

ORDINANCE 06-2
(Combining and replacing Ordinance 97-1 and Ordinance 02-1)

GOVERNMENT, ADMINISTRATION AND PERSONNEL
OF THE WESTHAVEN COMMUNITY SERVICES DISTRICT

BE IT ORDAINED by the Board of Directors of the Westhaven Community Services District, Humboldt County, California, as follows:

ARTICLE 1
General Provisions

Section 101 - Short Title

This ordinance shall be known and may be cited as the "Government and Administration Ordinance".

Section 102 - Words and Phrases

For the purpose of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Section 103 - Effect of Definition

The definition of a word applies to any of its variants.

Section 104 - Separability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 2
General Definitions

Section 201 - District means the Westhaven Community Services District.

Section 202 - Board means the Board of Directors of the District.

Section 203 - President means the President of the Board.

Section 204 - Vice President means the Vice President of the Board. *(Gov't. Code 61043 b.)*

Section 205 - Finance Officer means the Finance Officer of the Board.

Section 206 - Treasurer means the Treasurer of the District. *(61053)*

Section 207 - Manager means the General Manager of the District. *(61050)*

Section 208 - Secretary means the Secretary of the District.

Section 209 - Personnel means the Manager, Secretary, Bookkeeper, Water Treatment Operators, Cash Receipts Clerk, and any other staff of the District.

Section 210 - Policies means written regulations adopted by the Board in the form of ordinances, resolutions and formal policies.

**ARTICLE 3
District Purpose and Mission**

Section 301 - District Purpose

The petition for formation of the District, as approved by the Humboldt County Board of Supervisors in October 1987, designated one purpose: to supply the inhabitants of the District with safe water "for domestic use, irrigation, sanitation, industrial use, fire protection and recreation".

Section 302 - District Mission

It is the mission of the District to provide safe water to all the District residents. So long as the District is lacking sufficient water source capacity to supply all District residents, District policies shall emphasize the need for increased water source capacity and water conservation.

**ARTICLE 4
Board Responsibilities and Functions**

Section 401 - Board Responsibilities and Functions

The Board shall:

1. Establish policies for the operation of the District and shall provide for the implementation of those policies, which is the responsibility of the District's General Manager. (61040)
2. Act only by ordinance, resolution or motion. (61045 b.)
3. Only take action by a majority vote of the total membership of the Board except as otherwise specifically provided by law. (61045 c.)
4. Adopt rules or bylaws for its proceedings. (61045 f.)
5. Appoint by a majority vote a President, a Vice President and a Finance Officer of the Board, and a Treasurer, General Manager and Secretary of the District. (61043 b., 61050)
 - a. No member of the Board shall hold more than one office. (61043 c.)
 - b. No member of the Board shall be the general manager, the treasurer or any other compensated employee of the District. (61040 e.)
6. Adopt and periodically review a Board Policies and Procedures Manual.
7. Adopt and periodically review a Personnel Policies and Procedures Manual.
8. Adopt and periodically review a Financial Procedures Manual.
9. Adopt rates and charges for District services that fully support the costs of operating and maintaining the water system.
10. Engage counsel and other professional services, as needed.
11. Be responsible for keeping the people of the District informed concerning the purposes, values, achievements, requirements and financial conditions of the District.
12. Perform all duties required of the Board by law.

**ARTICLE 5
Meetings and Proceedings**

Section 501 - First Meeting

Directors shall take office at noon on the first Friday in December following their election. (61042 a.) At the first meeting on or following the first Friday in December the Board shall elect a Board President, Vice President and Finance Officer. The Manager shall chair the meeting through election of the President. After election, the President shall chair the remainder of the meeting. (Elections Code 10554)

Section 502 - Regular Meetings

Unless notice is posted otherwise, the Board shall meet monthly at a place and time established by resolution. Board meetings shall be held within the District boundaries. Written notification of the date, time and agendas of regular meetings shall be posted in locations freely accessible to members of the public and provided to all media outlets requesting notification, usually one week, but no less than 72 hours prior to the meeting. All Board meetings are public and are governed by the provisions of the Brown Act (Gov't. Code 54950 et seq).

Section 503 - Special Meeting

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 all media outlets requesting notification. 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. Public notification and agendas of special meetings shall be posted not less than 24 hours prior to the special meeting in the same locations used for posting notices of regular meetings and shall include a description of the rights of members of the public to address the body on any item described in the notice. (Gov't code 54956)

Section 504 - Emergency Meeting

When a majority of the Board determines that an emergency exists, it may call an emergency meeting. An emergency is defined as a crippling disaster, work stoppage or other activity that severely impairs public health, safety or both. The Board shall not meet in closed session during an emergency meeting. Public notification of emergency meetings must be provided by phone at least one hour prior to the meeting to all media outlets requesting notification. As soon as is possible after the emergency meeting, complete minutes of the meetings shall be posted for a minimum of 10 days in the same locations used for posting agendas. (Gov't. Code 54956.5).

Section 505 – Agenda

The agenda shall be prepared by the President in consultation with the Manager, published as required by law and delivered to Board members at least 72 hours prior to the regular meetings and 24 hours prior to special meetings. 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. Every agenda for a regular meeting or a special meeting shall provide an opportunity for members of the public to directly address the legislative body on any item under the subject matter jurisdiction of the body. Actions may be taken only on items appearing as Action Items on the published agenda. New items requiring emergency action may be added to the agenda at a regular meeting only as specified by Govt. Code 54954.2. Any and all items of business including supporting material that will be placed on the agenda for the regular monthly meeting of the Board shall be delivered to the WCSD office no less than one week prior to the meeting.

Section 506 – Chair

The President shall preside over all meetings. In the absence of the President, the Vice President shall preside. In the absence of both President and Vice President the remaining members of the Board shall designate one of their members to act as Chair.

Section 507 - Majority as Quorum

A majority of the Board shall constitute a quorum for the transaction of business. See also Section 511.

Section 508 – Adjournment

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the Order of Adjournment.

Section 509 - Method of Action

The Board shall act by motion.

Section 510 - Majority Vote Required

No motion, ordinance or resolution shall be passed or become effective without the affirmative votes of a majority of the total membership of the Board.

Section 511 - Recording of Vote

Except where action is taken by the unanimous vote of all Board members present and voting, individual

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ayes, nos, abstentions, and absences shall be recorded upon the passage of all motions, ordinances or resolutions and entered into the minutes of the Board.

Section 512 - Execution of Ordinances and Resolutions

All ordinances and resolutions shall be signed by the President and attested by the Secretary.

Section 513 - District Seal

The District Seal shall be embossed on all ordinances, resolutions and other official documents of the District.

**ARTICLE 6
Personnel**

Section 601 - Equal Opportunity

The Westhaven Community Services District shall maintain a policy of equal employment opportunity in all phases of its operation. The employment of personnel shall be based on individual merit and qualifications. Promotions shall be awarded on the basis of service, experience, performance and reliability and without regard to race, color, national origin, religion, disability, gender, sexual orientation or marital status.

Section 602 - Manager

The Board shall appoint a general manager who shall serve at the pleasure of the Board. Additional employees shall be hired by the Manager and evaluated annually. (65050 – 65051)

The Manager shall:

1. Implement the policies established by the Board for the operation of the District.
2. Appoint, supervise, discipline and dismiss the District's employees, consistent with the District's Personnel Policies and Procedures Manual.
3. Supervise the District's facilities and services.
4. Supervise the District's finances. *(1, 2, 3 and 4 per 61051)*
5. Report to the Board at each meeting, providing ongoing information about District operations, current administrative issues and violations of District regulations requiring the Board's attention.
6. In cases of emergency, take steps necessary to maintain service to customers.
7. Perform such duties as are imposed from time to time by the Board.

Section 603 - Treasurer

The Treasurer shall:

1. Serve in the place of the county Treasurer
2. Formulate a policy for the management of the District's reserves per Government Code 53646. The Reserves Policy shall be reviewed and approved annually by the Board.
3. Provide quarterly and annual written reports to the Board, as the Board shall determine, regarding the investments, receipts, disbursements and balances in the accounts controlled by the Treasurer. All reports shall be considered at a public meeting of the Board.

Section 604 – Secretary

The Secretary shall:

1. Keep the minutes and prepare Board packets for all Board meetings.
2. Maintain a file of signed Board meeting minutes as approved.
3. Maintain files of all administrative records and District regulations.
4. Prepare and distribute newsletters as authorized by the Board.
5. Perform such duties as are imposed from time to time by the Manager.

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Section 605 – Bookkeeper

The Bookkeeper shall:

1. Prepare and mail monthly billing.
2. Deposit collections.
3. Prepare monthly payroll.
4. File quarterly payroll tax documents.
5. Prepare all disbursements.
6. Prepare a list of warrants to be approved by the Board each month.
7. Maintain proper books of account and all financial records.
8. Maintain District bank accounts.
9. Perform such duties as are imposed from time to time by the Manager.

Section 606 - Cash Receipts Clerk

The Cash Receipts Clerk shall:

1. Record all payments to the District as Records of Income.
2. Prepare bank deposits in accordance with the procedures outlined in the Financial Procedures Manual.
3. The duties of the Cash Receipts Clerk shall not be performed by the Bookkeeper or the Finance Officer.

Section 607 - Water Treatment Operators

The Water Treatment Operators shall:

1. Perform daily operation of the surface water treatment plant, the 4th Avenue well and all related facilities.
2. Maintain and operate the distribution system.
3. Perform all water quality sampling, monitoring and record keeping tasks as required by the California Department of Health Services.
4. Perform such duties as are imposed from time to time by the Manager.

**ARTICLE 7
Professionals**

Section 701 - Auditor

The District shall retain the services of an auditor qualified in Special Districts auditing.

Section 702 – Lawyer

The District shall retain the services of a lawyer qualified in Special Districts law.

Section 703 – Engineer

The District shall retain a qualified civil engineer as needed.

Section 704 - Other

The District shall hire other qualified professionals as needed.

**ARTICLE 8
Insurance**

Section 801 – Provision of Insurance

The District shall maintain insurance coverage at levels no less than the minimum specified by law for:

1. General liability
2. Public officials and employees errors
3. Personal liability for Board members
4. Employment practices liability

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5. Employee benefits liability
6. Employee dishonesty / bonding
7. Auto liability
8. Uninsured / underinsured motorists
9. Loss of property
10. Boiler and machinery
11. Workers compensation

Section 802 - Administration of Insurance

The administration of the District's insurance programs shall be the responsibility of the Manager.



Barbara Cline, President
Westhaven Community Services District

ATTEST:



Annette Leshner, Secretary
Westhaven Community Services District

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance 06-1, "An Ordinance Relating to Administration and Personnel of the Westhaven Community Services District", passed and adopted at a regular meeting of the Board of Directors of the Westhaven Community Services District, Westhaven, California, held on the seventeenth day of May 2006, by the following roll call vote:

AYE: Blake, McKay, Nichols and Smith

NO: None

ABSTAIN: None

ABSENT: Cline



Annette Leshner, Secretary
Westhaven Community Services District