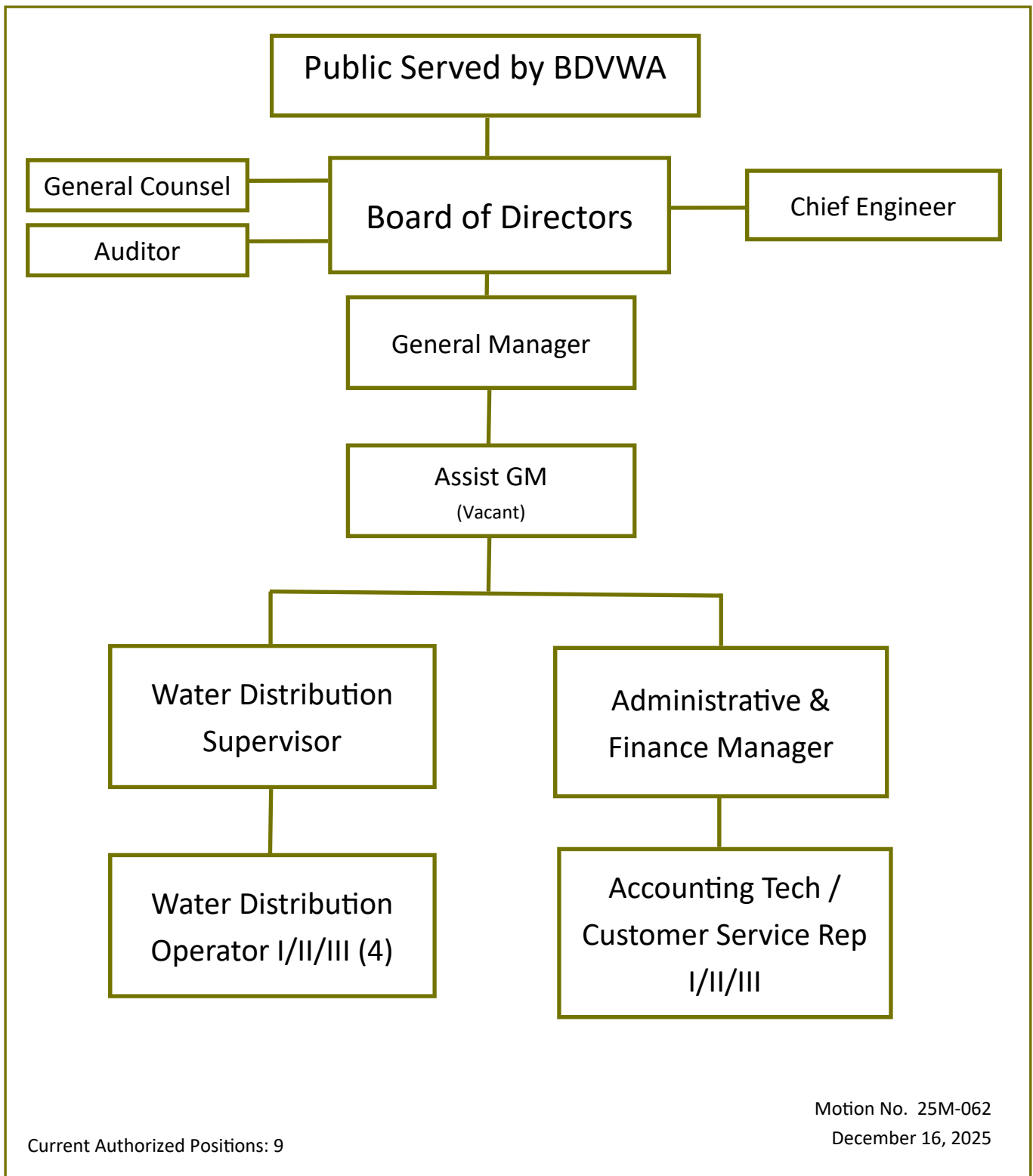
As of April 1, 2026, there are approximately 2,634 active service accounts. The Agency also serves about 95 metered “bulk hauling” accounts thru five (5) drop stations.

The Agency operates eight (8) deep wells, 13 above ground reservoirs, maintains 456 fire hydrants, and 160 miles of water mainlines.

Imported water is available through the State Water Project from the Mojave Water Agency and delivered through the Morongo Basin Pipeline (MBP). Imported water is recharged at the Ames/Reche Groundwater Recharge site operated and maintained by the Mojave Water Agency.

Board of Directors Policy Handbook

Organizational Chart



Current Authorized Positions: 9

Motion No. 25M-062
December 16, 2025

Board of Directors Policy Handbook

Department Overview/Function

Administration handles the finances, billing, customer service, record keeping, and retains all Board actions. Participates in special projects and capital improvements.

Operations and Maintenance department handles day-to-day routine and emergency operations and maintenance of the water systems. Participates in special projects and capital improvements.

General Manager is responsible for improving efficiency while managing the Agency's overall operations. They oversee several elements in the organization, including hiring staff and developing and managing the operating budget as well as implementing policies and programs approved by the Board of Directors.

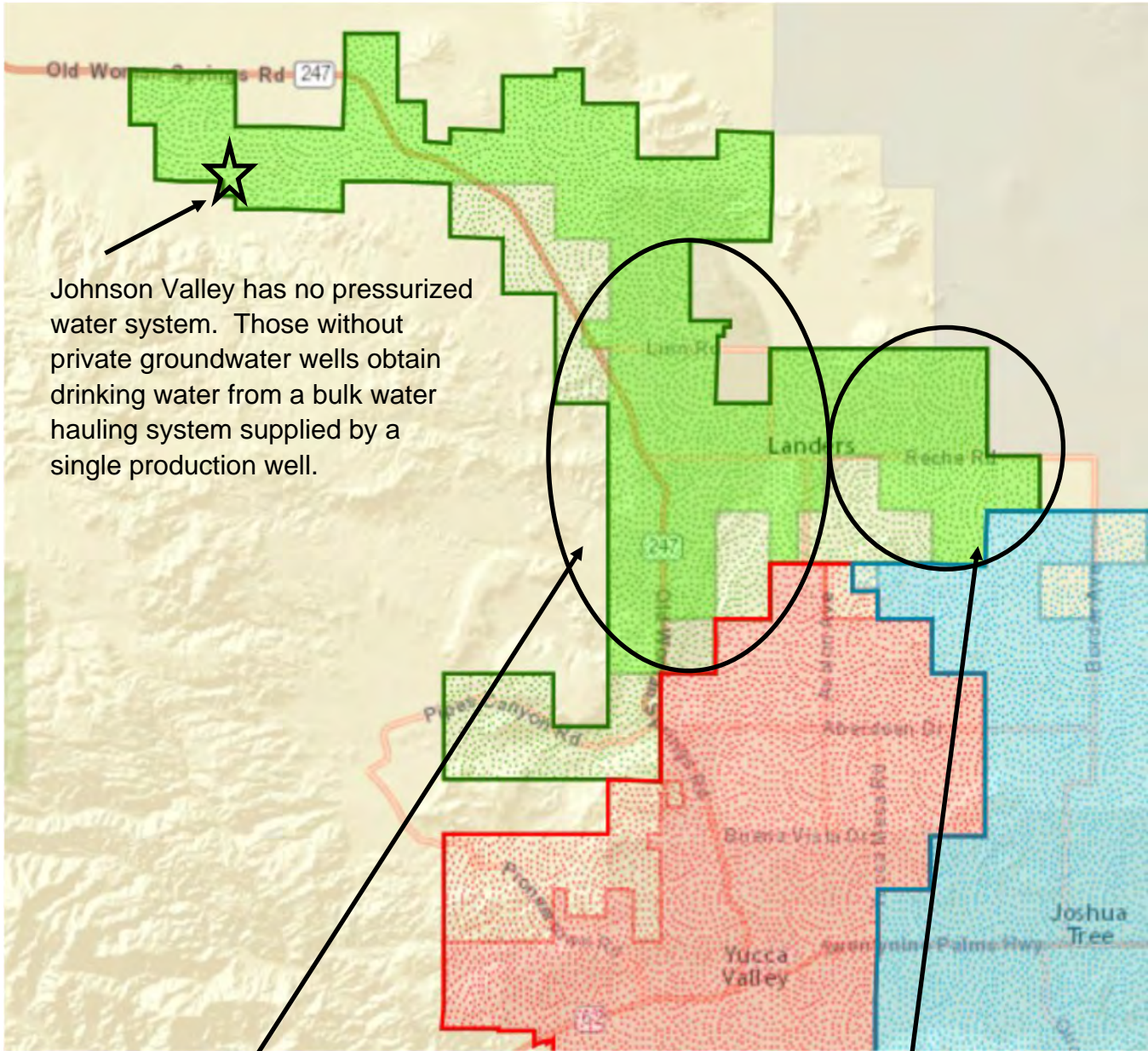
Agency General Counsel (Attorney) is appointed to act as legal counsel on behalf of the Board of Directors and to represent the Agency in certain legal matters and to provide legal advice to agency staff.

Engineers are typically contracted to prepare specifications, technical design drawings or engineered recommendations for the construction or refurbishment of Agency facilities and/or changes in operations and maintenance of facilities.

Auditor is an independent accounting professional who plans and performs the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement whether caused by error or fraud.

Board of Directors Policy Handbook

Agency Map



Johnson Valley has no pressurized water system. Those without private groundwater wells obtain drinking water from a bulk water hauling system supplied by a single production well.

The Bighorn Mountains and Desert View service areas have a pressurized water supply system (ie. "piped water").

The Improvement District Goat Mountain pressurized water system was annexed from the County of San Bernardino Special Districts Water in 2015.

Board of Directors Policy Handbook

Major Milestones

1990 - Consolidation of Bighorn Mountains Water Agency and Desert View County Water District.

1991 - Ames Valley Groundwater Basin Monitoring Program and stipulated judgment naming Hi-Desert Water District

2013 - SB 246 Modernization of Bighorn-Desert View Water Agency Law.

2014 - Stipulated and amended and restated judgment for the Ames/Reche Groundwater Storage and Recovery Program enjoining Hi-Desert Water District, County of San Bernardino Special Districts Water Zones W-1 (Landers) and W-4 (Pioneertown).

2015 - Completion of the Dissolution of County San Bernardino Special Districts Zone W-1 and Annexation into Bighorn-Desert View Water Agency. Creates an area defined as the Improvement District Goat Mountain.

2015 - Clair A. Hill Award of Water Agency Excellence by the California Association of Water Agencies for the Ames/Reche Groundwater Storage and Recovery Program.

2017 - Awarded \$500,000 grant for completion of Preliminary Engineering Report for future system improvements.

2021 - Awarded \$500,000 grant to construct a new production well in the ID Goat Mountain System.

2022 - Awarded \$300,000 grant to replace oldest water meters throughout the Bighorn-Desert View water system.

2023 - Awarded an \$11,000,000 grant to construct water system improvements for treating Uranium concentrations via blending and the physical consolidation of the ID GM water system with Bighorn-Desert View water system.

Board of Directors Policy Handbook

Accomplishments

Notable accomplishments include, but are not limited to the following:

- Adopted balance budgets which consistently project excess revenue generation to fund non-routine capital improvements and major refurbishment of infrastructure.
- Beginning in 2011, Agency has consistently been Awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for its Annual Comprehensive Financial Report. See Exhibit A.
- Completed motions and filings for the Amended and Restated Judgement for the Ames Valley Water Basin with the Riverside County Court on behalf of project participants on September 17, 2014. In summary the judgement caps annual production and provides a facility of recharge of the State Water Project through the Morongo Basin Pipeline. The judgement also allows inter-agency water transfers.
- Completed and adopted a Hazard Mitigation Plan that which qualifies the Agency for grants to complete projects which results in a reduction of hazard vulnerability.
- Preventative maintenance of water distribution system appurtenances including wells, well pumps, water tanks, pressure reducing stations, fire hydrants, isolation valves, air vacuum valves and emergency power connections. Also includes maintenance of the vehicle fleet and heavy equipment.
- Continued outreach to the community through various forms of communications including newsletters, annual calendar, utility bill and participation in local community events (including the Water Education Festival at La Contenta Junior High).
- Awarded the 2-year Certificate of Excellence in District Transparency from the Special District Risk Management Authority (SDRMA). See Exhibit B.
- Awarded the Special District Leadership Foundation “District of Distinction Award”. See Exhibit C.

Board of Directors Policy Handbook

Major Facilities

Bighorn-Desert View Water System (System No. 36-10-009) - System consists of five (5) wells with a combined groundwater pumping capacity of approximately 1,200 gallons per minute (gpm). Nine (9) storage reservoirs totaling approximately 2.4 million gallons. There are two (2) booster stations and fourteen (14) pressure reducing stations distributing water throughout the service area.

Well 10 Bulk Hauling Station which includes one (1) production well with a capacity of 90 gpm, 10,000 gallon storage reservoir and booster station. This facility is not a distribution system but a stand-alone hauling station which is part of the Bighorn-Desert View Water System.

Improvement District Goat Mountain Water System (System No. 36-10-060) - System consists of two (2) wells with a combined groundwater pumping capacity of 540 gpm. There are three (3) storage reservoirs totaling approximately 630,000 gallons. There is one (1) booster station and five (5) pressure reducing stations distributing water throughout the service area.

Water Supply

The Agency produces all water supplies from groundwater pumping. In September 2014, the Agency entered into a Stipulation and Amended and Restated Judgment for the management of the Ames/Reche Groundwater Basin. The Judgment provided for Annual Baseline Amount of groundwater production. As a result, the Agency was granted a baseline production of 908 Acre-ft per year (641 AF to Bighorn-Desert View and 267 AF to Improvement District Goat Mountain). The Ames/Reche Recharge and Recovery Project (ie. recharge facility) was completed as part of this legal framework.

Ames/Reche Recharge and Recovery Project— A constructed recharge basin for percolation of State Water Project deliveries from the Mojave Water Agency. The Bighorn-Desert View Water Agency purchases approximately 100-200 AF/year from Mojave Water Agency. This percolated water is held on a storage account for future use.

Additional information regarding groundwater production, customer consumption trends and water quality is provided in Exhibit D and E herein.

Board of Directors Role & Responsibilities



Board members are obligated to uphold the Constitution of the United States and the Constitution of the State of California, and to comply with the applicable laws regulating their conduct including conflict of interest, financial disclosure and open government meeting laws.

Rules and responsibilities begin once the elected officials are sworn into office. Brown Act obligations begin once elected officials are elected even before their term of office commences.

Board of Directors Policy Handbook

Orientation

New Board members are welcome to tour the Agency facilities with the General Manager. New Board members should also feel free to contact the General Manager regarding any questions or concerns they may have.

Authority of the Board

The Board of Directors shall act only at regular, regularly adjourned, special meetings or emergency meetings as provided by "The Brown Act".

Individual Directors shall have no power to act for Bighorn-Desert View Water Agency, or the Board, or to direct the staff, as only the General Manager has the power to direct staff.

The Board sets the policy for the Agency. The General Manager also has the power to set the agenda for the Board based on the workload.

The General Manager serves at the pleasure of the Board and shall:

- Have full charge and control of the maintenance, operation and construction of the waterworks of the Agency.
- Have full power and authority to employ and discharge any employee or assistant, and to direct staff.
- Prescribe the duties of employees and assistants.
- Fix and alter the compensation of employees and assistants subject to approval by the Board of Directors.
- Perform other duties imposed by the Board of Directors.
- Report to the Board of Directors in accordance with Rules and Regulations adopted by the Board.

The Board will provide policy direction to the General Manager on matters within the authority of the Board by a majority vote of the Board members present during duly-convened Board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other staff. Members of the Board will refrain from making requests directly to Agency staff (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding Agency operations from the General Manager.

Board of Directors Policy Handbook

Compensation & Expense Reimbursement

The reimbursement of Directors shall be made in accordance with the following provisions:

Directors shall be reimbursed by Bighorn-Desert View Water Agency for reasonable expenses, including travel, lodging and meals incurred when attending trips of official business of the Agency when so authorized by the Board. Directors shall submit to the Agency's accounting department on said form their expense reports no later than thirty days prior to the next regular Board meeting of the following month. All receipts documenting each expense will accompany the expense reports.

The amount of mileage reimbursement will be consistent with Board Policy. All Board members should keep travel, meals and lodging costs within reasonable constraints, keeping in mind that these expenses require use of public monies. Emphasis should be placed on keeping costs to acceptable practices.

Directors and/or consultants who bring personal guests to dinners, etc. are responsible to make payments for those guests in advance of the event.

In connection with all issues arising out of compensation and expenses, it is appropriate that elected Directors pose this series of questions:

- Does the law allow me to use public resources in this manner?
- How does this particular expenditure benefit the public's interest as opposed to my own personal interest?
- How would I feel if a particular expenditure were reported in the local newspaper?
- How would my next-door neighbor feel about my spending his or her rate payer money this way?

Reference Appendix I: Policy for Reimbursement of Actual and Necessary Expenses for Board Members.

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Responsibilities



The primary responsibilities of the Board of Directors include:

- Defining Agency Goals and Objectives
- Establish Agency Policies
- Act as Custodian of Agency Property & Resources
- Communicate with the General Public
- Employ the General Manager, who shall implement the Goals, Plans & Policies Established by the Board of Directors.
- Appointment of the Agency Legal Counsel, Auditor, & Chief Engineer.

Policies that supplement obligations of the Agency as set forth in the Bighorn-Desert View Water Agency Law (Enabling Act - Appendix A) are established by ordinances, resolutions or motions passed by the Board of Directors.

Board of Directors Policy Handbook

Continuing Education

Continuing education for the Board of Directors is anticipated and encouraged so that all Board members are up-to-date on the many changes and challenges that consistently occur within the water industry.

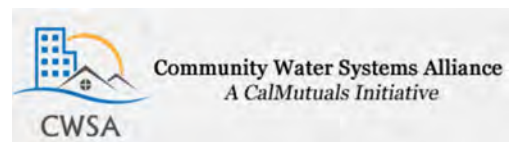
Conventions and seminars which offer educational opportunity are held throughout the year, including those scheduled through the California Special Districts Association. Designated Agency staff can assist with making arrangements for registration, air travel and lodging, etc.

Details regarding reimbursable expenses are addressed in the most recent Board of Directors Policy for Reimbursement of Actual and Necessary Expenses (Appendix I).

Reasonable expenses incurred in association with attendance at seminars, retreats and conferences will be reimbursed upon completion of the expense reimbursement form which is available through the Agency's accounting department.

Directors are encouraged to notify the GM of events they wish to attend as soon as possible so that Board approval, if required, can be agendized and registration/reservations can be made in a timely manner to obtain the lowest cost possible.

Examples of California and National Organizations include:



Board of Directors Policy Handbook

Continuing Education

Compulsory Safety and Ethics Courses:

- Ethics (Bi-Annually or as otherwise required by law). An online training resource can be found at: <https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-ethics-training.html>
- Anti-Harassment (Scheduled Bi-Annually through an Agency on-line training portal)
- Defensive Driving (Bi-Annually through an Agency on-line training portal)
- Code of Conduct (Annually reviewed at an open, agendaized meeting of the Board)
Reference Appendix C - Resolution Declaring the Code of Conduct for Members of the Agency Board of Directors.

Powers & Duties



The Bighorn-Desert View Water Agency is a public entity organized and operating pursuant to California Water Code Appendix Section 112-1 et seq.

As such the Agency is guided by Act 90 Bighorn-Desert View Water Agency Law (1969 cg 1175), recently amended via Senate Bill 246 (Fuller) effective January 1, 2013.

This Act provides for the organization and government of the Bighorn-Desert View Water Agency, prescribing its organization, management and other powers and duties.

The full text of the Act is provided herein as Appendix A.

Board of Directors Policy Handbook

Attendance and Vacancies

Board members are expected to carry out their responsibilities to the best of their abilities. In order to accomplish this goal, members should be present for scheduled meetings or events whenever possible. The failure of a Director to attend three (3) consecutive regular monthly meetings of the Board (provided such meetings shall occur in a period of not less than three (3) successive months), except when prevented by sickness or physical disability, or except when absent from the State with prior consent of the Board, as provided by Government Code, Section 1770, shall cause such director's remaining term in office to be considered vacant. Also, a Director may resign from the Board.

Government Code Section 1780 gives the Board 60-Days to fill the Board vacancy. In order to accomplish this in an orderly and consistent manner, when a vacancy of an elected Director occurs, the Bighorn-Desert View Water Agency Board of Directors, after discussion and consideration, shall, when deemed appropriate, do the following:

- Direct staff to call for an election; or
- Determine to fill the vacancy by appointment; or
- Do nothing, thereby leaving the decision to San Bernardino County Board of Supervisors, either to appoint or to order the Agency to call an election, within ninety (90) days of the notice of resignation or determination of vacancy.

Board of Directors Policy Handbook

Board of Directors

The Board of Directors shall have and exercise all powers and responsibilities of the Bighorn-Desert View Water Agency as directed by State law. The Board shall have the following powers and duties:

- To establish and enforce all policies, rules and regulations necessary for the administration, governance, protection and maintenance of the Bighorn-Desert View Water Agency facilities.
- To appoint a General Manager who will be responsible for the management of all operations and affairs of the Agency. To define the qualifications, powers, and duties of such appointee, and evaluate performance.
- In compliance with all applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the Agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the Agency and any improvement district(s). Revenues will also provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions and enlargements, pay the interest on any debt and provide a sinking or other fund for the payment of the principle of such debt when it becomes due. See also *Section 22 of the BDVWA Act for Bonded Indebtedness (Appendix A)*.
- By a majority vote of the Board of Directors, the Board shall appoint an attorney, chief engineer, general manager and auditor, as well as define their duties, and fix their compensation.
- A member of the Board shall not serve as the appointed attorney, chief engineer, general manager, or auditor.
- The Board of Directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution, or minute order shall be passed or become effective without the affirmative vote of a majority of the Board.

Note: The Bighorn-Desert Water Agency Act lists all “Powers and Duties” of the Directors (See Appendix A).

Board of Directors Policy Handbook

Officers

The officers of the Board of Directors, as dictated by the Bighorn-Desert View Act, shall consist of a President, Vice President and Secretary.

President

In January of even years, the Board of Directors shall elect one of the Directors to act as Board President. If at any time the Board President shall be unable to serve in that capacity, the Vice President shall act in his or her place. If the Vice President shall also be unable to act, the Board may appoint another member of the Board to do so, and such person shall be vested temporarily with all the authority and responsibility of the office of Board President.

The Board President, or member of the Board acting as such as above noted, shall:

- Preside over all meetings of the Board.
- Appoint members to serve on all Standing and Ad Hoc Committees of the Board.
- Sign as Board President on the Agency's behalf all instruments in which he/she has been specifically authorized to sign.
- Have general responsibility for making sure a General Manager or equal is in place during the President's term of office subject to the advise and control of the full Board.

Vice President

The Vice President shall, in the event of death, absence, or other disability of the Board President, fulfill the duties of the President, and exercise all the powers and perform all of the duties herein given to the Board President.

Secretary

The Secretary shall, in the event of death, absence or other disability of the Board President and Vice President, fulfill (pending a vote) the duties of the President, and exercise all the powers and perform all of the duties herein given to the President. The Secretary certifies meeting minutes on behalf of the Board of Directors.

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Elections, Conduct and Ethics



Number of Board Members and Qualifications

As prescribed by the Bighorn-Desert View Water Agency Act (Appendix A), the Board of Directors shall consist of five (5) members. Each Director must be a registered voter therein.

Elections and Term of Office

A Director shall be elected for a term of four years, or until his or her successor is qualified and elected (or appointed). The election of a Director shall be consolidated with the county-wide election and shall be held in each even-numbered year.

Election Information is also available at:
San Bernardino County Elections Office
777 E. Rialto Avenue
San Bernardino, California, 92415
Phone number 909-387-8300
Email Communications@rov.sbcounty.gov

Board of Directors Policy Handbook

Conflict of Interest

A Board member will not have a financial interest in a contract with the Agency, or be a purchaser at a sale by the Agency unless the Board member's participation was authorized under Government Code Sections 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 their official position to influence a decision of the Board, if the Board member 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 Director 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 Fair Political Practices Commission (FPPC) regulations) that is distinguishable from the effect on the public, for instance:

- Business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations.
- Real property in which the Director has a direct or indirect investment interest, with a worth in the amount specified in FPPC regulations.
- A source of income of the Director in the amount specified in FPPC regulations within 12 months before the Board decision.
- A source of gifts to the Director in an amount specified in FPPC regulations within 12 months before the Board decision.
- 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 Director, by an agent on behalf of the Director or by a business entity or trust in which the Director or the Director's spouse, dependent child or agent owns directly, indirectly or beneficially a 10 percent interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Board members will report all gifts, campaign contributions, income and financial information as required by the Fair Political Practices Act and FPPC regulations.

Board of Directors Policy Handbook

Fair and Equal Treatment/ Personnel Policies Relating to the Board of Directors

Board members, in the performance of their official duties and responsibilities, will not discriminate against or harass 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 consideration, treatment or advantage to any person or group beyond that which is available to every other person or group. Board members will be required to complete training as outline in Appendix D - Resolution Establishing Mandatory Training for Board Members.

Incompatible Employment

Pursuant to the provision of Government Code, Section 53227, an employee of Bighorn-Desert View Water Agency may not be sworn into office as an elected or appointed member of the Agency's Board of Directors unless he/she resigns as an employee. If the employee does not resign, the employment shall automatically terminate upon his/her being sworn into office.

Board of Directors Policy Handbook

Fair Political Practice Commission Mandated Filings

What is the Fair Political Practices Commission?

The Fair Political Practices Commission is a five-member independent, non-partisan commission that has primary responsibility for the impartial and effective administration of the Political Reform Act. The Act regulates campaign financing, conflicts of interest, lobbying and governmental ethics.

Reference: FPPC website at www.fpc.ca.gov/ for additional information.

It is important to note that the Agency must permit any member of the public to inspect and/or be provided a copy of any Fair Political Practices Commission (FPPC) form filed by any Board member or staff member upon completion of an Agency Public Information Request Form.

Agency Maintained Filings

Form 700 (Statement of Economic Interest)

Form 700 is a public document that must be filed with the Agency staff each year by April 1st. The Form 700 provides a mechanism for the Board member to mandatorily report investments, business positions in business entities, real property and income from sources that are located or doing business within the Agency's jurisdiction for the prior calendar year. Gifts of any type, regardless of source, are reportable regardless of jurisdiction. Specifics as to the types of expenses that must be disclosed on each statement are included with each Form 700. Form 700 "packets" are provided to each Board member by Agency staff as soon as the most updated version is available from the FPPC, which is generally by no later than the end of January. Form 700 and all statements are also available by accessing the Fair Political Practices Commission (FPPC) website at www.fppc.ca.gov.

Form 806

The Form 806 is a public document outlining Public Official Appointments. This form is completed annually by the Agency staff and following any reorganization of the Board of Directors that might occur during the calendar year.

Board of Directors Policy Handbook

Fair Political Practice Commission Mandated Filings for Candidate Consideration

The following list of financial disclosure forms may be required for candidates running for office. Please refer to the Candidate Guidelines provided by the Registrar of Voters prior to each election cycle. Please refer to the instructions for filing, which is included with the form for requirements and filing locations.

Form 410 (Statement of Organization) - Candidates that plan to spend or receive campaign contributions of \$2,000 or more must file this form.

Form 460 (Recipient Committee Campaign Statement) - Candidates who file a Form 410 are required to file Form 460.

Form 470 (Officeholder and Candidate Campaign Statement-Short Form) - Candidates that do not plan to spend or receive campaign contributions of \$2,000 or more must file this form.

Form 470 (Supplement) - If a candidate subsequently spends or receives campaign contributions of \$2,000 or more, after filing an initial Form 470, a Supplement Form 470 must be filed. This form must be filed within 48-hours of reaching the \$2,000 limit. The form must be provided to the Secretary of State, the local filing officer and each candidate seeking the same office. Contact the filing officer for candidate addresses if needed.

Form 496 (24-hour/10-day Independent Expenditure Report) - Filed by committees that make independent expenditures whose combined total is \$1,000 or more to support or oppose a single candidate for elective office. File the Form 496 within 24-hours of making the expenditure during the 90-days immediately preceding the election.

Form 497 (24-hour/10-day Contribution Report) - This form is filed by state and local committees making or receiving contribution(s) whose combined total is \$1,000 or more in the 90-days before an election.

Form 501 (Candidate Intention Statement) - Candidates must file this form prior to accepting any campaign contributions or making any campaign expenditures.

Please see the FPPC website at www.fpc.ca.gov/ for additional information.

Board of Directors Policy Handbook

Use of Agency Property/Resources & Confidentiality Information

Except as specifically authorized, a Board member will not use or permit the use of Agency-owned vehicles, equipment, telephones, materials or property for personal benefit, use or profit. A Board member will not ask or require an Agency employee to perform services for the personal benefit, use or profit of a Board member or employee.

Use of Confidential Information

A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information under applicable provisions of law to a person not authorized to receive it, that (1) has been received for, or during, a closed session meeting of the Board, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or (3) is not required to be disclosed under the California Public Records Act.

This section does not prohibit any of the following:

- Making a confidential inquiry or complaint to the Agency General Counsel, or to a District Attorney or Grand Jury concerning a perceived violation of law, including disclosing facts to Agency General Counsel or to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the Agency, an elected official or employee.
- Expressing an opinion concerning the propriety or legality of actions taken by the Agency in closed session, including disclosure of the nature and extent of the alleged illegal action.

Prior to disclosing confidential information pursuant to either items above, however, a Board member will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

A Director who willfully and knowingly discloses for financial gain confidential information received by him/her in the course of his/her official duties may be guilty of a misdemeanor under Government Code Section 1098.

Board of Directors Policy Handbook

Conflict of Interest

If a member of the Board believes that he/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:

- 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 Agency's General Manager and the Agency's Legal Counsel of the potential conflict of interest so that a determination can be made whether it is a disqualifying conflict of interest.
- If it is not possible for the Director to discuss the potential conflict with the General Manager and the Agency's 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 as to whether it is a disqualifying conflict of interest.
- 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.

A Board member will not recommend the employment of a relative by the Agency. 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 Agency.

A Board member 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.

Board of Directors Policy Handbook

Soliciting Political Contributions

Board members are prohibited from soliciting political funds or contributions at Agency facilities or from Agency employees. A Board member will not accept, solicit or direct a political contribution from (a) Agency employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the Agency. A Director will not use the Agency's seal, trademark, stationery or other indicia of the Agency's identity or facsimile thereof, in any solicitation for political contributions contrary to State or Federal law.

Incompatible Offices

California Government Code Section 1099 states the following:

(a) A public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

(1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.

(2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.

(3) Public policy considerations make it improper for one person to hold both offices.

(b) When two public offices are incompatible, a public officer shall be deemed to have forfeited the first office upon acceding to the second. This provision is enforceable pursuant to Section 803 of the Code of Civil Procedure.

(c) This section does not apply to a position of employment, including a civil service position.

(d) This section shall not apply to a governmental body that has only advisory powers.

(e) For purposes of paragraph (1) of subdivision (a), a member of a multimember body holds an office that may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over another office when the body has any of these powers over the other office or over a multimember body that includes that other office.

(f) This section codifies the common law rule prohibiting an individual from holding incompatible public offices.

Board of Directors Policy Handbook

Whistle Blower Protection & Directors' Legal Liabilities

The General Manager has primary responsibility for:

- Ensuring compliance with the Agency's Personnel Policies and Procedures, and ensuring that Agency employees do not engage in improper activities.
- Investigating allegations of improper activities.
- Taking appropriate corrective and disciplinary actions.

The Board has a duty to ensure that the General Manager is operating the Agency according to law and the policies approved by the Board. Board members are encouraged to fulfill their obligation to the public and the agency by disclosing to the General Manager, to the extent not expressly prohibited by law improper activities within their knowledge. Board members will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activity, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

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 demonstrates a perceived illegal activity or which could pose risk to the Agency. As to Agency employees, the matter is to first be brought to the attention of the employee's supervisor or to the General Manager. Should the matter not be resolved after following this chain of command, the employee may then address the matter with the Board President.

Examples or reportable actions:

- A work-related violation by a Board member or employee of any law or regulation.
- Gross waste of Agency funds.
- Gross abuse of authority.
- A specified and substantial danger to public health or safety due to an act or omission of an Agency official or employee.
- Use of an Agency office or position or of Agency resources for personal gain.
- A conflict of interest of an Board member or employee.

A Board member will not use or threaten to use any official authority or influence to effect any action as a reprisal against an Agency Board member or Agency employee who reports or otherwise brings to the attention of the General Manager any information regarding the subjects described in this section.

Board of Directors Policy Handbook

Whistle Blower Protection & Directors' Legal Liabilities,

Directors' Legal Liabilities

A Director may be personally criminally and civilly liable for any violation of the Conflict of Interest laws, the Fair Political Practices Act and Regulations, failure to timely and completely file all required FPPC Forms, interfering with the employee management responsibilities of the General Manager or for violating the Brown Act.

Board of Directors Policy Handbook

Violation of Ethics Policy

A perceived violation of the Ethics Policy by a Board member should be referred to the President of the Board or the full Board of Directors for investigation and consideration of any appropriate action warranted. A violation of this policy may be addressed by the use of such remedies as are available by law to the Agency, including but not limited to:

- Adoption of a resolution expressing disapproval of the conduct of the Board member who has violated this policy;
- Injunctive relief;
- Censure;
- Discipline;
- Referral of the violation to the District Attorney and/or the Grand Jury.

Interaction With Staff



The Board of Directors will deal with the administrative services of the Agency through the General Manager. The General Manager is the Board's link to operational achievement and conduct. All authority and accountability of staff is considered the responsibility of the General Manager.

Board of Directors Policy Handbook

Division of Responsibilities

The Board of Directors is responsible for setting Agency policy since each individual Director is accountable to the public as an elected official. The Board appoints the General Manager and defines the duties of his position. The Board is not to instruct management on the implementation of Agency policies.

The Board of Directors is responsible for:

- Establishing policies and program through the open meeting process. Approving budgets and special expenditures (i.e. public works contracts).
- Appointing a General Manager, who will be responsible for the management of all operations and affairs of the Agency.
- Delegating certain powers to the General Manager in the operation of Agency affairs.

The General Manager is responsible for:

- Recommending policies to the Board of Directors.
- Recommending programs to the Board of Directors for implementation of Agency policies.
- Carrying out policies and projects approved by the Board of Directors.
- Responding to the Board of Directors on the status of projects.
- Helping to orientate new Board members to Agency departments and facilities.

Additionally, Directors are to refrain from having open discussions regarding the Agency's operations or topics of a potentially sensitive nature with any staff member other than the General Manager. Doing so could undermine management, jeopardize the organization's credibility or even put the Agency at-risk legally.

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Meetings



Meetings of the Agency Board of Directors are held according to Resolutions fixing the time and place of regular meetings and establishing Standing Committees and Ad Hoc Committees.

The Ralph M. Brown Act (Government Code 54950) is essentially known as the “Open and Public Meeting” Act. The Act was established to ensure that all meetings of legislative bodies are open so that the public has an opportunity to participate in the decision-making process.

**“The Brown Act”
means
Transparency in Decision Making
&
Encouraging Open Public Participation**

Board of Directors Policy Handbook

General

All meetings of the Board, whether regular, special or adjourned, shall be open to the public, except for closed sessions authorized by law. Members of the public may address the Board on matters of interest to the public if such matters are within the subject matter jurisdiction of the Board, and provided further that no action shall be taken by the Board on any item arising out of such speeches unless the matter already appears on the agenda for that meeting. The Board may adopt reasonable regulations which limit the total amount of time allotted for each speaker and in total.

Agenda Preparation Procedures

Agenda preparation is in accordance with a resolution establishing a meeting and agenda preparation policy (See Appendix H). Agendas for all meetings of the Board of Directors and Standing Committees shall be posted in accordance with the Brown Act. Additionally, the entire agenda packet for these meetings will be available for public review at the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, California. The packet is also available on the agency web site at www.bdvwa.org.

Quorum

A majority of the Board of Directors shall constitute a quorum for transaction of business.

Voting/Actions

Directors shall have one (1) vote each at any meeting of the Board of Directors on any item. There shall be no voting by proxy. The Board of Directors shall act only by ordinance, resolution or minute order. Actions are recorded in the meeting minutes in accordance with the resolution on format for recordation of minutes (See Appendix L).

Minutes

The appointed agency staff shall cause to be kept at the principal office of the agency a complete record of minutes for all meetings of the Board of Directors and all committees of the Board. Minutes shall identify the meeting date, time and place, whether regular, special, etc. and a brief detail of the actions taking place at the meeting.

Board of Directors Policy Handbook

Definitions of Meetings

Regular Meeting:

Regular meetings of the Board of Directors shall be in accordance with the adopted Board Policy. The Board may, from time to time, change the day of the month and/or the time of such regular meetings as dictated by holiday schedules or changing circumstances and in accordance with Section 54954 of the California Gov. Code. Agendas shall be posted as required by law.

The agenda for a regular meeting or standing committee must be posted at least 72-hours prior to the date and time the meeting commences.

Adjourned Meeting:

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the Order of Adjournment. If no time is stated, the meeting is continued to the hour for regular meetings. Less than a quorum may so adjourn a meeting, and if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. A copy of the order of adjournment must be posted within 24-hours after the adjournment at or near the door of the place where the meeting was held. If a meeting is adjourned for less than five calendar days, no new agenda need be posted as long as a new item of business is not introduced.

Special Meeting:

A special meeting of the Board of Directors may be called by the Board President, General Manager or at the written request of three Directors. Notice of such special meeting shall be delivered personally, by email or fax, or by mail to each member of the Board, and said notice shall be received at least 24-hours before the meeting.

Public notice shall be given as required by law, except for emergency meetings held in compliance with California Government Code Section 54956.5. This notice shall state the time and place of the special meeting and the business for which the special meeting has been called, and no business other than that stated in the notice shall be transacted at such special meeting.

Emergency Meeting:

A public agency can hold an emergency meeting when prompt action is needed due to the actual or threatened disruption of public facilities. An emergency situation exists if the legislative body determines a work stoppage, crippling disaster, or other activity that would severely impair public health, safety or both. Emergency meetings do not need to adhere to the 24-hour notice or posting requirement for special meetings.

Board of Directors Policy Handbook

Definitions of Meetings, cont.

Closed Session Meetings:

Part or all of a regular or special meeting may be closed to the public under conditions as noted below. However, notice and posting of the meeting is still required even if no action is contemplated.

Following are the topics that may be discussed in closed session. Additional details may be found by referring to the Brown Act (Government Code 54950):

- Personnel
- Pending litigation
- Existing litigation
- Threatened or anticipated litigation against the local agency
- Potential litigation initiated by the local agency
- Real estate negotiations
- Labor negotiations

Ad Hoc Committees:

An Ad Hoc Committee is made up solely of members of the Board of Directors, constitutes less than a quorum of the legislative body, and is not considered a legislative body subject to the Brown Act. An Ad Hoc Committee is established to deal with a single and specific subject on a short-term basis, and once the issue for which the Committee was established has been resolved, the Committee will cease to exist.

All Ad Hoc Committees serve only in an advisory capacity and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors.

The Board President shall, with Board consensus, appoint such an Ad Hoc Committees as may be deemed necessary by the General Manager, Board President or the Board of Directors. The duties of the Ad Hoc Committees shall be outlined at the time of appointment, and the Ad Hoc Committee shall be considered dissolved when its final report has been made.

Standing Committee Meeting:

A standing committee of the governing body is one that has a continuing subject matter and/or that has a schedule fixed by formal action of the governing body. All standing committees serve only in an advisory capacity to the Board of Directors and are legally constrained from adopting policy or making decisions on behalf of the Board of Directors. Standing committees are comprised of two members of the Board, appointed annually by the Board President with Board consensus.

Two Standing Committees currently in place at the agency (See Appendix G).

Board of Directors Policy Handbook

Current Standing Committees

Financial/Personnel/Public Relations/Education Committee (FPREP):

This Committee addresses financial management of the agency. This includes the preparation of an annual budget, periodic reviews of agency revenues, agency investments, expenditures and audit. The personnel portion of the Committee concerns itself with the functions, activities, compensation and welfare of agency staff and works directly with the General Manager on personnel related matters. The Committee also assures information relative to the affairs of the agency is accurately and appropriately communicated to the public.

Planning/Legislative/Engineering/Grant Committee (PLEGs):

This Committee addresses planning and engineering and shall be concerned with, but not limited to, the study and development of agency operational goals, including planning/engineering reviews and proposals for capital improvement projects as well as the development and periodic review of the Agency's general plan, master plan, safety/security plans and status of grant funded projects.

The legislative portion of the Committee shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an affect on the agency. It shall monitor and review legislation or potential legislation which may also affect the Agency including grants and security.

The Committees referenced above will remain in existence until discharged by majority vote of the Board of Directors. Committee members shall serve a term of one-year, or until such time as successors are appointed. Directors appointed to one of these Committees are required to attend the regularly scheduled meetings. In the event a Committee member is absent from a meeting the alternate member appointed by the Board President shall participate in the meeting.

TERMINOLOGY



A listing of common terminology including acronyms used in the drinking water industry.

Board of Directors Policy Handbook

Terminology

The following are industry-related terms which may be useful in dealing with day-to-day matters involving the Agency:

Accounts Payable (AP): Money Owed by a company to its creditors.

Accounts Receivable (AR): The proceeds or payment which the company will receive from its customers who have received its goods and services.

Accrual Accounting: Recognizes revenues in the accounting period in which they are earned and expenses are recognized in the period incurred, regardless of when the related cash flows take place.

Acre-foot (AF): The volume of water necessary to cover one-acre to a depth of one-foot. An acre-foot is equal to 43,560 cubic feet or 325,851 gallons.

Adjudication: A judicial process to determine the extent and priority of the rights of all persons to use water in a defined water system.

Agenda: Formal document disclosing all matters to be discussed or considered by the Board at a scheduled meeting. In accordance with "The Brown Act" regular and standing committee agendas must be posted at least 72-hours prior to the beginning of a meeting.

Agenda Item Staff Report: This relates to a report prepared by Agency staff for meeting agenda packets that provide details regarding an agenda item, including staff's recommendation, background information and fiscal impact.

Aquifer: An underground geological formation or structure that stores and/or transmits water.

Balance Sheet: A statement of the assets, liabilities, and capital of a business or other organization at a particular point in time, detailing the balance of income an expenditure over the preceding period.

Budget: An estimate of income and expenditure for a set period of time.

Consumer Confidence Report (CCR): An annual report that provides customers with important information about quality of their drinking water.

California Environmental Quality Act (CEQA): Requires public agencies to "look before they leap" and consider the environmental consequences of their discretionary actions. CEQA is intended to inform government decision-makers and the public about potential environmental effects of proposed activities and to mitigate to the extent possible any identified environmental damage.

Board of Directors Policy Handbook

Terminology, cont.

Conjunctive Use: The planned use of both groundwater and surface water in an overall management system to optimize total water resources.

Consumptive Use: A use that makes water unavailable for other uses, usually by permanently removing it from local surface or groundwater storage as the result of evaporation and/or transpiration.

Cubic Foot (cf or ft³): The volume of a cube with sides of one-foot in length. Its volume is 7.48 gallons.

Evaporation: The process of liquid water becoming water vapor including vaporization from water surfaces and land surfaces but not from leaf surfaces.

Export: The conveyance of water outside the service territory of the Agency.

Fair Political Practices Commission (FPPC): The Fair Political Practices Commission is a five-member independent, non-partisan commission that has primary responsibility for the impartial and effective administration of the Political Reform Act. The Act regulates campaign financing, conflicts of interest, lobbying and governmental ethics.

Fiscal Year: Agency operating period of July 1 to June 30.

Gallons: A unit of liquid capacity equal to 0.134 cubic feet.

Groundwater: The supply of fresh water found beneath the Earth's surface, usually in aquifers, which supplies wells and/or springs.

Groundwater basin: A groundwater reservoir defined by the overlying land surface and the underlying aquifers that contain water.

Groundwater table: The upper surface of the depth to groundwater.

Imported Water: The importation of water from outside the area for use within an entities service territory (eg. State Water Project deliveries).

Infiltration: Flow of water through the ground surface into the subsurface.

Monitoring well: A non-pumping well used for drawing water quality samples or measuring water levels.

Motion: A formal motion for action made by a Board member at any Board meeting. A motion initiates action on a subject on the agenda. Another member of the Board must offer a second to that motion for action to continue. Actions taken by motion are considered minute actions unless the motion is made to approve an ordinance or resolution.

Board of Directors Policy Handbook

Terminology, cont.

National Environmental Policy Act (NEPA): Requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. Agencies evaluate the environmental and related social and economic effects of their proposed actions.

Ordinance: A formal rule or law made by action of the Board of Directors.

Percolation: The downward movement of water through the soil to the ground water table (see infiltration).

Permeability: The ability of a material to transmit water through its pores when subjected to pressure.

Potable Water (Drinking Water): Water of a quality suitable for drinking.

Resolution: A formal action by a Board member for adoption of a policy or other action not intended to be a rule or law.

Riparian: Of, or pertaining to, rivers and their banks.

Safe Yield: The amount of water that can be pumped from the aquifer without over drafting (over-using or exhausting) the aquifer.

Stream Flow: The discharge that occurs in a natural channel.

Subsidence: Downward movement of the land surface associated with groundwater pumping, especially where such pumping exceeds safe yield and the water table has dropped.

Subsurface Water: All water below the land surface including groundwater.

Transpiration: Water used by plants.

Water Demand: The amount of water used over a period of time.

Water Quality: The physical, chemical, biological and radiological characteristics of water and how they relate to a particular beneficial use (i.e. drinking water).

Water Transfer: A legal change in a water right, temporary or permanent, reflecting some combination of a change of ownership, point of diversion and place of use.

Watershed: That surface area that contributes to the drainage or catchment area above a specific point on a stream, river or land surface.

Terminology, cont.

APPENDIX and EXHIBITS



A list of Appendices and Exhibits referenced throughout this Handbook as well as informational website links.

Board of Directors Policy Handbook

APPENDICES

- Appendix A** Agency Enabling Act - Bighorn-Desert View Water Agency is a public entity organized and operating pursuant to California Water Code Appendix Section 112-1 et seq.
- Appendix B** Resolution Declaring Intention of the Agency to Comply with all Provisions of the Ralph M. Brown Act
- Appendix C** Resolution Declaring the Code of Conduct for Members of the Agency Board of Directors
- Appendix D** Resolution Establishing Mandatory Training for Board Members
- Appendix E** Resolution Amending the Agency's Conflict of Interest
- Appendix F** Resolution Fixing a Time and Place for Regular Board Meetings and Designating the Official Mailing Address for BDVWA
- Appendix G** Policy Statement Establishing Standing Committees and Authorizing the Creation of Ad Hoc Committees
- Appendix H** Resolution Establishing an Agency Meeting and Agenda Preparation Policy
- Appendix I** Resolution Establishing a Policy for Reimbursement of Actual and Necessary Expenses for Board Members
- Appendix J** Ordinance Providing for Compensation of the Board of Directors and Establishing Procedures Related Thereto
- Appendix K** Resolution Authorizing Agency Director Credit Cards and Setting Guidelines for the Use of the Same
- Appendix L** Resolution Establishing the Format for Recordation of Minutes at Meetings of the Agency

Board of Directors Policy Handbook

EXHIBITS

Exhibit A Annual Comprehensive Financial Report

Exhibit B District Transparency Certificate of Excellence

Exhibit C District of Distinction Accreditation

Exhibit D Agency “Operating Information” (from latest audited financial statements)
- Schedule of service and infrastructure data.

Exhibit E Consumer Confidence Report (most recent) - Also known as drinking water quality reports provide important information about the quality of the drinking water.

INFORMATIONAL WEBSITE LINKS

Agency Library of Technical Reports - <https://bdvwa.org/document-library/technical-report/>

Agency Library of Historical Information - <https://bdvwa.org/document-library/local-history/>

Alliance for Water Awareness and Conservation—site includes Landscaping Resources - <https://www.mojavewater.org/conservation/>

Association of California Water Agencies - <https://www.acwa.com/>

CA Special Districts Association - <https://csda.net/home>

CA Rural Water Association - <https://csda.net/home>

Community Water Systems Alliance (CWSA) - <https://communitywatersystems.org/>

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BILL NUMBER: SB 246 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY AUGUST 7, 2013
AMENDED IN SENATE APRIL 23, 2013
AMENDED IN SENATE APRIL 4, 2013

INTRODUCED BY Senator Fuller

FEBRUARY 12, 2013

An act to repeal Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, and to amend Sections 1, 2, 12, and 15 of, to amend and renumber Sections 5, 7, 8, 10, 11, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 42, 48, 50, 52, 53, 53.1, 53.2, and 54 of, to add Sections 8, 10, 11, ~~and~~ 30 , and 35 to, to repeal Sections 3, 15.1, 15.2, 15.3, 16, 17, 18, 19.5, 21, 22, 36, 40, 41, 45, 46, 49, and 51 of, and to repeal and add Sections 9, 13, and 14 of, the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), relating to water districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Fuller. Bighorn-Desert View Water Agency.

Existing law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, authorized a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required a county water district consolidated with the Bighorn Mountains Water Agency to separately account for and use all funds derived from the operation of the former district system exclusively for the purposes of maintenance, operation, betterments, and bond debt service of the acquired system until all debt of the former system has been paid in full or until a majority vote of the electorate, as prescribed, authorizes other expenditures.

Under existing law, the Desert View Water District and the Bighorn Mountains Water Agency consolidated forming the Bighorn-Desert View Water Agency. Existing law, the Bighorn-Desert View Water Agency Law, grants to the consolidated successor district specified authorizations, powers, and duties and makes a violation of certain regulations and ordinances a misdemeanor.

This bill would make conforming changes related to the consolidated district and would repeal the provisions under which the consolidation was completed. The bill would revise various provisions relating to the operation of the district, including, but not limited to, specifying procedures for the repayment of bonded indebtedness incurred prior to the consolidation, and eliminating the misdemeanor for ~~ordinance~~ violations of ordinances of the district and making a violation of certain regulations an infraction instead of misdemeanor, as prescribed. *This bill would require the district to set an annual appropriations limit and adopt an annual budget, as prescribed.*

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the

writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings demonstrating these in regard to the limitation of certain public posting requirements by the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code is repealed.

SEC. 2. Section 1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 570 of the Statutes of 1989, is amended to read:

Section 1. This act is designated, and may be cited and referred to as, the "Bighorn-Desert View Water Agency Law."

SEC. 3. Section 2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended to read:

Sec. 2. The Bighorn-Desert View Water Agency, formed by the consolidation of agencies authorized pursuant to former Part 9.2 (commencing with Section 33300) of Division 12 of the Water Code, is hereby created, organized, and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory and shall include all territory lying within the following described boundaries:

All that real property situate in the County of San Bernardino, State of California, more particularly described as follows:

(a) Township 3 North, Range 4 East, San Bernardino Base and Meridian:

Section 7
Section 8
Section 11
South 1/2 Section 2
Southwest1/4 Section 12
Section 13, excluding the North1/2 of the Northeast 1/4
Section 14
Section 15
Section 16
Section 17
East1/2 Section 18
Northeast1/4, Northeast1/4, Section 20
North 1/2 Section 21
North1/2 Section 22

(b) Township 3 North, Range ~~5~~ 5 East, San Bernardino Base and Meridian:

South1/2, South 1/2 ,
Southwest1/4, Section 4
Section 8
Section 9, excluding the Northeast 1/4
Southwest1/4 Section 10
Section 13
South 1/2 Section 14

Section 15, excluding the Northeast 1/4
Section 16
Section 17
Section 18
Section 21
Section 22
Section 23
Section 24
West 1/2 Section 26
Section 27
Southeast 1/4 Section 33
Section 34
Section 35, excluding the Northeast 1/4
West 1/2, Northwest 1/4, Southwest 1/4, Section 36
Northeast 1/4, Northwest 1/4, Southwest 1/4, Section 36
(c) Township 2 North, Range 5 East, San Bernardino Base and

Meridian:

Section 2
Section 3
Section 10
Section 11
Section 12
Section 13
Section 14
Section 15
Section 22
Section 23
Section 26
Section 27
Section 34

(d) Township 2 North, Range 6 East, San Bernardino Base and
Meridian:

Section 5
Section 6

Section 7, except certain parcels described as:

630-032-04 W 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC
630-032-05 E 1/2 SW 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RDS
630-032-09 W 1/2 NE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
630-032-10 W 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
630-032-11 W 1/2 NE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX RD
630-032-15 E 1/2 SE 1/4 NW 1/4 SE 1/4 SEC 7 TP 2N R 6E 5 AC
630-032-49 W 1/2 SE 1/4 SW 1/4 SE 1/4 SEC 7 TP 2N R 6E EX W 100 FT
S 422 FT THEREOF AND EX RDS
630-041-26 W 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD MNL
RTS AS RESERVED BY USA 5 AC
630-041-30 E 1/2 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC
630-041-39 W 1/2 SE 1/4 NE 1/4 NE 1/4 SEC 7 TP 2N R 6E 5 AC
630-041-42 N 280 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX
RD
630-041-54 N 130 FT S 380 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP
2N R 6E 5 EX RD
630-041-55 S 250 FT W 1/4 SE 1/4 SW 1/4 NE 1/4 SEC 7 TP 2N R 6E 5
EX RD
630-041-56 N 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E EX RD

630-041-57 S 1/2 E 1/2 SE 1/4 NW 1/4 NE 1/4 SEC 7 TP 2N R 6E
Section 18, except certain parcels described as:

630-021-18 E 1/2 SW 1/4 NW 1/4 NE 1/4 SEC 18 TP 2N R 6E EX RD
630-021-67 N 1/2 E 1/2 NW 1/4 NW 1/4 NE 1/4 SEC 18 TP 2N R 6E EX S
130 FT W 100 FT E 230 FT THEREOF AND EX MNL RTS AS RESERVED BY USA
EX RDS

West 1/2, Section 19

SEC. 4. Section 3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as added by Section 3 of Chapter 570 of the Statutes of 1989, is repealed.

SEC. 5. Section 5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 4 of Chapter 570 of the Statutes of 1989, is amended and renumbered to read:

Sec. 3. The Board of Directors of the Bighorn-Desert View Water Agency organized under this act shall consist of five members, each of whom shall be a resident of the agency, and shall hold office until his or her successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

SEC. 6. Section 7 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 4. No person shall vote at any Bighorn-Desert View Water Agency election who is not a voter within the meaning of the Elections Code.

In case the boundary line of the Bighorn-Desert View Water Agency crosses the boundary line of a county election precinct only those voters within the Bighorn-Desert View Water Agency and within the precinct who are registered as being voters within the Bighorn-Desert View Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within these precincts, one containing the names of candidates for office in the Bighorn-Desert View Water Agency, and the other not containing the names, and it shall be the duty of the election officers in these precincts to furnish only those persons registered as voters within the Bighorn-Desert View Water Agency with the ballots upon which are printed the names of the candidates for office in the Bighorn-Desert View Water Agency.

SEC. 7. Section 8 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 5. The provisions of the Elections Code so far as they may be applicable shall govern all general and special Bighorn-Desert View Water Agency elections, except as otherwise provided in this act.

SEC. 8. Section 8 is added to the Bighorn-Desert View Water Agency ~~Act~~ Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 8. For attending a meeting of the board of directors, each of the members of the board of directors ~~shall~~ may receive compensation in an amount not to exceed the maximum amount authorized by Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code.

SEC. 9. Section 9 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 10. Section 9 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 9. Any vacancy in the board of directors shall be filled

pursuant to Article 2 (commencing with Section 1770) of Chapter 4 of Division 4 of Title 1 of the Government Code.

SEC. 11. Section 10 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 6. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Bighorn-Desert View Water Agency in accordance with the recall provisions of the Elections Code of the state with reference to cities.

SEC. 12. Section 10 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 10. By a majority vote of the board of directors, the board shall appoint an attorney, chief engineer, general manager, and auditor, define their duties, and fix their compensations. The attorney, chief engineer, general manager, and auditor each shall serve at the pleasure of the board of directors. A member of the board of directors shall not serve as the appointed attorney, chief engineer, general manager, or auditor.

SEC. 13. Section 11 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 7. (a) The board of directors shall be the governing body of the Bighorn-Desert View Water Agency.

~~The~~

(b) The board of directors shall, by resolution, provide for the date, time, and place of holding of its meetings. All meetings of the board of directors, whether regular or special, shall be open to the public. ~~A~~

(c) A majority of the board of directors shall constitute a quorum for the transaction of business. ~~At~~

(d) At its first meeting in the month of January in each even-numbered year, the board of directors shall choose from among its members a president, vice president, and secretary.

(e) The board of directors shall adopt an annual budget and shall set an annual appropriations limit.

SEC. 14. Section 11 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 11. The general manager shall:

(a) Have full charge and control of the maintenance, operation, and construction of the waterworks of the agency.

(b) Have full power and authority to employ and discharge all employees and assistants at pleasure.

(c) Prescribe the duties of employees and assistants.

(d) Fix and alter the compensation of employees and assistants subject to approval by the board of directors.

(e) Perform other duties imposed by the board of directors.

(f) Report to the board of directors in accordance with rules and regulations adopted by the board.

SEC. 15. Section 12 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 2 of Chapter 696 of the Statutes of 1984, is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or minute order. No ordinance, resolution, or minute

order shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn-Desert View Water Agency as follows:" Except as otherwise required by law, ordinances shall be adopted by one of the following procedures:

(a) A copy of the full text of the ordinance shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance is to be amended. Within 21 days after passage of an ordinance, the general manager shall cause the ordinance to be published at least once in a newspaper of general circulation published and circulated within the agency's boundaries and shall cause the ordinance to be posted in at least three public places. An ordinance shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but summaries of the ordinance shall be published as provided in subdivision (b) or (c).

(b) The general manager may cause a summary of the ordinance or amendment to be published at least once in a newspaper of general circulation, and a copy of the full text of the ordinance or amendment shall be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the general manager shall cause the ordinance or amendment to be published at least once in a newspaper of general circulation, published, and circulated within the agency's boundaries, and shall cause the ordinance or amendment to be posted in at least three public places.

(c) If the general manager determines that it is not feasible to prepare a fair and adequate summary of the ordinance or amendment, the general manager shall cause a display advertisement of the full text of the ordinance or amendment of at least one-sixth of a page to be published in a newspaper of general circulation and a copy of the full text of the ordinance or amendment to be posted in the office of the agency at least five days prior to the board meeting at which the ordinance or amendment is to be adopted. Within 21 days after adoption, a display advertisement of a similar size shall be published and the full text posted in at least three public places.

SEC. 16. Section 13 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 17. Section 13 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 13. The voters of the Bighorn-Desert View Water Agency may pass an initiative in accordance with the methods provided by Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code for a city.

SEC. 18. Section 14 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 19. Section 14 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 14. The voters of the Bighorn-Desert View Water Agency may disapprove and thereby veto an ordinance by proceeding in accordance with the methods provided by Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code for a referendum in a city.

SEC. 20. Section 15 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 1 of Chapter 950 of the Statutes of 1985, is amended to read:

Sec. 15. The Bighorn-Desert View Water Agency, which may exercise only the powers expressly granted and those necessarily implied by this act, has all of the following powers:

1. To have perpetual succession.
2. To sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To take by grant, purchase, gift, devise, condemnation, or lease, hold, use, enjoy, and to lease, with or without the privilege of purchase, sell, or dispose of real and personal property of every kind, within or without the agency.
5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges, and construct, maintain, and operate water wells, conduits, pipelines, reservoirs, works, machinery, and other property useful or necessary to produce, store, convey, supply, or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, enlarge, add to, repair, or otherwise improve any waterworks or waterworks system acquired by the agency.
6. To construct, maintain, improve, and operate public recreational facilities appurtenant to any waterworks and to provide regulations binding upon all persons to govern the use of those facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation is an infraction punishable by a fine of not more than three hundred dollars (\$300).
7. To sell water to other public agencies within the Bighorn-Desert View Water Agency and to the inhabitants of the territory of those public agencies for use within the Bighorn-Desert View Water Agency. The Bighorn-Desert View Water Agency may, whenever the board of directors finds that there is a surplus of water above that which may be required by consumers within the Bighorn-Desert View Water Agency, sell or otherwise dispose of surplus water to any persons, firms, public or private corporations, public agencies, or other consumers.
8. To supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as determined by the board of directors.
9. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the improper use of agency water during those periods, in accordance with Chapter 3 (commencing with Section 350) of Division 1 of the Water Code.
10. To make contracts, employ labor, and do all acts necessary for the full exercise of the above powers.
11. To provide for the pensioning of officers or employees and the creation of a special fund for the purpose of paying the pensions, and the accumulation of contributions to the fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of the officers or employees, and to provide for the terms and conditions under which pensions shall be awarded, and for the time and extent of service of officers or employees before pensions shall be available to them.
12. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, capture, recapture, and salvage any water, including

sewage and stormwaters, for the beneficial use and protection of the agency or its inhabitants or the owners of right to water therein.

13. To contract with the federal government, the state, any state agency, a county, or other public agency, a private corporation, or other person for the purpose of carrying out any of the powers of the agency and, for that purpose, to contract with the other public agencies, private corporations, or persons for the purpose of financing acquisitions, constructions, and operations. These contracts may contain any other and further covenants and agreements as may be necessary or convenient to accomplish the purposes of the contract.

14. To commence, maintain, intervene in, ~~defend~~ defend, and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose, of the agency, or a common benefit to the lands within the agency or its inhabitants.

15. To commence, maintain, intervene in, ~~defend~~ defend, and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency, and to assume the costs and expenses of any and all actions or proceedings to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or to protect or provide a common benefit to lands within the agency or to the inhabitants of the agency, or to protect or control any watershed or basin overlain, in whole or in part, by the agency or which contributes or may contribute to the water supply of the agency.

16. To borrow money, incur indebtedness, and issue bonds or other evidences of indebtedness at the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code and to refund or retire any indebtedness or lien against the agency or its property.

17. To issue negotiable promissory notes that shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of the agency, at the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. *The maturity of the promissory notes shall not be later than five years from the date thereof. The total aggregate amount of the notes outstanding, at any one time, shall not exceed five million dollars (\$5,000,000).*

18. To cause taxes to be levied, in the manner provided by the California Constitution and state law, for the purpose of paying any obligation of the agency.

19. To issue improvement bonds in accordance with, and pursuant to, the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Refunding Assessment Bond Act of 1935 (Chapter 732 of the Statutes of 1935), and the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of

the Government Code).

20. To prescribe, revise, and collect water system connection and capacity charges in ~~the manner provided by~~ *accordance with* the California Constitution and state law.

21. To record a certificate in the office of the county recorder of any county specifying the amount of unpaid charges for water or other services, plus interest and penalties. From the time of recordation of the certificate, the amount required to be paid, together with interest and penalty, constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by the person. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. Within 10 years from the filing of the certificate or within 10 years of the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of that filing the lien shall be extended to the real property in the county for 10 years unless sooner released or otherwise discharged.

22. To construct, operate, and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation, and maintenance of its projects for the control, conservation, diversion, and transmission of water, and to enter into contracts for the sale of this energy for a term not to exceed 50 years. This energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

23. To contract for the sale of the right to use falling water for electric energy purposes with any public agency or private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

24. To prosecute an action to determine the validity of any bonds, warrants, promissory notes, contracts, or other evidences of indebtedness, including those of the kind authorized by paragraphs 16, 17, and 19, brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

25. In addition to the powers granted in this section, the agency may exercise all powers previously or hereafter granted to or possessed by county water districts organized and governed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) to finance the acquisition of, and to acquire, waterworks and waterworks systems, waters, water rights, lands, rights, or privileges, and may exercise all those powers to fund construction, maintenance, or operation of waterworks and waterworks systems.

SEC. 21. Section 15.1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 22. Section 15.2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 23. Section 15.3 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 5 of Chapter 570 of the Statutes of 1989, is repealed.

SEC. 24. Section 16 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 176 of Chapter 1128 of the Statutes of 1984, is repealed.

SEC. 25. Section 17 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 26. Section 18 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 27. Section 19.5 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 28. Section 21 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 29. Section 22 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 30. Section 23 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 12 of Chapter 104 of the Statutes of 1970, is amended and renumbered to read:

Sec. 16. All claims for money or damages against the agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations applicable thereto.

SEC. 31. Section 25 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 17. The board of directors, in compliance with the applicable provisions of the California Constitution and state law, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for replacements, improvements, extensions, and enlargements, pay the interest on any debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

SEC. 32. Section 26 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 19. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including payment of principal or interest on any debt of the agency or any improvement district thereof, as it becomes due, then the board of directors of the agency shall provide, in accordance with the provisions of the California Constitution and state law, for the levy and collection of a special tax sufficient to raise the amount of money determined by the board of directors to be necessary for the purpose of paying the expenses in addition to the funds required under Section 17 of this act.

SEC. 33. Section 27 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 20. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, by continuing to impose any ad valorem taxes or any other special taxes, or by levying

assessments, in accordance with the provisions of the California Constitution and state law. Subject to Section 4 of Article XIII C of the California Constitution, the agency may impose new special taxes in accordance with Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. Within a reasonable time before the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any debt of the agency, or of an improvement district thereof, as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors to collect, in addition to any other tax as may be levied by the board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the debt, as the case may be. Taxes for the payment of the interest on or principal of any debt shall be levied on the property within the agency, or improvement district thereof, benefited by the debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the agency shall be levied on all property in the agency or improvement district or portion thereof subject to the particular tax. It shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in the time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 34. Section 28 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 21. (a) Whenever the board of directors deems it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in the agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency. The resolution shall state all of the following:

(1) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The amount of debt to be incurred.

(3) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(4) The maximum rate of interest to be paid, which shall not exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, which shall be payable semiannually, except that interest for the first year may be payable at the end of the year or payable on a fixed or variable basis, on the dates specified in the resolution.

(5) The measure to be submitted to the voters.

(6) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(b) The board of directors shall provide for holding the special election on the date fixed and in accordance with the applicable provisions of the Elections Code. Notice of the holding of the election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in the agency, if there is a newspaper published in the agency, and the resolution shall be posted in three public places in the agency not less than two weeks prior to the date of the proposed election. No other notice of the election need be given. The returns of the election shall be made, the votes ~~canvassed~~ *canvassed*, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate the result, if the election has otherwise been fairly conducted.

(c) Any action or proceeding contesting, questioning, or denying the validity of these bonds, or proceedings in relation to these bonds, shall be commenced within 60 days from the date of the election, or the bonds and all proceedings in relation to these bonds shall be held to be valid and in every respect legal and incontestable.

SEC. 35. Section 29 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 22. (a) Whenever the board of directors deems it necessary to incur bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for that bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state all of the following:

(1) The purpose for which the proposed debt is to be incurred.

(2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and the sale of the bonds.

(3) That the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall

govern for all details as to the extent of the proposed improvement district, and to call an election in that proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for that improvement district.

(4) That taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(5) That a general description of the proposed improvements, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvements, is on file with the secretary of the agency and is available for inspection by any person or persons interested.

(6) The time and place for a hearing by the board on the question of the formation of the proposed improvement district, the extent thereof, the proposed improvements and the amount of debt to be incurred.

(7) That at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(b) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. This notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

(c) At the time and place fixed for the hearing, or at any time and place to which it is adjourned, the board shall proceed with the hearing. At the hearing, any person interested, including any person owning property within the agency or within any proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of the proposed improvement district, or any combination of these; provided, however, that the board shall not change the boundaries so as to include any territory that will not, in its judgment, be benefited by the improvement.

(d) The purpose, amount of bonded debt, or boundaries shall not be changed by the board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency, and by posting in three public places within the proposed improvement district. The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on the change, which time shall be at least 10 days after publication or posting of the notice. At the time and place fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested,

including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing, the board shall, by resolution, determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which the proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. ... of Bighorn-Desert View Water Agency," and the determinations made in the resolution shall be final and conclusive. After the formation of an improvement district within the Bighorn-Desert View Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(e) After the board has made its determination of the matters required to be determined by the last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for the improvement district. The resolution shall state all of the following:

(1) That the board deems it necessary to incur the bonded indebtedness.

(2) The purpose for which the bonded indebtedness will be incurred.

(3) The amount of debt to be incurred.

(4) The improvement district to be benefited by the indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of the improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district.

(5) That taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

(6) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(7) The maximum rate of interest to be paid, which shall not exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable semiannually, except that interest for the first year may be payable at the end of the year or payable on a fixed or variable basis, on dates specified in the resolution.

(8) The measure to be submitted to the voters.

(9) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(f) The board of directors shall provide for holding the special election on the day so fixed and in accordance with the provisions of the Elections Code, as applicable, except as herein otherwise provided. Notice of the holding of the election shall be given by publishing pursuant to Section 6066 of the Government Code the

resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(g) The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate it, if the election shall have otherwise been fairly conducted.

(h) Any action or proceeding contesting, questioning, or denying the validity of the formation of the improvement district, of the bonds, or of the proceedings in relation to the bonds shall be commenced within 60 days from the date of such election, or the bonds and all proceedings in relation to the bonds, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 36. Section 30 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 23. (a) Any portion of the Bighorn-Desert View Water Agency, whether contiguous or not to an improvement district thereof, may be annexed to the improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to 60 percent or more of the land in the portion proposed to be annexed, which land as so represented in the petition shall have an assessed valuation of not less than 50 percent of the land so proposed to be annexed. The petition shall contain all of the following:

(1) A description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner.

(2) The terms and conditions upon which the proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency.

(3) A request that the board of directors declare the area to be annexed to the improvement district.

(b) The petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse the agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

(c) Within 10 days of the date of the filing of the petition, the secretary of the agency shall examine it and ascertain whether or not the petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize the general manager to employ persons especially for that purpose, in addition to the persons regularly employed in his or her office, and shall provide for their compensation. When the general manager has completed his or her examination of the petition, he or she shall attach to it his or her certificate, properly dated, showing the result of the examination;

and if from the examination he or she finds the petition is signed by the requisite number of property owners, or is not so signed, he or she shall certify that the petition is sufficient, or insufficient, as the case may be.

(d) If by the certificate of the general manager, the petition is found to be insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of the certificate. The general manager shall, within 10 days after the filing of the supplemental petition or petitions, examine them and certify to the result of the examination as hereinbefore provided.

(e) If by the certificate of the general manager, the petition, or petition as amended, is shown to be sufficient, the secretary shall cause notice of hearing on the petition to be published and posted.

(f) The text of the petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which it is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency, together with a notice stating the time and place of the meeting at which the petition will be presented. When contained upon one or more instruments, only one copy of the petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. The notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

(g) The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the agency or improvement district or owning taxable property in the agency or improvement district shall be entitled to appear and be heard at the hearing. The hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area is proposed to be annexed will also be benefited thereby and will not be injured thereby, the board of directors of the agency may, by resolution, approve the annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

(h) From and after the date of the adoption of the resolution, the area named therein shall be deemed added to and shall form a part of the improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district at the time authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district, and the board of directors of the Bighorn-Desert View Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as authorized in this section.

(i) Any action or proceeding wherein the validity of an annexation is contested, ~~questioned~~ questioned, or denied must be commenced within 60 days after the date of adoption of the resolution approving the annexation, or the annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 37. Section 31 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 24. (a) If from the returns it appears that more than two-thirds of the votes cast in the election held pursuant to the provisions of Section 21 or ~~of Section~~ 22 of this act were in favor of and assented to the incurring of the proposed indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as are needed, until the full amount of the bonds authorized has been issued. Bonds may be divided into two or more series and different dates may be fixed for each of the series. The maximum term that the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series.

(b) The board of directors shall, by resolution, prescribe the form of the bonds and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds of each series. The bonds shall bear interest at a rate or rates not to exceed the rate permitted by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, payable on a fixed or variable basis, or payable on the dates specified in the resolution. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

(c) The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

(d) The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. All of these signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of these signatures or countersignatures shall be manually affixed.

(e) If the bond election proceedings have been limited to and have applied only to an improvement district within the agency, the bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Bighorn-Desert View Water Agency for Improvement District No. ____" and each bond shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in that improvement district.

(f) Before selling the bonds, or any part thereof, the board of

directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or negotiate the sale of the bonds. The board of directors may determine by a two-thirds vote of the total vote of the board that the interest of the district and the public interest or necessity require that the bonds may be sold at private sale upon those terms and conditions as the board may deem necessary, convenient, or desirable. In addition to interest paid on a bond or evidence of indebtedness of the district, the board, in its discretion, may sell the bonds or evidence of indebtedness at less than its par or face value, but not at less than 94 percent of the par or face value thereof.

(g) The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when that purpose has been accomplished any moneys remaining in the special improvement fund may be transferred to the water operating fund to be used for the payment of principal of and interest on the bonds. The moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose that will benefit the property in the improvement district.

(h) The bonds of the district shall be legal investment for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, for state school funds, and, whenever any moneys or funds may by law now or hereafter enacted be invested in bonds of a city, county, or city and county, school districts, and municipalities in the state, the moneys or funds may be invested in bonds of the district, issued in accordance with the provisions of this act. Whenever bonds of a city, county, city and county, school district, or municipality may by law be used as security for the performance of any act, the bonds of the district may be so used.

SEC. 38. Section 32 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 25. Any bonds issued by the Bighorn-Desert View Water Agency are hereby given the same force, ~~value~~ value, and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

SEC. 39. Section 33 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 26. (a) Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 22 of this act it shall by resolution so declare and state all of the following:

- (1) The purpose for which the proposed improvement district is to be formed.
- (2) The estimated expense of carrying out the purpose.
- (3) That the board intends to form an improvement district of a

portion of the agency that in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district.

(4) That taxes for carrying out the purpose shall be levied exclusively upon the taxable property in the proposed improvement district.

(5) That a map showing the exterior boundaries of the proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested.

(6) The time and place for a hearing by the board on the questions of the formation of the proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out the purpose.

(7) That at the time and place specified, any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard.

(b) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the Bighorn-Desert View Water Agency, if there is a newspaper circulated therein. This notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for the hearing.

(c) At the time and place of the hearing, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing, at which any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to form the proposed improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, the estimated expense of carrying out the purpose, that the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Bighorn-Desert View Water Agency," and the determinations made in the resolution shall be final and conclusive. After the formation of the improvement district within the Bighorn-Desert View Water Agency pursuant to this section all taxes levied for the purpose for which the improvement district is formed shall be levied exclusively upon the taxable property in the improvement district.

(d) A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of the resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. The resolution shall not be effective until the 31st day after completion of this posting, and, if applicable, publication. If, before this date, a

petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, the board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of the proposed improvement district.

(e) The board of directors shall fix a date for this special election in accordance with applicable provisions of the Elections Code, except as herein otherwise provided. Notice of the holding of the election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election in at least one newspaper printed and published in the Bighorn-Desert View Water Agency, if there is a newspaper printed and published in the agency. The resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

(f) The returns of the election shall be made, the votes canvassed, and the results thereof ascertained and declared in accordance with the applicable provisions of the Elections Code, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of the board a statement of the results. No irregularities or informalities in conducting the election shall invalidate it, if the election shall have otherwise been fairly conducted.

(g) If from the returns it appears that a majority of the votes cast at the election were in favor of the formation of the improvement district, the formation of the improvement district shall be complete.

(h) Any action or proceeding questioning, contesting, or denying the validity of the formation of the improvement district, or of any of the proceedings in relation to that formation, shall be commenced within 60 days from the effective date of the resolution forming the district, or, if an election is held, within 60 days from the date of the election, or the formation of the improvement district, and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 40. Section 34 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 27. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district and the district may repay the agency from the proceeds of the sale of bonds authorized for those purposes, or from the special taxes levied exclusively upon the taxable property in the improvement district, at the rate of interest authorized by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 41. Section 35 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 28. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next tax levy after the sale of the bonds are available, and interest on any bonds issued by the agency coming due before the expiration of one year following completion of the acquisition and construction of the works and

improvements for which the bonds were issued may be paid from the proceeds of the sale of those bonds.

SEC. 42. Section 36 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 43. Section 40 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 44. Section 41 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 45. Section 42 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 29. The Bighorn-Desert View Water Agency shall not be dissolved until all indebtedness shall have been fully paid.

SEC. 46. Section 30 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 30. (a) The Bighorn-Desert View Water Agency shall separately account for and use funds derived from the operation of the Desert View Water District and the Bighorn Mountains Water Agency for the purpose of bond debt service for each of the former systems.

(b) Nothing in this part shall be construed to impair any contract entered into prior to January 1, 2014.

SEC. 47. Section 45 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 48. Section 46 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 49. Section 48 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 35. If any section, subsection, sentence, clause, or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the act or the application of the provision to other persons or circumstances shall not be affected. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstances may be held invalid.

SEC. 50. Section 49 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 51. Section 50 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 3 of Chapter 950 of the Statutes of 1985, is amended and renumbered to read:

~~Sec. 18~~ Sec. 18. The board of directors, by ordinance or resolution, may fix and impose, on or before the first day of July in any calendar year, a water standby or availability charge on lands within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars (\$10) per year for any parcel of less than one acre. Alternatively, the board of directors may fix a water standby charge in accordance with the provisions of the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5

of the Government Code). A standby charge shall be adopted by the board only in compliance with the applicable provisions of the California Constitution and state law. The board of directors may establish schedules varying the charges according to land uses, water uses, and degree of water availability. The board of directors shall certify to the county board of supervisors the charge or charges so fixed in accordance with the applicable procedures of the county. The charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property charged pursuant to this section. Liens for the charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 52. Section 51 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), as amended by Section 5 of Chapter 1035 of the Statutes of 1982, is repealed.

SEC. 53. Section 52 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 31. (a) Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, replacement, or repair of any or all improvements, works, or property mentioned in this act and to provide for that bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in that portion of the agency and to incur the indebtedness.

(b) For the purposes of this section, the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside within the district at the time of the formation of the district.

(c) The resolution of intention shall state that the board of directors intends to form an improvement district of an uninhabited portion of the agency which, in the opinion of the board, will be benefited, and to incur indebtedness by the issuance of bonds of the agency for that uninhabited improvement district.

The resolution of intention shall also state all of the following:

- (1) The purpose for which the proposed debt is to be incurred.
- (2) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.
- (3) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district.
- (4) That a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the agency and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.
- (5) The time and place for a hearing by the board of directors on the questions of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be incurred.

(6) That at the time and place specified in the resolution any person interested will be heard, and that any owner of property within the proposed uninhabited improvement district may file with the agency at any time prior to the time set for the hearing written protest to the formation of the proposed uninhabited improvement district.

(d) Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. Notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

(e) A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his or her address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation of the land in which he or she is interested is on file with the agency.

(f) At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

(g) If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If written protests are not filed by the owners of one-half of the value of the property, the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state all of the following:

(1) The purpose for which the proposed debt is to be incurred.

(2) The amount of the proposed debt.

(3) That the exterior boundaries of the portion of the agency that will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

(4) That the portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. of Bighorn-Desert View Water Agency."

(h) The determinations made in the resolution of formation shall be final and conclusive.

(i) After the formation of the uninhabited improvement district pursuant to this law the board may, by resolution, at the time or times that it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

(j) Any action or proceeding contesting, questioning, or denying

the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto shall be commenced within 60 days from the date of the resolution forming that district, or the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

(k) The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this section.

(l) The board may repay the agency for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

SEC. 54. Section 53 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 32. (a) The board, by resolution, may initiate proceedings for the annexation of territory to an improvement district within the agency whether contiguous or not to the improvement district.

(b) The resolution proposing annexation shall do all of the following:

(1) Declare that proceedings have been initiated by the board pursuant to this law.

(2) State the reason for proposing the annexation.

(3) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency which map shall govern for all details as to the extent of the area proposed to be annexed.

(4) State the terms and conditions of the annexation.

(5) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon those terms and conditions.

(6) Fix the time and place of a meeting at which the board will receive written protests filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

(c) The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the agency, if there is a newspaper published and printed in the agency.

(d) A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

(e) The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons shall be heard at the hearing.

(f) If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

(g) If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines for the evidence presented at the hearing that the area proposed to be

annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve the annexation.

(h) The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as determined by resolution of the board.

(i) If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby or will be injured thereby, the board shall by resolution disapprove the annexation.

(j) From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

(k) The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

(l) The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

(m) Any action or proceeding contesting, questioning, or denying the validity of an annexation to an improvement district pursuant to this section shall be commenced within 60 days after the date of the resolution of the board approving the annexation of the territory to an improvement district, or the annexation shall be held valid and in every respect legal and incontestable.

SEC. 55. Section 53.1 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 32.5. Notwithstanding the provisions of Section 32, if the petition for annexation of land to an improvement district formed under Section 26 is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

SEC. 56. Section 53.2 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 33. (a) Proceedings to exclude territory from an improvement district, formed pursuant to Section 26, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by not less than 10 percent of the voters of the area proposed to be excluded. The petition shall state reasons that the exclusion will be beneficial to the agency or the improvement district or the territory to be excluded.

(b) Upon adoption of a motion to initiate exclusion proceedings or upon receipt of a petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state all of the following:

(1) The method by which the exclusion proceedings were initiated;

by motion of the board or by petition of voters.

(2) That taxes for carrying out the purpose of the improvement district will not be levied upon taxable property in the excluded territory following the exclusion in the event the territory is excluded.

(3) That following the exclusion, the taxable property in the territory remaining in the improvement district shall continue to be levied upon and taxed to provide funds for the purposes of the improvement district.

(4) That a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in the improvement district, is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed exclusion.

(5) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of the exclusion upon the agency, the improvement ~~district~~ district, and the territory to be excluded.

(6) That at that time and place any person interested, including all persons owning property in the agency or in the improvement district, will be heard.

(c) Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper printed and published in the agency. This notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

(d) At the time and place fixed in the resolution of intention to exclude, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the agency, or in the improvement district may appear and present any matters material to the questions set forth in the resolution of intention to exclude.

(e) At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude the territory. If so, the resolution shall also state both of the following:

(1) The reasons why the exclusion is necessary or desirable.

(2) That the exterior boundaries of the improvement district following the exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of the resulting improvement district.

(f) The determinations made in the resolution of exclusion shall be final and conclusive.

(g) After the exclusion of territory from the improvement district pursuant to this section, all taxes levied for the carrying out of the improvement district's purpose shall be levied exclusively upon the taxable property in the improvement district as then constituted.

(h) A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed

and published in the agency. A copy of the resolution shall also be posted in three public places within the improvement district for at least two weeks.

(i) The resolution of exclusion shall not be effective until the 31st day after completion of the publication and posting.

(j) Any action or proceeding contesting, questioning, or denying the validity of the exclusion of territory from the improvement district or of any of the proceedings in relation thereto shall be commenced within 60 days from the effective date of the resolution of exclusion, or the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 57. Section 54 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969) is amended and renumbered to read:

Sec. 34. (a) Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district formed pursuant to this act to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

(b) As used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section 31.

(c) The resolution of intention shall state:

(1) The reason why the improvement district should be dissolved.

(2) That no bond, indebtedness, or liability has been issued or incurred for the improvement district that remains outstanding.

(3) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(4) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(5) That at that time and place for the hearing any person interested, including all persons owning property in the agency or in the improvement district will be heard.

(d) Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated in the agency. This notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

(e) At the time and ~~placed~~ place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the agency, or in the improvement district, may appear and present any matters material to the proposed dissolution.

(f) At the conclusion of the hearing the board shall, by resolution, determine whether it is necessary to dissolve the improvement district. If so, the resolution shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the resolution shall be final and conclusive.

(g) When the resolution declaring an improvement district dissolved becomes effective, the dissolution of the improvement district is complete.

(h) The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the agency contracted for the dissolved improvement district until the indebtedness has been satisfied, to the same extent that the property would be taxable for that purpose if the dissolution had not occurred.

(i) Any action or proceeding contesting, questioning, or denying the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, shall be commenced within 60 days from the effective date of the resolution dissolving the improvement district, or the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

(j) After a bond election has been held in an improvement district and less than two-thirds of the votes cast in the election were in favor of the measure, the board may within one year of the date of that election, call and hold another election for the purpose of resubmitting the measure to the electors of the improvement district. If the measure is not so resubmitted, the improvement district, on the anniversary date of the election, is dissolved without further action by the board. If the measure is resubmitted and fails to receive more than two-thirds of the votes cast in the election in favor of the measure, the improvement district is dissolved following the canvass of the election returns.

SEC. 58. Section 35 is added to the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), to read:

Sec. 35. The agency shall comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

~~SEC. 58.~~ *SEC. 59. The Legislature finds and declares that Section 35 of this act, which amends Section 22 of the Bighorn-Desert View Water Agency Law (Chapter 1175 of the Statutes of 1969), imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:*

In order for the Bighorn-Desert View Water Agency to reduce costs and staff burdens associated with posting notices of specified hearings, while still providing adequate notice of public hearings, it is necessary to reduce, from six to three, the number of public locations in which the agency must post specified hearing notices.


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TITLE 5. LOCAL AGENCIES [50001 - 57607] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821] (Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 9. Meetings [54950 - 54963] (Chapter 9 added by Stats. 1953, Ch. 1588.)

54950. In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

(Added by Stats. 1953, Ch. 1588.)

54950.5. This chapter shall be known as the Ralph M. Brown Act.

(Added by Stats. 1961, Ch. 115.)

54951. As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(Amended by Stats. 1959, Ch. 1417.)

54952. As used in this chapter, "legislative body" means:

- (a) The governing body of a local agency or any other local body created by state or federal statute.
- (b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.
- (c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:
 - (A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.
 - (B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting

member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

(Amended by Stats. 2002, Ch. 1073, Sec. 2. Effective January 1, 2003.)

54952.1. Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

(Amended by Stats. 1994, Ch. 32, Sec. 2. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet-based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(Amended (as amended by Stats. 2020, Ch. 89, Sec. 1) by Stats. 2025, Ch. 327, Sec. 1. (SB 707) Effective January 1, 2026.)

54952.3. (a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

(Added by Stats. 2011, Ch. 91, Sec. 1. (AB 23) Effective January 1, 2012.)

54952.6. As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

(Added by Stats. 1961, Ch. 1671.)

54952.7. A local agency shall provide a copy of this chapter to any person elected or appointed to serve as a member of a legislative body of the local agency.

(Amended by Stats. 2025, Ch. 327, Sec. 3. (SB 707) Effective January 1, 2026.)

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding

authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. If the legislative body of a local agency elects to use teleconferencing, the legislative body of a local agency shall comply with all of the following:

(A) All votes taken during a teleconferenced meeting shall be by rollcall.

(B) The teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency.

(C) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(D) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as expressly provided in this chapter.

(4) The teleconferencing requirements of this subdivision shall not apply to remote participation described in subdivision (c).

(c) (1) Nothing in this chapter shall be construed to prohibit a member of a legislative body with a disability from participating in any meeting of the legislative body by remote participation as a reasonable accommodation pursuant to any applicable law.

(2) A member of a legislative body participating in a meeting by remote participation pursuant to this subdivision shall do both of the following:

(A) The member shall participate through both audio and visual technology, except that any member with a disability, as defined in Section 12102 of Title 42 of the United States Code, may participate only through audio technology if a physical condition related to their disability results in a need to participate off camera.

(B) The member shall disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any of those individuals.

(3) Remote participation under this subdivision shall be treated as in-person attendance at the physical meeting location for all purposes, including any requirement that a quorum of the legislative body participate from any particular location. The provisions of subdivision (b) and Sections 54953.8 to 54953.8.7, inclusive, shall not apply to remote participation under this subdivision.

(d) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) (A) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of either of the following during the open meeting in which the final action is to be taken:

(i) A local agency executive, as defined in subdivision (d) of Section 3511.1.

(ii) A department head or other similar administrative officer of the local agency.

(B) This paragraph shall not affect the public's right under the California Public Records Act (Division 10 commencing with Section 7920.000) of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(e) For purposes of this section, both of the following definitions apply:

(1) "Disability" means a physical disability or a mental disability as those terms are defined in Section 12926 and used in Section 12926.1, or a disability as defined in Section 12102 of Title 42 of the United States Code.

(2) (A) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(B) Notwithstanding subparagraph (A), "teleconference" does not include one or more members watching or listening to a meeting via webcasting or any other similar electronic medium that does not permit members to interactively speak, discuss, or deliberate on matters.

(3) "Remote participation" means participation in a meeting by teleconference at a location other than any physical meeting location designated in the notice of the meeting.

(Amended (as amended by Stats. 2023, Ch. 534, Sec. 2) by Stats. 2025, Ch. 327, Sec. 4. (SB 707) Effective January 1, 2026.)

54953.1. The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

(Added by Stats. 1979, Ch. 950.)

54953.2. All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, Ch. 300, Sec. 5. Effective January 1, 2003.)

54953.3. A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Amended by Stats. 1981, Ch. 968, Sec. 28.)

54953.4. (a) The Legislature finds and declares that public access, including through translation of agendas as required by this section, is necessary for an informed populace. The Legislature encourages local agencies to adopt public access requirements that exceed the requirements of this chapter by translating additional languages, employing human translators, and conducting additional outreach.

(b) (1) In addition to any other applicable requirements of this chapter, a meeting held by a eligible legislative body pursuant to this chapter shall comply with both of the following requirements:

(A) (i) (I) (ia) All open and public meetings shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform, except if adequate telephonic or internet service is not operational at the meeting location. If adequate telephonic or internet service is operational at the meeting location during only a portion of the meeting, the legislative body shall include an opportunity for members of the public to attend via a two-way telephonic service or a two-way audiovisual platform during that portion of the meeting.

(ib) (Ia) On or before July 1, 2026, an eligible legislative body shall approve at a noticed public meeting in open session, not on the consent calendar, a policy regarding disruption of telephonic or internet service occurring during meetings subject to this sub-subclause. The policy shall address the procedures for recessing and reconvening a meeting in the event of disruption and the efforts that the eligible legislative body shall make to attempt to restore the service.

(Ib) If a disruption of telephonic or internet service that prevents members of the public from attending or observing the meeting via the two-way telephonic service or two-way audiovisual platform occurs during the meeting, the eligible legislative body shall recess the open session of the meeting for at least one hour and make a good faith attempt to restore the service. The eligible legislative body may meet in closed session during this period. The eligible legislative body

shall not reconvene the open session of the meeting until at least one hour following the disruption, or until telephonic or internet service is restored, whichever is earlier.

(Ic) Upon reconvening the open session, if telephonic or internet service has not been restored, the eligible legislative body shall adopt a finding by rollcall vote that good faith efforts to restore the telephonic or internet service have been made in accordance with the policy adopted pursuant to sub-sub-subclause (Ia) and that the public interest in continuing the meeting outweighs the public interest in remote public access.

(II) Subclause (I) does not apply to a meeting that is held to do any of the following:

- (ia) Attend a judicial or administrative proceeding to which the local agency is a party.
- (ib) Inspect real or personal property provided that the topic of the meeting is limited to items directly related to the real or personal property.
- (ic) Meet with elected or appointed officials of the United States or the State of California, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
- (id) Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.
- (ie) Meet in an emergency situation pursuant to Section 54956.5.

(ii) If an eligible legislative body elects to provide a two-way audiovisual platform, the eligible legislative body shall publicly post and provide a call-in option, and activate any automatic captioning function during the meeting if an automatic captioning function is included with the two-way audiovisual platform. If an eligible legislative body does not elect to provide a two-way audiovisual platform, the eligible legislative body shall provide a two-way telephonic service for the public to participate in the meeting, pursuant to subclause (I).

(B) (i) All open and public meetings for which attendance via a two-way telephonic service or a two-way audiovisual platform is provided in accordance with paragraph (1) shall provide the public with an opportunity to provide public comment in accordance with Section 54954.3 via the two-way telephonic or two-way audiovisual platform, and ensure the opportunity for the members of the public participating via a two-way telephonic or two-way audiovisual platform to provide public comment with the same time allotment as a person attending a meeting in person.

(2) (A) An eligible legislative body shall reasonably assist members of the public who wish to translate a public meeting into any language or wish to receive interpretation provided by another member of the public, so long as the interpretation is not disrupting to the meeting, as defined in Section 54957.95. The eligible legislative body shall publicize instructions on how to request assistance under this subdivision. Assistance may include any of the following, as determined by the eligible legislative body:

- (i) Arranging space for one or more interpreters at the meeting location.
- (ii) Allowing extra time during the meeting for interpretation to occur.
- (iii) Ensuring participants may utilize their personal equipment or reasonably access facilities for participants to access commercially available interpretation services.

(B) This section does not require an eligible legislative body to provide interpretation of any public meeting, however, an eligible legislative body may elect to provide interpretation of any public meeting.

(C) The eligible legislative body is not responsible for the content or accuracy of any interpretation facilitated, assisted with, or provided under this subdivision. An action shall not be commenced or maintained against the eligible legislative body arising from the content or accuracy of any interpretation facilitated, assisted with, or provided under this subdivision.

(3) An eligible legislative body shall take the following actions to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in public meetings:

(A) Have in place a system for electronically accepting and fulfilling requests for meeting agendas and documents pursuant to Section 54954.1 through email or through an integrated agenda management

platform. Information about how to make a request using this system shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

(B) (i) Create and maintain an accessible internet webpage dedicated to public meetings that includes, or provides a link to, all of the following information:

(I) A general explanation of the public meeting process for the eligible legislative body.

(II) An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public meeting or to submit written public comment.

(III) A calendar of all public meeting dates with calendar listings that include the date, time, and location of each public meeting.

(IV) The agenda posted online pursuant to paragraph (2) of subdivision (a) of Section 54954.2.

(ii) The eligible legislative body shall include a link to the webpage required by subparagraph (A) on the home page of the eligible legislative body's internet website.

(C) (i) Make reasonable efforts, as determined by the legislative body, to invite groups that do not traditionally participate in public meetings to attend those meetings, which may include, but are not limited to, all the following:

(I) Media organizations that provide news coverage in the jurisdiction of the eligible legislative body, including media organizations that serve non-English-speaking communities.

(II) Good government, civil rights, civic engagement, neighborhood, and community group organizations, or similar organizations that are active in the jurisdiction of the eligible legislative body, including organizations active in non-English-speaking communities.

(ii) Legislative bodies shall have broad discretion in the choice of reasonable efforts they make under this subparagraph. No action shall be commenced or maintained against an eligible legislative body arising from failing to provide public meeting information to any specific group pursuant to this subparagraph.

(c) (1) (A) The agenda for each meeting of an eligible legislative body shall be translated into all applicable languages, and each translation shall be posted in accordance with Section 54954.2. Each translation shall include instructions in the applicable language describing how to join the meeting by the telephonic or internet-based service option, including any requirements for registration for public comment.

(B) The accessible internet webpage provided under subparagraph (B) of paragraph (3) of subdivision (b) shall be translated into all applicable languages, and each translation shall be accessible through a prominent direct link posted on the primary internet website home page of the eligible legislative body.

(2) A translation made using a digital translation service shall satisfy the requirements of paragraph (1).

(3) The eligible legislative body shall make available a physical location that is freely accessible to the public in reasonable proximity to the physical location in which the agenda and translations are posted as described in paragraph (1), and shall allow members of the public to post additional translations of the agenda in that location.

(4) The eligible legislative body is not responsible for the content or accuracy of any translation provided pursuant to this subdivision. No action shall be commenced or maintained against an eligible legislative body arising from the content, accuracy, posting, or removal of any translation provided by the eligible legislative body or posted by any person pursuant to this subdivision.

(5) For the purposes of this section, the agenda does not include the entire agenda packet.

(d) This section shall not be construed to affect or supersede any other applicable civil rights, nondiscrimination, or public access laws.

(e) For purposes of this section, all of the following definitions apply:

(1) (A) "Applicable languages" means languages, according to data from the most recent American Community Survey, spoken jointly by 20 percent or more of the applicable population, provided that 20 percent or more of the population that speaks that language in that city or county speaks English less than "very well."

(B) For the purposes of subparagraph (A), the applicable population shall be determined as follows:

(i) For an eligible legislative body that is a city council or county board of supervisors, the applicable population shall be the population of the city or county.

(ii) For an eligible legislative body of a special district, the applicable population shall be either of the following, at the discretion of the board of directors of the special district:

(I) The population of the county with the greatest population within the boundaries of the special district.

(II) The population of the service area of the special district, if the special district has the data to determine what languages spoken by the population within its service area meet the requirements of paragraph (A).

(C) If more than three languages meet the criteria set forth in subparagraph (A), "applicable languages" shall mean the three languages described in subparagraph (A) that are spoken by the largest percentage of the population.

(D) An eligible legislative body may elect to determine the applicable languages based upon a source other than the most recent American Community Survey if it makes a finding, based upon substantial evidence, that the other source provides equally or more reliable data for the territory over which the eligible legislative body exercises jurisdiction.

(2) "Eligible legislative body" means any of the following:

(A) A city council of a city with a population of 30,000 or more.

(B) A county board of supervisors of a county, or city and county, with a population of 30,000 or more.

(C) A city council of a city located in a county with a population of 600,000 or more.

(D) The board of directors of a special district that has an internet website and meets any of the following conditions:

(i) The boundaries of the special district include the entirety of a county with a population of 600,000 or more, and the special district has over 200 full-time equivalent employees.

(ii) The special district has over 1,000 full-time equivalent employees.

(iii) The special district has annual revenues, based on the most recent Financial Transaction Report data published by the California State Controller, that exceed four hundred million dollars (\$400,000,000), adjusted annually for inflation commencing January 1, 2027, as measured by the percentage change in the California Consumer Price Index from January 1 of the prior year to January 1 of the current year, and the special district employs over 200 full-time equivalent employees.

(3) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service.

(4) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(f) This section shall become operative on July 1, 2026.

(g) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Added by Stats. 2025, Ch. 327, Sec. 5. (SB 707) Effective January 1, 2026. Operative July 1, 2026, by its own provisions. Repealed as of January 1, 2030, by its own provisions.)

54953.5. (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any recording of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the

recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.

(Amended by Stats. 2025, Ch. 327, Sec. 6. (SB 707) Effective January 1, 2026.)

54953.6. No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Amended by Stats. 1994, Ch. 32, Sec. 6. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54953.7. Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose those requirements on appointed legislative bodies of the local agency.

(Amended by Stats. 2025, Ch. 327, Sec. 7. (SB 707) Effective January 1, 2026.)

54953.8. (a) The legislative body of a local agency may use teleconferencing as authorized by subdivision (b) of Section 54953 without complying with the requirements of paragraph (3) of subdivision (b) of Section 54953 in any of the circumstances described in Sections 54953.8.1 to 54953.8.7, inclusive.

(b) A legislative body that holds a teleconference meeting pursuant to this section shall, in addition to any other applicable requirements of this chapter, comply with all of the following:

(1) The legislative body shall provide at least one of the following as a means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body:

(A) A two-way audiovisual platform.

(B) A two-way telephonic service and a live webcasting of the meeting.

(2) In each instance in which notice of the time of the teleconference meeting held pursuant to this section is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

(3) In the event of a disruption that prevents the legislative body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the legislative body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(4) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time.

(5) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(6) (A) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to paragraph (5), to provide public comment until that timed public comment period has elapsed.

(B) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to paragraph (5), or otherwise be recognized for the purpose of providing public comment.

(C) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to paragraph (5), until the timed general public comment period has elapsed.

(7) Any member of the legislative body who participates in a teleconference meeting from a remote location pursuant to this section and the specific provision of law that the member relied upon to permit their participation by teleconferencing shall be listed in the minutes of the meeting.

(8) The legislative body shall have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and resolving any doubt in favor of accessibility. In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the procedure for receiving and resolving requests for accommodation.

(9) The legislative body shall conduct meetings subject to this chapter consistent with applicable civil rights and nondiscrimination laws.

(c) A local agency shall identify and make available to legislative bodies a list of one or more meeting locations that may be available for use by the legislative bodies to conduct their meetings.

(d) (1) Nothing in this section shall prohibit a legislative body from providing the public with additional teleconference locations.

(2) Nothing in this section shall prohibit a legislative body from providing the public with additional physical locations in which the public may observe and address the legislative body by electronic means.

(e) A member of a legislative body who participates in a teleconference meeting from a remote location pursuant to this section shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with those individuals.

(f) The teleconferencing provisions described in Section 54953 and Sections 54953.8.1 to 54953.8.7, inclusive, are cumulative. A legislative body may elect to use any teleconferencing provisions that are applicable to a meeting, regardless of whether any other teleconferencing provisions would also be applicable to that meeting.

(g) For purposes of this section, the following definitions apply:

(1) "Remote location" means a location from which a member of a legislative body participates in a meeting pursuant to paragraph (7) of subdivision (b), other than any physical meeting location designated in the notice of the meeting. Remote locations need not be accessible to the public.

(2) "Teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(3) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. A two-way audiovisual platform may be structured to disable the use of video for the public participants.

(4) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(5) "Webcasting" means a streaming video broadcast online or on television, using streaming media technology to distribute a single content source to many simultaneous listeners and viewers.

(Added by Stats. 2025, Ch. 327, Sec. 8. (SB 707) Effective January 1, 2026.)

54953.8.1. (a) A health authority may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section.

(b) Nothing in this section or Section 54953.8 shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority.

(c) For purposes of this section, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a

county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(Added by Stats. 2025, Ch. 327, Sec. 9. (SB 707) Effective January 1, 2026.)

54953.8.2. (a) A legislative body of a local agency may conduct a teleconference meeting pursuant to Section 54953.8 during a proclaimed state of emergency or local emergency, provided that it complies with the requirements of that section and the teleconferencing is used in either of the following circumstances:

(1) For the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) After a determination described in paragraph (1) is made that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(b) If the state of emergency or local emergency remains active, in order to continue to teleconference pursuant to this section, the legislative body shall, no later than 45 days after teleconferencing for the first time pursuant to this section, and every 45 days thereafter, make the following findings by majority vote:

(1) The legislative body has reconsidered the circumstances of the state of emergency or local emergency.

(2) The state of emergency or local emergency continues to directly impact the ability of the members to meet safely in person.

(c) This section shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(d) Notwithstanding paragraph (1) of subdivision (b) of Section 54953.8, a legislative body conducting a teleconference meeting pursuant to this section may elect to use a two-way telephonic service without a live webcasting of the meeting.

(e) For purposes of this section, the following definitions apply:

(1) "Local emergency" means a condition of extreme peril to persons or property proclaimed by the governing body of the local agency affected, in accordance with Section 8630 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), as defined in Section 8680.9, or a local health emergency declared pursuant to Section 101080 of the Health and Safety Code. Local emergency, as used in this section, refers only to local emergencies in the boundaries of the territory over which the local agency exercises jurisdiction.

(2) "State of emergency" means state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2).

(Added by Stats. 2025, Ch. 327, Sec. 10. (SB 707) Effective January 1, 2026.)

54953.8.3. (a) A legislative body of a local agency may conduct a teleconference meeting pursuant to Section 54953.8 if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda, which location shall be open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, provided that the legislative body complies with the requirements of Section 54953.8 and all of the following additional requirements:

(1) A member of the legislative body notifies the legislative body at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for just cause, including a general description of the circumstances relating to their need to appear remotely at the given meeting.

(2) The member shall participate through both audio and visual technology.

(3) (A) The provisions of this subdivision shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for just cause for more than the following number of meetings, as applicable:

(i) Two meetings per year, if the legislative body regularly meets once per month or less.

(ii) Five meetings per year, if the legislative body regularly meets twice per month.

(iii) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(B) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(b) The minutes for the meeting shall identify the specific provision in subdivision (c) that each member relied upon to participate remotely. This subdivision shall not be construed to require the member to disclose any medical diagnosis or disability, or any personal medical information that is otherwise exempt under existing law, including, but not limited to, the Confidentiality of Medical Information Act (Chapter 1 (commencing with Section 56) of Part 2.6 of Division 1 of the Civil Code).

(c) For purposes of this section, "just cause" means any of the following:

(1) Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. "Child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms do in Section 12945.2.

(2) A contagious illness that prevents a member from attending in person.

(3) A need related to a physical or mental condition that is not subject to subdivision (c) of Section 54953.

(4) Travel while on official business of the legislative body or another state or local agency.

(5) An immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner of the member that requires the member to participate remotely.

(6) A physical or family medical emergency that prevents a member from attending in person.

(7) Military service obligations that result in a member being unable to attend in person because they are serving under official written orders for active duty, drill, annual training, or any other duty required as a member of the California National Guard or a United States Military Reserve organization that requires the member to be at least 50 miles outside the boundaries of the local agency.

(d) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Added by Stats. 2025, Ch. 327, Sec. 11. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.4. (a) An eligible neighborhood council may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following have occurred:

(1) (A) The city council for a city described in paragraph (2) of subdivision (b) considers whether to adopt a resolution to authorize eligible neighborhood councils to use teleconferencing as described in this section at an open and regular meeting.

(B) If the city council adopts a resolution described in subparagraph (A), an eligible neighborhood council may elect to use teleconferencing pursuant to this section if a majority of the eligible neighborhood council votes to do so. The eligible neighborhood council shall notify the city council if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from an eligible neighborhood council described in subparagraph (B), the city council may adopt a resolution to prohibit the eligible neighborhood council from using teleconferencing pursuant to this section.

(2) After completing the requirements of subparagraph (A) of paragraph (1), an eligible neighborhood council that holds a meeting pursuant to this subdivision shall do all of the following:

(A) At least a quorum of the members of the eligible neighborhood council shall participate from locations within the boundaries of the city in which the eligible neighborhood council is established.

(B) At least once per year, at least a quorum of the members of the eligible neighborhood council shall participate in person from a singular physical location that is open to the public and within the boundaries of

the eligible neighborhood council.

(3) If the meeting is during regular business hours of the offices of the city council member that represents the area that includes the eligible neighborhood council, the eligible neighborhood council shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the city council member who represents the area where the eligible neighborhood council is located, unless the eligible neighborhood council identifies an alternative location.

(4) If the meeting is outside regular business hours, the eligible neighborhood council shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting.

(b) For purposes of this section, the following definitions apply:

(1) "Accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(2) "Eligible neighborhood council" means a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to this chapter.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Added by Stats. 2025, Ch. 327, Sec. 12. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.5 (a) An eligible community college student organization may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) An eligible community college student organization may only use teleconferencing as described in Section 54953.8 after all the following have occurred:

(A) The board of trustees for a community college district considers whether to adopt a resolution to authorize eligible community college student organizations to use teleconferencing as described in this section at an open and regular meeting.

(B) If the board of trustees for a community college district adopts a resolution described in subparagraph (A), an eligible community college student organization may elect to use teleconferencing pursuant to this section if a majority of the eligible community college student organization votes to do so. The eligible community college student organization shall notify the board of trustees if it elects to use teleconferencing pursuant to this section and its justification for doing so.

(C) Upon receiving notification from an eligible community college student organization as described in subparagraph (B), the board of trustees may adopt a resolution to prohibit the eligible community college student organization from using teleconferencing pursuant to this section.

(D) (i) Except as specified in clause (ii), at least a quorum of the members of the eligible community college student organization shall participate from a singular physical location that is accessible to the public and is within the community college district in which the eligible community college student organization is established.

(ii) The requirements described in clause (i) shall not apply to the California Online Community College.

(iii) Notwithstanding the requirements of clause (i), a person may count toward the establishment of a quorum pursuant to clause (i) regardless of whether the person is participating at the in-person location of the meeting or remotely if the person meets any of the following criteria:

(I) The person is under 18 years of age.

(II) The person is incarcerated.

(III) The person is unable to disclose the location that they are participating from because of either of the following circumstances:

(ia) The person has been issued a protective court order, including, but not limited to, a domestic violence restraining order.

(ib) The person is participating in a program that has to remain confidential, including, but not limited to, an independent living program.

(IV) The person provides childcare or caregiving to a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely. For purposes of this subclause, "child," "parent," "grandparent," "grandchild," and "sibling" have the same meaning as those terms are defined in Section 12945.2.

(2) An eligible community college student organization that holds a meeting by teleconference as described in Section 54953.8 shall do the following, as applicable:

(A) (i) Except as specified in subparagraph (B), if the meeting is during regular business hours of the offices of the board of trustees of the community college district, the eligible community college student organization shall provide a publicly accessible physical location from which the public may attend or comment, which shall be the offices of the board of trustees of the community college district, unless the eligible community college student organization identifies an alternative location.

(ii) Except as specified in subparagraph (B), if the meeting is outside regular business hours, the eligible community college student organization shall make reasonable efforts to accommodate any member of the public that requests an accommodation to participate in the meeting. For the purposes of this subparagraph, "accommodation" means providing a publicly accessible physical location for the member of the public to participate from, providing access to technology necessary to participate in the meeting, or identifying locations or resources available that could provide the member of the public with an opportunity to participate in the meeting.

(B) The requirements described in subparagraph (A) shall not apply to the California Online Community College.

(b) For purposes of this section, "eligible community college student organization" means a student body association organized pursuant to Section 76060 of the Education Code, or any other student-run community college organization that is required to comply with the meeting requirements of this chapter, that is in any community college recognized within the California Community Colleges system and includes the Student Senate for California Community Colleges.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Added by Stats. 2025, Ch. 327, Sec. 13. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.6. (a) An eligible subsidiary body may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) The eligible subsidiary body shall designate one physical meeting location within the boundaries of the legislative body that created the eligible subsidiary body where members of the subsidiary body who are not participating remotely shall be present and members of the public may physically attend, observe, hear, and participate in the meeting. At least one staff member of the eligible subsidiary body or the legislative body that created the eligible subsidiary body shall be present at the physical meeting location during the meeting. The eligible subsidiary body shall post the agenda at the physical meeting location, but need not post the agenda at a remote location.

(2) (A) A member of the eligible subsidiary body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except if the member has a physical or mental condition not subject to subdivision (c) of Section 54953 that results in a need to participate off camera.

(B) The visual appearance of a member of the eligible subsidiary body on camera may cease only when the appearance would be technologically infeasible, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video.

(C) If a member of the eligible subsidiary body does not appear on camera due to challenges with internet connectivity, the member shall announce the reason for their nonappearance prior to turning off their camera.

(3) An elected official serving as a member of an eligible subsidiary body in their official capacity shall not participate in a meeting of the eligible subsidiary body by teleconferencing pursuant to this section unless the use of teleconferencing complies with the requirements of paragraph (3) of subdivision (b) of Section 54953.

(4) (A) In order to use teleconferencing pursuant to this section, the legislative body that established the eligible subsidiary body by charter, ordinance, resolution, or other formal action shall make the following findings by majority vote before the eligible subsidiary body uses teleconferencing pursuant to this section for the first time, and every six months thereafter:

(i) The legislative body has considered the circumstances of the eligible subsidiary body.

(ii) Teleconference meetings of the eligible subsidiary body would enhance public access to meetings of the eligible subsidiary body, and the public has been made aware of the type of remote participation, including audio-visual or telephonic, that will be made available at a regularly scheduled meeting and has been provided the opportunity to comment at an in-person meeting of the legislative body authorizing the subsidiary body to meet entirely remotely.

(iii) Teleconference meetings of the eligible subsidiary body would promote the attraction, retention, and diversity of eligible subsidiary body members.

(B) (i) An eligible subsidiary body authorized to use teleconferencing pursuant to this section may request to present any recommendations it develops to the legislative body that created it.

(ii) Upon receiving a request described in clause (i), the legislative body that created the subsidiary body shall hold a discussion at a regular meeting held within 60 days after the legislative body receives the request, or if the legislative body does not have another regular meeting scheduled within 60 days after the legislative body receives the request, at the next regular meeting after the request is received.

(iii) The discussion required by clause (ii) shall not be placed on a consent calendar, but may be combined with the legislative body's subsequent consideration of the findings described in subparagraph (A) for the following 12 months.

(iv) The legislative body shall not take any action on any recommendations included in the report of a subsidiary body until the next regular meeting of the legislative body following the discussion described in clause (ii).

(C) After the legislative body makes the findings described in subparagraph (A), the eligible subsidiary body shall approve the use of teleconferencing by majority vote before using teleconference pursuant to this section.

(D) The legislative body that created the eligible subsidiary body may elect to prohibit the eligible subsidiary body from using teleconferencing pursuant to this section at any time.

(b) (1) For purposes of this section, "eligible subsidiary body" means a legislative body that meets all of the following:

(A) Is described in subdivision (b) of Section 54952.

(B) Serves exclusively in an advisory capacity.

(C) Is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements, grants, or allocations of funds.

(D) Does not have primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals.

(2) An eligible subsidiary body may include members who are elected officials, members who are not elected officials, or any combination thereof.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Added by Stats. 2025, Ch. 327, Sec. 14. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54953.8.7. (a) An eligible multijurisdictional body may conduct a teleconference meeting pursuant to Section 54953.8, provided that it complies with the requirements of that section and all of the following additional requirements:

(1) The eligible multijurisdictional body has adopted a resolution that authorizes the eligible multijurisdictional body to use teleconferencing pursuant to this section at a regular meeting in open session.

(2) At least a quorum of the members of the eligible multijurisdictional body shall participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

(3) A member of the eligible multijurisdictional body who receives compensation for their service on the eligible multijurisdictional body shall participate from a physical location that is open to the public. For purposes of this paragraph, "compensation" does not include reimbursement for actual and necessary expenses.

(4) A member of the eligible multijurisdictional body may participate from a remote location provided that:

(A) The eligible multijurisdictional body identifies each member of the eligible multijurisdictional body who plans to participate remotely in the agenda.

(B) The member shall participate through both audio and visual technology.

(5) A member of the eligible multijurisdictional body shall not participate in a meeting remotely pursuant to this section, unless the location from which the member participates is more than 20 miles each way from any physical location of the meeting described in paragraph (2).

(6) The provisions of this section shall not serve as a means for any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for more than the following number of meetings, as applicable:

(A) Two meetings per year, if the legislative body regularly meets once per month or less.

(B) Five meetings per year, if the legislative body regularly meets twice per month.

(C) Seven meetings per year, if the legislative body regularly meets three or more times per month.

(D) For the purpose of counting meetings attended by teleconference under this paragraph, a "meeting" shall be defined as any number of meetings of the legislative body of a local agency that begin on the same calendar day.

(b) For the purposes of this section, both of the following definitions apply:

(1) "Eligible multijurisdictional body" means a multijurisdictional board, commission, or advisory body of a multijurisdictional, cross-county agency, the membership of which board, commission, or advisory body is appointed, and the board, commission, or advisory body is otherwise subject to this chapter.

(2) "Multijurisdictional" means either of the following:

(A) A legislative body that includes representatives from more than one county, city, city and county, or special district.

(B) A legislative body of a joint powers entity formed pursuant to an agreement entered into in accordance with Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1.

(c) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Added by Stats. 2025, Ch. 327, Sec. 15. (SB 707) Effective January 1, 2026. Repealed as of January 1, 2030, by its own provisions.)

54954. (a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

- (1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.
- (2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.
- (3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.
- (4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.
- (5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
- (6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.
- (7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district, except under the circumstances enumerated in subdivision (b), or to do any of the following:

- (1) Attend a conference on nonadversarial collective bargaining techniques.
- (2) Interview members of the public residing in another district with reference to the trustees' potential employment of an applicant for the position of the superintendent of the district.
- (3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

(Amended by Stats. 2004, Ch. 257, Sec. 1. Effective January 1, 2005.)

54954.1. Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If a local agency has an internet website, the legislative body or its designee shall email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the item or items be delivered by email. If the local agency determines it is technologically infeasible to send a copy of all documents constituting the agenda packet or a link to a website that contains the documents by email or by other electronic means, the legislative body or its

designee shall send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to this section. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

(Amended by Stats. 2021, Ch. 763, Sec. 1. (SB 274) Effective January 1, 2022.)

54954.2. (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda that meets all of the following requirements:

(A) The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words.

(B) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's internet website, if the local agency has one.

(C) (i) If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(ii) The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) For a meeting occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an internet website, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary internet website home page of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda, including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

(i) Retrievable, downloadable, indexable, and electronically searchable by commonly used internet search applications.

(ii) Platform independent and machine readable.

(iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

(C) A legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an internet website and an integrated agenda management platform shall not be required to comply with subparagraph (A) if all of the following are met:

(i) A direct link to the integrated agenda management platform shall be posted on the primary internet website home page of a city, county, city and county, special district, school district, or political subdivision established by the state. The direct link to the integrated agenda management platform shall not be in a contextual menu. When a person clicks on the direct link to the integrated agenda management platform, the direct link shall take the person directly to an internet website with the agendas of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state.

(ii) The integrated agenda management platform may contain the prior agendas of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state for all meetings occurring on or after January 1, 2019.

(iii) The current agenda of the legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state shall be the first agenda available at the top of the integrated agenda management platform.

(iv) All agendas posted in the integrated agenda management platform shall comply with the requirements in clauses (i), (ii), and (iii) of subparagraph (B).

(D) The provisions of this paragraph shall not apply to a political subdivision of a local agency that was established by the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state.

(E) For purposes of this paragraph, both of the following definitions apply:

(1) "Integrated agenda management platform" means an internet website of a city, county, city and county, special district, school district, or political subdivision established by the state dedicated to providing the entirety of the agenda information for the legislative body of the city, county, city and county, special district, school district, or political subdivision established by the state to the public.

(2) "Legislative body" means a legislative body that meets the definition of subdivision (a) of Section 54952.

(3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on their own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's internet website, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

(Amended (as amended by Stats. 2023, Ch. 131, Sec. 92) by Stats. 2025, Ch. 327, Sec. 16. (SB 707) Effective January 1, 2026.)

54954.3. (a) (1) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2.

(2) (A) Notwithstanding paragraph (1), the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item.

(B) Subparagraph (A) shall not apply if any of the following conditions are met:

(i) The item has been substantially changed since the committee heard the item, as determined by the legislative body.

(ii) When considering the item, a quorum of the committee members did not participate from a singular physical location, that was clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency exercises jurisdiction.

(iii) The committee has primary subject matter jurisdiction, as defined by the charter, an ordinance, a resolution, or any formal action of the legislative body that created the subsidiary body, that focuses on elections, budgets, police oversight, privacy, removing from, or restricting access to, materials available in public libraries, or taxes or related spending proposals. This clause shall not apply to an item if the local agency has adopted a law applicable to the meeting of the committee at which the item that was considered prohibits the committee from placing a limit on the total amount of time for public comment on the item.

(3) Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.

(3) Paragraph (2) shall not apply if the legislative body of a local agency utilizes simultaneous translation equipment in a manner that allows the legislative body of a local agency to hear the translated public testimony simultaneously.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(Amended by Stats. 2025, Ch. 327, Sec. 17. (SB 707) Effective January 1, 2026.)

54954.4. (a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that

act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

(Added by Stats. 1991, Ch. 238, Sec. 1.)

54954.5. For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision (e) of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:

CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)

Discussion will concern: (Specify closed session description used by the joint powers agency)

Name of local agency representative on joint powers agency board: (Specify name)

(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:

AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

(Amended by Stats. 2012, Ch. 759, Sec. 6.1. (AB 2690) Effective January 1, 2013.)

54954.6. (a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

- (A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.
- (B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.
- (C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.
- (D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.
- (E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

- (A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.
- (B) The activity to be taxed.
- (C) The estimated amount of revenue to be raised by the tax annually.
- (D) The method and frequency for collecting the tax.
- (E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).
- (F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this

subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

(Amended by Stats. 2011, Ch. 382, Sec. 3.5. (SB 194) Effective January 1, 2012.)

54955. The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

(Amended by Stats. 1959, Ch. 647.)

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats. 1965, Ch. 469.)

54956. (a) (1) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's internet website, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telephone or electronic mail. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

(2) The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of the legislative body or of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(Amended by Stats. 2025, Ch. 327, Sec. 18. (SB 707) Effective January 1, 2026.)

54956.5. (a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting.

(A) Except as provided in subparagraph (B), the notice required by this paragraph shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(B) For an emergency meeting held pursuant to this section, the presiding officer of the legislative body, or designee thereof, may send the notifications required by this paragraph by email instead of by telephone, as provided in subparagraph (A), to all local newspapers of general circulation, and radio or television stations, that have requested those notifications by email, and all email addresses provided by representatives of those newspapers or stations shall be exhausted. In the event that internet services and telephone services are not functioning, the notice requirements of this paragraph shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Amended by Stats. 2025, Ch. 327, Sec. 19. (SB 707) Effective January 1, 2026.)

54956.6. No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

(Added by Stats. 1980, Ch. 1284.)

54956.7. Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

(Added by Stats. 1982, Ch. 298, Sec. 1.)

54956.75. (a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats. 2004, Ch. 576, Sec. 4. Effective January 1, 2005.)

54956.8. Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

(Amended by Stats. 1998, Ch. 260, Sec. 3. Effective January 1, 1999.)

54956.81. Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by rollcall vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

(Added by Stats. 2004, Ch. 533, Sec. 20. Effective January 1, 2005.)

54956.86. Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

(Added by Stats. 1996, Ch. 182, Sec. 2. Effective January 1, 1997.)

54956.87. (a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Managed Health Care in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

(Amended by Stats. 2015, Ch. 190, Sec. 65. (AB 1517) Effective January 1, 2016.)

54956.9. (a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving

knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

(Amended by Stats. 2021, Ch. 615, Sec. 206. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54956.95. (a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

(Added by Stats. 1989, Ch. 882, Sec. 3.)

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) (1) In addition to the authority described in subdivision (a), the Clean Power Alliance of Southern California, or its successor entity, may adopt a policy or a bylaw or include in its joint powers agreement a provision that authorizes both of the following:

(A) A designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the Clean Power Alliance of Southern California, or its successor entity, in lieu of a local agency member's regularly appointed member, to attend closed sessions of the Clean Power Alliance of Southern California, or its successor entity.

(B) All information that is received by a designated alternate member of the legislative body of the Clean Power Alliance of Southern California, or its successor entity, who is not a member of the legislative body of a local agency member, and that is presented to the Clean Power Alliance of Southern California, or its successor entity, in closed session, shall be confidential. However, the designated alternate member may disclose information obtained in a closed session that has direct financial or liability implications for the local agency member for which the designated alternate member attended the closed session, to the following individuals:

(i) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(ii) Members of the legislative body of the local agency present in a closed session of that local agency member.

(2) If the Clean Power Alliance of Southern California, or its successor entity, adopts a policy or bylaw or includes in its joint powers agreement a provision authorized pursuant to paragraph (1), the Clean Power Alliance of Southern California, or its successor entity, shall establish policies to prevent conflicts of interest and to address breaches of confidentiality that apply to a designated alternate member who is not a member of the legislative body of a local agency member who attends a closed session of the Clean Power Alliance of Southern California, or its successor entity.

(c) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a) or (b), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b).

(d) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

(Amended (as amended by Stats. 2019, Ch. 248, Sec. 1) by Stats. 2024, Ch. 24, Sec. 1. (AB 1852) Effective January 1, 2025. Repealed as of January 1, 2030, by its own provisions. See later operative version, as amended by Sec. 2 of Stats. 2024, Ch. 24.)

54956.96. (a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a local agency member may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that local agency member for purposes of obtaining advice on whether the matter has direct financial or liability implications for that local agency member.

(B) Other members of the legislative body of the local agency present in a closed session of that local agency member.

(2) A designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

(b) If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

(c) This section shall become operative on January 1, 2030.

(Amended (as added by Stats. 2019, Ch. 248, Sec. 2) by Stats. 2024, Ch. 24, Sec. 2. (AB 1852) Effective January 1, 2025. Section operative January 1, 2030, by its own provisions.)

54956.97. Notwithstanding any provision of law, the governing board, or a committee of the governing board, of a public bank, as defined in Section 57600 of the Government Code, may meet in closed session to consider and take action on matters pertaining to all of the following:

- (a) A loan or investment decision.
- (b) A decision of the internal audit committee, the compliance committee, or the governance committee.
- (c) A meeting with a state or federal regulator.

(Added by Stats. 2019, Ch. 442, Sec. 14. (AB 857) Effective January 1, 2020.)

54956.98. (a) For purposes of this section, the following definitions shall apply:

(1) "Shareholder, member, or owner local agency" or "shareholder, member, or owner" means a local agency that is a shareholder of a public bank.

(2) "Public bank" has the same meaning as defined in Section 57600.

(b) The governing board of a public bank may adopt a policy or a bylaw or include in its governing documents provisions that authorize any of the following:

(1) All information received by a shareholder, member, or owner of the public bank in a closed session related to the information presented to the governing board of a public bank in closed session shall be confidential. However, a member of the governing board of a shareholder, member, or owner local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that shareholder, member, or owner local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that shareholder local agency.

(B) Other members of the governing board of the local agency present in a closed session of that shareholder, member, or owner local agency.

(2) A designated alternate member of the governing board of the public bank who is also a member of the governing board of a shareholder, member, or owner local agency and who is attending a properly noticed meeting of the public bank governing board in lieu of a shareholder, member, or owner local agency's regularly appointed member may attend a closed session of the public bank governing board.

(c) If the governing board of a public bank adopts a policy or a bylaw or includes provisions in its governing documents pursuant to subdivision (b), then the governing board of the shareholder, member, or owner local agency, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the public bank governing board pursuant to paragraph (1) of subdivision (b).

(Added by Stats. 2019, Ch. 442, Sec. 15. (AB 857) Effective January 1, 2020.)

54957. (a) (1) This chapter does not prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or other law enforcement or security personnel, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, a threat to the public's right of access to public services or public facilities, or a threat to critical infrastructure controls or critical infrastructure information relating to cybersecurity.

(2) For purposes of this subdivision, the following definitions apply:

(A) "Critical infrastructure controls" means networks and systems controlling assets so vital to the local agency that the incapacity or destruction of those networks, systems, or assets would have a debilitating impact on public health, safety, economic security, or any combination thereof.

(B) "Critical infrastructure information" means information not customarily in the public domain pertaining to any of the following:

(i) Actual, potential, or threatened interference with, or an attack on, compromise of, or incapacitation of critical infrastructure controls by either physical or computer-based attack or other similar conduct, including, but not limited to, the misuse of, or unauthorized access to, all types of communications and data transmission systems, that violates federal, state, or local law or harms public health, safety, or economic security, or any combination thereof.

(ii) The ability of critical infrastructure controls to resist any interference, compromise, or incapacitation, including, but not limited to, any planned or past assessment or estimate of the vulnerability of critical infrastructure.

(iii) Any planned or past operational problem or solution regarding critical infrastructure controls, including, but not limited to, repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to interference, compromise, or incapacitation of critical infrastructure controls.

(b) (1) Subject to paragraph (2), this chapter does not prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of their right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

(Amended by Stats. 2024, Ch. 243, Sec. 1. (AB 2715) Effective January 1, 2025.)

54957.1. (a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry,

unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to Section 54956.81 shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(Amended by Stats. 2006, Ch. 538, Sec. 311. Effective January 1, 2007.)

54957.2. (a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made

pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. The minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

(Amended by Stats. 2021, Ch. 615, Sec. 207. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)

54957.5. (a) Agendas of public meetings are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and shall be made available upon request without delay and in compliance with Section 54954.2 or Section 54956, as applicable. However, this section shall not apply to a writing, or portion thereof, that is exempt from public disclosure.

(b) (1) If a writing is a public record related to an agenda item for an open session of a regular meeting of the legislative body of a local agency and is distributed to all, or a majority of all, of the members of a legislative body of a local agency by a person in connection with a matter subject to discussion or consideration at an open meeting of the body less than 72 hours before that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) (A) Except as provided in subparagraph (B), a local agency shall comply with both of the following requirements:

(i) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose.

(ii) A local agency shall list the address of the office or location designated pursuant to clause (i) on the agendas for all meetings of the legislative body of that agency.

(B) A local agency shall not be required to comply with the requirements of subparagraph (A) if all of the following requirements are met:

(i) An initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the office or location designated pursuant to clause (i) of subparagraph (A) at least 72 hours before the meeting.

(ii) The local agency immediately posts any writing described in paragraph (1) on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(iii) The local agency lists the web address of the local agency's internet website on the agendas for all meetings of the legislative body of that agency.

(iv) (I) Subject to subclause (II), the local agency makes physical copies available for public inspection, beginning the next regular business hours for the local agency, at the office or location designated pursuant to clause (i) of subparagraph (A).

(II) This clause is satisfied only if the next regular business hours of the local agency commence at least 24 hours before that meeting.

(c) Writings that are public records described in subdivision (b) and distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 7922.530, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), including, but not limited to, the ability of the public to inspect public records pursuant to Section 7922.525 and obtain copies of public records pursuant to either subdivision (b) of Section 7922.530 or Section 7922.535. This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

(Amended (as amended by Stats. 2021, Ch. 615, Sec. 208) by Stats. 2022, Ch. 971, Sec. 1. (AB 2647) Effective January 1, 2023.)

54957.6. (a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation, subject to all of the following conditions:

(1) Prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

(2) The closed session shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

(3) The closed session may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

(4) Any closed session with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

(5) The closed session shall not include final action on the proposed compensation of one or more unrepresented employees.

(6) For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

(Amended by Stats. 2025, Ch. 327, Sec. 20. (SB 707) Effective January 1, 2026.)

54957.7. (a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

(Amended by Stats. 1993, Ch. 1137, Sec. 15. Effective January 1, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 1137.)

54957.8. (a) For purposes of this section, "multijurisdictional law enforcement agency" means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that provides law

enforcement services for the parties to the joint powers agreement for the purpose of investigating criminal activity involving drugs; gangs; sex crimes; firearms trafficking or felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft.

(b) Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional law enforcement agency, or an advisory body of a multijurisdictional law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal investigation of the multijurisdictional law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

(Amended by Stats. 2006, Ch. 427, Sec. 1. Effective September 22, 2006.)

54957.9. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

(Amended by Stats. 2025, Ch. 327, Sec. 21. (SB 707) Effective January 1, 2026.)

54957.95. (a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting, including any teleconferenced meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

(Amended by Stats. 2025, Ch. 327, Sec. 22. (SB 707) Effective January 1, 2026.)

54957.96. (a) The existing authority of a legislative body or its presiding officer to remove or limit participation by persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including existing limitations upon that authority, shall apply to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform.

(b) For purposes of this section, the following definitions apply:

(1) "Two-way audiovisual platform" means an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic service. A two-way audiovisual platform may be structured to disable the use of video for the public participants.

(2) "Two-way telephonic service" means a telephone service that does not require internet access and allows participants to dial a telephone number to listen and verbally participate.

(Added by Stats. 2025, Ch. 327, Sec. 23. (SB 707) Effective January 1, 2026.)

54957.10. Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

(Added by Stats. 2001, Ch. 45, Sec. 1. Effective January 1, 2002.)

54958. The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

(Added by Stats. 1953, Ch. 1588.)

54959. Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

(Amended by Stats. 1994, Ch. 32, Sec. 18. Effective March 30, 1994. Operative April 1, 1994, by Sec. 23 of Ch. 32.)

54960. (a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

(Amended by Stats. 2012, Ch. 732, Sec. 1. (SB 1003) Effective January 1, 2013.)

54960.1. (a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

(Amended by Stats. 2002, Ch. 454, Sec. 23. Effective January 1, 2003.)

54960.2. (a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body’s response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c) (1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To _____:

The [name of legislative body] has received your cease and desist letter dated [date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

[Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the [name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The [name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as “Rescission of Brown Act Commitment.” You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

[Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body.

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(Added by Stats. 2012, Ch. 732, Sec. 2. (SB 1003) Effective January 1, 2013.)

54960.5. A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Amended by Stats. 2012, Ch. 732, Sec. 3. (SB 1003) Effective January 1, 2013.)

54961. (a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry or any characteristic listed or defined in Section 11135, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

(Amended by Stats. 2007, Ch. 568, Sec. 35. Effective January 1, 2008.)

54962. Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

(Amended by Stats. 2006, Ch. 157, Sec. 2. Effective January 1, 2007.)

54963. (a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grandjury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

(Added by Stats. 2002, Ch. 1119, Sec. 1. Effective January 1, 2003.)

RESOLUTION NO.13R-15

A CODE OF CONDUCT FOR THE MEMBERS OF THE AGENCY BOARD OF DIRECTORS

WHEREAS, The members of the Board of Directors of the Bighorn-Desert View Water Agency are committed to providing excellence in legislative leadership that results in the provision of the highest quality of service to its constituents. In order to assist in the governance of the behavior between and among members of the Board, Staff and Public the following rules shall be observed. This policy becomes effective immediately upon adoption.

WHEREAS, this Resolution rescinds Policy No. 10P-03 Code of Ethics in its entirety.

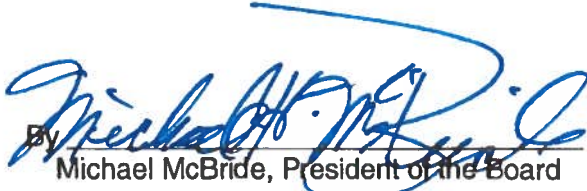
NOW THEREFORE, the Code of Conduct for the Bighorn-Desert View Water Agency Board of Directors is as follows:

1. The Board of Directors shall be the governing body of the Bighorn-Desert View Water Agency. A majority of the Board of Directors shall constitute a quorum for the transaction of business. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. The Board of Directors shall adopt an annual budget and shall set an annual appropriations limit. The needs of the Agency's constituents should be the priority of the Board of Directors.
2. The General Manager shall have full charge and control of the maintenance, operation and construction of the waterworks of the Agency. The General Manager shall also have full power and authority to employ and discharge all employees and assistants at pleasure; prescribe the duties of employees and assistants; fix and alter compensation of employees and assistants subject to the approval by the board; perform other duties imposed by the Board of Directors. The General Manager shall report to the Board of Directors in accordance with rules and regulations adopted by the Board of Directors.
3. Except as specifically authorized, a Board member will not use or permit the use of Agency owned vehicles, equipment, telephones, materials or property for personal convenience or profit. A Board member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board member or employee. Each Board member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the

questions through the appropriate channels and to the responsible management personnel.

15. Directors should develop a working relationship with the General Manager wherein current issues, concerns, and Agency projects can be discussed comfortably and openly.
16. 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.
17. 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.
18. Directors are responsible for monitoring the Agency's progress in attaining its goals and objectives, while pursuing its mission.
19. The Board of Directors is the unit of authority within the Agency. Apart from their normal function as a part of this unity, Directors have no individual authority. As individuals, Directors may not commit the Agency to any policy, act or, expenditure.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 19th day of November 2013.


By Michael McBride, President of the Board

ATTEST:


Terry Burkhart, Secretary

RESOLUTION NO. 21R-24

**A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING
A POLICY FOR MANDATORY TRAINING FOR BOARD MEMBERS**

WHEREAS, the Bighorn-Desert View Water Agency (“Agency”) Board of Directors acknowledges Ethics Training, in compliance with AB1234, to be mandatory; and

WHEREAS, the Agency Board of Directors acknowledges Sexual Harassment and Prevention of Abusive Conduct Training, in compliance with AB 1825 and AB 2053, to be mandatory, and

WHEREAS, from time to time the Board of Directors may impose certain training courses so as to conform to a “best practice” in order to minimize Agency exposure to liability; and

WHEREAS, the Board of Directors desires to adopt a policy outlining training for which Board participation is mandatory, whether or not it is imposed by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bighorn-Desert View Water Agency as follows:

A. Ethics Training (AB 1234)

1. Requirement

- a) Service on or After 2007 - Each local agency official who commences service with the Agency on or after January 1, 2007, must receive training in ethics laws no later than one year from the first day of service with the Agency. Thereafter, each local agency official must receive such training at least one every two years.

2. Application

- a) Local Agency Official as used in Section A.1 of this Resolution, the term “local agency official” means the following:
 - (i) All Directors; and
 - (ii) All executive staff of the Agency.
- b) Ethics Laws as used in Section A.1 of this Resolution, the phrase “ethics laws” includes, but is not limited to, the following:
 - (i) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict of interest laws;

- (ii) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies;
- (iii) Government transparency laws, including but not limited to, financial interest disclosure requirements and open government laws; and
- (iv) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification for participating in decisions affecting family members.

3. Agency Responsibilities

- a) Records - The Agency shall maintain records indicating the dates that local agency officials satisfied the requirements of Section A of this Resolution and the entity that provided the training. The Agency shall maintain these records for at least five years after local agency officials receive the training. These records are public records subject to disclosure under the California Public Records Act.
- b) Notice - The Agency is required to provide information on training available to meet the requirements of Section A of this Resolution to its local agency officials at least once every two years.

B. Sexual Harassment Training (AB1825) and Prevention of Abusive Conduct (AB 2053)

1. Requirement

- a) That all members of the Board of Directors, through this Resolution, hereby requires all Directors to complete sexual harassment training as prescribed by AB 1825 including prevention of abusive conduct as prescribed by AB 2053.
- b) Training is to be completed every two (2) years.

2. Agency Responsibilities

- a) Records - The Agency shall maintain records indicating the dates that local agency officials satisfied the requirements of Section B of this Resolution and the entity that provided the training. The Agency shall maintain these records for at least five years after local agency officials receive the

training. These records are public records subject to disclosure under the California Public Records Act.

- b) Notice - The Agency is required to provide information on training available to meet the requirements of Section B of this Resolution to its local agency officials at least once every two years.

C. Review of Resolution on Annual Basis

Each year the Board may review this Resolution to determine its effectiveness and the necessity for its continued operation. The Agency's General Manager shall report to the Board on the operation of this Resolution, and make any recommendations deemed appropriate concerning this Resolution. Nothing herein shall preclude the Board from taking action on the Resolution at times other than upon conclusion of the annual review.

D. Severability

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution, which can be given effect without the invalid provision, or application, and to this end, the provisions of this Resolution are declared to be severable.

E. Effective Date

This Resolution shall become effective immediately upon adoption.

F. Rescission

Resolution No. 12R-28 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 14th day of September 2021.

By John R. Burkhart
John R. Burkhart, President of the Board

ATTEST:

Megan Close-Dees
Megan Close-Dees, Secretary of the Board



Official Seal

RESOLUTION NO. 24R-13

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BIGHORN-DESERT VIEW WATER AGENCY
ADOPTING A CONFLICT OF INTEREST CODE
(2024 BIENNIAL REVIEW-AMENDED)**

WHEREAS, the Bighorn-Desert View Water Agency (“the Agency”) is a public entity organized and operating pursuant to California Water Code Appendix Section 112-1 et seq., and a local government agency subject to the requirements of the Political Reform Act of 1974 (“the Act”), California Government Code Section 81000 et seq.;

WHEREAS, Section 87300 of the Act requires all local government agencies to adopt and promulgate conflict of interest codes pursuant to the provisions of the Act;

WHEREAS, the Fair Political Practices Commission (“the FPPC”) has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code which can be incorporated by reference, and which may be amended by the FPPC after public notice and hearings to conform to amendments in the Act; and

WHEREAS, the Agency desires to comply with its statutory requirements under the Act and to provide a method to ensure that its Conflict of Interest Code is current and consistent with the prevailing provisions of the Act and the regulations of the FPPC.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bighorn-Desert View Water Agency as follows:

Section 1.

The terms of 2 Cal. Code of Regulations Section 18730, and any amendments to it duly adopted by the FPPC, are hereby incorporated herein by this reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, shall constitute the Agency’s Conflict of Interest Code. In the event of any inconsistency between the attached Appendix and the prevailing provisions of the Act and/or the applicable regulations of the FPPC, the Act and the FPPC regulations shall control.

Section 2.

Designated officials shall file statements of economic interest with the Agency which will then be made available to the public for inspection and reproduction. Upon receipt of the

statements from the Agency's Board of Directors and General Manager, the Secretary of the Agency shall make and retain a copy and forward the original of said statements to the County Clerk of the County of San Bernardino. Statements for all other designated employees will be retained by the Agency's Secretary.

Section 3.

This Resolution supersedes Resolution No. 22R-05 adopted by the Agency's Board of Directors on May 10, 2022, and shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 8th day of October 2024.

AYES: MCKENZIE, CLOSE-DEES, CHAPMAN, BURKHART, ALDRIDGE

NOES:

ABSTAIN:

ABSENT:

BY:



JoMarie McKenzie, Board President

ATTEST:



David Chapman, Board Secretary



Official Seal

APPENDIX

CONFLICT OF INTEREST AND DISCLOSURE CODE

SECTION 100. Adoption of Code.

The Bighorn-Desert View Water Agency ("the Agency") in the County of San Bernardino hereby adopts this Conflict of Interest and Disclosure Code ("Code"). The provisions of this Code are additional to the requirements of the Political Reform Act of 1974, California Government Code Section 81000 et seq. ("the Act"), the regulations of the Fair Political Practices Commission adopted in connection therewith, 2 California Code of Regulations Section 18109 et seq. ("the Regulations"), and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of the Act, the Regulations, and any amendments thereto, are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

SECTION 200. Designated Positions.

The positions listed on Exhibit "B" are designated positions. Persons holding those positions are deemed to participate in the making of decisions which may foreseeably have a material effect on a financial interest.

SECTION 300. Economic Disclosure Statements.

Designated positions are assigned to one or more of the disclosure categories set forth on Exhibit "A." Each person holding a designated position shall file a statement disclosing his/her interest in investments, business positions, real property, and income, designated as reportable under the category to which his/her position is assigned on Exhibit "B."

SECTION 400. Place and Time of Filing.

- A. Persons holding designated positions which are added to the Code shall file an initial statement within 30 days after the effective date of the Code.
- B. Persons appointed, promoted, or transferred to designated positions shall file an assuming office statement with the Agency within 30 days after assuming the position.
- C. Annual statements shall be filed with the Agency by April 1st by all persons holding designated positions. Such statements shall cover the period of the preceding calendar year or from the date of the last statement filed.
- D. Leaving office statements shall be filed with the Agency within 30 days of leaving a designated position. Such statements shall cover the period from the closing date of the last statement filed to the date of leaving the position.
- E. An individual who resigns a designated position within 12 months following initial appointment

or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the Agency, or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

- (1) File a written resignation with the appointing power.
- (2) File a written statement with the filing officer signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making or use the position to influence any decision of the Agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

SECTION 500. Contents of Economic Disclosure Statements.

Statements shall be made on forms supplied by the Agency, and shall contain the following information.

A. When an investment, or an interest in real property, is required to be reported, the statement shall contain:

- (1) A statement of the nature of the investment or interest;
- (2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business is engaged;
- (3) The address or other precise location and the use of the real property;
- (4) A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000) but does not exceed ten thousand dollars (\$10,000), whether it exceeds ten thousand dollars (\$10,000) but does not exceed one hundred thousand dollars (\$100,000), whether it exceeds one hundred thousand dollars (\$100,000) but does not exceed one million dollars (\$1,000,000) or whether it exceeds one million dollars (\$1,000,000); and
- (5) If any otherwise reportable investment or interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the date of acquisition or disposal shall be reported.

B. When income is required to be reported, the statement shall contain:

- (1) The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any of each source;

- (2) A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was at least five hundred dollars (\$500) but did not exceed one thousand dollars (\$1,000), whether it was in excess of one thousand dollars (\$1,000) but not greater than ten thousand dollars (\$10,000), whether it was greater than ten thousand dollars (\$10,000) but not greater than one hundred thousand dollars (\$100,000), or whether it was greater than one hundred thousand dollars (\$100,000);
 - (3) A description of the consideration, if any, for which the income was received;
 - (4) In the case of a gift, the amount or value and the date on which the gift was received and the name, address, and business activity, if any, of the intermediary or agent and the actual donor;
 - (5) In case of a loan, the annual interest rate and security, if any, given for the loan; and
 - (6) The first report filed by a person holding a designated position shall disclose any reportable investments, interests in real property, business positions, and income received during the previous 12 months.
- C. When the filer's pro rata share of income to a business entity or trust, including income to a sole proprietorship, is required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business activity of the business entity; and
 - (2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such persons was equal to or greater than ten thousand dollars (\$10,000) during a calendar year.
- D. When business positions are required to be reported, the statement shall contain:
- (1) The name, address, and a general description of the business entity;
 - (2) The filer's job title or position; and
 - (3) A statement whether the position was held throughout the entire reporting period and the dates the position was commenced or terminated, if not held during the entire reporting period.

SECTION 600. Disqualification.

Persons holding designated positions shall disqualify themselves from making or participating in the making or in any way attempting to use their official position to influence a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on:

- A. The financial status of the person holding a designated position or that of his or her spouse or dependent children;
- B. Any business entity located in, doing business in, owning real property in, or planning to do business in the jurisdiction of the person holding a designated position, in which said person, or his or her spouse or dependent child, has a reportable investment of \$2,000 or more;
- C. Any real property located in the jurisdiction of the person holding a designated position and said person, or his or her spouse or dependent child, has a reportable interest of \$2,000 or more in that real estate;
- D. Any person, business entity, or nonprofit entity located in, doing business in, owning real property in, or planning to do business in, the jurisdiction of the person holding a designated position, from which said person or his or her spouse has received reportable income, other than loans by a commercial lending institution in the regular course of business, aggregating five hundred dollars (\$500) or more in value within twelve months prior to the time the decision is made;
- E. Any person, business entity, or nonprofit entity from which the person holding a designated position has received a reportable gift aggregating five hundred twenty dollars (\$590) or more in value within twelve months prior to the time the decision is made; and
- F. Any business entity, other than a nonprofit organization, in which the person holding a designated position is a director, officer, partner, trustee, employee, or holds any position of management.

SECTION 700. Adoption by Incorporation.

Adoption by incorporation by reference of the terms of this Code along with the designation of employees and the formulation of disclosure categories in the Exhibits referred to above constitute the adoption and promulgation of a Conflict of Interest and Disclosure Code.

CONFLICT OF INTEREST AND DISCLOSURE CODE

Exhibit "A"

CATEGORY 1

Persons in this category shall disclose all interest in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency.

CATEGORY 2

Persons in this category shall disclose all investments and business positions.

The Act defines investment as follows:

"Investment" means any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments, and any partnership or other ownership interest owned directly, indirectly, or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary, or otherwise related business entity has an interest in real property in the jurisdiction, or does business or plans to do business in the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under this title. No asset shall be deemed an investment unless its fair market value equals or exceeds two thousand dollars (\$2,000). The term "investment" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or in a common trust fund created pursuant to Section 1564 of the Financial Code, interest in a government defined-benefit pension plan, or any bond or other debt instrument issued by any government or government agency. Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly, or beneficially, a 10-percent interest or greater.

According to the Act, a business position is a position of director, officer, partner, trustee, employee, or any position of management in any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

CATEGORY 3

Persons in this category shall disclose all income as defined in Government Code Section 82030.

CATEGORY 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts and loans) received from business entities that manufacture, provide or sell service and/or supplies of a type utilized by the Agency and associated with the job assignment of designated positions assigned to this disclosure category.

CATEGORY 5

Consultants who are not employed as full-time staff members of the Agency shall nonetheless be included as a designated employee and subject to the disclosure requirements herein. However, those consultants whose positions are marked with an asterisk (*) in Exhibit "B" of this Code, or any other consultants which may be hired, may not be required to fully comply with the disclosure requirements herein where the range of duties which they are hired to perform is limited in scope. Such determination shall be made in writing by the General Manager of the Agency and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the consultant's disclosure requirements, if any. This determination is a public record and shall be retained for public inspection in the same manner and location as this Code.

CONFLICT OF INTEREST AND DISCLOSURE CODE

Exhibit "B"

| <u>DESIGNATED POSITIONS</u> | <u>DISCLOSURE CATEGORIES</u> |
|--|------------------------------|
| Director | 1-3 |
| General Manager | 1-3 |
| Assistant General Manager | 1-3 |
| <i>Other Positions (as they may be created/approved)</i> | 4 |
| Consultants | 5 |

RESOLUTION NO. 20R-12

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE BIGHORN-DESERT VIEW
WATER AGENCY FIXING THE TIME AND PLACE FOR REGULAR BOARD
MEETINGS AND DESIGNATING THE OFFICIAL MAILING ADDRESS FOR THE
BIGHORN-DESERT VIEW WATER AGENCY**

WHEREAS, by Ordinance No. 04O-02, the Board of Directors of the Bighorn-Desert View Water Agency ("Agency") adopted a regular monthly meeting schedule to conduct the business of the Agency; and

WHEREAS, the regularly scheduled meetings of the Board of Directors had been scheduled by Ordinance to occur on the fourth Tuesday of each month at the hour of 6:00 p.m.; and

WHEREAS, the Agency has identified a need to change the date of the regularly scheduled meetings of the Board of Directors; and

WHEREAS, the Agency accepts no mail service at 1720 N. Cherokee Trail, Landers, CA which was previously designated as a "secondary location" for receiving and/or posting legal notices; and

WHEREAS, the Agency's enabling statute Act 90 Bighorn-Desert View Water Agency Section 7 states that the "board, by resolution, provide for the date, time and place of holding its meetings"; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bighorn-Desert View Water Agency as follows:

1. That the Regular Meeting of the Bighorn-Desert View Water Agency shall hereafter be held on the second (2nd) Tuesday of each month at the hour of 6:00 p.m.
2. That the Regular Meetings of the Bighorn-Desert View Water Agency shall hereafter be held at the Bighorn Office located at 1720 North Cherokee Trail, Landers, CA, 92285.
3. That Regular, Adjourned and Special Meetings may be fixed from time to time and by legal public notice, to other locations within and without the agency, at times as determined by the Board of Directors.
4. That all meetings shall be called and conducted pursuant to the provisions of the Ralph M. Brown, Act, as amended from time to time.
5. That the official mailing address of the Agency, for the purposes of administrative functions, shall hereafter be 622 South Jemez Trail, Yucca Valley, California, 92284.

6. That the official mailing address of the Agency for purposes of customer relations and billing processes, shall hereafter be 622 South Jemez Trail, Yucca Valley, California, 92284.
7. That the principal place of business for the Agency for legal notice shall be fixed as 622 South Jemez Trail, Yucca Valley, California, 92284.
8. That this Resolution shall become effective immediately upon adoption; and
9. That Ordinance No. 04O-02 is hereby rescinded and of no further force and effect; and
10. That this resolution may be amended or modified at any time, from time to time, by resolution, by a majority vote of the Board of Directors.

PASSED, APPROVED AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 28th day of April 2020.

BY:


Judy Corl-Lorono, Board President

ATTEST:

By 
J. Larry Coulombe, Board Secretary



Official Seal

RESOLUTION NO. 25R-05

**POLICY STATEMENT OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING STANDING COMMITTEES, OTHER APPOINTMENTS AND AUTHORIZED
ASSIGNMENTS AND AUTHORIZING THE CREATION OF AD HOC COMMITTEES**

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency desires to ensure efficient administration of the Bighorn-Desert View Water Agency ("Agency") by the establishment of standing committees of the Board of Directors ("Board"). Authorizing appointments to the Morongo Basin Pipeline Commission and the Mojave Water Agency Technical Advisory Committee and the authorization for the creation of ad hoc committees of the Board.

WHEREAS, from time to time the Board of Directors' identifies certain regular community meetings or association meetings which justify attendance by one or more members of the Board of Directors and thus become an "Authorized Meeting" as defined in the *Policy for Reimbursement of Actual and Necessary Expenses*"; and

WHEREAS, standing committees allow for the productive use of Directors' individual expertise on matters and to work with staff in developing better background information for the full Board's consideration; and

WHEREAS, Agency standing committees shall be subject to meeting requirements specified under the Ralph M. Brown Act, California Government code sections 54950 through 54963.

WHEREAS, this Resolution rescinds and repeals Resolution No. 25R-02.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:

The Board President shall, with board consensus, appoint and publicly announce the members of the standing committees, other Appointments and other assignments at one of the regularly scheduled meetings of the Board during the annual Board reorganization proceedings and at other meetings of the Board as circumstances may require.

Each standing committee shall have a maximum of two (2) members and one (1) alternate. Each standing committee may hold a regularly scheduled meeting six (6) times per year. Special meetings may be called as deemed necessary by either the General Manager or the Committee Chairperson.

All standing committee meetings of the Bighorn-Desert View Water Agency shall hereafter be held at the Bighorn Office located at 1720 N. Cherokee Tr., Landers, CA 92285. All standing committee meetings, adjourned standing committee meetings and special standing committee meetings may be fixed from time to time and by legal public notice at times as determined by the standing committee or Board of Directors.

The Board's standing committees shall be assigned to review Agency functions, activities, and/or operations pertaining to their designated concerns as specified. Any recommendations resulting from said review shall be submitted to the Board via a written or oral report or meeting minutes.

The following shall be the Board's Standing Committees, duties and meeting schedule

Planning & Engineering/Legislative/Grant Committee - Meetings of the Bighorn-Desert View Water Agency Planning & Engineering/Legislative/Grant Committee (PLEGs) shall hereafter be held on the 3rd Tuesday of every other month beginning at 4:00 pm. This Committee meets on the even months: February, April, June, August, October, and December.

Planning & Engineering - shall be concerned with, but not limited to, the study and development of Agency operational goals, including planning/engineering reviews and proposals for capital improvement projects as well as the development and periodic review of the Agency's general plan, master plan, safety/security plans (i.e. Homeland Security, Vulnerability Assessment and facilities general security), etc.

Legislative - shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an effect on the Agency. It shall monitor and review legislation or potential legislation which may affect the Agency. The committee shall also annually review existing ordinances, resolutions and/or Agency policies, except those pertaining specifically to personnel matters.

Grant - shall be concerned with matters related to, or involving other governmental and/or regulatory agencies which may have an effect on the Agency's grants or grant policies. It shall monitor and review grant legislation or potential grant legislation which may affect the Agency and monitor and review progress of grant funded projects. This committee shall work directly with the General Manager and Grant Consultant(s) in an effort to obtain/secure grants.

Finance/Personnel/Public Relations & Education Committee - Meetings of the Bighorn-Desert View Water Agency Finance/Personnel/Public Relations & Education Committee (FPREP) shall hereafter be held on the 3rd Tuesday of every other month, beginning at 4:00 p.m. This Committee meets on the odd months: January, March, May, July, September, and November.

Finance - shall be concerned about, but not limited to the financial management of the Agency, including the preparation of an annual budget, periodic reviews of Agency revenues, Agency investments, expenditures, and audit.

Personnel - shall be concerned with the functions, activities, compensation, and welfare of agency staff. This committee shall work directly with the General Manager on personnel related matters.

Public Relations & Education - shall be concerned with assuring that information relative to the affairs of the Agency is accurately and appropriately communicated to the public. This committee shall work with staff on the Agency newsletter and website; developing and communicating water education programs for the public; the development of community, customer, and employee relations programs to enhance Agency/Customer relationships and understanding.

The following are meetings scheduled by and under the administrative control of the Mojave Water Agency. The Agency shall appoint a maximum of one (1) member and one (1) alternate

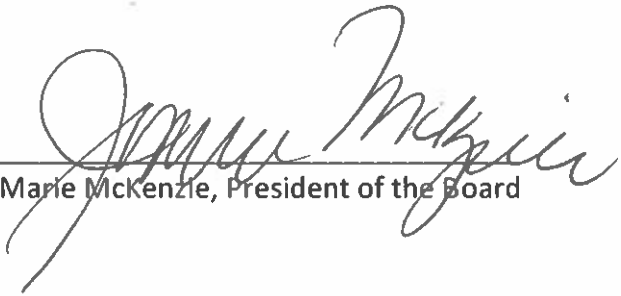
Morongo Basin Pipeline Commission – The Mojave Water Agency Morongo Basin Pipeline Commission is comprised of five officials, one from each of the member entities of the Improvement District M, including Mojave Water Agency, County of San Bernardino Service Area 70, Bighorn-Desert View Water Agency, Hi-Desert Water District and Joshua Basin Water District. The Commission addresses issues of interest to the residents in the Morongo Basin and pertinent to the Morongo Basin Pipeline project. The Commission generally meets quarterly. The meeting location varies each quarter with each member agency hosting meetings on a rotating schedule.

Mojave Water Agency Technical Advisory Committee – An independent, voluntary group of water purveyors, pumpers and other interested parties located within Mojave Water Agency (MWA) boundaries. The Technical Advisory Committee (TAC) meets in a public forum to discuss common concerns and acts to assist the MWA in pursuit of its legal objectives. The Committee generally meets the 1st Thursday of even months at 10:00 am at the MWA headquarters in Apple Valley.


The following are miscellaneous meetings authorized by the Board of Directors'

Ad Hoc Committee Appointments - The Board President shall, with board consensus, appoint such ad hoc committees as may be deemed necessary by the President or the Board of Directors. 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.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 10th day of June 2025.

By 
JoMarie McKenzie, President of the Board

ATTEST,


John P. Burkhardt
Secretary of the Board



Official Seal

**RESOLUTION 17R-11
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING AN AGENCY MEETING
AGENDA PREPARATION POLICY**

WHEREAS, The Board of Directors of the Bighorn-Desert View Water Agency hereby sets the following policy which will establish the process by which the agendas for Agency meetings will be generated.

WHEREAS, the Agency Regular and Special Meeting Agenda Preparation Policy of the Bighorn-Desert View Water Agency is as follows:

1. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors.
2. In regards to the regularly scheduled monthly meeting, the following process and timeline for agenda preparation shall be followed:
 - Directors may request and seek majority consensus for appropriate items to be placed on the agenda at the regular Board meeting.
 - Tuesday prior to the meeting – Director’s deadline for adding appropriate items to the agenda will be the end of business Tuesday. The Board President shall make any final determinations as to what constitutes an appropriate item to be agendized for the Board meeting.
 - Wednesday prior to the meeting – Before days end, staff shall have the first draft of the agenda available for review, if requested.
 - 12:00 Noon Thursday prior to the meeting – Directors’ revisions should be delivered to the General Manager.
3. Upon completion of the Board Agenda with the backup material packet on the Friday prior to the meeting- A field representative shall hand deliver agenda binders to Directors and post agendas.
4. The official posting location for the purposes of meeting the requirements of the Ralph M. Brown Act will be the Agency Office at 622 S. Jemez Trail and website: www.bdwa.org.

As a courtesy the agenda shall also be posted at the following locations-

- 1720 North Cherokee Trail- Agency Board Room
- Johnson Valley Well 10
- Landers Community Association- Belfield Hall
- Landers Post Office Bus Stop
- C and J Feed Store Community Bulletin Board

In addition, the agenda will be emailed to the “Agenda Notification List” maintained by the agency staff. This list includes the following:

- Z107.7 Radio Station
- Hi-Desert Star Newspaper

WHEREAS, pursuant to the Brown Act Section 54957.5(a) once the agenda and related materials have been prepared office staff shall make available upon request, and without delay, the agenda and related materials for public viewing during regular business hours. However, this shall not include any writing exempt from public disclosure under Section 6253.5, 6254.7, or 6254.22.

WHEREAS, complete agendas with backup material packets will be made available, and without delay, for public viewing during regular business hours at the agency business office.

WHEREAS, complete agendas without the backup material packet shall be made available at the agency administrative office and shall be provided upon request at no charge to the requester.

WHEREAS, any member of the public can purchase a complete agenda packet, with backup material at the then current per page copy charge outlined in the Agency's Rates, Fees and Charges for public information requests pursuant to the California Public Records Act. Hard copies of presentations made or materials distributed at Agency meetings will thereafter be subject to the California Public Records Act.

WHEREAS, the Agency Standing Committee Meeting Agenda Preparation Policy of the Bighorn-Desert View Water Agency is as follows:

1. The General Manager, in cooperation with the Standing Committee Chair, shall prepare an agenda for each Standing Committee meeting.
2. Any Director may contact the Committee Chair to place any appropriate item on the Committee meeting agenda no later than Tuesday prior to the agenda mail out day which is scheduled for the Friday before the scheduled time and date of the meeting. The Chair shall make any final determinations as to what constitutes an appropriate item to be agendized for the Standing Committee meeting.


WHEREAS, the Agency Workshop Board Meeting Agenda Preparation Policy of the Bighorn-Desert View Water Agency is as follows:

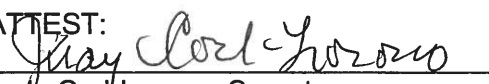
- Board workshops shall be scheduled and the agenda set by the Board of Directors at the regular or special meeting of the Board or by the Board President.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:

- 1) Resolution 17R-11 establishes the policy for preparation of the agenda for meetings of the Board of Directors or Standing Committees thereof; and
- 2) Resolution No. 14R-06 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 25nd day of April 2017.

By 
Michael McBride, President (Pro tem)

ATTEST:

Judy Cori-Lorono, Secretary

Resolution No. 17R-11

RESOLUTION NO. 18R-02

A RESOLUTION OF THE BIGHORN-DESERT VIEW WATER AGENCY ESTABLISHING A POLICY FOR REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES FOR BOARD MEMBERS

WHEREAS, pursuant to Government Code section 53232.1, the Bighorn-Desert View Water Agency ("Agency") may pay compensation to each member ("Director") of the Board of Directors of the Agency ("Board") for attendance at certain occurrences only if the Board has adopted, in a public meeting, a written policy specifying the types of occasions that constitute the performance of official duties for which a Director may receive payment; and

WHEREAS, pursuant to Government Code section 53232, if the Agency is to reimburse Directors for actual and necessary expenses incurred in the performance of official duties, then the Board must adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a Director to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses; and

WHEREAS, the Agency adopts this Policy For Reimbursement of Actual and Necessary Expenses For Board Members to allow the Agency to pay Directors for attendance at those occasions that constitute the performance of official duties and for reimbursement of their actual and necessary expenses incurred in the performance of official duties; and

WHEREAS, the intent of the Policy is to provide guidance to Directors on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured;

NOW, Therefore, Be It Resolved By the Board Of Directors of the Bighorn-Desert View Water Agency as follows:

A. Findings

This Policy provides guidance to elected and appointed officials on the use and expenditure of Agency resources, as well as the standards against which those expenditures will be measured. In addition, this Policy satisfies the requirements of Government Code sections 53232.1 and 53232.2 and supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.

Except as specifically authorized, a Board member will not use or permit the use of Agency owned vehicles, equipment, telephones, materials or property for personal convenience or profit. A Board member will not ask or require an Agency employee to perform services for the personal convenience or profit of a Board member or employee. Each Board member must protect and properly use any Agency asset within his or her control, including information recorded on paper or in electronic form. Board members will safeguard Agency property, equipment, moneys and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. Board members are responsible for maintaining written records, including expense accounts, in sufficient detail to reflect accurately and completely all transactions and expenditures made on the Agency's behalf, in accordance with this policy for reimbursement of expenses of Board members.

B. Director Compensation

1. Amount of Per Diem Compensation

Directors shall receive a daily meeting stipend in the amount set by the current Ordinance in force for each day of service rendered as a Director. Such compensation is in addition to any reimbursement for meals, lodging, travel and other actual and necessary expenses consistent with this Policy.

2. "Day of Service" and "Authorized Meeting" Defined

For purposes of determining eligibility for compensation of Directors, the term "day of service" is defined as attendance by a Director, in person, at an Authorized Meeting with one or more other persons for the performance of official duties on behalf of the Agency.

All meetings which fall under Directors' Compensation List are to be recognized as an "Authorized Meeting". The Directors' Compensation List is a separate and distinct resolution from this policy reviewed and updated from time-to-time by the Board of Directors.

3. Daily Limits

If a Director attends or participates in multiple meetings in a single day, the Director shall be eligible for compensation for only one meeting on that day.

4. Aggregate Limits

The number of days for which a Director receives a daily meeting stipend will not exceed the aggregate limits established by state law and set by the current Ordinance in force.

5. Travel Days

Whenever practical and in keeping with established Board policy stating that whenever a particular educational opportunity exists via Webinars or other online course formats, these be considered first as the preferred method of education for Directors.

Per diem compensation shall include travel days to and from authorized meetings as appropriate. Unless specifically approved by the Board in advance, Directors shall not count travel to meeting within 125 miles of the Agency's office as a reimbursable per diem travel day.

C. Authorized and Unauthorized Expenses

Agency funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Agency business.

The Agency Resolution outlining the approved Directors' Compensation List is separate from this policy. Expenses incurred in connection with the Directors' Compensation List generally constitute authorized expenses, as long as the other requirements of the policy are met. If a meeting, event, or seminar/conference is not specifically defined in the Directors' Compensation List then the request for attendance and reimbursement must be presented to the full Board of Directors for approval. Directors are encouraged to obtain approval well in advance of the event to secure the most cost effective accommodations. A Director who chooses to attend a meeting, event, or seminar/conference without prior approval can request retroactive approval and reimbursement. If retroactive approval is denied then all costs shall become the sole responsibility of the individual.

Examples of personal expenses that the Agency will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying an official on Agency-related business. Family

expenses also include expenses of children and pet-related expenses;

4. Entertainment expenses, including theater, movies, sporting events, or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on Agency business.

*Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority at the Agency **before** the expense is incurred.*

D. Payment of Expenses

To conserve Agency resources and keep expenses within community standards for public officials, expenditures incurred in the performance of official duties should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the costs that fall within the guidelines.

1. Transportation

- a) A request for reimbursement for mileage incurred by a Director is payable by the Agency only if the Director or the Director's driver of the vehicle in which the Director is transported, and for which reimbursement is sought, holds a valid California driver's license during that period in which the claim for reimbursement arises. The Director or the Director's driver must satisfy the Agency's automobile liability insurance requirements by completing a California Department of Motor Vehicle form authorizing release of driver information. The form may be obtained through the General Manager.
- b) The Agency reimbursement rate for mileage by use of a Director's own vehicle shall be calculated on the total miles driven for Agency purposes at the rate specified by the Internal Revenue Service in Publication 463 or any successor publication in effect at the time of vehicle usage. Mileage will be calculated using a standard trip program on the Internet and shall be verified by the Agency staff.

- c) Travel to meetings, conferences or seminars outside Agency boundaries where air travel is available may be reimbursable through a mileage rate, should the Director choose to drive the Director's own vehicle; however, the total reimbursable amount for mileage may not exceed the cost of round trip coach airfare.
- d) The Agency reimbursement rate for vehicle parking by a Director shall be the actual amount incurred including gratuity.

2. Lodging

Directors must use government and group rates offered by a provider of lodging services when available. If the lodging is in connection with an accepted conference or organized educational activity, lodging costs must not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the Directors at the time of booking. If a government or group rate is not available, the Agency reimbursement rate for Director lodging shall be the actual amount incurred, not to exceed the rate for comparable lodging.

3. Meals & Incidental Expenses

The Agency reimbursement rate for Director meals and incidentals shall be the actual amount incurred, including gratuities, excluding alcoholic beverages, up to the standard allowance established for the destination location per Internal Revenue Service Publication 463 (Ref. GSA.gov/Perdiem).

4. Other

Agency reimbursement of all other actual and necessary expenses incurred by a Director shall be computed using the applicable Internal Revenue Service rates for reimbursement as established in IRS Publication 463, or any successor publication. All expenses that do not fall within this reimbursement Policy or the Internal Revenue Service reimbursable rates, as provided above, shall be approved by the Board in a public meeting before the expense is incurred.

E. Budget Limits

Designated funds established through the annual budget process will be available to pay reimbursement of expenses for attendance by Directors at conferences, seminars and workshops as well as Per Diem compensation for days of service as defined herein. These funds are segregated in general ledger accounts for each individual director. If insufficient monies exist in the account to pay for those expenses or if request for payment by the Board of Directors is denied, the Director would then be required to pay for those expenses out of his or her own personal funds.

F. Expense Forms/Timesheets

The Agency shall provide expense report forms and timesheets to be filed by the Directors for reimbursement for actual and necessary expenses and per diem incurred on behalf of the Agency in the performance of official duties. The expense reports shall document that expenses meet this Policy for expenditure of public resources. Directors shall submit to the Agency's Accounting Department on said form their expense reports which shall be accompanied by receipts documenting each expense. If the reimbursement requests listed by the Director on said form satisfy the provisions of the Directors' Compensation List then the Agency's General Manager is hereby authorized to approve the reimbursement requests. The Board reserves the right to approve reimbursement of eligible expenses above the budget limit on a case-by-case basis prior to or after the expense being incurred. Directors are paid per diem on the regular bi-weekly payroll cycle.

G. Audits of Expense Reports

All expenses are subject to verification that they comply with this Policy.

H. Reports to Board of Directors

Directors, if required by the Resolution outlining the Directors' Compensation List, shall provide brief oral reports on meetings attended at the expense of the Agency during the next agenda meeting of Board. Directors are encouraged to submit written reports to assist with the oral presentation.

I. Compliance with Other Laws

Agency directors, officials and employees, as applicable, should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

J. Violation of This Policy

Use of public resources or falsifying expense reports in violation of this Policy may result in any of all of the following: 1) Loss of reimbursement privileges, 2) a demand for restitution to the Agency, 3) the Agency's reporting the expenses as income to the elected official to state and federal tax authorities, 4) civil penalties of up to \$1000 per day and three times the value of the resources used, and 5) prosecution for misuse of public resources.

K. Review of Resolution on Annual Basis

Each year the Board may review this Resolution to determine its effectiveness and the necessity for its continued operation. The Agency's General Manager shall report to the Board on the operation of this Resolution, and make any recommendations deemed appropriate concerning this Resolution. Nothing herein shall preclude the Board from taking action on the Resolution at times other than upon conclusion of the annual review.

L. Severability

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution, which can be given effect without the invalid provision, or application, and to this end, the provisions of this Resolution are declared to be severable.

M. Effective Date

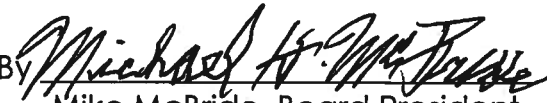
This Resolution shall become effective immediately upon adoption.

N. Rescission

Resolution No. 13R-16 is hereby rescinded in its entirety.

PASSED, APPROVED AND ADOPTED by the Board of Directors of Bighorn-Desert View Water Agency this 27th day of March 2018, by the following roll call vote:

AYES: McBride, Corl-Lorono, Burkhart, Staley, Coulombe
NOES: None
ABSTENTION: None
ABSENT: None

By 
Mike McBride, Board President

Attest:


Terry Burkhart, Board Secretary



ORDINANCE NO. 25O-01
AN ORDINANCE OF THE
BIGHORN-DESERT VIEW WATER AGENCY
SETTING COMPENSATION FOR ITS BOARD OF DIRECTORS

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency (“the Agency”) finds as follows:

A. Pursuant to Ordinance No. 24O-01 adopted by the Agency’s Board of Directors (“the Board”) on or about April 9, 2024, each member of the Board is currently entitled to receive compensation in the amount of \$171.03 for each day of service rendered on behalf of the Agency, not exceeding a total of ten (10) compensable days in any calendar month.

B. Pursuant to Water Code Section 20202, the rate of such compensation may be increased by an amount not to exceed five percent (5%) for each calendar year following the operative date of the last adjustment.

C. The Board has not made any adjustment in the amount of compensation paid to a director since its adoption of Ordinance No. 24O-01.

THEREFORE, THE BOARD OF DIRECTORS of the Agency does hereby adopt and ordain as follows:

1. Each Board member of the Agency shall be entitled to receive compensation in the amount of \$179.58 for each day of service (as that term is defined in Section B.2. of Resolution No. 18R-02 as may be amended from time to time) rendered on behalf of the Agency, not exceeding a total of ten (10) days in any calendar month, after the effective date of this Ordinance.

2. Compensation shall be paid to a director in accordance with Resolution Nos. 18R-02 and 25O-01 (as may be amended from time to time).

3. This Ordinance shall take effect on July 1, 2025, and shall there upon supersede Ordinance No. 24O-01.

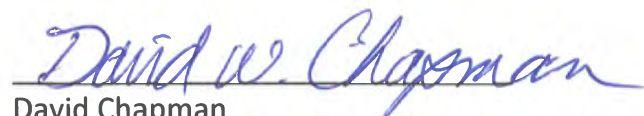
ADOPTED this 8th day of April, 2025.

ROLL CALL:

Ayes: McKenzie, Chapman, Burkhart, Aldridge
Noes: None
Abstain: None
Absent: Close-Dees


Marie McKenzie
President, Board of Directors

ATTEST:


David Chapman
Secretary, Board of Directors



Official Seal

RESOLUTION NO. 17R-08

**A STATEMENT OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
AUTHORIZING AGENCY CREDIT CARDS FOR DIRECTORS AND
SETTING GUIDELINES FOR THE USE OF THE SAME**

WHEREAS, in the course of attendance to conferences or other authorized events there are times when the use of a business credit card would be advantageous for the efficiencies provided and cost savings available by using such; and

WHEREAS, the Bighorn-Desert View Water Agency desires to authorize credit cards through the Agency's banking institution in the name of individual directors for charging of expenses and establishing identity in conjunction with conferences and other authorized travel; and

WHEREAS, Resolution No. 15R-02 authorized each Director to obtain a credit card through the Agency's then current banking institution, Union Bank of California (First Bank Card) with a credit limit of \$2,500 for each credit card; and

WHEREAS, the current banking institution is Pacific Western Bank and existing credit cards were obtained through Union Bank of California (First Bank Card); and

WHEREAS, members of the Board of Directors are limited to credit card purchases for travel or travel related expenses while in the performance of agency duties or in attendance at agency related training or seminars; and

WHEREAS, Director travel expenses shall be handled in accordance with the Policy for Reimbursement of Actual and Necessary Expenses for Board Members; and

WHEREAS, notwithstanding the foregoing, members of the Board of Directors shall be required to comply with all applicable, laws, rules and regulations regarding expenditures and reimbursements including, but not limited to, laws regarding conflicts of interest and ethical requirements; and

WHEREAS, no personal expenses are to be charged to the credit card at any time or for any reason whatsoever; and

WHEREAS, the General Manager will house said credit cards and distribute to Directors prior to attendance at agency related training or seminars.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Agency do hereby authorize the following:

1. That each Director be assigned and utilize a credit card through the Agency's current banking institution, Pacific Western Bank; and
2. That the credit limit shall be \$2500 for each credit card; and

3. That the credit cards shall only be used as a method of payment for purchases which have been approved in compliance with the existing Policy for Reimbursement of Actual and Necessary Expenses for Board Members.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 28th day of February 2017.

By J. Larry Coulombe

J. Larry Coulombe, Board President

Attest:

Judy Corl-Lorono

Judy Corl-Lorono, Board Secretary



RESOLUTION NO. 15R-22

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BIGHORN-DESERT VIEW WATER AGENCY
ESTABLISHING THE FORMAT FOR THE RECORDATION OF MINUTES AT
MEETINGS OF THE AGENCY**

WHEREAS, the Board of Directors of the Bighorn-Desert View Water Agency, acting as the legislative body of a local agency, is required to notice and conduct public meetings openly and with sufficient opportunity for public comment, pursuant to California Government Code, Sections 54950 through 54962; and

WHEREAS, in order to ensure that the public record sufficiently reflects the events, actions and discussion of these meetings, the Board Secretary of the Agency records minutes. While public comment is encouraged, the minutes are not intended to be a verbatim transcript. Rather, minutes should provide an adequate and accurate record of the actions of the Board and satisfy the Agency's obligation to meet the public's right to know; and

WHEREAS, the Board of Directors of the Agency now seeks to establish a policy whereby only "action minutes" from the Agency meetings will be recorded. The purpose of this policy is to streamline current record keeping practices and conserve both Agency and rate payers' right to know.

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES:

1. The minutes of Agency meetings shall identify each agenda item, summarize any Board discussion, briefly summarize public comment related to the agenda item and state the action taken by the Board; and
2. The Board Secretary need not include in the minutes the detailed public comments on agenda or non-agenda items.
3. That Policy No. 06P-03 is hereby rescinded in its entirety and of no further force and effect.

PASSED, APPROVED, AND ADOPTED by the Board of Directors to Bighorn-Desert View Water Agency this 27th day of October 2015.

By Judy Corl-Lorono
Judy Corl-Lorono, President of the Board

ATTEST:

Terry Burkhardt
Terry Burkhardt, Secretary of the Board