



POLICY TITLE: Board Secretary
POLICY NUMBER: 1015

1015.1 Certain special districts may be required to have a Secretary of the Board of Directors pursuant to state law or district policy. The Board of Directors should consult its District counsel to determine whether a Secretary is required, and if not, whether it would like to have a Secretary. The Secretary performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

1015.2 If for any reason the President and Vice-President resign or are absent or disabled, the Secretary shall perform the President's duties until the position of President is filled.

1015.3 If for any reason the President and Vice-President disqualify themselves from participating in an agenda item or become partisan in the debate on any such item, the Secretary shall perform the duties of the presiding officer.

1015.4 Duties of the Secretary

The Secretary of the Governing Board shall have the following duties:

- a) Certify or attest to actions taken by the Board when required;
- b) Sign the minutes of the Board meeting following their approval;
- c) Sign the documents as directed by the Board on behalf of the Authority, and sign all other items which require the signature of the Secretary;
- d) Perform any other duties assigned by the Board and the District Manager; and
- e) Perform any other duties required under law.

1015.5 Responsibilities of the Secretary

The duties of the Secretary, in association with the District Manager, are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including preparing the agenda with the advice of the District Manager and providing public notice of Board meetings in accordance with state law;
- c) Attend all Board meetings and ensure minutes of the Board of Directors meetings are recorded. These recordings are for use by the Secretary only for the purpose of preparing minutes for adoption at the next regularly scheduled meeting of the Board. Upon adoption of these minutes the recording media will be reused;
- d) Ensure accurate Minutes of each Board meeting are prepared and maintained;
- e) Maintain Board records and other documents and reports as required by law; and
- f) Disseminate correspondence to Board officers addressed to them.



POLICY TITLE: Claims against the District
POLICY NUMBER: 1025

Purpose: The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1025.1 Property (Land and Improvements) Damage Claims

In the course of the District's operations – collection system maintenance activities, water system maintenance activities, emergency response for water and sewer systems – damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the appropriate District Manager. The District Manager, or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board, the information will be given to the District Manager. Directors should not independently investigate claims or make any representations to the property owner, but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the District Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- a) District Manager approves the work order;
- b) Property owner agrees that the proposed repairs are appropriate and adequate;
- c) Property owner agrees to allow District personnel access to their property to perform the repair work;
- d) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
- e) Repair work can be accomplished within a reasonable amount of time; and
- f) Cost of material for the repairs will not exceed five hundred dollars (\$500).



If the cost of material for repairs is stated by claimant or estimated by staff to exceed five hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.

The District Manager shall review the damage claim and the proposed repair work within a reasonable amount of time. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee [standing board committee assigned to review claims of this nature] describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed one thousand five hundred dollars (\$1,500), the claim will be submitted to the Claims Committee. The Claims Committee shall review the claim and receive input from staff in closed session [qualifies as "anticipated litigation" under the Brown Act]. After reviewing the damage claim, the Committee may authorize the work if the cost of material for the repairs will not exceed three thousand dollars (\$3,000) or may make a recommendation to the Board of Directors. A report shall be submitted to the Board describing the damage claim, including a description of the manner in which it was resolved, or a recommendation for Board action. The claimant shall be notified of any action by the Committee regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed three thousand dollars (\$3,000), the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session ["anticipated litigation"] of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the [insurance deductible] 00), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1025.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles, or other unsecured property, shall be submitted to the District Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Claims Committee describing the damage claim, including a description of the manner in which it was resolved.



The claim will be processed as described above if the cost of material for repairs is estimated to exceed the applicable thresholds.

1025.3 Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than five hundred dollars (\$500), all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, of the California Government Code. Section 910 specifies that a claim needs to show all of the following:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices to be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code Section 910 and Section 910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

1025.4 Account Adjustment Requests (Appropriate for Utility-Type Districts)

For Account Adjustment Requests See Policy Number 2165



POLICY TITLE: Overview of the District Manager's Role
POLICY NUMBER: 1050

1050.1 The District Manager is an employee of the District and has an employment agreement which specifies his or her terms of employment. The District Manager is the administrative head of the District under the direction of the Board of Directors. He or she shall be responsible for the efficient administration of all the District's affairs which are under the District Manager's control. The District Manager plans, organizes, directs, coordinates and evaluates all District operations, programs, and resources in accordance with short and long range goals, policy statements, and directives from the Board.

1050.2 The District Manager's Duties

The District's District Manager shall be responsible for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The planning, direction, and coordination of the day-to-day operations of the District through the appropriate department heads or managers including administration, financing, maintenance, engineering, human resources, and others to effect operational efficiency;
- c) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employment policies established by the Board of Directors;
- d) Attend and participate in District Board meetings, prepare and present reports as necessary, represent the Board before external organizations including other agencies, governmental and regulatory entities, business and community groups;
- e) The supervision of the District's facilities and services; and
- f) The supervision of the District's finances.

1050.3 The District's District Manager serves at the pleasure of the Board. The Board will provide policy direction and instruction to the District Manager on matters within the authority of the Board during duly-convened board meetings. Members of the Board will deal with matters within the authority of the District Manager through the District Manager and not through other District employees. Members of the Board will refrain from making requests directly to District employees (other than the District Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow the District's Request for Public Records Policy.



POLICY TITLE: Digital Signature Policy
POLICY NUMBER: 1060

1060.1 Policy. It is the policy of the Burney Water District to accept electronic signatures affixed to documents in which a signature is required or used, provided that: (1) the electronic signatures are “digital” signatures that comply with the requirements of California Government Code Section 16.5 and applicable state regulations¹, (2) the signatories are willing and wanting to utilize digital signatures, and (3) the digital signatures are created by technologies authorized by the California Secretary of State and made available by the District. The use, or the District’s acceptance, of a digital signature is at the option of the District and the signer(s). Nothing in this Policy requires the District to use or permit the use of a digital signature or accept the submission of a document containing a digital signature.

1060.2 Definitions.

- a) “Digital Signature” means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.²
- b) “Digital Signature Certification Authority” means an entity authorized by the Secretary of State to issue digital certificates that are required for a digital signature under California law and that is listed on the Secretary of State’s “Approved List of Digital Signature Certification Authorities.”
- c) “Digital Signature Provider” means an entity that provides document signing services using digital technology.
- d) “Electronic Signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record, including a digital signature.³

1060.3 Electronic Signatures. The use of electronic signatures is authorized by two California statutes, the Uniform Electronic Transactions Act (“UETA”), codified at Civil Code Section 1633.1 *et seq.*, and Government Code Section 16.5.

The UETA provides that a signature may not be denied legal effect or enforceability solely because it is in electronic form.⁴ The UETA applies a transaction only when the parties have agreed to conduct the transaction

¹ Cal. Code Regs., tit. 2, § 22000 *et seq.*

² Cal. Gov. Code, § 16.5(d).

³ Cal. Civ. Code, § 1633.2(h).

⁴ Cal. Civ. Code, § 1633.7.



by electronic means, and whether they have agreed to do so “is determined from the context and surrounding circumstances, including the parties’ conduct.”⁵

Government Code Section 16.5 applies to public entities⁶ such as the District, and authorizes any party to a written communication with a public entity, in which a signature is required or used, to affix a signature by use of a digital signature that complies with the requirements of Section 16.5.⁷ Digital signature transactions involving public entities that are subject to the UETA are also subject to the more particular requirements of Government Code Section 16.5.⁸ The use of a digital signature will have the same force and effect as the use of a manual signature if, and only if, the digital signature embodies the five attributes⁹ discussed in Section 1060.4 below.

1060.4 Digital Signatures.

Government Code Section 16.5 and State regulations require that a digital signature (i) be created by a technology that is acceptable for use by the State of California and (ii) embody the following five attributes:

- 1) It is unique to the person using it;
- 2) It is capable of verification;
- 3) It is under the sole control of the person using it;
- 4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and
- 5) It conforms to regulations adopted by the Secretary of State, codified at Chapter 10 of Division 7 of Title 2 (commencing at Section 22000) of the California Code of Regulations.¹⁰

1060.5 Digital Signature Technologies

The Secretary of State allows public entities to utilize digital signatures that are created by one of two different technologies – “public key cryptography” and “signature dynamics” – provided that the digital signatures are also created consistent with the provisions of Section 22003 of the California Code of Regulations.

Public key cryptography (“PKC”) is a form of cryptography that generally allows users to communicate securely. PKC signatures are affixed to documents using software enhancements to existing applications and web browsers and are capable of immediate third-party verification.

⁵ Cal. Civ. Code, § 1633.5(b)

⁶ “‘Public entity’ includes the state, the Regents of the University of California, the Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.” Cal. Gov. Code, §§ 16.5(a) & 811.2 (emphasis added).

⁷ Cal. Gov. Code, § 16.5(a).

⁸ See Civ. Code, § 1633.3(e).

⁹ Gov. Code, § 16.5(a).

¹⁰ Cal. Gov. Code, § 16.5; 2 C.C.R. § 22002.



Signature dynamics uses the individual's handwritten signature. Unlike PKC signatures, signature dynamics signatures require additional hardware to create the signatures. An electronic drawing tablet and stylus are used to record the direction, speed, and coordinates of a handwritten signature – essentially, taking a snapshot of a person's signature. This type of digital signature does not offer encryption, confidentiality, or the level of security that is inherent in PKC signatures. PKC allows for third party verification of the signature by certification authorities approved by the State, while signature dynamics signatures require additional steps (including handwriting analysis) to verify the signer of a document (similar to a non-notarized, paper-based signature). A formal handwriting analysis of a signature dynamics signature may be lengthy. However, some degree of certainty can be obtained by a lay-comparison of manual handwritten signatures that may already be on file with the District.

The District shall only contract with digital signature providers that offer their digital signature services with a certificate issued by a digital signature certification authority. District staff shall only accept digital signatures created by PKC or signature dynamics technologies. As advised by the Secretary of State, District staff shall consider the following issues and other issues when identifying the appropriate technology to use for each document that includes a digital signature component:

- Are the documents containing signatures going to be transmitted over an "open" or a "closed" network?
- Does the signature on the document need to be verified?
- How much time and resources can be allocated to verification?
- Does the signature need to be compared to a manual signature on paper or can a digital certificate adequately provide one-stop verification?
- Will immediate verifiability reduce the potential of fraud?
- Will the documents containing digital signatures need to be reproduced for public access to the records?
- Will the documents containing digital signatures need to be utilized by another local, state or federal agency? If so, is the technology compatible with the other agency's needs?

However, whenever a document requires immediate absolute verification of a signature, District staff shall only use and accept digital signatures created by the PKC technology.