



San Gabriel Basin Water Quality Authority

1720 W. Cameron Avenue, Suite 100, West Covina, CA 91790 • 626-338-5555 • Fax 626-338-5775

**WQA ADMINISTRATIVE/FINANCE COMMITTEE
AND SPECIAL MEETING OF THE BOARD OF DIRECTORS
TO BE HELD ON TUESDAY, OCTOBER 12, 2021 AT 10:00 A.M.
AT
1720 W. CAMERON AVE., SUITE 100 IN WEST COVINA, CA**

With passage and signing of AB 361 and in light of the ongoing Statewide State of Emergency originally declared by Governor Newsom on March 4, 2020, WQA Board Meetings will continue to be conducted via remote teleconferencing, subject to the requirements of Government Code Section 54953(e). Members of the public can participate remotely via Zoom following the instructions provided below. Members of the public may also submit comments in writing to Stephanie@wqa.com which comments will be distributed to the members of the Board, provided such written comments are received prior to the meeting start time. To address the Board during the meeting you may use the "raise hand" feature and you will be called up on when appropriate.

To attend the meeting please register in advance at:

https://us06web.zoom.us/webinar/register/WN_An0SqCOoSHOJg8kWLAp3vw

A confirmation email will be sent to you with instructions on how to join the meeting virtually or a call-in option

**The Administrative/Finance Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board that are not assigned to the Administrative/Finance Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Administrative/Finance Committee will not vote on matters before the Committee*

DRAFT AGENDA

Committee Members: Mike Whitehead, Lynda Noriega and Mark Paulson

Liaison Member: Dave Michalko

- I. Call to Order
- II. Public Comment
- III. Report on Cash and Investments for 3rd Quarter 2021 [enc]
- IV. Discussion Regarding Update to Procedure 40 – Merit Salary Increases and Annual Cost of Living Allowance (COLA) [enc]
- V. Discussion Regarding Update to Procedure 28 – Risk Transfer Procedure [enc]
- VI. Discussion Regarding ACWA Election for President and Vice-President [enc]
- VII. Executive Director's Report
- VIII. Adjournment



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AGENDA SUBMITTAL

To: WQA Administrative / Finance Committee
From: Randy Schoellerman, Executive Director
Date: October 12, 2021
Subject: Report on Cash and Investments – 3rd Quarter 2021

Discussion

Attached for your review is the quarterly report on cash and investments as of September 30, 2021.

SGBWQA holds its investment funds at the Local Agency Investment Fund (LAIF). The average monthly effective yields for the Pooled Money Investment Account (PMIA) for July, August and September are 0.221%, 0.221%, and 0.206%, respectively. The PMIA Quarter to Date rate is .22%, as shown on the PMIA Daily Effective Yield schedule. The LAIF quarterly rate for July through September 2021 has not yet been issued.

SGBWQA holds its cash funds at Bank of the West (BOTW). Funds held at BOTW exceed the FDIC insured limit of \$250,000. All funds in excess of the FDIC limits are collateralized by BOTW in accordance with California Government Code Title 5, Division 2, Part 1, Chapter 4, Article 2 – Deposit of Funds.

Recommendation / Proposed Action

For information only.

Enclosures

Cash Report

Schedule of Interest Received and Interest Rates

PMIA/LAIF Performance Report as of 10/6/21

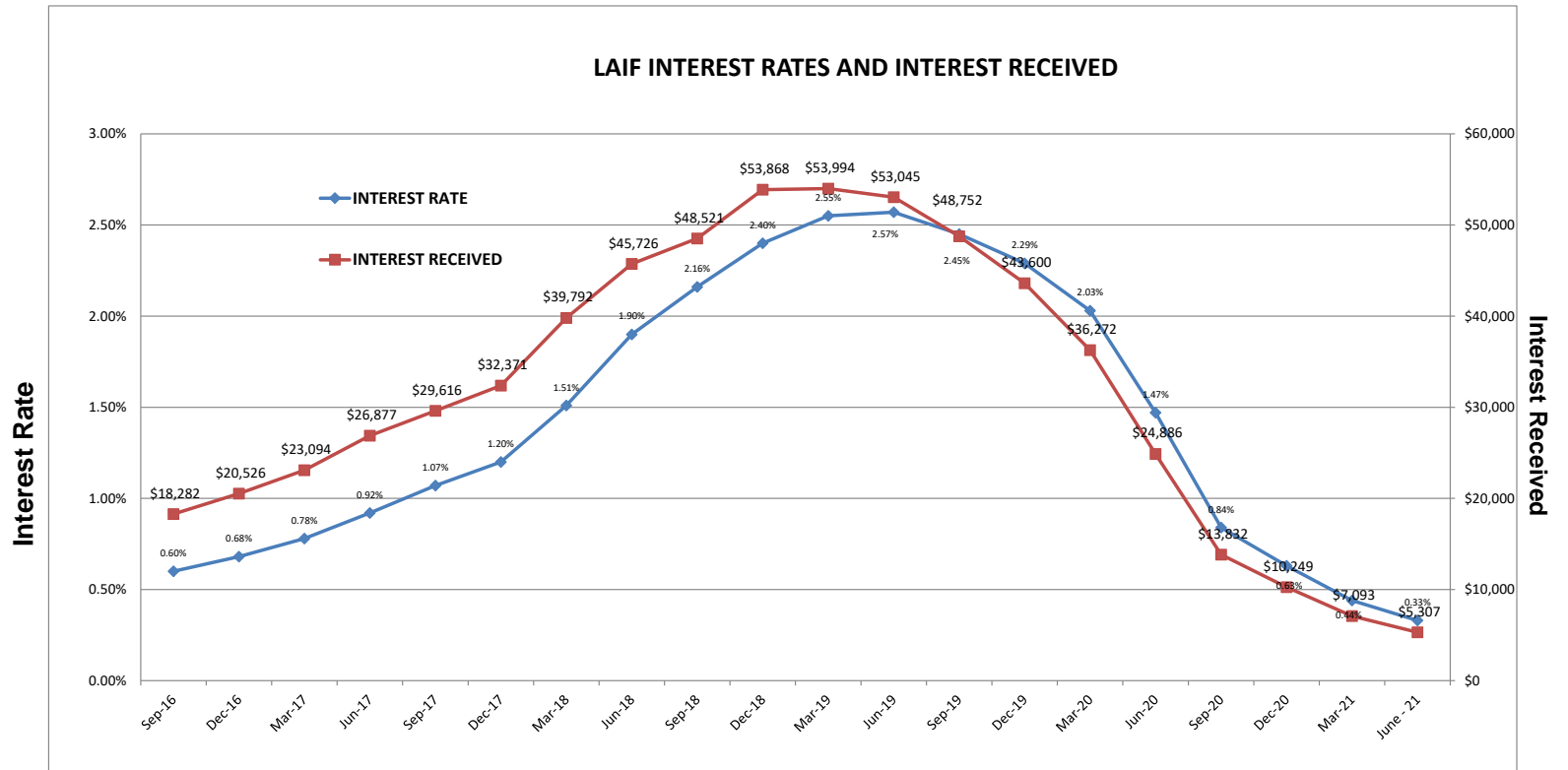
PMIA Daily Effective Yield

San Gabriel Basin Water Quality Authority
SUMMARY OF CASH AND INVESTMENTS
September 30, 2021
DRAFT

DESCRIPTION	BALANCE
<u>CASH AND BANK ACCOUNTS</u>	
Cash on Hand	\$ 250
<u>Bank of the West Checking Accounts</u>	
General Account	2,370
Revolving Account	23,437
Payroll Account	84,496
Project Account	2,273,954
Pooled Money Market Account - Project/Admin	11,982
Federal Funding Account	1,000
Total Cash and Bank Accounts	2,397,489
<u>Trustee Accounts</u>	
<u>Bank of the West</u>	
South El Monte Operable Unit (SEMOU) Checking Account	6,543
Total Trustee Accounts	6,543
<u>Investment Accounts</u>	
California Treasurer's Office	
Local Agency Investment Fund (LAIF)	
WQA General	5,478,022
SEMOU RP's	1,027,002
Total Investment Accounts	6,505,024
TOTAL CASH, TRUSTEE AND INVESTMENT ACCOUNTS	\$ 8,909,056

San Gabriel Basin Water Quality Authority
SUMMARY OF CASH AND INVESTMENTS
Schedule of LAIF Interest Received and Interest Rates
AS OF SEPTEMBER 30, 2021
DRAFT

LAIF RATE TABLE		
Quarter Ended	Interest Rate (%)	Interest Rec'd
Sep-16	0.60%	\$ 18,282
Dec-16	0.68%	\$ 20,526
Mar-17	0.78%	\$ 23,094
Jun-17	0.92%	\$ 26,877
Sep-17	1.07%	\$ 29,616
Dec-17	1.20%	\$ 32,371
Mar-18	1.51%	\$ 39,792
Jun-18	1.90%	\$ 45,726
Sep-18	2.16%	\$ 48,521
Dec-18	2.40%	\$ 53,868
Mar-19	2.55%	\$ 53,994
Jun-19	2.57%	\$ 53,045
Sep-19	2.45%	\$ 48,752
Dec-19	2.29%	\$ 43,600
Mar-20	2.03%	\$ 36,272
Jun-20	1.47%	\$ 24,886
Sep-20	0.84%	\$ 13,832
Dec-20	0.63%	\$ 10,249
Mar-21	0.44%	\$ 7,093
June - 21	0.33%	\$ 5,307





PMIA/LAIF Performance Report as of 10/06/21



PMIA Average Monthly Effective Yields⁽¹⁾

Sep	0.206
Aug	0.221
Jul	0.221

Quarterly Performance Quarter Ended 06/30/21

LAIF Apportionment Rate ⁽²⁾ :	0.33
LAIF Earnings Ratio ⁽²⁾ :	0.00000897371743018
LAIF Fair Value Factor ⁽¹⁾ :	1.00008297
PMIA Daily ⁽¹⁾ :	0.22%
PMIA Quarter to Date ⁽¹⁾ :	0.30%
PMIA Average Life ⁽¹⁾ :	291

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 08/31/21 \$176.7 billion

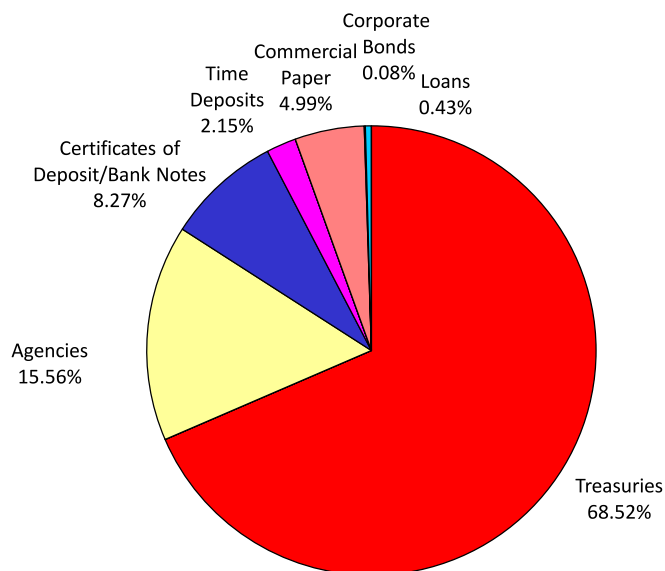


Chart does not include \$8,585,000.00 in mortgages, which equates to 0.004859%. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller



CALIFORNIA STATE TREASURER
FIONA MA, CPA



PMIA Daily Effective Yield

Date	Daily	Quarter to Date	Average Maturity
09/29/21	0.21	0.22	317
09/28/21	0.21	0.22	318
09/27/21	0.21	0.22	314
09/26/21	0.21	0.22	316
09/25/21	0.21	0.22	316
09/24/21	0.21	0.22	316
09/23/21	0.20	0.22	313
09/22/21	0.20	0.22	305
09/21/21	0.20	0.22	305
09/20/21	0.20	0.22	305
09/19/21	0.22	0.22	309
09/18/21	0.22	0.22	309
09/17/21	0.20	0.22	309
09/16/21	0.20	0.22	307
09/15/21	0.20	0.22	309
09/14/21	0.21	0.22	309
09/13/21	0.21	0.22	309
09/12/21	0.21	0.22	308
09/11/21	0.21	0.22	308
09/10/21	0.21	0.22	308
09/09/21	0.21	0.22	309
09/08/21	0.21	0.22	311
09/07/21	0.21	0.22	313
09/06/21	0.21	0.22	316
09/05/21	0.21	0.22	316
09/04/21	0.21	0.22	316
09/03/21	0.21	0.22	316
09/02/21	0.21	0.22	316
09/01/21	0.21	0.22	317
08/31/21	0.21	0.22	312
08/30/21	0.22	0.22	309
08/29/21	0.23	0.22	311
08/28/21	0.23	0.22	311
08/27/21	0.23	0.22	311
08/26/21	0.23	0.22	310
08/25/21	0.22	0.22	300
08/24/21	0.22	0.22	302
08/23/21	0.22	0.22	302
08/22/21	0.22	0.22	305

*Daily yield does not reflect capital gains or losses

Updated: 9/29/2021



**CALIFORNIA STATE TREASURER
FIONA MA, CPA**



PMIA Daily Effective Yield

Date	Daily	Quarter to Date	Average Maturity
08/21/21	0.22	0.22	305
08/20/21	0.22	0.22	305
08/19/21	0.22	0.22	305
08/18/21	0.22	0.22	300
08/17/21	0.22	0.22	302
08/16/21	0.22	0.22	300
08/15/21	0.22	0.22	300
08/14/21	0.22	0.22	301
08/13/21	0.22	0.22	301
08/12/21	0.22	0.22	300
08/11/21	0.22	0.22	298
08/10/21	0.22	0.22	298
08/09/21	0.22	0.22	296
08/08/21	0.22	0.22	299
08/07/21	0.22	0.22	299
08/06/21	0.22	0.22	299
08/05/21	0.22	0.22	299
08/04/21	0.22	0.22	299
08/03/21	0.22	0.22	299
08/02/21	0.22	0.22	300
08/01/21	0.22	0.22	300



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AGENDA SUBMITTAL

To: WQA Administrative/Finance Committee
From: Randy Schoellerman, Executive Director
Date: October 12, 2021
Subject: **Update to Procedure 40 – Merit Salary Increases and Annual Cost of Living Allowance (COLA)**

Recommendation / Proposed Action

Discuss updating Procedure 40 with the following proposed changes:

- Both Exempt and Non-Exempt Employees to be eligible for a COLA increase,
- Update the salary ranges to reflect the current salary ranges as approved by the Board on June 16, 2021, and
- Update the job titles to conform to current WQA staff positions.

Background and Discussion

Procedure 40 establishes the COLA procedures for WQA Employees. The current Policy 40 differentiates between Exempt and Non-Exempt employees, as shown below.

- 1) *Exempt employees*: provides for an increase in the salary ranges by the April CPI-U.
- 2) *Non-Exempt employees*: provides for an increase in both the salary ranges and the actual salaries by the April CPI-U.

The Board of Directors approved the 2021 COLA at the June 16, 2021 board meeting. The discussion included a request from the Board for staff to bring Procedure 40 to the Administrative / Finance Committee to discuss the application of the COLA to both Exempt and Non-Exempt employees. Staff has also taken this opportunity to update the job titles and the salary ranges to 2021 information.

Attachment

Draft V1 of Policy 40 - Merit Salary Increases and Annual Cost of Living Allowance (COLA)

DRAFT

SAN GABRIEL BASIN WATER QUALITY AUTHORITY Policy and Procedure Manual

ADMINISTRATIVE PROCEDURES

No. 40

____ Date: June 19, 2007

____ Revised: October 20, 2021

Page 1 of 3

PERSONNEL – Merit Salary Increases and Annual Cost of Living Allowance (“COLA”) Policy

____ Approved: June 19, 2007

1. Purpose

To define policies and procedures regarding the San Gabriel Basin Water Quality Authority merit salary increases and annual cost of living allowance (“COLA”) for both exempt and non-exempt employees. This policy applies to all WQA employees with the exception of the Executive Director.

2. Background

As described in the employee manual, employees are eligible for merit raises, up to the limit of the salary range for their position. An annual COLA is also considered on July 1st of each year. Several years ago, the Board of Directors directed staff to use the April cost of living index each year to gauge and propose the employee COLA. This was done to create a consistent benchmark (i.e., time and CPI) for determining a proposed COLA instead of subjectively developing a percentage. Accordingly, the April index is used to determine the annual COLA. The Executive Director makes a recommendation for the COLA, based on the April Consumer Price Index, to the Aadministrative / Finance Ccommittee, and then to the full Board of Directors based on the Ccommittee’s recommendation.

3. Policy

The merit salary increase and COLA policy shall be as follows:

3.1 In June of each fiscal year, the April COLA index is researched by staff and submitted by the Executive Director to the Aadministrative/Finance Ccommittee. ~~The effect of the COLA adjustment will be addressed separately for exempt vs. non-exempt employees. The Accordingly, the Aadministrative/Ffinance Ccommittee will prepare a recommendation which is for non-exempt employees and a recommendation for exempt employees. The rthen recommendations are~~ submitted by the Executive Director to the full Board of Directors at the June board meeting.

ADMINISTRATIVE PROCEDURES

PERSONNEL – Merit Salary Increases and Annual Cost of Living Allowance (“COLA”) Policy

Page 2 of 3

3.2

All employees shall receive an annual performance evaluation in writing. If deemed necessary by the Executive Director or the Assistance Executive Director, more frequent evaluations may be conducted.

3.3 Unless authorized by the Board of Directors, no employee shall receive annual compensation ~~above their respective salary range~~. Salary ranges can only be adjusted by board action, either through the COLA process ~~for non-exempt employees~~ or individually if recommended by the Executive Director.

3.4 ~~TNon-exempt Employees:~~

•The defined salary ranges for Exempt and Non-exempt Employees positions ~~held by non-exempt employees~~ are increased by the same percentage as the COLA adjustment, effective July 1st. Unless otherwise approved by the Board, the salary range increase cannot exceed the COLA adjustment.

•3.5 ~~ENon-exempt~~ employees are eligible to receive an increase in salary in the amount of the COLA, ~~effective July 1.~~

•3.6 ~~ENon-exempt~~ employees are also eligible for merit salary increases, up to the limit of the salary range for their position. The eligibility for an ~~non-exempt~~ employee to receive a merit salary increase shall be determined: 1) with written review; 2) authorized by the Executive Director; and 3) based on demonstrated performance.

Exempt employees:

- ~~Exempt employees are not eligible for an annual COLA salary adjustment.~~
- ~~If approved by the Board, the individual salary ranges for positions held by the exempt are increased. Unless otherwise approved by the Board, the salary range increase cannot exceed the COLA adjustment.~~
- ~~Exempt employees are eligible to receive an annual merit salary increase.~~
- ~~The merit salary increase shall be determined: 1) with written review; 2) authorized by the Executive Director; and 3) based on demonstrated performance.~~

4. Definitions of Exempt and Non-Exempt Employees:

Each staff position is categorized as exempt or non-exempt according to federal and state wage hour laws.

4.1 A non-exempt full-time employee is paid a monthly salary, with the regular rate determined by multiplying the monthly rate by 12 to get the annual salary, dividing the annual salary by 52 weeks to get the weekly salary and dividing the weekly salary by the number of regular hours to get the regular hourly salary. A non-exempt employee is eligible for overtime pay or compensatory time off. Currently, non-exempt employee positions include the Project

ADMINISTRATIVE PROCEDURES

PERSONNEL – Merit Salary Increases and Annual Cost of Living Allowance (“COLA”) Policy

Page 3 of 3

Resource ~~M~~anager, ~~Administrative/Information Systems Assistant~~Executive Assistant/Public Outreach Coordinator, and Administrative/Accounting Assistant.

4.2 An exempt employee is paid a regular monthly salary based on an annual salary divided by 12 calendar ~~months, and~~months and does not qualify for overtime pay. California law classifies an exempt employee as an executive, administrative or professional employee. The same law specifically defines what duties meet the eligibility requirements of an exempt employee. Currently, exempt employee positions include the Executive Director, Assistant Executive Director/Sr. Project Manager, ~~Director of Resource Development~~ and the Director of Finance.

5. Current Positions and Monthly Salary Ranges

	<u>Low</u>	<u>High</u>
<u>Exempt Positions</u>		
Executive Director	N/A – by contract	
Assistant Executive Director/Sr. Project Manager	\$8,858	\$14,747
Director of Finance	\$7,792	\$13,780
<u>Non-Exempt Positions</u>		
Project Resource Manager	\$4,459	\$8,651
Executive Assistant/Public Outreach Coordinator	\$4,329	\$8,008
Admin/Accounting Assistant	\$3,636	\$6,297



San Gabriel Basin Water Quality Authority

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AGENDA SUBMITTAL

To: WQA Administrative/Finance Committee
From: Randy Schoellerman, Executive Director
Date: October 12, 2021
Subject: **Update to Procedure 28 – Risk Transfer Procedure**

Recommendation / Proposed Action

Discuss proposed update to Procedure 28 – Risk Transfer Procedure and recommend approval of the changes.

Background and Discussion

Procedure 28 establishes the risk transfer procedures for the management of risk of loss when obtaining outside services or by Authority employees.

ACWA/JPIA is the Authority's insurer for property, liability and workers compensation insurance. Staff is proposing to update the Authority's Risk Transfer Procedure No. 28 to conform to the insurance requirements and indemnification clauses as recommended by the ACWA/JPIA.

In general, the Authority's Procedure 28 does include the appropriate insurance coverages. However, to more closely conform to the ACWA/JPIA's recommendations, staff is suggesting the following changes.

- Adding specific language regarding indemnifications,
- Increasing the general liability coverage from \$1,000,000/\$2,000,000 per occurrence/aggregate to \$2,000,000 per occurrence,
- Adding waiver of subrogation language to workers compensation insurance,
- Adding specific additional insured language,
- Including a primary coverage provision and,
- Including the requirement that the Authority be notified if policy is cancelled.

Attachment

Draft V1 of Policy 28 -Risk Transfer Procedure

DRAFT

SAN GABRIEL BASIN WATER QUALITY AUTHORITY

Policy and Procedures Manual

No. 28

Date: 11/21/94 Revised 10/20/21

Page 1 of 3

RISK TRANSFER PROCEDURE

APPROVED

Purpose

To provide management of potential risk of loss: 1) when obtaining outside contractors' services; or 2) by Authority employees.

Procedure

The Authority's policy with respect to management of risks of loss when obtaining the services of any outside contractor shall have as its objectives, to the extent physically and financially practicable:

1. To obtain written agreements from all contractors including but not limited to professional services and construction contracts, which includes a scope of work and/or duties to be performed while under contract with the Authority.
 - a. Indemnification Language – To the extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify the San Gabriel Basin Water Quality Authority, its directors, officers, employees, and authorized volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees and costs, arising from all acts or omissions of Contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages or expenses arising from the San Gabriel Basin Water Quality's sole negligence or willful acts.
 - b. To require the contractor, his/her employees and subcontractors to follow all applicable laws, regulations, policies of governmental agencies with jurisdiction and when applicable, shall require all contractors to comply with all Cal-OSHA standards when performing work for the Authority.

ADMINISTRATIVE PROCEDURES

RISK TRANSFER PROCEDURE

Page 2 of 3

2. To obtain from each contractor certificates of insurance and the proper accompanying policy endorsements for the following
 - a. Auto liability for no less than \$1,000,000 per occurrence.
 - b. Commercial general liability for no less than \$2,000,000 per occurrence (with the Authority named as additional insured with the ISO CG 2011 endorsement form or equivalent),
 - c. Workers compensation insurance (statutory limits) with a Waiver of Subrogation.
3. To obtain certificates of insurance for professional liability (e.g., errors and omissions) for no less than \$1,000,000/\$2,000,000 per occurrence /aggregate from any contractors providing consultation services to the Authority.
4. Other Required Provisions - The general liability policy must contain, or be endorsed to contain, the following provisions:
 - a. Additional Insured Status: The San Gabriel Basin Water Quality Authority, its directors, officers, employees, and authorized volunteers are to be given insured status (at least as broad as ISO Form CG 20 10 10 01), with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations.
 - b. Primary Coverage: For any claims related to this project, the Contractor's insurance coverage shall be primary at least as broad as ISO CG 20 01 04 13 as respects to the San Gabriel Basin Water Quality Authority, its directors, officers, employees and authorized volunteers. Any insurance or self-insurance maintained by the San Gabriel Basin Water Quality Authority, its directors, officers, employees and authorized volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
 - c. Notice of Cancellation: Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the San Gabriel Basin Water Quality Authority.

ADMINISTRATIVE PROCEDURES

RISK TRANSFER PROCEDURE

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5. The Authority's policy with respect to management of risks of loss by employees of the Authority shall include the following programs:
 - a. The Authority will enroll all employees in the Department of Motor Vehicles - Driver Record Information Services Employer Pull Notice Program for governmental agencies. The information received from the Department of Motor Vehicles as part of this program shall not be a public record and the Authority shall take all steps necessary to ensure the information obtained from the Department is not disclosed to unauthorized persons.
 - b. The Authority will provide a defensive driving course to be taken by Authority employees at least every four (4) years.
6. This Policy's application as related to Section 2.b. is prospective to any new contracts or the extension of any existing contracts that are entered into after October 20, 2021.
7. The Board reserves the right to waive application of any or all of these requirements on a case-by-case basis in the best interests of the Authority or as otherwise required by applicable law.



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AGENDA SUBMITTAL

To: WQA Administrative/Finance Committee
From: Randy Schoellerman, Executive Director
Date: October 12, 2021
Subject: Election for ACWA President and Vice-President for the 2022-2023 Term

Summary

The Association of California Water Agencies (ACWA) will be holding its biennial election for ACWA President and Vice-President for the 2022-2023 term during its Fall conference in Pasadena at 12:00 pm on December 1, 2021. The ACWA Nominating Committee recommends current Vice-President Pamela Tobin for ACWA President and current Region 10 Vice-Chair Cathy Green for ACWA Vice-President. If other candidates are desired, ACWA's Bylaws provides a process for nominations from the floor prior to the election.

Recommendation

Review the ACWA Nominating Committee's recommendation for approval.

Enclosures

Memo regarding General Session Meeting
Membership Meeting & Election Procedures
Voter Designation & Information Form
Consent to Electronic Transmission, Meetings & Voting Form

Via U.S. Mail and Electronic Mail

TO: ACWA Member Agency Board Presidents and General Managers

CC: ACWA Board of Director

FROM: Dave Eggerton, ACWA Executive Director

DATE: October 4, 2021

SUBJECT: Notice of General Session Membership Meeting — December 1, 2021

There will be a General Session Membership Meeting on **December 1, 2021, at 12:00 p.m.** The purpose of this meeting is to formally nominate and elect ACWA's President and Vice President for the 2022-2023 term. At its meeting on September 24, 2021, the ACWA Board of Directors approved procedures whereby ACWA members will be able to participate and vote in the upcoming membership meeting and election in person or virtually. These procedures are in accordance with California Corporations Code Sections 20, 21, 5079 and subsections (a) and (f) of Section 7510, as well as Article 9 of ACWA's Bylaws. The in-person meeting will be held in Ballroom D-H of the Pasadena Convention Center. Virtual voting delegates will participate via Zoom. Staff will provide the Zoom access information to the virtual voting delegates upon receipt of the Voter Designation & Information Form and the member agency's Consent to Electronic Transmissions, Meetings & Voting Form. Members who wish to attend the membership meeting virtually as a non-voting participant can obtain the registration link by contacting Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 to confirm their member agency has submitted the requisite Consent to Electronic Transmissions, Meetings & Voting Form.

Election/Voting Process

The ACWA Nominating Committee has announced a 2022-2023 slate that recommends current **Vice President Pamela Tobin for ACWA President** and current **Region 10 Vice Chair Cathy Green for ACWA Vice President**. The Nominating Committee's 2022-2023 slate will be presented for the members' consideration and vote at the membership meeting on December 1.

As provided by ACWA's Bylaws (Article 9, Section 9) nominations from the floor will be accepted prior to the vote on the Nominating Committee's slate. The Bylaws require that floor nominations and seconds be made by a member of the Association and must be supported by a resolution of the governing body of the member making and seconding such nomination. The member agency on whose board the nominee serves must submit a resolution of support if they are not the agency making the floor nomination or second. The resolutions to facilitate floor nominations must be submitted to the Clerk of the Board Donna Pangborn at donnap@acwa.com by **COB Wednesday, November 24, 2021**.

➤ **See attachment for detailed Membership Meeting & Election Procedures.**

ACWA will be using a voting system called Live-Tally, which will allow voters to vote using a handheld keypad OR online keypad (which can be accessed through any modern web browser on a computer, tablet or smart phone). **Voters must be present at the membership meeting, either in person or virtually, to vote.**

Consistent with ACWA's Bylaws, Article 9, Section 5, "each member of the Association shall be entitled to one vote that shall be cast by its authorized representative."

- Member agencies must indicate their voting representative and alternate on the attached Voter Designation & Information Form.
- Member agencies must indicate if their voting representative/alternate is attending in person or virtually as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Members who desire to participate in the membership meeting virtually and vote electronically are required to sign and return the attached Consent to Electronic Transmissions, Meetings & Voting Form by November 24, 2021, consistent with the California Corporations Code.

Deadline & Changes

The deadline for submitting the Voter Designation & Information Form is **Wednesday, November 24, 2021**. While this form identifies both a voting delegate and an alternate voting delegate for the ACWA member agency, if for any reason the member agency desires for the alternate voting delegate to vote at the election in place of its designated voting delegate, the member agency must notify ACWA in advance of its exchange of voting delegates by contacting the Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 **no later than Monday, November 29, 2021**. Staff will then provide the member agency's alternate voter with the Zoom and Live-Tally access/participant information if the voter is participating virtually.

ACWA General Session Desk

ACWA staff will be available at the **ACWA General Session Desk**, located in the Ballroom Lobby of the Pasadena Convention Center, on **Wednesday, December 1**, between **9:00 a.m. and 11:45 a.m.** to answer questions about the membership meeting and election process.

In-person voters need to check in at the ACWA General Session Desk on Wednesday, December 1, between 10:30 and 11:45 a.m. to pick up handheld keypads.

If you have any questions regarding this process, please contact Clerk of the Board Donna Pangborn at 916-441-4545 or donnap@acwa.com.

dgp

Attachments:

1. Membership Meeting & Election Procedures
2. Voter Designation & Information Form
3. Consent to Electronic Transmission, Meetings & Voting Form

The following information is provided to inform the ACWA member agency voting delegates of the meeting and election procedures to be used in the upcoming General Session Membership Meeting scheduled for December 1, 2021 at 12:00 p.m. The purpose of the meeting is to formally nominate and elect ACWA's President and Vice President for the 2022-2023 term. The in-person meeting will be held in Ballroom D-H of the Pasadena Convention Center. Virtual voting delegates will participate via Zoom. Staff will provide the Zoom access information to the virtual voting delegates upon receipt of the Voter Designation & Information Form and the member agency's Consent to Electronic Transmissions, Meetings & Voting Form. Members who wish to attend the membership meeting virtually as a non-voting participant can obtain the registration link by contacting Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 to confirm their member agency has submitted the requisite Consent to Electronic Transmissions, Meetings & Voting Form.

ELECTION / VOTING PROCESS

ACWA will be using a voting system called Live-Tally, which will allow voters to vote either in person using a handheld keypad OR virtually through an online keypad (which uses any modern web browser on a computer, tablet or smart phone). **Voters must be present at the membership meeting, either in person or virtually, to vote.**

Consistent with ACWA's Bylaws, Article 9, Section 5, "each member of the Association shall be entitled to one vote that shall be cast by its authorized representative."

- Member agencies must indicate their voting representative and alternate on the Voter Designation & Information Form.
- Member agencies must indicate if their voting representative/alternate is attending in person or virtually as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Members who desire to participate in the membership meeting virtually and vote electronically are required to sign and return the Consent to Electronic Transmissions, Meetings & Voting Form by November 24, 2021, consistent with the California Corporations Code.

VIRTUAL ATTENDEES

Virtual attendees need to take the following steps after the member agency has completed and returned the Voter Designation & Information Form and requisite Consent to Electronic Transmissions, Meetings & Voting Form.

1. Voting delegates need to **save the Zoom access/login information** ACWA staff will provide to you. Save the information for the day of the meeting. **Use that information to login to the virtual meeting**, which is how ACWA will identify you as a participant.
2. Voting delegates need to **save the Live-Tally Participant ID information** ACWA staff will provide to you, which is how Live-Tally will identify you as the member agency voter.

IN-PERSON ATTENDEES

In-person attendees need to take the following steps after completing and returning the Voter Designation & Information Form:

1. Check in at the ACWA General Session Desk, located in the Ballroom Lobby of the Pasadena Convention Center, on **Wednesday, December 1**, between **10:30 and 11:45 a.m.** to pick up handheld keypads.
2. Voting delegates **must be present to vote** and **MUST** have the handheld keypad prior to the start of the membership meeting.

DEADLINE & CHANGES

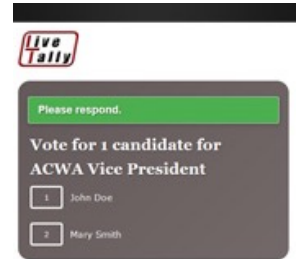
The deadline for submitting the **Voter Designation & Information Form** is Wednesday, **November 24, 2021**. If there is any change of your agency's voting delegate with its designated alternate, you must contact ACWA's Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-441-4545 no later than Monday, November 29, 2021. Staff will provide the alternate voter with the Zoom and Live-Tally access/participant information if the voter is participating virtually.

1. The General Session Membership Meeting will be called to order at 12:00 p.m. and a quorum will be determined. The presence of 50 authorized voting representatives is required to establish a quorum for transacting business.
2. An overview of the Zoom platform will be provided, including demonstration of how the virtual meeting participants can interact throughout the meeting.
3. An overview of the Live-Tally voting system will be provided and a test vote will be conducted.
4. Legal Affairs Committee Chair Jennifer Buckman will provide an overview of the agenda and election procedures.
5. Nominating Committee Chair Brent Hastey will present the Committee's report and announce the candidate for ACWA President.
6. President Steven LaMar will call for floor nominations for ACWA President.
7. If there are no floor nominations for ACWA President, the election will proceed. President LaMar will close the nominations and delegates will vote following motion/second to elect the Nominating Committee's recommendation using Live-Tally.
8. If there are floor nominations for President, the nomination will follow the procedures established by Article 9 of ACWA's Bylaws, stating that floor nominations and seconds shall be made by a member of the Association and must be supported by a resolution of the governing body of the member making and seconding such nomination. The member agency on whose board the nominee serves shall submit a resolution of support if they are not the agency making the floor nomination or second.
 - a. **Resolutions to facilitate floor nominations must be submitted to the Clerk of the Board Donna Pangborn at donnap@acwa.com by COB Wednesday, November 24, 2021.**
 - b. Candidates will be given three minutes to address the membership.
 - c. Staff will create a ballot in the Live-Tally system and then display for the voters' action.
 - d. Voting delegates will vote on one (1) candidate of the candidate options displayed on the screen using the handheld OR online keypad in the Live-Tally voting system. Results will be displayed in real time.
 - e. President LaMar will announce the results of the vote.
9. Nominating Committee Chair Brent Hastey will announce the candidate for ACWA Vice President.
10. President Steven LaMar will call for floor nominations for ACWA Vice President.
11. If there are no floor nominations for ACWA Vice President, the election will proceed. President LaMar will close the nominations and delegates will vote following motion/second to elect the Nominating Committee's recommendation using Live-Tally.
12. If there are floor nominations for ACWA Vice President, the nominations will follow the procedures described in item 6 above, and the election will proceed according to the steps outlined in 6.a. through 6.e.
13. The ACWA Board of Directors appointed LAC Chair Jennifer Buckman to serve as an election inspector to resolve any challenges or questions in connection with the election consistent with California Corporations Code 7614.

California Corporations Code requires ACWA to maintain a voting record of its membership meetings.

When the members are ready to vote, the President will announce that it is time to vote (instructions will appear on the projection screen).

- **How do I submit my vote?** Press 1, 2, or 3 to cast your vote; then press SEND.
- **What happens if I make a mistake?** Re-submit your vote by pressing 1, 2, or 3 and send before the voting window ends.
- **What if I arrive late?** Your vote will be cast from the time you arrive at the meeting; prior to that your vote will register as "absent."
- **What happens if I am out of the room or have to leave early?** Your vote will be recorded as "absent" for that vote.



Test voting will be conducted at the beginning of the Membership Meeting.



VIRTUAL VOTING

Each voting delegate will be provided access to voting through Live-Tally's voting system. If you are attending the meeting virtually, follow the instructions listed below.

1. Use any modern web browser on a computer, tablet or smart phone to navigate to <https://MyBallot.app>
2. Enter the meeting ID "ACWA" and click the "Connect" button.
3. When prompted, enter the specific voting participant ID that was provided to you.
4. Voting questions will appear on this "virtual keypad" as they are presented.
 - Simply click the numbered button that corresponds to your choice.
 - **To change your vote**, make a different selection before the voting window ends.
5. Hit refresh if your browser or virtual keypad goes to "sleep."



IN-PERSON VOTING

If you are attending the meeting in person, you will be given a handheld keypad. Each handheld keypad is numbered on the back, and that number will be assigned to you as you check in at the ACWA General Session Desk on **Wednesday, December 1 between 10:30 and 11:45 a.m.**

- **Check your device to make sure that it is working properly.** Press any button and it will light up. All devices were tested prior to the meeting.
- **If it does not light up.** Take it back to the ACWA General Session Desk and ask for another keypad and make sure that they make a note of the numeric change.



Return your keypad to the ACWA General Session Desk.

To: Donna Pangborn, Clerk of the Board

Email: donnap@acwa.com

Fax: 916-669-2425

The person designated below will be attending the ACWA General Session Membership Meeting(s) on Wednesday, December 1, 2021 (and December 2, 2021 if necessary) as our voting delegate. Please designate an alternate voting delegate to facilitate any change to your voting representation at the meeting. To change your alternate, however, you must notify Donna Pangborn of the change no later than COB Monday, November 29, 2021.

Member Agency's Name

Agency's Phone No.

Print Member Agency's Authorized Signatory Name

Authorized Signatory Signature

I have signed and returned the Consent to Electronic Transmission, Meetings & Voting Form.

Voting Delegate's Name	How Will Delegate Attend? Will attend the meeting in person in Pasadena. Will attend the meeting virtually.
Voting Delegate's Email	Voting Delegates' Phone No.
Alternate Voting Delegate's Name	How Will Alternate Delegate Attend? Will attend the meeting in person in Pasadena. Will attend the meeting virtually.
Alternate Voting Delegate's Email	Alternate Voting Delegates' Phone No.
Voting Delegate's Affiliation (if different from assigning agency)*	Date

*If your agency designates a delegate from another entity to serve as its authorized voting representative, please indicate the delegate's entity in the appropriate space above.

In accordance with California Corporations Code Sections 20, 21, 5079 and subsections (a) and (f) of Section 7510, and Article 9 of the Bylaws of the Association of California Water Agencies, a California nonprofit mutual benefit corporation ("ACWA"), the undersigned member of ACWA (the "Member") hereby consents and agrees as follows:

1. ACWA may send meeting notices, annual reports, and all other materials to the Member by (a) electronic transmission to the Member's facsimile number or email address; (b) posting on an electronic message board or network which ACWA has designated for those communications, together with separate notice to the Member of the posting; or (c) other means of electronic communication. The Member's initial facsimile number and email address for receiving such notices, annual reports and other materials are listed below.
2. ACWA may conduct meetings of the members by electronic transmission or electronic video screen communication; provided, however, that if fewer than all members of ACWA consent to conduct such meetings by electronic transmission or electronic video screen communication, then such meetings shall be held at a physical location, and the authorized representative(s) of any member that has so consented (and not withdrawn its consent) may participate in such meetings by electronic transmission or electronic video screen communication, be deemed present in person and vote at such meetings.
3. ACWA may rely on communications sent by the Member to ACWA by (a) electronic transmission from the Member's facsimile number or email address; (b) posting on an electronic message board or network which ACWA has designated for those communications; or (c) other means of electronic communication. ACWA may reasonably conclude that the Member is the sender of any electronic transmission that (i) is received from such facsimile number or email address or (ii) is submitted by an authorized representative of the Member with valid registration/login credentials.
4. ACWA may rely on electronic votes (including votes to approve or reject actions) submitted by an authorized representative of the Member to ACWA during meetings conducted in whole or in part by electronic transmission or electronic video screen communication. ACWA may reasonably conclude that the authorized representative of the Member is the sender of any electronic votes submitted pursuant to such authorized representative's meeting participant ID. The Member's initial authorized representative(s) is listed below.

ACWA shall maintain paper records of all communications sent by ACWA to the members and all votes or actions taken at any member meeting. The Member may (i) access such records at ACWA's headquarters during normal business hours or (ii) request in writing for ACWA to send copies of such records to the Member via U.S. Mail or email.

This consent shall remain in full force and effect until the Member revokes it in writing and so notifies ACWA.

Print Member Name

Print Representative Name

Representative Title

Representative Signature

Date

Please provide the facsimile number and email address to which the Member authorizes ACWA to send the electronic communications described above. The Member may change its designated facsimile number and email address at any time by written notice to ACWA.

Please provide the name of the Member's initial authorized representative(s) who will participate in and vote in connection with member meetings. The Member may change its authorized representative(s) at any time by written notice to ACWA.

Facsimile Number

Authorized Representative No. 1

Email

Authorized Representative No. 2