

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