

**SAN JUAN WATER DISTRICT
SPECIAL BOARD MEETING AGENDA
9935 Auburn Folsom Road
Granite Bay, CA 95746**

**May 31, 2023
6:00 p.m.**

This Board meeting will be conducted both in-person at the District's Boardroom at the address above, and via videoconference. The District recommends that members of the public participate in Board meetings via videoconference per the instructions below. Persons who do plan to attend the meeting in person are urged to contact the Board Secretary prior to the meeting. The contact information for the Board Secretary is:

**Teri Grant
(916) 791-6905
tgrant@sjwd.org**

To attend via videoconference, please use the following link:

Please join the meeting from your computer, tablet or smartphone.

<https://meet.goto.com/245724141>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 245-724-141

Please mute your line.

Whether attending via videoconference or in person, the public is invited to listen, observe, and provide comments during the meeting. The Board President will call for public comment on each agenda item at the appropriate time.

*****Important Notice: For any meetings that include a closed session, the videoconference will be terminated when the Board adjourns into closed session. Members of the public who would like to receive the report out from closed session and time of adjournment from closed session into open session and adjournment of the meeting should provide a valid email address to the District's Board Secretary, Teri Grant, at: tgrant@sjwd.org, before or during the meeting. No other business will be conducted after the Board adjourns from closed session into open session. Promptly after the meeting, the Secretary will email the written report to all persons timely requesting this information.**

The Board may take action on any item on the agenda, including items listed on the agenda as information items. The Board may add an item to the agenda (1) upon a determination by at least three Board members that an emergency situation exists, or (2) upon a determination by at least four Board members (or by three Board members if there are only three Board members present) that the need to take action became apparent after the agenda was posted.

The public may address the Board concerning an agenda item either before or during the Board's consideration of that agenda item. Public comment on items within the jurisdiction of the Board is welcome, subject to reasonable time limitations for each speaker. Upon request, agenda items may be moved up to accommodate those in attendance wishing to address that item. Please inform the General Manager if you have such a request to expedite an agenda item.

Documents and materials that are related to an open session agenda item that are provided to the District Board less than 72 hours prior to a regular meeting will be made available for public inspection and copying at the District office during normal District business hours.

If you are an individual with a disability and need assistance or accommodation to participate in this Board meeting, please call Teri Grant, Board Secretary, at 916-791-0115, or email Ms. Grant at tgrant@sjwd.org.

Please silence cell phones and refrain from side conversations during the meeting.

I. ROLL CALL

II. NEW BUSINESS

1. Proposed ACWA Board Policy GO-2.9 Revision (W)

Action: Consider a motion to adopt Resolution 23-07 in opposition to proposed amendments to ACWA Board Policy GO-2.9

III. ADJOURN

UPCOMING MEETING DATES

June 28, 2023

July 26, 2023

I declare under penalty of perjury that the foregoing agenda for the May 31, 2023, special meeting of the Board of Directors of San Juan Water District was posted by May 30, 2023, on the outdoor bulletin boards at the District Office Building, 9935 Auburn Folsom Road, Granite Bay, California, and was freely accessible to the public. The agenda and the board packet was also posted on the District's website at sjwd.org.

Teri Grant, Board Secretary

STAFF REPORT

To: Board of Directors
From: Paul Helliker, General Manager
Date: May 31, 2023
Subject: Proposed amendments to ACWA Policy GO-2.9

RECOMMENDED ACTION

Staff request that the Board of Directors approve Resolution 23-07, opposing certain revisions to ACWA Policy GO-2.9 and direct staff to distribute Resolution 23-07 to the ACWA Region 4 Board and the ACWA Board of Directors.

BACKGROUND

The Association of California Water Agencies (ACWA) currently has a “code of conduct” policy, to define expected behavior by attendees in ACWA events (conferences and other meetings organized by ACWA). That policy currently defines unacceptable behavior to be the following:

- Verbal abuse, such as the use of derogatory remarks, insults, and epithets or
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating.

This policy was used recently to sanction an ACWA Board member and a participant in one of ACWA’s committee meetings, for comments that could reasonably be construed as potentially constituting “sexual harassment” within the meaning of the law. Because that terminology was not explicitly used in the ACWA policy, there were some questions raised about whether or not the sanctions were supported by the ACWA policy. Some of the proposed revisions appear to be intended to address this lack of clarity, e.g., the revisions and additions to the definitions of disrespectful or abusive conduct, contained on p. 2 of the policy – specifically items 1-4. Such prohibitions against behavior that may reasonably be construed as constituting “sexual harassment” are typical of anti-harassment policies, and are included in San Juan’s personnel manual.

Other proposed revisions to this policy are problematic, however. For example, the reference to the code of conduct relating to “guid<ing> everyone who participates in communications, <or> interactions related to the work of ACWA” is vague, unnecessarily broad and could apply to any communication by anyone that happens to reference a topic “related to the work of ACWA”. Such language would be tantamount to censorship by ACWA of any communication that the Executive Director might deem objectionable for any reason. Similar problems plague items 5 and 6 in the definitions of disrespectful or abusive conduct. In item 5, “sharing materials without authorization from the presenters”, “or other misuse of ACWA member resources” are similarly vague and potentially illegal, if the proposal is intended to limit the distribution of public documents

(as a presentation made at an ACWA event would likely be). Item 6 is a catch-all prohibition of “any other conduct not covered above deemed inappropriate”, including conduct that might “jeopardize...ACWA’s reputation and goodwill”. This would open to sanction any behavior that the ACWA Executive Director decided was somehow inappropriate for any reason whatsoever, or which could be construed to jeopardize ACWA’s “reputation” – a rather nebulous term. Such vague language could allow the Executive Director to sanction anyone who made any comment or sent any email that he/she did not appreciate or concur with, and then deemed to be inappropriate or potentially damaging to ACWA’s reputation. Such language in an ACWA policy is unacceptably broad and subjective and could lead to attempts to censor communications by anyone. Items 5 and 6 should be deleted in their entirety from the policy.

The policy also suffers from a lack of due process – the Executive Director would be allowed to make decisions to bar people permanently from ACWA events without any oversight or possibility of appeal. At a minimum, an appeals process needs to be included in the policy.

For all of these reasons, these revisions need to be tabled. If they are to be reconsidered, it must be with significantly more input from the ACWA Board and membership. Staff recommend that the San Juan Board adopt Resolution 23-07, to articulate its opposition to the proposed revisions and convey that position to the Region 4 Board and the entire ACWA Board of Directors.

RESOLUTION NO. 23-07

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SAN JUAN WATER DISTRICT
OPPOSING REVISIONS TO POLICY GO-2.9 OF THE ASSOCIATION OF
CALIFORNIA WATER AGENCIES**

WHEREAS, the San Juan Water District is a member district of the Association of California Water Agencies (ACWA);

WHEREAS, the ACWA board of Directors adopted Policy GO-2.9 on February 3, 2023, to establish a code of conduct for participants in ACWA events;

WHEREAS, ACWA staff have proposed revising this policy via a draft set of revisions to Policy GO-2.9, to be considered by the ACWA Board of Directors at its June 2, 2023 meeting;

WHEREAS, the proposed revisions include references to their being applicable to “communications, and any other interactions related to the work of ACWA”, and

WHEREAS, the proposed revisions include restrictions on sharing public documents, such as presentations from ACWA conferences and other “member resources”;

WHEREAS, the proposed revisions include a reference to constraints on “any other conduct not covered above deemed inappropriate” and any conduct that may “jeopardize... ACWA reputation and goodwill” (sic);

WHEREAS, the policy allows the ACWA Executive Director to unilaterally decide what conduct is unallowable pursuant to the policy, and provides no mechanism for review or appeal of the decision; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the San Juan Water District finds that the proposed revisions to Policy GO-2.9 are vague, arbitrary and apply inappropriately to behavior or communications beyond those occurring at ACWA events; and

BE IT FURTHER RESOLVED that, for the reasons stated above, the San Juan Board of Directors opposes the proposed revisions in Policy GO-2.9.

PASSED AND ADOPTED by the Board of Directors of the San Juan Water District on the 31st day of May 2023, by the following vote:

AYES:	DIRECTORS:
NOES:	DIRECTORS:
ABSENT:	DIRECTORS:

DAN RICH
President, Board of Directors

ATTEST

TERI GRANT
Secretary, Board of Directors