



## CITIZENS ADVISORY COUNCIL - BYLAWS

### I. ARTICLE I - INTRODUCTION

- A. **PURPOSE** – The purpose of the Joshua Basin Water District (“District”) Citizens Advisory (CAC) is to provide informed suggestions and recommendations on district-related issues to the Board of Directors (BOD). The BOD may also assign matters to the CAC for review, comment, and recommendation. CAC members will represent the community, review information, request additional information to clarify when needed, and make recommendations to the BOD following a majority vote of the CAC.
- B. **ETHICS** – CAC members are expected to act ethically and responsibly. CAC members are expected to abide by the District’s Code of Ethics (Attachment A).
- C. **ANTI-HARASSMENT** – The District has a strong commitment to prohibiting and preventing discrimination, harassment, and retaliation in the workplace. The District has zero tolerance for any conduct that violates this Policy. CAC members are expected to abide by the District’s Policy Against Discrimination, Harassment, and Retaliation (Attachment B).
- D. **TRANSPARENCY** - Transparency and open meeting laws, such as the Brown Act and Public Records Act, apply to the CAC members and meetings.
- E. **LIMITATIONS ON AUTHORITY** – The CAC shall have no independent duties or authority to take actions that bind the District or the Board of Directors. CAC members shall make no expenditures or requisitions for services and supplies, and no individual member shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

### II. ARTICLE II – MEMBERSHIP & APPOINTMENT

- A. **MEMBERSHIP APPLICATION** – Prospective members are asked to complete an application and submit it along with a resume and letter of interest to the District’s Executive Assistant. Eligible applications will be considered at a public BOD meeting. Membership may be appointed based on other interests, for example, involvement with Joshua Tree-based organizations. Applicants should demonstrate an interest in water-related issues.
- B. **MEMBERSHIP ELIGIBILITY** – To be eligible to join the CAC, members must be residents, account holders, or property owners AND must be registered voters in the District. Board members, district employees, and district consultants and contractors are not eligible for membership. The CAC members shall not have alternate members (for example- a CAC member may not have their spouse attend in the CAC member's place).
- C. **COMPENSATION** – CAC members shall serve without compensation.

- D. **APPOINTMENT PROCESS** – The appointment process shall be competitive, based on the applicant’s ability to maximize communication between the Board of Directors and ratepayers of the District. Appointments to the CAC are made by a majority vote of the Board of Directors.
- E. **TERMS** – Members shall serve a term of up to four (4) years from appointment, with terms ending on December 31 immediately preceding what would be the fourth year for such member, unless the member resigns, is removed by the BOD, or otherwise becomes ineligible or is removed based on the criteria specified in Section II(B) or Article IV. Members may be reappointed if interested in continued service at the sole discretion of the BOD.

### III. **ARTICLE III - CAC ORGANIZATION & OFFICERS**

- A. **MEMBERSHIP COMPOSITION** – The CAC shall be comprised of a minimum of six (6) to a maximum of twelve (12) members.
- B. **ELECTION OF OFFICERS** – At the final meeting of the calendar year, the CAC shall elect a chairperson and vice-chairperson. Those selected shall assume office at the first meeting of the following calendar year. The tenure for each position shall be one (1) year.
- C. **CHAIRPERSON** – The chairperson shall preside over all CAC meetings and, following each CAC meeting, will provide a report at the next available BOD meeting. The Executive Assistant will inform the Chairperson of the report’s scheduled date and time. Reports to the BOD on general CAC activities may be verbal. Recommendations to the Board can be presented in writing.
- D. **VICE-CHAIRPERSON** – The Vice Chairperson shall preside over all CAC meetings in the absence of the Chairperson. The Vice Chairperson assists the Chairperson as needed and performs the Chair’s responsibilities when the Chair is unavailable.
- E. **MINUTE TAKING** – Designated District staff shall prepare minutes of all CAC meetings. Minutes will be presented at the subsequent CAC meeting for approval. Upon approval, both the Chairperson and designated staff person shall sign the minutes. The original minutes shall be kept in District archives.

### IV. **ARTICLE IV – VACANCIES AND REMOVAL**

- A. **OFFICER VACANCIES** – In the event of a vacancy in the chairperson’s position, the vice chairperson shall succeed as chairperson for the balance of the chairperson’s term. In the event of a vacancy in the vice chairperson, the CAC shall elect a successor from its membership to fill the position for the balance of the term.
- B. **MEMBER VACANCIES** – The BOD will fill vacancies among the CAC by appointment as outlined in Article II.
- C. **MEMBERSHIP DISCONTINUATION** –
  - a) Resignation - A CAC member may discontinue their membership voluntarily by submitting a written letter of resignation to the General Manager with a copy to the Chairperson.

- b) Disqualification - CAC membership is terminated automatically if the member's qualifications change during the course of the appointment (i.e., the member moves out of the district boundaries).
- c) Absenteeism - If a CAC member accumulates three absences within a calendar year, they will be considered automatically resigned from the CAC. However, a CAC member facing extenuating circumstances (i.e., illness) resulting in three or more absences in a calendar year can request consideration of extension of their membership from the General Manager.

**D. DISMISSAL** – All CAC members are subject to removal by the BOD at its pleasure, with or without cause.

**V. ARTICLE V – MEETINGS, QUORUM, AND ATTENDANCE**

- A. MEETINGS** – Regular meetings of the CAC are scheduled bi-monthly on the 2<sup>nd</sup> Tuesday at 5:00 p.m. and are held at 61750 Chollita Road, Joshua Tree, CA 92252, in the district board room. Special meetings are sometimes held on different dates or locations and may be scheduled as needed.
- B. QUORUM** – A quorum shall be established when a majority of the members appointed to the CAC are present.
- C. VOTING** - A quorum shall be required for any item to be put to a vote. Any CAC action must be voted on by a majority of the quorum.
- D. ATTENDANCE** – CAC members are encouraged to attend all CAC meetings. Any meetings that do not have a quorum will be cancelled. A member is allowed three absences from regular CAC meetings in any calendar year. Absences must be reported to the Executive Assistant a minimum of 24 hours in advance of the meeting.
- E. REMOTE ATTENDANCE** – CAC members are urged to attend all CAC meetings in person. Lack of an in-person quorum will result in meeting cancellation. Remote attendance can be accommodated using the same rules established for BOD members (Attachment C).

**VI. ARTICLE VI - TRAINING** – The BOD and staff are committed to providing CAC members with district operations training, information, and education. CAC members are highly encouraged to attend District Water Tours. At a minimum of twice per calendar year, staff will provide departmental presentations to the CAC as scheduled by the General Manager on topics such as:

- A.** Operations – overview of production (i.e., wells, boosters, reservoirs), distribution (pipeline networks, services lines, etc.)
- B.** Finance - overview of budget, income, reserves, debt, and grants
- C.** Administration - overview of customer service, customer programs, human resources, water service requirements, and rules and regulations
- D.** Governance - overview of the Brown Act and Ethics.

**VII. ARTICLE VII. REVISION OR AMENDMENT OF BYLAWS** - The CAC may recommend amendment or revision of these by-laws (rules of procedure) as needed by a majority vote of a quorum of the CAC membership. The CAC Chairperson shall present the recommendations to the Board of Directors for approval.

**If you have any questions, please contact Lisa Thompson, Executive Assistant [lthompson@jbwd.com](mailto:lthompson@jbwd.com).**

## Attachment A

### A. Code of Ethics

This section applies to all officials and employees of the District.

1. Each official and employee has an obligation to meet the highest ethical and professional standards and to enhance the public's respect and trust for the District and its operations.
2. Employees of the District have responsibilities unique from their counterparts in private industry. Employment with the District carries an obligation of personal integrity and conduct that serves to establish public respect, confidence, and trust.
3. Employees represent the District and the quality of District service is judged through their performance and conduct. The ratepayers of Joshua Tree have the right to expect that District employees will provide services in an efficient, thorough and courteous manner. It is intended that the rules and procedures which follow will assist employees in maintaining high ethical standards and proper job performance, and in avoiding potential conflicts of interest both in fact and appearance.
4. The District, as a condition of employment, expects to receive from the employee:
  - Initiative and a conscientious effort to perform productive work.
  - Cooperative, positive, responsive, and courteous relations with fellow employees, supervisors/managers, subordinates, and the public.
  - A continuous effort to strive for greater knowledge and skill on the job in order to maintain performance at a high level.
  - Compliance with all policies, regulations, rules of conduct and ordinances established by the District.
  - Responsible work habits demonstrated by:
    - Dependability, promptness, reliable attendance, and performing required duties competently.
    - Keeping informed of developments and matters affecting job performance,
    - Being flexible and adaptable to change.
    - Accepting constructive suggestions and criticism.
    - Neat and clean grooming and attire appropriate to the job assignment. Prescribed uniforms and safety equipment must be worn where applicable.
    - Effectively implementing the official policies of the District when serving in their official capacity with customers, clients, and the public and/or when identifying themselves as District employees in the course of their work.

## Attachment B

### **B. Policy Against Discrimination, Harassment, and Retaliation**

#### **Purpose**

The District has a strong commitment to prohibiting and preventing discrimination, harassment, and retaliation in the workplace. The District has zero-tolerance for any conduct that violates this Policy. Conduct need not arise to the level of a violation of state or federal law to violate this Policy. Instead, a single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment, and retaliation. The District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Any retaliation against an employee because they filed or supported a complaint or because they participated in the complaint resolution process is prohibited. Individuals found to have retaliated in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

#### **Covered Individuals and Scope of Policy**

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, accommodations, and training.

#### **Definitions**

##### **Protected Classification**

This Policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, military and veteran status, and/or any other basis protected by local, state, or federal law. (Gov. Code § 12940(a).) This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

##### **Protected Activity**

This Policy prohibits discrimination, harassment, or retaliation because of an individual's protected activity. Protected activity includes: making a request for an accommodation for a disability; making a request for accommodation for religious beliefs; making a complaint under this Policy; opposing violations of this Policy; or participating in an investigation under this Policy.

##### **Discrimination**

This Policy prohibits treating covered individuals differently and adversely because of the individual's protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy. (Gov. Code § 12926(o).)

##### **Harassment**

Harassment includes, but is not limited to, the following types of behavior that are taken because of a person's actual or perceived protected classification:

- Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This includes inappropriate comments about appearance, dress, physical features, gender identification, or race-oriented stories and jokes.
- Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes pinching, grabbing, patting, or making

- explicit or implied job threats or promises in return for submission to physical acts.
- Visual acts, such as derogatory posters, cartoons, emails, pictures or drawings related to a protected classification.
  - Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment. (Gov. Code §12940(j); 2 Cal.Code Regs § 11091(b)(1).)

### **Guidelines for Identifying Harassment**

Harassment includes any conduct which would be unwelcome or unwanted to an individual of the recipient's same protected classification. The following guidelines to determine if conduct is unwelcome or unwanted should be followed:

- It is no defense that the recipient "appears" to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized or subjected to retaliation.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. Small, isolated incidents might be tolerated up to a point. The fact that no one has yet complained does not preclude someone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two people who appear to welcome the conduct can constitute harassment of a third person who witnesses the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.
- Conduct can constitute harassment even if the individual has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual would find it offensive (e.g., gifts, over-attention, endearing nicknames, hugs).

### **Retaliation**

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action; counseling; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

**Attachment C**  
**Brown Act Teleconferencing Submittal for**  
**Citizens Advisory Council Members**  
**(Gov. Code § 54953, subd. (f).)**  
**(AB 2449)<sup>1</sup>**

I, (print full name) \_\_\_\_\_, desire to appear at the meeting of the JOSHUA BASIN WATER DISTRICT (“Citizens Advisory Council”) on (insert date) \_\_\_\_\_ via teleconferencing for the following reason(s) (*check all that apply*):

**LIMITED TO TWO MEETINGS PER YEAR MAXIMUM**

- Just Cause:**
- A childcare/caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner requires me to participate remotely.
  - A contagious illness prevents me from attending in person.
  - A need related to a physical or mental disability prevents me from attending in person.
  - Travel while on official business of the Citizen Advisory Council Member, or another state or local agency, prevents me from attending in person.
- Emergency Circumstances:**
- A physical or family medical emergency prevents me from attending in person. (Provide a general description of the emergency but do not include any detailed medical diagnosis/information):

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
(signature)

Date Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*DIRECTIONS FOR USE: Fill out and send this form to the General Manager at the earliest opportunity before start of regular meeting. Requests made for Emergency Circumstances must be approved by the General Manager at the beginning of the meeting.*

***Teleconferencing only permitted if public videoconferencing options are available.***

***Participating Citizen Advisory Council Members must declare whether anyone over the age 18 is present at teleconferencing location and general nature of relationship.***

<sup>1</sup> No teleconferencing option listed herein may be used for more than: (a) three consecutive months; or (b) two of the meetings within a calendar year. Despite the foregoing, a member of the legislative body may still participate remotely, so long as the legislative body complies with the “traditional” teleconferencing rules pursuant to Gov. Code § 54953(b). Consult the General Manager for further details