This brief is being provided to inform the Board, staff and public of the details of an agenda item that requires action from the Board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

**Date:**March 9, 2021

**Originator:** Cary Curtis

**Purpose**: Proposed Policy 3142 Whistle Blower

**Supporting Documents Included: Yes**  - Proposed Policy 3142

**Desired Action by the Board:**  First reading by the board of new Policy #3142 Whistle Blower. The board may choose to waive the second reading and adopt recommendation as presented. Current policy requires a 3/5th majority affirmative vote of the entire membership of the board to adopt this policy.

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1. **Description:**

This new policy is intended to affirm the right of CSD employees to be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence, or inefficiency without fear of retaliation or retribution. The Policy was drafted verbatim from the current CSDA Policy template, with minor amendments from GM CSD Staff.

1. **Reason for Recommended Board Action -** (*Consider compliance, cost savings, fixing a problem*):

There is currently no GM CSD Policy on this topic and the Policy Committee recommends that one is

adopted to ensure our commitment to Whistleblower rights and protection.

1. **Anticipated Impacts to the District (negative and/or positive) -** (*Consider financial impact, change in procedures, customer and staff communication and effect if recommendations are not adopted*):

No forecastable impact.

1. **Anticipated Impacts to the Customer –** *Standby, Residential, Commercial***:**

None identified.

1. **Recommendation (s):**

Review revised Policy #3142 with a recommendation that the board accept the new Policy.

**POLICY TITLE: Whistleblowing Policy  
POLICY NUMBER: 3142**

3142.1 It is the policy of Gold Mountain CSD that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence, or inefficiency without fear of retaliation or retribution. This policy is based on a finding that the Gold Mountain CSD best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the District.

In accordance with the California Labor Code 1102.5, the Gold Mountain CSD prohibits retaliation by employees, Board members or volunteers against any staff member, Board member or volunteer for making good faith complaints, reports, or inquiries regarding illegal or improper activities under this policy to the Gold Mountain CSD or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. The Gold Mountain CSD reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members and volunteers to report to the Gold Mountain CSD any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the Gold Mountain CSD's policies, promptly to those members of the District specified in this policy; and (2) prohibit the District's Board of Directors, General Manager and supervising employees from retaliating against any employee who reports illegal or improper activities to the District or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities of or retaliation by members of the Board of Directors or employees can be reported to the District and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the District alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the Gold Mountain CSD or law enforcement protected by this policy.

3142.2 Definitions:

1. "Illegal Order" means a directive to violate or assist in violating a federal, state, or local law, rule or regulation, or an order to an employee to work or cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of employees or the public.
2. "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the Gold Mountain CSD that is undertaken in the performance of that person's duties that is either: (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful omission to perform a duty; or (2) violates Gold Mountain CSD policies, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members