

## **V. BAO Interpretations**

# BAO Interpretations

## of the Board's Governance Policies

### V. BAO INTERPRETATIONS

### Page

E-2	Water Supply Services .....	V-3
E-3	Natural Flood Protection .....	V-4
E-4	Water Resources Stewardship .....	V-5
EL-7	Communication and Support to the Board .....	V-6

# BAO Interpretations

of the Board's Governance Policies

**Title:** Water Supply  
**Category:** BAO Interpretations

<b>Interpretation of Policy No. E-2</b>	<b>CEO Approval: November 23, 2010</b>	<b>Latest Revision: Under Development</b>
---	--	---

E-2. Valley Water provides a reliable, safe, and affordable water supply for current and future generations in all communities served.

*CEO Interpretation: Under Development*

# BAO Interpretations

of the Board's Governance Policies

<b>Title:</b>	<b>Natural Flood Protection</b>	
<b>Category:</b>	<b>BAO Interpretations</b>	
<b>Interpretation of Policy No. E-3</b>	<b>CEO Approval: December 21, 2004</b>	<b>Latest Revision: July 28, 2014</b>

E-3. Natural flood protection is provided to reduce risk and improve health and safety for residents, businesses, and visitors, now and into the future.

*CEO Interpretation: Under Development*

# BAO Interpretations

of the Board's Governance Policies

**Title:** Water Resources Stewardship

**Category:** BAO Interpretations

**Interpretation of  
Policy No. E-4**

**CEO Approval: December 15, 2009**

**Latest Revision: Under Development**

E-4. Water resources stewardship protects and enhances ecosystem health.

*CEO Interpretation: Under Development*

# BAO Interpretations

## of the Board's Governance Policies

<b>Title:</b>	<b>Procurement</b>	
<b>Category:</b>	<b>BAO Interpretations</b>	
<b>Interpretation of Policy No. EL-5</b>	<b>CEO Approval: March 22, 2005</b>	<b>Latest Revision: February 27, 2018</b>

With respect to purchasing and contracts activities, use a fair, open and expeditious process and stay within the Board's authorized expenditures. Further, a BAO shall:

5.1. Not make a single purchase, contract, 3rd party claim settlement of liability, or any other financial commitment in amounts greater than the following, unless authorized by the Board.

*I-EL-5.1.a. Unless exempted from a competitive procurement process as specified in EL-5.3, the following apply:*

- I-EL-5.1.a.i. If a purchase, contract, or commitment is expected to exceed the dollar limit set by the Board, any additional cost above the Board approved amount for the product or service requires Board approval, prior to the purchase, contract, or commitment, regardless of the mechanism used to expend the funds.*
- I-EL-5.1.a.ii. Supplementing Board approved expenditures through other means, such as District work force, i.e., force account labor, purchase orders, contracts, etc. requires Board approval.*
- I-EL-5.1.a.iii. Reducing the Board approved product or service, in order to stay within the Board approved amount of a purchase, contract, or cost-sharing agreement, is not acceptable.*
- I-EL-5.1.a.iv. Board notification of non-compliance with EL-5 is required for all existing purchases, contracts or commitments that are subject to this interpretation.*
- I-EL-5.1.a.v. Limit for construction contracts in EL-5.1.1 is established by the public contract code.*
- I-EL-5.1.a.vi. The CEO is authorized to decide whether to file a protest pursuant to Proposition 218 on behalf of the Board for proposed fees, rates, or taxes currently levied on District-owned parcels and provide timely notification to the Board.*

*I-EL-5.1.b. CEO will conduct the annual Comprehensive Annual Financial Report.*

5.3. Not make a single purchase, contract, or any other financial commitment without a competitive procurement process, unless authorized by the Board or one of the following exemptions is applicable:

- I-EL-5.3.a. Unless authorized by the Board, per the exemptions listed in EL-5.3, all purchases, contracts, and other financial commitments must be competitively procured.*
- I-EL-5.3.b. Utilize software systems which allow comprehensive reviews of purchases and contracts on-line and will conduct the annual Comprehensive Annual Financial Report.*

5.4. Not allow any sponsorship greater than \$5,000, unless authorized by the Board.

*I-EL-5.4.a. Maintain and periodically review a community partnering sponsorship procedure.*

# BAO Interpretations

## of the Board's Governance Policies

- 5.5. Not allow for any sponsorships, contributions, or memberships, that do not have a nexus to the District's mission, vision, or Board governance policies.

*I-EL-5.5.a. Maintain a procedure to consistently review sponsorship requests to determine if there is a sufficient nexus to the District's mission, vision, or Board governance policies.*

- 5.6. Not allow the splitting of orders to avoid the limits set forth in EL-5.

*I-EL-5.6.a. Utilize a software system with purchasing approval limits and conduct the Comprehensive Annual Financial Report.*

- 5.7. Not use consultant services if the work can be accomplished at the appropriate skill level by existing District employees.

*I-EL-5.7.a. Evaluate the use of consultant services and available District employees with the appropriate skill level during the budget development process.*

- 5.8. Consider the consultant's past performance history with the District prior to allowing the District to enter into a consultant agreement.

*I-EL-5.8.a. Maintain a procedure that requires internal reference checks as part of written and oral evaluation criteria.*

- 5.9. Provide access to opportunities for small and local businesses in providing services to the District.

*I-EL-5.9.a. Conduct outreach processes that include: match-making events, an annual open house, and the District website.*

- 5.10. Operate with written purchasing policies and procedures relating to non-competitive acquisition practices, to avoid conflicts of interests, and favoritism and to assure legal and fiscal compliance.

*I-EL-5.10.a. Purchasing policies and procedures will be maintained by the BAO's procurement designee.*

- 5.11. Apply procurement policies and practices that support environmental stewardship to include extended producer responsibility and the reduction of hazardous and solid waste generation.

*I-EL-5.11.a. The District will implement the following:*

*I-EL-5.11.a.i. Define the District's goals with regards to environmental procurement and provide general guidelines to be observed by all District employees.*

*I-EL-5.11.a.ii. Include a summary of the District's policies supporting environmental stewardship and extended producer responsibilities within all procurement solicitation packages.*

*I-EL-5.11.a.iii. Purchase products with recycled content and explore opportunities to increase recycled content of select purchased products.*

# BAO Interpretations

## of the Board's Governance Policies

- I-EL-5.11.a.iv. Purchase products that meet national environmental standards (e.g. Energy Star or Green Seal certifications, etc.).*
- I-EL-5.11.a.v. Encourage District employees to specify green products and services when submitting purchase requests to Purchasing and to consider the purchase of green products when making purchasing card purchases.*
- I-EL-5.11.a.vi. Evaluate support of, and/or participate in public and/or private collaborations, multi jurisdictional arrangements, and legislative strategies that support extended producer responsibility in a cost-effective way.*
- I-EL-5.11.a.vii. Purchase pesticide products that support environmental stewardship and minimizes hazardous waste generation.*
- I-EL-5.11.a.viii. Not allow the sale of single-serving bottled water at District facilities; and not allow the purchase of single-serving bottles of water using District funds except for declared emergencies and/or health and safety reasons.*
- I-EL-5.11.a.ix. Not allow the purchase of expanded polystyrene food service ware for use at District facilities.*
- I-EL-5.11.a.x. When appropriate, products used on District premises will be recycled to minimize solid and liquid waste generation.*
- I-EL-5.11.a.xi. Purchase hybrid vehicles when appropriate and available.*



# BAO Interpretations

## of the Board's Governance Policies

**Title:** Communication and Support to the Board

**Category:** BAO Interpretations

**Interpretation of  
Policy No. EL-7**

**CEO Approval: July 13, 2006**

**Date of Latest Revision: July 28, 2014**

7.1. Inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.

*I-EL-7.1.a. Provide the Board with timely information, including the following: daily media updates, weekly CEO reports, and Board agendas.*

7.3. Inform the Board of the intent to undertake negotiation of any imported water management agreement connected with proposed land development or involving a private or non-governmental party, and keep the Board informed of imported water management activities on an ongoing basis.

*I-EL-7.3.a. Provide at least quarterly updates to the Board on imported water management activities, including forecasts of water transfers or other imported water management agreements, and provide confirmation of executed agreements within one month of completion.*

7.4. Marshal for the Board as many employee and external points of view, issues, and options as needed for fully informed Board choices.

*I-EL-7.4.a. Notify public of Board meetings, workshops, and committees.*

7.5. Deal with the Board as a whole except when (a) fulfilling informal or oral individual requests for information or (b) responding to officers or committees duly charged by the Board. Responses to formal "Board Member Requests" should be given to the entire Board.

*I-EL-7.5.a. Capture all requests, including briefings, from Board members as individual or formal Board member requests and report back to the Board in weekly CEO Bulletins weekly. Information that is available on the District's website will not be re-distributed.*

7.6. Report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

*I-EL-7.6.a. Based on the urgency of an actual or anticipated non-compliance with any policy of the Board, the CEO will notify the Board at the next Board meeting.*

*I-EL-7.6.b. Reporting shall consist of at least one of the following methods, based upon the CEO's determination of the level of urgency:*

*I-EL-7.6.b.i. Direct Verbal Report at a Board meeting by the CEO or authorized designee*

*I-EL-7.6.b.ii. CEO Bulletin*

*I-EL-7.6.b.iii. Non-Agenda Packet*

# BAO Interpretations

## of the Board's Governance Policies

*I-EL-7.6.b.iv. Board Fax Alert by the CEO or authorized designee*

*I-EL-7.6.b.v. Telephone Call by the CEO or authorized designee*

7.7. Supply for the consent agenda all items delegated to the BAOs yet required by law or contract to be Board-approved.

*I-EL-7.7.a. CEO will establish a process to identify all delegated items that are legally required to be Board-approved are on the consent agenda.*

7.9. Respond to individual Board member requests and Board requests within 30 calendar days, except as follows:

7.9.1. For Board member and Board requests for information, a BAO shall respond within 30 calendar days of the initial Board member request. In the event that the responsible BAO determines that a Board request will require more than 30 calendar days to complete, the BAO shall inform the Board within 30 calendar days of receiving the request. Upon making this notification, the BAO shall also specify the expected completion date for the request.

7.9.2. For Board member requests determined by a BAO to be non-routine and require redirection of employees to the detriment of their normally assigned duties, the BAO shall agendaize that request and report to the Board that fulfilling the request will require substantive work and request directions from the Board on whether to proceed with fulfilling the request.

*I-EL-7.9.a. Individual Board Member Requests (IBMR) are recorded as an IBMR and employees respond within 30 calendar days of receiving the request.*

*I-EL-7.9.b. For requests for information that is readily available, the information is provided directly to the Board. For requests that require "substantive" work, the request must go to the full Board for direction. Board member requests are considered to require "substantive" work when:*

*I-EL-7.9.b.i. Request requires more than 4 hours of employee time to complete per request, and/or*

*I-EL-7.9.b.ii. Individual request includes materials and supplies above \$50 and are not already a budgeted expense.*

# BAO Interpretations

## of the Board's Governance Policies

- 7.10. Make available to the public agendas and employee reports, if available, containing recommendations about any item on the agenda of a regular public meeting of the Board, or of a public hearing conducted by the Board, or of a Board Standing or Ad Hoc committee, no later than 10 days prior to the date of such a meeting or hearing except for the following reports, which shall be made available as soon as possible

*I-EL-7.10.a. Maintain instructions to ensure public agendas are made available within policy deadlines.*