

POLICY # _____

FLORIN COUNTY WATER DISTRICT

Requirements to be Board of Director for Florin County Water District

1. Residency means being a person who **RESIDES**, or is a or **PROPERTY OWNER** and/or who operates a **BUSINESS**, within the regular geographic area served by the **FLORIN COUNTY WATER DISTRICT**. The **RESIDENT, PROPERTY OWNER, or PROPERTY OWNER** is required to be served by the **FLORIN COUNTY WATER DISTRICT** for no less than six (6) months before they may apply for membership on the Florin County Water District Board of Directors.

1.

2. The resident, property owner or business owner who is interested in a seat on Florin County Water District Board member must have their water bill current and be in good standing with the Florin County Water District.

3.2. The prospective Board members are will be required to abide by the Code of Ethics, the Ralph M. Brown Act, and all applicable laws and regulations, and follow the policies and procedures approved by the Board of Directors.

4.3. Board members must comply with state law requirements for ethics training, sexual harassment prevention training and education, and any other required training for applicable to directors of County Water Districts take and complete a Board approved training course covering Ethics, the Ralph M. Brown Act, and Sexual Harassment in order to retain a position on the Board. The training course must be completed within six (6) months of taking office.

5.4. The prospective Any person elected or appointed pursuant to the Uniform District Election Law takes office on the timeline prescribed in the Uniform District Election Law. Any person Board Member elected or appointed to the Board of Directors pursuant to a law that does not include a timeline for taking office, e.g., Government Code section 1780, the newly elected or appointed person shall be sworn in at the next regular meeting following the election or appointment or at the first meeting at which they are available first meeting of attendance.

6.5. Regular Board meetings shall be held on the second Monday of each month. Board Members should be available to attend Board meetings, including but not limited to Regular Board mMeetings, held the 2nd Monday of each month, sSpecial mMeetings, and meetings with Cclosed session Meetings as called by the Board President.

Commented [A1]: As Lauren notes below, state law totally pre-empts the District with respect to qualifications to hold office. I strongly recommend not adopting this policy at all. To the extent the Board wants to establish rules of decorum, that can be done in a separate policy. But violation of such rules of decorum is not a basis for removing someone from office.

Commented [A2]: This proposed section is contrary to current law. The Water Code and the Elections Code define the requirements for County Water Board eligibility. (Wat. Code §§ 30500, 30021; Elec. Code §§ 359, 321, 349; Gov. Code §§ 243, 244.) In short, the Water Code says that Directors must be voters, "voter" is defined in the Elections Code, and Directors must be residents. (Wat. Code §§ 30500, 30021.) The Elections Code defines "voter" as an "elector" and an "elector" as a "resident." (Elec. Code §§ 359, 321.) A person's residence for the purpose of voting is their domicile. (Elec. Code § 349(a).) A person's domicile "is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only (... [1])

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Commented [A3]: See the comment above. State law already defines Director qualifications, and the District may not contravene existing law.

Commented [A4]: I deleted this because prospective Board members are not required to follow the same rules as currently-seated Board members. For example, a group of three prospective Board members (as long as they are (... [2])

Commented [A5]: Which Code of Ethics?

Commented [A6]: Since failure to comply can not be used as a basis for the Board to remove someone from office (or bar them from taking office) it is very misleading to ind (... [3])

Commented [A7]: These requirements are already required by state law so these policies should not conflict with state-level requirements. (See Gov. Code §§ 53234-53237.5.)

Commented [A8]: Elections Code section 10554 already has its own timeline for taking office for people elected or appointed pursuant to California's Uniform District Election Law.

Commented [A9]: I wouldn't include this in this policy. Regular meeting dates, times and places need to be established by action of the Board (GC 54954). I would establish regular meeting date and time in a separate (... [4])

Commented [A10]: I recommend deleting "as called by the President" because it sounds like the District's policies intend to make Directors available at the President's beck and call. Remember that the Board President is not th (... [5])

~~7.6. Board Members will serve a term of four (4) years. Two members will serve four year terms expiring on the date of United States Presidential Elections, and the remaining three members will serve four year terms expiring on the date of the United States Congressional Elections that do involve United States Presidential Elections (example: 2024 is a Presidential year). When the Board member's term is ready to expire, the Board member shall receive notification from In a year in which one or more Board member is up for reelection, the District FCWD office shall notify each Board member who is up for reelection at least 3 months before the date of the election that their position on the board is scheduled to shall expire and, if the Board member is interested in running for reelection, that, and the Board member should contact the County Elections Office to ensure they meet all requirements for appearing as a candidate in the next election will be required to register at~~

Commented [A11]: I recommend deleting this because it is already covered by the Water Code and the Elections Code. Additionally, the part about the terms expiring on election day is contrary to existing law/Election Code § 10505.

Requirements to be a Board of Director for Florin County Water District

~~the Voter Registration office to be on ballot at a time no later than ___ days prior to the election.~~

~~8.7. No Board member may be at Florin County District Office without first notifying Board President and the rest of the Board, so as to maintain TRANSPARENCY, and the CODE OF ETHICS or CONFLICT OF INTEREST.~~

9.8. The Board shall maintain a Board Recording Secretary that is independent of the office staff, so as to maintain ethics, conflict of interest, decorum, and transparency.

Commented [A12]: Board members are members of the public and may be at the District office. Requiring Board members to notify the rest of the Board about what documents they are requesting from the office could violate the Brown Act's prohibition on serial meetings. Other restrictions would get in the Board members' way of educating themselves about agenda items. For example, if you put a prohibition on Board members' ability to request or see documents from the District office, the Board members would be prohibited from getting documentation on checks that are being paid. Overall, the section as currently written is contrary to law and any other rewrite would prohibit Board members from doing things they should be doing as Board members.

Commented [A13R12]: Also, as noted at the start, this is a "decorum" type policy; it is inappropriate to include it in a policy that purports to establish qualifications for holding office, because failure to comply with this would not be a basis for removal from office.

Commented [A14]: Normally this would not be required in Board policies in case there is a lapse in the availability of a recording secretary or if the District quickly needed to reduce expenses. While you can keep it as a policy if you want, we suggest adding an agenda item to a future meeting directing Edmond to contract with an outside recording secretary.

Commented [A15R14]: See previous comments – this isn't the policy for this provision. In addition, what does this actually mean? Will the Board be making a direct appointment of someone whose only function is "Board Recording Secretary"? Would that person be a District employee, or a contractor?

This Policy is voted on by all Board Members on _____

| Board Member | YES | NO | Comment |
|------------------------|-----|----|---------|
| Tim Baliel - President | | | |

| | | | |
|--------------------|--|--|--|
| Gary Schopf | | | |
| Judi Johnson | | | |
| Leonard Heimericks | | | |
| Cindy Russell | | | |

This Policy is approved/disapproved by a quorum of the Board

This Policy is effective on _____

This policy shall remain in effect unless modified or changed by the Board at a Special Meeting.

Page 1: [1] Commented [A2] Author

This proposed section is contrary to current law. The Water Code and the Elections Code define the requirements for County Water Board eligibility. (Wat. Code §§ 30500, 30021; Elec. Code §§ 359, 321, 349; Gov. Code §§ 243, 244.) In short, the Water Code says that Directors must be voters, "voter" is defined in the Elections Code, and Directors must be residents. (Wat. Code §§ 30500, 30021.) The Elections Code defines "voter" as an "elector" and an "elector" as a "resident." (Elec. Code §§ 359, 321.) A person's residence for the purpose of voting is their domicile. (Elec. Code § 349(a).) A person's domicile "is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile." (Elec. Code § 349(b).) If the director moves out of the District, their place of residence is defined by Gov. Code section 244, which defines residence as "the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose." (Wat. Code § 30508.) State law does not define residency by property ownership, business operation, or length of water service. Because State law already defines residency, the Board does not have the legal authority to redefine residency.

Page 1: [2] Commented [A4] Author

I deleted this because *prospective* Board members are not required to follow the same rules as currently-seated Board members. For example, a group of three prospective Board members (as long as they are not current Board members) could meet to talk about substantive District business, and that would not be a violation of the Brown Act.

Page 1: [3] Commented [A6] Author

Since failure to comply can not be used as a basis for the Board to remove someone from office (or bar them from taking office) it is very misleading to include it in a policy that is titled "Requirements to [a Member of] the Board of Director[s]".

Page 1: [4] Commented [A9] Author

I wouldn't include this in this policy. Regular meeting dates, times and places need to be established by action of the Board (GC 54954). I would establish regular meeting date and time in a separate action – I think people will not recall that it was established in this policy.

Page 1: [5] Commented [A10] Author

I recommend deleting "as called by the President" because it sounds like the District's policies intend to make Directors available at the President's beck and call. Remember that the Board President is not the only one who may call meetings - a majority of the Board, even one that does not include the President, may call a special meeting, including a special meeting that includes a closed session.