



## Notice of Regular Meeting Oceano Community Services District - Board of Directors Agenda

**WEDNESDAY, November 14, 2018 – 5:30 P.M.**

Oceano Community Services District Board Room  
1655 Front Street, Oceano, CA

All items on the agenda including information items, may be deliberated. Any member of the public with an interest in one of these items should review the background material and request information on the possible action that could be taken.

All persons desiring to speak during any Public Comment period are asked to fill out a "Board Appearance Form" to submit to the General Manager prior to the start of the meeting. Each individual speaker is limited to a presentation time of THREE (3) minutes per item. Persons wishing to speak on more than one item shall limit his/her remarks to a total of SIX (6) minutes. This time may be allocated between items in one-minute increments up to three minutes. Time limits may not be yielded to or shared with other speakers.

**1. CALL TO ORDER:**

**2. ROLL CALL:**

**3. FLAG SALUTE:**

**4. AGENDA REVIEW:**

**5. CLOSED SESSION:**

**A. Pursuant to Government Code §54957:** Public Employment – General Manager; District Engineer / Assistant General Manager

**6. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA: (NOT BEGINNING BEFORE 6:00 PM)**

*This public comment period provides an opportunity for members of the public to address the Board on matters of interest within the jurisdiction of the District that are not listed on the agenda. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.*

**7. SPECIAL PRESENTATIONS & REPORTS:**

**A. STAFF REPORTS:**

- i. Operations - Field Supervisor Tony Marraccino
- ii. FCFA Operations - Chief Steve Lieberman
- iii. OCSD General Manager – Paavo Ogren
- iv. Sheriff's South Station - Commander Stuart MacDonald

**B. BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**

- i. Director Villa
- ii. Director Gibson
- iii. President White
- iv. Vice President Austin
- v. Director Replogle

**C. PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**

*This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #7 – Special Presentations and Reports. If a member of the public wishes to speak at this time, Public comment is limited to three (3) minutes.*

This agenda was prepared and posted pursuant to Government Code Section 54954.2. Agenda is posted at the Oceano Community Services District, 1655 Front Street, Oceano, CA. Agenda and reports can be accessed and downloaded from the Oceano Community Services District website at [www.oceanocsd.org](http://www.oceanocsd.org)

**ASSISTANCE FOR THE DISABLED** If you are disabled in any way and need accommodation to participate in the Board meeting, please call the Clerk of the Board at (805) 481-6730 for assistance at least three (3) working days prior to the meeting so necessary arrangements can be made.

**ASISTENCIA A DISCAPACITADO** Si usted está incapacitado de ninguna manera y necesita alojamiento para participar en la reunión de la Junta, por favor llame a la Secretaría de la Junta al (805) 481-6730 para recibir asistencia por lo menos tres (3) días antes de la reunión para que los arreglos necesarios puedan ser hechos.

**8. CONSENT AGENDA ITEMS:**

**Public comment** Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. To facilitate public comment we request persons wishing to speak to fill out a speak request form and give it to the General Manager. Public comment is limited to three (3) minutes.

- A. Review and Approval of Minutes for October 24, 2018
- B. Review and Approval of Cash Disbursements

**9. BUSINESS ITEMS:**

**Public comment** Members of the public wishing to speak on public hearing items may do so when recognized by the Presiding Officer. To facilitate public comment we request persons wishing to speak to fill out a speak request form and give it to the General Manager. Public comment is limited to three (3) minutes.

- A. Review and Discussion of Draft Policies on District General Matters, the Board of Directors and Board Meetings with a discussion on Rules and Regulations and Board direction as deemed appropriate

**10. HEARING ITEMS:**

**11. RECEIVED WRITTEN COMMUNICATIONS:**

**12. LATE RECEIVED WRITTEN COMMUNICATIONS:**

**13. FUTURE AGENDA ITEMS:** District Policies Continued, Roles and Responsibilities with Related Agencies; Construction Documents (Norswing/Pershing & Highway One waterline replacement projects), Five Cities Fire Authority, District Rules and Regulations, Seabreeze Mobile Home Park Continued, 2019 Goals and Priorities, 13<sup>th</sup> St/ HWY One Drainage Project, Deferred Infrastructure Program, Lopez Lake LRRP & Contract Amendments, Central Coast Blue, Landscape maintenance, Wastewater CIP, Recreation RFP.

**14. FUTURE HEARING ITEMS:**

**15. ADJOURNMENT:**



**Oceano Community Services District**  
**Summary Minutes**  
**Regular Meeting Wednesday, October 24, 2018 – 5:30 P.M.**  
**Oceano Community Services District Board Room**  
**1655 Front Street, Oceano, CA**

1. **CALL TO ORDER:** at 5:30 p.m. by President White
2. **FLAG SALUTE:** led by President White
3. **ROLL CALL:** All Board members present. Also present, General Manager Paavo Ogren, Business and Accounting Manager Carey Casciola, Legal Counsel Jeff Minnerly.
4. **AGENDA REVIEW:** Agenda approved as presented.
5. **CLOSED SESSION:** was entered at approximately 5:33pm. Open session was resumed at approximate 6:15pm  
 No public comment
  - a. **Pursuant to Government Code §54957:** Public Employment – General Manager; District Engineer / Assistant General Manager  
 No reportable action
  - b. **Pursuant to Government Code 54956.9(a):** Conference with legal counsel regarding Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.,  
 No reportable action
6. **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (NOT BEGINNING BEFORE 6:00 PM):**  
 No public comment.
7. **SPECIAL PRESENTATIONS & REPORTS:**
  - c. **STAFF REPORTS:**
    - i. Operations - Field Supervisor Tony Marraccino – Field Supervisor Marraccino reported 6 USAs, 7 Service Orders, 8 Work Orders, 0 after hour call outs, Lancaster paving, sewer jetting, and Air Park bridge project starts 10/24.
    - ii. FCFA - Chief Steve Lieberman – None
    - iii. OCSD General Manager – General Manager Ogren reported on Central Coast Blue, FCFA Meeting, Lopez contract amendments, emergency generator, and line replacement projects.
    - iv. Sheriff's South Station – Commander Stuart MacDonald – None
  - d. **BOARD OF DIRECTORS AND OUTSIDE COMMITTEE REPORTS:**
    - i. Director Villa– None
    - ii. Director Gibson– None
    - iii. President White – reported on FCFA
    - iv. Vice President Austin – None
    - v. Director Repogle – reported on OAC
- c. **PUBLIC COMMENT ON SPECIAL PRESENTATIONS AND REPORTS:**  
 No public comment.

<b>8 CONSENT AGENDA:</b>	<b>ACTION:</b>
a. Review and Approval of Minutes for October 10, 2018 b. Review and Approval of Cash Disbursements c. Submittal of the District's Fiscal Year 2018-19 Quarter 1 Treasurer Report	After an opportunity for public comment and brief Board discussion, staff recommendations were to approve with a motion from Vice President Austin, and a second from Director Villa and a 5-0 vote. No public comment.

<b>9A BUSINESS ITEM:</b>	<b>ACTION:</b>
Consideration of a recommendation to approve an application for the use of District facilities from a Cal Poly masters program to promote community outreach on community planning efforts with a waiver of fees	After a presentation by Cal Poly masters program Sarah Howland, Madaline Jacobson, and Devin Seriago, an opportunity for public comment and brief Board discussion, staff recommendations were approved with a motion from Director Replogle, a second by Vice President Austin and a 5-0 vote. Public comment was received by Lucia.
<b>9B BUSINESS ITEM:</b>	<b>ACTION:</b>
Discussion of providing landscape maintenance on public property, public rights-of-way, and public easements pursuant to Government Code Section 61100(g) and requirements of the Local Agency Formation Commission with Board direction as deemed appropriate.	After an opportunity for public comment and brief Board discussion, a motion was made to direct staff to work with San Luis Obispo County, Cal Trans, and LAFCO and develop an application to provide landscaping maintenance on public property, public rights-of-way, and public easements pursuant to Government Code Section 61100(g) with a motion from Vice President Austin, a second by Director Replogle and a 5-0 vote. A second motion was made to develop an Ad-Hoc Committee as proposed and appoint Vice President Austin and Director Replogle to serve on Committee with a motion from Vice President White, a second by Director Villa and a 5-0 vote. Public comment was received by Lucia.
<b>9C BUSINESS ITEM:</b>	<b>ACTION:</b>
Consideration of an inquiry from the County of San Luis Obispo on whether the District wishes to upgrade lighting standards on Airpark Drive Bridge at a preliminary estimated cost of \$27,665 and a recommendation to decline based on cost.	After an opportunity for public comment and brief Board discussion, no action was taken. No public comment.
<b>9D BUSINESS ITEM:</b>	<b>ACTION:</b>
Review of the District's Budget Status as of September 30, 2018	After an opportunity for public comment and brief Board discussion, received and filed. No public comment.
<b>9E BUSINESS ITEM:</b>	<b>ACTION:</b>
Update on the Water Resource Reliability Program and consideration of a recommendation to approve two proposals from Cannon Corp for design of waterline replacements on Highway One and on Norswing & Truman with a budget adjustment of \$25,000.	After an opportunity for public comment and brief Board discussion, staff recommendation were approved with a motion from Vice President Austin, a second by Director Replogle and a 5-0 vote. No public comment.

**10. HEARING ITEMS:** None

**11. RECEIVED WRITTEN COMMUNICATIONS:** Letter from County of San Luis Obispo re: Paso Robles St enhancement at 23<sup>rd</sup> St.

**12. LATE RECEIVED WRITTEN COMMUNICATIONS:** None

**13. FUTURE AGENDA ITEMS:** District Policies Continued; Roles and Responsibilities with Related Agencies; Construction Documents, Five Cities Fire Authority, District Rules and Regulations, Seabreeze Mobile Home Park Continued, The Place Art Gallery, 2019 Goals and Priorities, reconstituting parks and recs, OCSD Community Center Contract, 13<sup>th</sup> St Drainage Project, Deferred Infrastructure Program, Lopez Lake LRRP & Contract Amendments, Central Coast Blue.

**14. FUTURE HEARING ITEMS:** None

**15. ADJOURNMENT:** at approximately 8:11 pm



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

**Date:** November 14, 2018

**To:** Board of Directors

**From:** Carey Casciola, Business and Accounting Manager

**Subject:** Agenda Item #8(B): Recommendation to Approve Cash Disbursements

**Recommendation**

It is recommended that your Board approve the attached cash disbursements.

**Discussion**

The following is a summary of the attached cash disbursements:

Description	Check Sequence	Amounts
	57319 - 57348	
<b>Disbursements Requiring Board Approval prior to Payment:</b>		
Regular Payable Register – paid 11/14/2018	57327 - 57348	\$261,321.18
Subtotal:		\$261,321.18
<b>Reoccurring Payments for Board Review (authorized by Resolution 2016-07):</b>		
Payroll Disbursements – PPE 10/27/2018	N/A	\$27,114.78
Reoccurring Utility Disbursements – paid 10/19/2018	57319 - 57320	\$913.26
Reoccurring Health/Benefits – paid 10/24/2018	57321 - 57323	\$5,901.00
Reoccurring Utility Disbursements – paid 10/26/2018	57324 - 57326	\$10,614.14
Subtotal:		\$44,543.18
<b>Grand Total:</b>		<b>\$305,864.36</b>

**Other Agency Involvement:** n/a

**Other Financial Considerations:** Amounts are within the authorized Fund level budgets.

**Results**

The Board’s review of cash disbursements is an integral component of the District’s system of internal controls and promotes a well governed community.

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK:	-----							
1-1001-000	11/09/2018	CHECK	057327	POSTMASTER	214.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057328	USA BLUEBOOK	39.98CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057329	MARK SCHWIND ELECTRIC INC.	440.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057330	ARAMARK	280.74CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057331	CENTRAL COAST TECHNOLOGY CONSU	316.06CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057332	MILLER, ANNA	480.41CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057333	NORHOLM BUILDERS, INC.	360.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057334	ZENITH INSURANCE COMPANY	1,585.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057335	SHORE-TEK	677.96CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057336	CYNTHIA REPLOGLE	200.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057337	MISSION PAVING INC.	3,550.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057338	FAMCON PIPE & SUPPLY, INC.	579.15CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057339	TROESH COLEMAN PACIFIC	290.95CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057340	J.B. DEWAR, INC.	397.30CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057341	FIVE CITIES FIRE AUTHORITY	246,840.50CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057342	MINER'S ACE HARDWARE, INC.	165.84CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057343	QUILL CORPORATION	277.93CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057344	SHORELINE LANDSCAPE & MAINT. I	410.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057345	UNITED RENTALS (NORTH AMERICA)	608.95CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057346	WALLACE GROUP A CALIFORNIA COR	458.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057347	MOSS, LEVY & HARTZHEIM	3,000.00CR	OUTSTND	A	0/00/0000
1-1001-000	11/09/2018	CHECK	057348	AQUA-METRIC	148.41CR	OUTSTND	A	0/00/0000

COMPANY: 99 - POOLED CASH FUND  
ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
TYPE: All  
STATUS: All  
FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999  
CLEAR DATE: 0/00/0000 THRU 99/99/9999  
STATEMENT: 0/00/0000 THRU 99/99/9999  
VOIDED DATE: 0/00/0000 THRU 99/99/9999  
AMOUNT: 0.00 THRU 999,999,999.99  
CHECK NUMBER: 057327 THRU 057348

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL: 261,321.18CR			
				DEPOSIT	TOTAL: 0.00			
				INTEREST	TOTAL: 0.00			
				MISCELLANEOUS	TOTAL: 0.00			
				SERVICE CHARGE	TOTAL: 0.00			
				EFT	TOTAL: 0.00			
				BANK-DRAFT	TOTAL: 0.00			
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL: 261,321.18CR			
				DEPOSIT	TOTAL: 0.00			
				INTEREST	TOTAL: 0.00			
				MISCELLANEOUS	TOTAL: 0.00			
				SERVICE CHARGE	TOTAL: 0.00			
				EFT	TOTAL: 0.00			
				BANK-DRAFT	TOTAL: 0.00			

**Payroll Summary Report**  
**Board of Directors - Agenda Date November 14, 2018**

	*	
<u>Gross Wages</u>	10/13/2018	10/27/2018
Regular	\$22,878.44	\$21,995.25
Overtime Wages	\$1,941.26	\$1,292.02
Stand By	\$700.00	\$700.00
	\$25,519.70	\$23,987.27
 <u>Disbursements</u>		
Net Wages	\$18,599.44	\$17,711.09
State and Federal Agencies	\$5,006.63	\$4,865.33
CalPERS - Normal	\$4,969.79	\$4,384.35
SEIU - Union Fees	(**) \$0.00	\$154.01
Total Disbursements processed with Payroll	\$28,575.86	\$27,114.78
 Health (Disbursed with reoccurring bills)	\$3,761.26	\$3,607.25
 Total District Payroll Related Costs	\$32,337.12	\$30,722.03

(\*) Previously reported in prior Board Meeting packet - provided for comparison.

(\*\*) Union fees were previously paid by check during reoccurring bills but now paid by an ACH draft after payroll is processed.



COMPANY: 99 - POOLED CASH FUND  
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
 TYPE: All  
 STATUS: All  
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999  
 CLEAR DATE: 0/00/0000 THRU 99/99/9999  
 STATEMENT: 0/00/0000 THRU 99/99/9999  
 VOIDED DATE: 0/00/0000 THRU 99/99/9999  
 AMOUNT: 0.00 THRU 999,999,999.99  
 CHECK NUMBER: 057319 THRU 057320

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK: -----								
1-1001-000	10/19/2018	CHECK	057319	RABOBANK EQUIPMENT LEASE	755.60CR	OUTSTND	A	0/00/0000
1-1001-000	10/19/2018	CHECK	057320	DE LAGE LANDEN FINANCIAL SERVI	157.66CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	913.26CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	913.26CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

COMPANY: 99 - POOLED CASH FUND  
ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
TYPE: All  
STATUS: All  
FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999  
CLEAR DATE: 0/00/0000 THRU 99/99/9999  
STATEMENT: 0/00/0000 THRU 99/99/9999  
VOIDED DATE: 0/00/0000 THRU 99/99/9999  
AMOUNT: 0.00 THRU 999,999,999.99  
CHECK NUMBER: 057321 THRU 057323

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK: -----								
1-1001-000	10/26/2018	CHECK	057321	BLUE SHIELD OF CALIFORNIA	4,736.32CR	OUTSTND	A	0/00/0000
1-1001-000	10/26/2018	CHECK	057322	THE LINCOLN NATIONAL LIFE INSU	1,058.88CR	OUTSTND	A	0/00/0000
1-1001-000	10/26/2018	CHECK	057323	VSP VISION	105.80CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	5,901.00CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	5,901.00CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		

COMPANY: 99 - POOLED CASH FUND  
 ACCOUNT: 1-1001-000 POOLED CASH OPERATING  
 TYPE: All  
 STATUS: All  
 FOLIO: All

CHECK DATE: 0/00/0000 THRU 99/99/9999  
 CLEAR DATE: 0/00/0000 THRU 99/99/9999  
 STATEMENT: 0/00/0000 THRU 99/99/9999  
 VOIDED DATE: 0/00/0000 THRU 99/99/9999  
 AMOUNT: 0.00 THRU 999,999,999.99  
 CHECK NUMBER: 057324 THRU 057326

ACCOUNT	--DATE--	--TYPE--	NUMBER	-----DESCRIPTION-----	----AMOUNT---	STATUS	FOLIO	CLEAR DATE
CHECK: -----								
1-1001-000	10/26/2018	CHECK	057324	CHARTER COMMUNICATIONS	130.00CR	OUTSTND	A	0/00/0000
1-1001-000	10/26/2018	CHECK	057325	PACIFIC GAS & ELECTRIC	10,086.92CR	OUTSTND	A	0/00/0000
1-1001-000	10/26/2018	CHECK	057326	COASTAL COPY, INC.	397.22CR	OUTSTND	A	0/00/0000
TOTALS FOR ACCOUNT 1-1001-0				CHECK	TOTAL:	10,614.14CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		
TOTALS FOR POOLED CASH FUND				CHECK	TOTAL:	10,614.14CR		
				DEPOSIT	TOTAL:	0.00		
				INTEREST	TOTAL:	0.00		
				MISCELLANEOUS	TOTAL:	0.00		
				SERVICE CHARGE	TOTAL:	0.00		
				EFT	TOTAL:	0.00		
				BANK-DRAFT	TOTAL:	0.00		



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730 FAX (805) 481-6836

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**Date:** November 14, 2018

**To:** Board of Directors

**From:** Paavo Ogren, General Manager

**Subject:** **Agenda Item #9(A): Review and Discussion of Draft Policies on District General Matters, the Board of Directors and Board Meetings with a discussion on Rules and Regulations and Board direction as deemed appropriate**

## Recommendation

It is recommended that your Board review and discuss draft policies on District General Matters, the Board of Directors and Board Meetings and provide direction as the Board deems appropriate.

## Discussion

During Board meetings in early 2017, draft policies were prepared to update the District's by-laws based on sample policies published by the California Special District's Association (CSDA). The CSDA policies provide consistency with state-wide special district practices and statutory requirements. Attachment "A" is the table of contents of the CSDA sample policy handbook.

The policy updates initially focused on "General" (Series 1000), the "Board of Directors" (Series 4000) and "Board Meetings" (Series 5000). Attachment "B" is the current version of these draft policies. Provisions of the draft policies that are highlighted in yellow reflect language in the existing District by-laws. The existing by-laws are included as attachment "C." During initial discussions, staff reviewed the following items while introducing the draft policies:

- Time and Date of Regular Meetings
- Agenda items relating to quasi-judicial and enforcement actions pertaining to specific properties
- Director requests for agenda items
- Communication between the General Manager and individual Board Members, including distribution of information and analysis
- Evaluation of consultants
- Board Member training for NIMS (National Incident Management System)

The introduction of the draft policies in 2017 was intended as the first step in updating the District's policies and procedures manual and completing the District's codification. At this time, the attached draft policies are being reintroduced for the overall policy update. Board direction will provide staff with the ability to finalize the policies in Attachment "B" for subsequent approval by your Board.



Next steps will include two parallel efforts. The District's Business and Accounting Manager will begin updating "Personnel" (Series 2000) policies and the General Manager will begin updating the District's "Rules and Regulations." A general distinction between the policies and the rules and regulations is that the policies generally reflect internal business practices and the rules and regulations generally reflect external business practices. Priorities for the rules and regulations include formalizing customer service issues based on prior Board direction. Examples include maintenance of sewer laterals, fees for mixed-use development, and consideration of service standards for multi-dwelling developments including those with roads that are private or otherwise not publicly maintained.

Staff presentation will provide an overview of the current form of the District's rules and regulations. Unlike the CSDA policy format, the District's rules and regulations are constructed based on a series of previously adopted resolutions and ordinances. Attachment "D" (Ordinance 2006-1) is an example of a portion of the District's existing rules and regulations.

### **Other Agency Involvement**

Some policy revisions may require comparison to the Memorandum of Understanding with the Service Employees International Union, Local 620, and may require "meet and confer" with Union Representatives. Others may require formal noticed public hearings based on statutory requirements.

### **Other Financial Considerations**

The existing District by-laws include language pertaining to the adoption of the annual budget, which is not included in the attached drafts since the CSDA sample policies include budgets in Series 3000 policies. Other CSDA fiscal policies are addressed in a separate publication, which will be reviewed during the policy update process.

### **Results**

Review and updates to the District's By-Laws policies and rules and regulations promotes a well governed community.

### **Attachments:**

- A. CSDA Policy Handbook Table of Contents
- B. Draft Policies - General, Board of Directors and Board Meetings
- C. District By-Laws
- D. Ordinance 2006-1

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# California Special Districts Association

## SAMPLE POLICY HANDBOOK

### TABLE OF CONTENTS

#### SERIES 1000: GENERAL

<u>POLICY #</u>	<u>POLICY TITLE</u>
1000	Purpose of Board Policies
1010	Adoption/Amendment of Policies
1020	Conflict of Interest
1030	Public Complaints
1040	Claims Against the District
1050	Copying Public Documents
1060	Public Contributions

#### SERIES 2000: PERSONNEL

<u>POLICY #</u>	<u>POLICY TITLE</u>
2000	Executive Officer
2003	Employee Status
2006	Continuity of Service
2009	Performance Evaluation – General Manager
2010	Performance Evaluation
2013	Lead Person Assignment and Compensation
2016	Customer Relations
2019	Use of and Responsibility of Employer Property
2022	Housekeeping
2025	Personal Possessions
2028	Dress Code & Personal Standards
2029	Uniforms and Protective Clothing
2032	Employee Records
2035	Employee References
2038	Employee Information / Emergency Data
2040	Cellular Telephone Usage
2043	Driver Training and Record Review
2046	District Vehicle Usage
2049	Personal Vehicle Usage
2052	Employee Usage of Tools and Equipment

2055	Employee Seminar Attendance & Continuing Education
2058	Compensation for Meetings and Travel
2061	Professional Licenses and/or Certificates
2064	Employee Assistance During Response to Emergency Situations
2067	Grievance Procedures
2070	Pre-Employment Physical Examinations
2073	Political Activity on District Facilities or Work Time
2076	Gift Acceptance Guidelines
2079	Volunteer Personnel Workers' Compensation Insurance
2082	Outside Employment
2085	Notifications of Reductions in the Work Force
2088	Unemployment Insurance
2090	"HIPAA" Compliance
2100	Nepotism
2110	Job Posting – Application Period
2120	Entry Level Positions
2130	Selection Process – Non-Entry Level Job Openings – Current District Personnel
2140	Selection Process – Non-Entry Level Job Openings – Outside Applicants
2200	Separation from District Employment
2210	Confidentiality Regarding Resignations
2220	Disciplinary Action
2230	Letters of Recommendation
2240	Termination During Leave of Absence
2300	Pay Periods
2305	Time Keeping/Time Records
2310	Rest & Meal Periods
2315	Advancement of Wages
2320	Wage Garnishments
2325	Payroll Deductions for Salaried Employees
2330	Compensation
2335	Payroll Deductions
2340	Paycheck Direct Deposit
2345	Temporary Reclassifications
2350	Employee Promotion
2355	Demotion – Nondisciplinary
2400	Hours of Work and Overtime
2410	Use of Make Up Time
2420	Salaried Personnel
2430	Requirements for Reporting to Work
2440	Standby and Call Out
2500	Vacations
2505	Holidays
2510	Authorized Leave
2515	Unauthorized Voluntary Absence
2520	Sick Leave
2525	Family and Medical Leave

2530	Pregnancy Disability Leave
2535	Military Leave
2540	Bereavement Leave
2545	Workers' Compensation Leave
2550	Leave for Crime Victims and Family Members
2553	Catastrophic Time Bank
2555	Time Off for Children - School Activities
2560	Time Off to Vote
2565	Jury Duty
2570	Subpoena Responsibilities
2575	Health and Welfare Benefits
2580	Educational Assistance
2600	Drug and Alcohol Abuse
2605	Substance Abuse (in conformance with DOT Guidelines)
2610	Use of Tobacco Products Within District
2615	Smoke-free Workplace
2700	Internet, E-mail, and Electronics Communication Ethics, Usage and Security
2800	Equal Opportunity
2805	Affirmative Action
2810	Accommodations for Disability
2815	Immigration Law Compliance
2820	Harassment
2825	Sexual Harassment
2900	Job Description – Account Clerk
2903	Job Description – Administrative Assistant
2906	Job Description – Administrative Secretary
2910	Job Description – Assistant Engineer
2913	Job Description – Board Secretary / Clerk
2916	Job Description – Bookkeeper
2920	Job Description – Business Manager
2923	Job Description – Carpenter
2926	Job Description – Computer Operator
2930	Job Description – Engineering Technician
2933	Job Description – Environmental and Safety Compliance Officer
2936	Job Description – Equipment Operator
2940	Job Description – Executive Assistant
2943	Job Description – Field Operations Supervisor
2946	Job Description – Foreman
2950	Job Description – General Manager
2953	Job Description – Information Services Specialist
2956	Job Description – Maintenance Technician
2960	Job Description – Manager of Information Systems
2963	Job Description – Mechanic
2966	Job Description – Meter Reader
2970	Job Description – Meter Service Technician
2973	Job Description – Senior Engineer



2976	Job Description – Senior Water Treatment Plant Operator
2980	Job Description – Typist Clerk
2983	Job Description – Utility Worker
2986	Job Description – Warehouse Technician
2990	Job Description – Warehouse Worker
2993	Job Description – Water Division Manager
2996	Job Description – Water Treatment Plant Operator

**SERIES 3000: OPERATIONS**

<u>POLICY #</u>	<u>POLICY TITLE</u>
3005	Emergency Preparedness
3006	Emergency Response Guideline for Hostile or Violent Incidents
3010	Computer and Business Continuity Security
3012	Environmental, Health & Safety Compliance Program
3015	Illness and Injury Prevention Program
3020	Health & Safety
3025	Workers' Compensation
3030	Recreational Activities and Programs
3105	Budget Preparation
3110	Fixed-Asset Accounting Control
3115	Fixed-Asset Capitalization
3117	Asset Protection & Fraud in the Workplace
3120	Investment of District Funds
3130	Customer Payment Arrangements
3135	Expense Authorization
3140	Check Processing
3145	Credit Card Usage
3150	Purchasing
3205	Employment of Outside Contractors and Consultants
3210	Easement Abandonment
3215	Easement Acceptance
3220	Encroachment Permits
3300	Disposal of Surplus Property or Equipment
3310	Records Retention
3400	Use/Rental of District Facility
3500	Off-Road Diesel Equipment Idling

**SERIES 4000: BOARD OF DIRECTORS**

<u>POLICY #</u>	<u>POLICY TITLE</u>
4005	Operating Principles of the Board (Norms)
4010	Code of Ethics
4015	Voluntary Candidate Expenditure Ceiling

4020	Attendance at Meetings
4025	Expenditure Reimbursement
4030	Remuneration
4035	Directors' Health Insurance
4040	Duties of Board President
4045	Board Secretary
4047	Clerk of the Board
4048	Legal Counsel and Auditor
4050	Members of the Board of Directors
4060	Committees of the Board of Directors
4070	Basis of Authority
4080	Membership in Associations
4090	Training, Education and Conferences
4095	Ethics Training
4097	Filling of Vacancy(s) on Board of Directors (Trustees)

**SERIES 5000: BOARD MEETINGS**

<u>POLICY #</u>	<u>POLICY TITLE</u>
5010	Board Meetings
5020	Board Meeting Agenda
5030	Board Meeting Conduct
5040	Board Actions and Decisions
5050	Review of Administrative Decisions
5060	Minutes of Board Meetings
5070	Rules of Order for Board and Committee Meetings

**SERIES 6000: FACILITIES DEVELOPMENT**

<u>POLICY #</u>	<u>POLICY TITLE</u>
6010	Development Improvement Standards
6020	Environmental Review Guidelines
6030	Annexation Procedures
6040	Developer Requirements
6050	Development Agreements

**SERIES 9000: ENVIRONMENTAL**

<u>POLICY #</u>	<u>POLICY TITLE</u>
9000	Sustainability Business Goal

9010	Recycling
9020	Waste Management
9030	Water Use
9040	Environmental Policy - Paper Use
9050	Energy Conservation
9060	Environmental Policy - Purchasing
9070	Environmental Policy - Meeting Planning
9080	Environmental Policy - Transportation
9090	Indoor Environment

# California Special Districts Association

## SAMPLE POLICY HANDBOOK – Table of Contents

### SERIES 1000: GENERAL

<u>POLICY #</u>	<u>POLICY TITLE</u>
1000	Purpose of Board Policies
1010	Adoption/Amendment of Policies
1020	Conflict of Interest
1030	Public Complaints
1040	Claims Against the District
1050	Copying Public Documents
1060	Public Contributions

### SERIES 4000: BOARD OF DIRECTORS

<u>POLICY #</u>	<u>POLICY TITLE</u>
4005	Operating Principles of the Board (Norms)
4010	Code of Ethics
4015	Voluntary Candidate Expenditure Ceiling
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4025	Expenditure Reimbursement
4030	Remuneration
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4095	Ethics Training
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POLICY TITLE: Purpose of Board Policies  
POLICY NUMBER: 1000

It is the intent of the Board of Directors of the District to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Manual of Policies will serve as a resource for Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.

If any policy or portion of a policy contained within the Manual of Policies is in conflict with rules, regulations or legislation having authority over the District said rules, regulations or legislation shall prevail.

## 16. PUBLICATION OF POLICY

16.1 Copies of this Policy shall be distributed to:

(a) All current District employees and new employees at the time of hire.

(b) All current Directors of the District and new Directors at the time they take office.

(c) Staff will provide orientation for new Directors.

16.2 The General Manager shall be available to answer questions of District employees regarding the District Policy on relationship and conduct between Board Members and staff.



**POLICY TITLE: Adoption/Amendment of Policies**  
**POLICY NUMBER: 1010**

Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the General Manager. The proposed adoption or amendment shall be initiated by a Director or the General Manager by submitting a written draft of the proposed new or amended policy to the Board Chairperson and the General Manager by way of the District office, and requesting that the item be introduced for consideration on the agenda of the next appropriate regular meeting of the Board of Directors.

During the regular meeting that the new or amended policy is introduced, the Board of Directors shall review the proposal and determine whether it should be considered for adoption at a subsequent meeting along with any edits that the Board may deem appropriate.

Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors by majority vote.

Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for introduction or approval and made available to each Director and the public for review at least 72 hours, per the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

Consideration of some new or amended policies may also require “meet and confer” with employee union representatives or be subject to other legal requirements.



**POLICY TITLE:** Conflict of Interest POLICY  
**NUMBER:** 1020

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A in which members of the Board of Directors, employees and consultants are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the District.

The Board of Directors, designated employees and consultants shall file statements of economic interests with the Clerk of the County of San Luis Obispo.

Directors are encouraged to consult with the Fair Political Practices Commission (the "FPPC") at (916) 322-5660, prior to the day of the meeting if they have a question about a particular agenda item.

**11.2** Each Director is encouraged to review the District's Conflicts of Interest Code on a regular basis. The general rule is that an official may not participate in making a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. If real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is deemed to be directly involved in the decision. Additionally, FPPC rules generally require a disqualified Board member to leave the room during the discussion of the matter.

**11.3** The prohibitions of Government Code Section 1090 provide that the District may not contract with any business in which a Board member has a financial interest.

**11.4** The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment of either public office, the discharge of the duties of the two offices by one person is incompatible with the affected office and the official must step down from one of the offices.



**POLICY TITLE: Public Complaints**  
**POLICY NUMBER: 1030**

The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District ordinance, resolution, policy, state or federal statute of which the individual has been adversely affected.

The method of resolving complaints shall be as follows:

- The individual with a complaint shall first discuss the matter with the responsible supervisor with the objective of resolving the matter informally.
- If the individual registering the complaint is not satisfied with the disposition of the complaint by the responsible supervisor, it shall be forwarded to the General Manager. At the option of the General Manager, he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager may memorialize his/her decision in writing, with the individual registering the complaint being provided a copy.
- If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager, they may request consideration by a member of the Board of Directors, which may be the President, the Vice President, or the Board member with the Subject Matter Assignment covering "Rules, Regulations, Policies and Procedures" by filing said request in writing within ten (10) days of receiving the General Manager's response to the complaint. The response by the member of the Board of Directors reviewing the complaint shall be final, may be provided in writing, and may be submitted to the Board of Directors for consideration as a future agenda item.

This policy is not intended to prohibit or deter a member of the community or staff member from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.





**POLICY TITLE: Claims Against the District**

**POLICY NUMBER: 1040**

The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) claims against the District. Utility Billing Account adjustments are separately provided for in the District's Code, Section \_\_\_\_\_. Inherent in this policy is the recognition that claims will be unique, and that policies cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in considering each claim.

#### Property (Land and Improvements) Damage Claims

In the course of the District's operations, damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to the private property. When District employees are aware that property has been damaged in the course of their work, restorative measures will be coordinated with property owner(s) 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 information 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 reviewed by the General Manager and the employees most knowledgeable about the circumstances and allegations.

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

Investigations shall be done in a timely fashion under the direction of the General Manager and documented with a written report, including photographs and/or interviews, when appropriate.

If upon the conclusions of the investigation, the General Manager is convinced that the District is responsible, a work order will be created to have the damage repaired, subject to the following conditions:

- (a) Property owner agrees, in writing to the satisfaction of the District's legal counsel, that the proposed repairs are appropriate and adequate.
- (b) Property owner agrees to allow District personnel access to their property to perform the repair work.
- (c) District personnel have the necessary tools, equipment, and expertise to perform the necessary work.
- (d) Repair work can be accomplished within a reasonable amount of time.
- (e) Cost of material for the repairs will not exceed \$500.



If the cost of material for repairs is stated by claimant or estimated by staff to exceed \$500, the owner must submit their claim in writing to the District.

The General Manager shall review the damage claim and the proposed repair work. 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 \$1,500. A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved.

If the cost of material for repairs is stated by claimant or estimated to exceed \$1,500, the claim will be submitted to the Board of Directors for consideration. The Board will consider the claim during a closed session 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 (currently \$\_\_\_), 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.

#### Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles or other unsecured property shall be submitted to the General 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 \$1,500. A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved.

#### Property Damage Claims Submitted in Writing

For claims exceeding \$500, the claimant shall be required to submit it in writing. The District General Manager will review the claim with District legal counsel to determine if it conforms to legal requirements. Claimant must prepare the written claim 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. District staff shall provide no assistance to the claimant in preparing or otherwise asserting a claim against the District. If the written claim does not meet legal requirements then a letter shall be sent to the claimant informing them of this fact.



**TITLE:** Copying Public Documents  
**POLICY NUMBER:** 1050

Individuals requesting copies of public documents shall be charged a reasonable fee based upon the cost to produce the copy (\$0.25 \_\_\_\_\_ per sheet) to defray expenses associated with the copying process.

Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity of such documents shall be copied in advance of each meeting and made available to the public in attendance at no charge. Individuals requesting copies of such documents prior to the Board meeting will be charged \$0.25 per sheet. The copy charge may be levied at Board meetings for copies of documents if more are needed and/or requested in addition to those normally prepared for the public at Board meetings.



**POLICY TITLE: Public Contributions**  
**POLICY NUMBER: 1060**

Donations from members of the public to the District for a public purpose that is within the scope of the District's responsibilities will be accepted. The Business and Accounting Manager will provide a receipt for said donation and include the District's tax identification number thereon.

Donations must be clearly marked as such. Deposits by a property owner with a service account will be assumed to be a payment toward their account's unpaid balance, or payment in advance of billing in the event the account does not have an unpaid balance, if the deposit is not clearly marked as being a donation for a specific public purpose.

By accepting donations, the District is not claiming to be qualified by the Internal Revenue Service as being a charitable organization for which donations may be considered tax deductible. Determination of how donations to the District are to be treated relative to the donor's tax liability is strictly the responsibility of the donor.



**POLICY TITLE: Operating Principles of the Board (Norms)**  
**POLICY NUMBER: 4005**

### IMPLEMENTATION

The District is committed to practice these norms, whereupon we will evaluate, learn, and adjust according to what we learn.

Upon the occasion of the occurrence of what appears to be a breach of these norms, we are committed to addressing this perception first to the individual(s) involved, before raising the issue with the Board itself.

### COMMUNICATION NORMS

- ✓ All communication will be accurate and brief.
- ✓ Board and staff will attempt to describe our behavior before we engage in it, and actively listen when communicated with.
- ✓ Always Check Your Assumptions (C.Y.A.).
- ✓ Display these norms at each Board meeting.

### PROCESS NORMS

- ✓ The Board needs to address and resolve policy issues and set priorities, and is committed to doing this by practicing the building of consensus and orderly implementation.
- ✓ The Board is committed to the District's mission and to work as a team.
- ✓ The Board needs to monitor and respond to changes in the community, neighboring communities, the County and the environment.
- ✓ Staff needs to provide sufficient and relevant information and analysis of alternatives so that the Board can make "reasoned decisions."
- ✓ The Board will jointly discuss and identify its interest(s) prior to establishing a position and negotiating with external organizations.
- ✓ All requests from the Board for information/agenda items will be funneled through the General Manager and distributed to all Board members pursuant to Policy \_\_\_\_.



## RELATIONSHIP NORMS

- ✓ Create an environment that promotes respect and appreciation between the Board, Staff, Consultants, and customers.
- ✓ Fundamental agreement that the focus of District's mission is accomplishments and future vision that meets the needs of its customers.
- ✓ Establish, accept and support common purpose and vision.
- ✓ The "Team" includes the Board, Staff, Consultants and Membership.

## **14. RELATIONSHIP AND CONDUCT BETWEEN BOARD MEMBERS AND STAFF**

**14.1** The Board of Directors recognizes that the primary function of staff is to execute Board policy and to keep the Board of Directors informed.

**14.2** Members of the Board of Directors shall not attempt to pressure and/or influence staff decisions, recommendations, workloads, schedules, and priorities.

**14.3** Staff shall take guidance and direction only from action taken by the Board of Directors or from appropriate management supervisors as may be the case. Staff shall reject any attempts by an individual Board Member to influence or otherwise pressure them into making, changing or otherwise affecting staff decisions or recommendations, or changing work schedules and priorities. Staff shall report such attempts, without fear of reprisal, to the General Manager, or to the President or the Vice President of the Board of Directors, who shall take appropriate action.

**14.4** In the event that an employee has been the subject of any unlawful conduct from a Board Member, the employee shall report such conduct in writing and without fear of reprisal to the President or the Vice President of the Board of Directors, or to the Grand Jury directly, who shall investigate the complaint and take further necessary action.

## CAPACITY NORMS

- ✓ Continue the process of hiring qualified personnel.
- ✓ Expand education for the Board and Staff.
- ✓ Expect creative decision-making.
- ✓ Maintain competitive advantage by adhering to a policy of updating technology and resources.
- ✓ Ensure a cooperative and open work environment.



POLICY TITLE: Code of Ethics  
POLICY NUMBER: 4010

The Board of Directors of the District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with the District's Conflict of Interest Code and Policy #1020, and State laws including AB 1234, which requires Ethics training by the Board of Directors.

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed:

- ✓ The dignity, style, values and opinions of each Director shall be respected.
- ✓ Responsiveness and attentive listening in communication is encouraged.
- ✓ The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the legal counsel shall be requested to make a determination if one exists or not.
- ✓ The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to staff of the District.
- ✓ Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- ✓ Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
- ✓ Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

Directors should practice the following procedures:

- ✓ In seeking clarification on informational items, Directors should coordinate through the General Manager. For routine information, Directors may directly request the information from staff members provided that it has been previously recognized that the request is routine.
- ✓ In handling complaints from residents and property owners of the District, said complaints



should be referred directly to the General Manager pursuant to Policy # \_\_\_\_.

- ✓ In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- ✓ In presenting items for discussion at Board meetings, See Policy # \_\_\_\_.
- ✓ In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager or legal counsel.
- ✓ If approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager. The chain of command should be followed.
- ✓ The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
- ✓ When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
- ✓ Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
- ✓ Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- ✓ Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.





POLICY TITLE: Voluntary Candidate Expenditure Ceiling

POLICY NUMBER: 4015

The Board of Directors has not adopted a policy on a "Voluntary Candidate Expenditure Ceiling."

In accordance with *Government Code §85400* (Proposition 208), the voluntary expenditure ceiling for candidates for the Board of Directors of [DISTRICT NAME], and controlled committees of such candidates, shall be one dollar (\$1) per resident for each election in which the candidate is seeking election to the Board of Directors.

Proposition 208 establishes a two-tiered scheme of campaign contribution limitations applicable to candidates running for local office based on whether the recipient candidate accepts or rejects the voluntary expenditure ceiling established by the local jurisdiction. The decision by a candidate as to whether to accept the ceiling must be made before a candidate accepts any contributions.

If a candidate for the Board of Directors elects to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$250.

If a candidate for the Board of Directors elects not to abide by the ceiling, he/she may accept contributions from businesses, political action committees (PAC's), or individuals in an amount up to \$100.



POLICY TITLE: Attendance at Meetings and Teleconferencing  
POLICY NUMBER: 4020

4020.1 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

4020.2 Board Members may attend meetings by teleconferencing, as permitted by law, and subject to the following rules:



**POLICY TITLE: Expenditure Reimbursement**  
**POLICY NUMBER: 4025**

Purpose. The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.

Scope. This policy applies to all employees and members of the Board of Directors and is intended to result in no personal gain or loss to an employee or director.

Implementation. Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the General Manager. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.

- ✓ The Business and Accounting Manager or the General Manager will review and provide recommendations on reimbursement requests submitted by Board Members for approval by the Board of Directors.
- ✓ The General Manager will review and provide recommendations on reimbursement requests submitted by the Business and Accounting Manager for approval by the Board of Directors.
- ✓ The Business and Accounting Managers will review and provide recommendations on reimbursement requests submitted by the General Manager for approval by the Board of Directors.
- ✓ The General Manager will review and provide recommendations on reimbursement requests submitted by all other staff for approval by the Board of Directors.

All expenses must be reasonable and necessary, and employees and directors are encouraged to exercise prudence in all expenditures. The following are guidelines on reimbursable expenditures:

Each Board Member is entitled to reimbursement for their actual and necessary traveling and incidental expenses incurred in the performance of the duties required and authorized by the Board. Personal phone calls are not reimbursed. Purchase of alcoholic beverages are not reimbursable.

(a) It is the policy of the District to exercise prudence with respect to hotel or motel accommodations. It is also the policy of the District for Board members and staff to stay at the hotel or motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

(b) Any Director traveling on District business shall receive transportation and lodging expenses, and ordinary expenses such as meals and tips. If a Director is called upon to personally pay District business expenses during travel, the Director shall maintain all receipts from any such District business trips. Such receipts will be used to calculate the amount of reimbursement.

(c) Mileage reimbursement for use of privately owned vehicles used for District business shall be as established by the Internal Revenue Service.



POLICY TITLE: Remuneration  
POLICY NUMBER: 4030

4030.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular or special meeting of the Board and fifty dollars (\$50.00) for each committee meeting attended by him or her.

4030.2 In no event shall Director compensation exceed one hundred dollars (\$100.00) per day.

4030.3 Director compensation shall not exceed six hundred (\$600.00) in any one (1) calendar month.



POLICY TITLE: Directors' Health Insurance

POLICY NUMBER: 4035

The Board of Directors do not have health insurance benefits available from the District.

Members of the Board of Directors of the *[insert district name]* may participate in the health benefits plan provided by the District through the Public Employees Retirement System *[specify name of district's program if different]* on a self-pay basis. The District will pay the minimum monthly enrollment fee – currently set at \$\_\_ - for each enrolled Director required of it by the Public Employees' Medical and Hospital Care Act. *[Specify details of district's payment on behalf of directors if different than the foregoing.]*

In accordance with Government Code §53208.5, the benefits provided to Directors by the health benefits plan may not be greater than the most generous schedule of benefits being received by any group of District employees. Family members of the Director are also eligible for enrollment in the health benefits plan in accordance with the Act and Regulations of the PERS Board of Administration.

The health benefits plan for Directors will be available only to active members of the Board of Directors, and shall not be available after a Director is no longer an elected or appointed official of the District.



POLICY TITLE: Officers of the Board of Directors / Duties of Board President  
POLICY NUMBER: 4040

1.1 The officers of the Board are the President and Vice President.

1.2 The President and Vice President shall be elected annually during the first regular meeting in December, after any newly elected Board members are seated (Government Code Section 61043). The term of office for the President and Vice-President of the Board shall commence immediately after the election.

1.3 The President of the Board shall serve as presiding officer at all Board meetings. The President shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

1.4 In the absence of the President, the Vice-President of the Board shall serve as presiding officer over all meetings of the Board. If the President and Vice-President of the Board are both absent, the remaining members present shall select one of themselves to act as presiding officer of the meeting.

1.5 The Board may at any time determine, by majority vote of all members, that the President has demonstrated an inability to serve. Upon such determination, the Vice President shall preside instead of the President.

1.6 The Board may at any time determine, by majority vote of all members, that the Vice President, when acting as the presiding officer pursuant to Section 1.5 above, has demonstrated an inability to serve. Upon such determination, the Board shall, by majority vote, elect another member to be the presiding officer.

#### Duties of the Board President in regarding Meetings of the Board

The president shall preside over and conduct all meetings of the Board of Directors, and shall carry out the resolution and orders of the Board of Directors and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including the following:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies in relation to the order of business and the conduct of meetings;
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
5. Explain what the effect of a motion would be if it is not clear to every member;
6. Restrict discussion to the question when a motion is before the Board;
7. Rule on parliamentary procedure; and
8. Put motions to a vote, and state clearly the results of the vote.



Responsibilities of the President include:

1. Sign all instruments, act, and carry out stated requirements and the will of the Board;
2. Sign the minutes of the Board meeting following their approval;
3. Appoint and disband all committees, subject to Board ratification;
4. Call or cancel such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;
5. Coordinate the preparation of meeting agendas with the General Manager;
6. Confer with the General Manager or designee on crucial matters which may occur between Board of Directors meetings;
7. Be responsible for the orderly conduct of all Board meetings;
8. Be the Spokesperson for the Board except when other Board Members are designated on specific issues or when they are acting in their capacity as members on committees representing the District; and
9. Perform other duties as authorized by the Board.



POLICY TITLE: District Secretary  
POLICY NUMBER: 4045

**4045** The General Manager or his/her designee shall be the District 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.

#### **PREPARATION OF MINUTES AND MAINTENANCE OF TAPES:**

**4.1** The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file created for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheadings. However, the District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 4.2 below, shall not be required to record any remarks of Board Members or any other person. The Minutes shall record all of the votes taken for the passage of all ordinances, resolutions or motions.

**4.2** Any Director may request that brief comments pertinent to an agenda item be included in the minutes, but only at the meeting in which the item is discussed.

**4.3** The District Secretary shall attempt to record the names and place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.

**4.4** Whenever the Board acts in a quasi-judicial proceeding, such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

**4.5** Any audio or visual recording of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. Audio and/or visual recordings will be posted on the District's website for 30 days before being taken down. Physical copies of the audio/visual recordings will be retained in the District archive for five (5) years and may be destroyed thereafter.

**4.6** Nothing herein shall be deemed to create a requirement that minutes from the meeting be taken, or tape or film recordings be made, of any closed sessions of the Board.

**4.7** All correspondence should have Name and Address of record to be entered in the minutes.





POLICY TITLE: District Treasurer  
POLICY NUMBER: 4047

The District General Manager shall serve as the District Treasurer pursuant to Government Code Section 61050(c).

4047.1 In accordance with Government Code Section 61053, the District has adopted Resolution #\_\_\_\_, which provides for the following:

- a. Designates \_<bank>\_ as the depository of District Funds for those funds that are not held by the County of San Luis Obispo.
- b. Establishes the amount of the bond for the District Treasurer and other District employees who are responsible for handling the District's Finances.
- c. Adopts a system of accounting and auditing which shall adhere to generally accepted accounting principles.
- d. Adopts a procedure for drawing and signing checks.

4047.2 The District Treasurer shall provide to the Board of Directors a report, at least quarterly, identifying the receipts, disbursements and balances in the District's accounts.



POLICY TITLE: Legal Counsel and Auditor  
POLICY NUMBER: 4048

**4048** The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

Legal Counsel shall be the legal adviser of the District and shall perform such duties as may be prescribed by the Board of Directors. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board, and shall be compensated for services as determined by the Board.

**4048.1** The Legal Counsel reports to the Board as a whole but is available to each director for consultation regarding legal matters particular to that Board members participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

**4048.2** The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Board's resolution adopting a system of accounting and auditing, which shall adhere to generally accepted accounting principles.. Under the direction of the General Manager, the Business and Accounting Manager will install and maintain an accounting system that will completely and at all times show the financial condition of the District.



POLICY TITLE: Members of the Board of Directors  
POLICY NUMBER: 4050

5.1 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

5.2 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and options, but in a respectful manner.

5.3 Once the Board takes action, Directors should commit to supporting the action and should not obstruct implementation of the action.

#### **AUTHORITY OF DIRECTORS.**

6.1 The full Board of Directors, in actions taken pursuant to The Brown Act, shall establish policies for the operations of the District and provide for the implementation of those policies, which is the responsibility of the District's General Manager.

6.2 The Board is the unit of authority within the District. Apart from their normal functions as a part of the Board, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.

6.3 Directors do not represent any fractional segment of the community. Rather, they are part of the body which represents and acts for the community as a whole.

6.4 The primary responsibility of the Board is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are the responsibility of the staff members of the District. Directors should not obstruct the staff in the performance of their duties.

6.5 The Board at a regular or special meeting may authorize a Director or staff to speak or communicate on behalf of the District or represent the District at a meeting or related function. Otherwise, Board members attending such events as described above shall make it clear that they are speaking on their own behalf and not representing the District or its Board of Directors.

#### **7. DIRECTOR GUIDELINES.**

7.1 It is the intent of the Board of Directors to:

(a) Maintain control and direction of the District by action of the Board of Directors taken pursuant to the Brown Act;

(b) Allow Board Members access to information relative to the running of the District;



(c) Protect staff from undue influence, threats, harassment, and/or pressure from individual Board Members or members of the public;

(d) Allow staff to execute priorities given by the Board of Directors and management without fear of reprisal.

7.4 In handling complaints from residents, property owners within the District or other constituents, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and appropriate response.

7.5 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programs, should refer said concerns directly to the General Manager.

7.6 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.

7.7 Directors and the General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

7.8 When responding to constituent requests and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager.

7.9 Sitting Directors should not enter into litigation against the District. Should a Director enter into litigation against the District, it will be presumed that said Director has a conflict of interest on all matters presented to the Board for discussion and action.

### Board Member Requests for Agenda Items

As provided in Policy \_\_\_\_, the agendas for regular Board meetings shall include an item entitled "Future Agenda Items," which will provide the Board the opportunity to direct the General Manager to include specific items on future agendas.

In addition, any Board member may request the General Manager to include an item on an agenda, at any time, without concurrence of other Board members. In consideration of an individual Board member's request, it shall be the General Manager's discretion whether the item is scheduled on the agenda as a separate and distinct item, with a staff report, or whether the request is specifically listed on the agenda under "Future Agenda Items," which shall also identify the Board member requesting the agenda item. In deciding whether to create a separate and distinct item for the agenda, including a staff report, the General Manager shall consider the timing of the request, how the request compares to existing work and priorities, and whether the item should be considered by the Board as a whole. In the event that the General Manager concludes that the item should be listed under "Future Agenda Items," the Board member making the request will be provided an opportunity to discuss the request with the Board as a whole and seek majority



support for the future agenda item. The Board as a whole will consider the request while also considering the District's priorities, impacts on workloads, the needs of the District, and other factors deemed appropriate by the Board.

### **Board Member Requests for Information, Analysis and Communications**

7.2 Individual Board members, by making a request to the General Manager shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as a basis for certain actions of staff, or as justification for staff recommendations. Board Members shall receive the cooperation and candor of the General Manager in being provided with the requested information. If the General Manager cannot timely provide the requested information because it is not presently available or its production would cause an interruption in work schedules or workloads, then the General Manager shall inform the Board member why the information is not available or cannot be made available in a timely manner, and when it may be made available.

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed. If the information is distributed electronically, all Board members shall be blind-copied to mitigate the risk that Board Members inadvertently exchange emails between each other that could violate the Brown Act.

Information request by Board Members that requires the preparation of analysis that is not part of normal work efforts may be deemed by the General Manager to be a request for a Future Agenda item. In such event, the General Manager shall inform the Board Member requesting the information, and the District President, so that the request may be considered as a future agenda item pursuant to Policy #

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During communications between individual Board Members and the General Manager, information and opinions are shared. The General Manager shall be prohibited from sharing the opinions and conversations of any Board member with other Board members to avoid conflicts that could violate the Brown Act.

Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.

Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.



**10. CORRESPONDENCE DISTRIBUTION.**

**10.1** The following letters and other documents shall be accumulated and delivered to the Board on Friday of each week.

**(a)** All letters approved by the Board and/or signed by the President on behalf of the District.

**(b)** All correspondence received by the District that are of District-wide concern as reasonably determined by the General Manager.



**POLICY TITLE:** Committees of the Board of Directors  
**POLICY NUMBER:** 4060

**3.1** The Board may create Committees that are reflective of the District's business and its enumerated powers at its discretion. Committees shall be advisory committees to the Board and shall not commit the District to any policy, act or expenditure. The duties of the committees shall be outlined at the time of creation.

**3.2** All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act.

**3.3** No committee shall include in its membership more than two (2) Board members.

**3.4** An alternate member may be assigned by the Board in advance for those meetings where a regular member is unable to attend.

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

The following shall be committee appointments of the Board:

**Insert Table / or Describe Committee and Subject Matter Assignments**

The Board President shall appoint and publicly announce the members of the standing committees, if any, for the ensuing year no later than the Board's first regular meeting in January.

The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board via a written or oral report.

All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.



POLICY TITLE: Basis of Authority  
POLICY NUMBER: 4070

The Board's authority is established under California Government Code Section 61000 et seq., which is also known as Community Services District law.





POLICY TITLE: Membership in Associations  
POLICY NUMBER: 4080

The Board of Directors shall maintain membership in the California Special Districts Association

The Board of Directors shall maintain membership in the [LOCAL] Chapter of the California Special Districts Association.

**4080.3.1** At the regular Board meeting in [MONTH], a member of the Board shall be selected to represent the District in accordance with said chapter's constitution/bylaws, and another member of the Board or staff member shall at the same time be selected to serve as an alternate for the representation.



POLICY TITLE: Training, Education and Conferences  
POLICY NUMBER: 4090

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District governance, policy development or oversight of operations. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

"Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted.

The Business and Accounting Manager is responsible for making arrangements for Directors for conference and registration expenses, and for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Business and Accounting Manager, together with validated receipts in accordance with State law and District Policy

Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum. by:

- ✓ Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.
- ✓ Directors traveling together whenever feasible and economically beneficial
- ✓ Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after the District has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.



Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.



POLICY TITLE: Ethics, Discriminatory Harassment Prevention, and Continuing Education / Training  
POLICY NUMBER: 4095

**4095** All directors and designated executive staff of [District] shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.

This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

In addition, Board Members are required to attend training on sexual and discriminatory harassment prevention every other year on an alternating schedule.

Board members are also required to attend training on the National Incident Management System (NIMS) tailored specifically to elected officials.

**4095.3.1** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.

District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.

Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.

Any director of [District] that serves on the board of another agency is only required to take the training once every two years.



POLICY TITLE: Filling of Vacancy(s) on Board of Directors POLICY  
NUMBER: 4097

The District Board of Directors (Trustees) are elected (or appointed) in accordance with the Principal Act of the District. From time to time a vacancy may occur on the Board for a variety of reasons. This policy is established to provide general guidelines and procedures for filling a vacancy on the Board. Under state law, the District has a total of sixty (60) days in which to take action.

The Board of Directors shall be informed immediately of the resignation or death of a member of the Board of Directors. The Board of Directors shall consider whether to act to fill the vacancy, either by appointment or by calling a special election.

The District shall notify the county elections official of the vacancy no later than fifteen (15) days after the District Board is notified of the vacancy or the effective date of the vacancy, whichever is later.

In cases where the Board determines to appoint a replacement to the Board, the District may publish a public notice of a vacancy and the process for considering candidates in a local newspaper of general circulation. The Board may establish an application and interview process including requiring a resume or application form detailing qualifications and experience of the candidates.

**4097.4.1** The District shall post a notice of vacancy in at least three conspicuous places in the District at least fifteen (15) days before the Board makes an appointment. If the Board makes an appointment, the District shall notify the county elections official within fifteen (15) days of making the appointment.

The Board may review and invite those candidates that a majority of the Board determine are the most qualified or all of the candidates for an interview before the Board at a public noticed meeting. The Board may then consider the interviewed candidates and vote to determine if a majority of the Board can agree on a selected replacement candidate.

If the Board of Directors chooses to call an election, the Board must do so within sixty (60) days of notification of the vacancy or the effective date of the vacancy, whichever is later.

All costs for any election shall be identified for consideration by the Board for the decision of appointment or election.

A selected replacement Director shall serve out the balance of the term of the position and be subject to reelection under the Principal Act of the District.

If the Board fails to take action in the sixty (60) day period, state law provides that the Board of Supervisors may appoint a successor to fill the vacancy.



**POLICY TITLE: Board Meetings**  
**POLICY NUMBER: 5010**

Regular meetings of the Board of Directors shall be held on the second and fourth Wednesday of each calendar month. The meetings shall start at 5:30 p.m. with closed session, and with open session starting no earlier than 6:00 p.m. Meeting locations are at 1655 Front Street, Oceano, CA 93475 in the Board Chambers.

Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board during a regular meeting agenda item covering "Future Agenda Items."

All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, delivered to them at least 24 hours prior to the meeting.

Newspapers of general circulation in the District, radio stations and television stations, organizations, and property owners who have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950 through §54926) shall be notified by a mailing unless the special meeting is called less than one week in advance, in which case notice, including business to be transacted, will be given by telephone during business hours as soon after the meeting is scheduled as practicable.

An agenda shall be prepared as specified for regular Board meetings in Policy #5020 and shall be delivered with the notice of the special meeting to those specified above.

Only those items of business listed in the agenda for the special meeting shall be considered by the Board at the special meeting.

Quasi-judicial hearings, enforcement hearings, and issues relating to service provided to specific properties, which are not routine in nature, will normally be conducted during special meetings so that adequate time for review and findings of fact, testimonies, and Board conclusions are not constrained by the time restrictions and agenda items that are normally associated with regular meetings.

Emergency Meetings. In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Directors may hold an emergency special meeting without complying with the 24-hour notice required in 5010.21, above. An emergency situation means an unforeseen or unusual event which severely impairs public health, safety, or both, or where such a risk is imminent, as determined by the General Manager and/or the Board President a majority of the Board.

Newspapers of general circulation in the District, radio stations and television stations which have requested notice of special meetings in accordance with the Ralph M. Brown Act (California Government Code §54950



through §54926) shall be notified by at least one hour prior to the emergency meeting. In the event that telephone services are not functioning, the notice requirement of one hour is waived, but the Board, or its designee, shall notify such newspapers, radio stations, or television stations of the fact of the holding of the emergency special meeting, and of any action taken by the Board, as soon after the meeting as possible.

No closed session may be held during an emergency meeting, and all other rules governing special meetings shall be observed with the exception of the 24-hour notice. The minutes of the emergency meeting, a list of persons the Board or designee notified or attempted to notify, a copy of the roll call vote(s), and any actions taken at such meeting shall be posted for a minimum of ten days in the District office as soon after the meeting as possible.

Adjourned Meetings. A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment. ~~In the event that a quorum is not present for a meeting, it shall be adjourned as provided below, except that if no Directors are present at any regular or adjourned regular meeting, and the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given in accordance with \_\_\_\_\_ to those specified in 5010.2.2 above.~~

~~Annual Organizational Meeting. The Board of Directors shall hold an annual organizational meeting at its regular meeting in December [or other appropriate month]. At this meeting the Board will elect a President, Vice President and Clerk from among its members to serve during the coming calendar year, and will appoint the General Manager [or other responsible managing employee] as the Board's Secretary and the Finance Division Manager as the District's Treasurer. (Deleted because this is provided for in Policy #4040)~~

The General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

2.3 The General Manager, in cooperation with the Board at the prior meeting shall identify items for future agendas. The General Manager may also put emergent District business on the agenda. Items being placed on any agenda are subject to Brown Act regulations.

2.4 :

(a) Board Members may briefly respond to statements or questions from the public; and

(b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and

(c) The President or a majority of the Board itself may direct staff to place a matter on a future agenda as identified in Policy \_\_\_\_.



2.5 The presiding officer shall conduct all meetings in a manner consistent with the policies of the District and the Brown Act. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's final decision on all subjects. He/she shall vote on all questions; and on roll call his/her name shall be called last.

2.7 If a quorum does not arrive within fifteen (15) minutes of the time the meeting has been scheduled, it shall be determined that a quorum is not present. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting or, if no Board member is present, the ~~District secretary~~ General Manager shall adjourn the meeting.

2.9 Any person attending a meeting of the Board may record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the recording causes unreasonable noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings or would impair the ability of the public to observe the proceedings. All video tape recorders, still, and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers' podium once the meeting begins.

2.10 During each meeting, time shall be set aside to receive public comment in accordance with the Brown Act and District policy. Public comment shall be directed to the Board as a whole and not to any member individually or to the public.

2.12 No regular meeting will be conducted past 9:00 p.m. At that time the meeting will be continued, to a time and place acceptable to a majority of the Board Members present, to consider any items where action is necessary prior to the next regular Board meeting. If a second meeting is held and continues until 9:30 p.m., then the meeting will be adjourned and remaining agenda items continued to the next regular Board meeting. Adjournment at 9:00 p.m. may be disregarded by means of a motion to suspend the rules, if seconded and approved by a vote of two-thirds of the Board Members present.





POLICY TITLE: Board Meeting Agenda  
POLICY NUMBER: 5020

The General Manager, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act (California Government Code Section 54950). Any Director may contact the General Manager and request any item to be placed on the agenda pursuant to Board Policy #4050.

The presiding officer of a meeting may place limitations on the total time allowed for any one person to speak on an issue at the meeting.

This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.

At least 72 hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted in a place that is freely accessible to members of the public (California Government Code 54954.2 (a)(1)). If the District maintains a website, the agenda shall be posted on the website for public information at the same time. All information made available to the Board of Directors (except confidential information allowed by State law per legal counsel authority) shall be available for public review prior to the board meeting.

The agenda for a special meeting shall be posted at least 24 hours before the meeting in the same location as for Regular Meeting agendas (California Government Code Section 54956).



POLICY TITLE: Board Meeting Conduct  
POLICY NUMBER: 5030

Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 5070, "Rules of Order for Board and Committee Meetings", shall be used as a general guideline for meeting protocol.

All Board meetings shall commence at the time stated on the agenda and shall be guided by same.

The conduct of meetings shall, to the fullest possible extent, enable Directors to:

- ✓ Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems.
- ✓ Receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- ✓ Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:
- ✓ Three minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.
- ✓ No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the President, of that person's privilege of address.
- ✓ Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.
- ✓ After clearing the room of disruptive individuals, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.
- ✓ Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.



POLICY TITLE: Board Actions and Decisions  
POLICY NUMBER: 5040

Actions by the Board of Directors include but are not limited to the following:

- ✓ Adoption or rejection of regulations or policies;
- ✓ Adoption or rejection of a resolution;
- ✓ Adoption or rejection of an ordinance;
- ✓ Adoption or rejection of a motion;
- ✓ Approval or rejection of any contract or expenditure;
- ✓ Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of the General Manager; and,
- ✓ Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

**2.8** A roll call vote shall be taken upon the passage of all ordinances, resolutions, and other matters established by Board policy or state law that require solicitation of bids, and all matters involving more than a seven thousand five hundred dollar (\$7,500.00) expenditure by the District. The roll call vote shall be entered in the minutes of the Board meeting showing those Board members voting aye, those voting no, and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interest, his or her silence or abstention shall be deemed and recorded as an affirmative vote.

A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.



Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.



**POLICY TITLE:** Review of Administrative Decisions  
**POLICY NUMBER:** 5050

The provisions of §1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

This policy affects those administrative decisions rendered by the Board of Directors governing acts of the District, in the conduct of the District's operations and those affecting personnel operating policies.

The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.



**POLICY TITLE:** Minutes of Board Meetings  
**POLICY NUMBER:** 5060

The Secretary of the District shall keep minutes of all regular and special meetings of the Board.

Copies of a meeting's minutes shall normally be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be archived in a manner to prevent destruction.

Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fireproof vault or in fire-resistant, locked cabinet for a minimum of 60 days. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed, and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- ✓ Date, place and type of each meeting;
- ✓ Directors present and absent by name; Time and name of late arriving Directors;
- ✓ Time and name of early departing Directors;
- ✓ Administrative staff present by name;
- ✓ Call to order;
- ✓ Names of Directors absent during any agenda item upon which action was taken;
- ✓ Written information supplementing staff reports provided at the meeting;
- ✓ Summary record of public comment regarding matters not on the agenda, including commentator names;
- ✓ Approval of the minutes or modified minutes of preceding meetings;
- ✓ Approval of financial reports;
- ✓ The amount of all warrants approved for payment; Complete information as to each subject of the Board's deliberation;
- ✓ Record of the vote of each Director on every action item for which the vote was not unanimous;
- ✓ Resolutions and ordinances described as to their substantive content and sequential numbering;
- ✓ Record of all contracts and agreements, and their amendment, approved by the Board;
- ✓ Approval of the annual budget;
- ✓ Approval of all polices, rules and/or regulations;
- ✓ Approval of all dispositions of District assets;
- ✓ Approval of all purchases of District assets; and,
- ✓ Time of meeting's adjournment.



POLICY TITLE: Rules of Order for Board and Committee Meetings  
POLICY NUMBER: 5070

#### General.

Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

#### Obtaining the Floor.

Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

#### Motions.

- ✓ Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:
- ✓ A Director makes a motion; another Director seconds the motion; and the President states the motion if any Director requests clarification on the motion.
- ✓ Once the motion has been seconded and recognized by the President, it is open to discussion and debate. After the matter has been fully debated, the President will call for the vote.
- ✓ Public comment will normally be taken prior to motions and Board discussions on motions.

Secondary Motions. Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

- ✓ Motion to Amend. A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.
- ✓ Motion to Table. A main motion may be indefinitely tabled before it is voted on by motion made to



table, which is then seconded and approved by a majority vote of the Board.

- ✓ Motion to Postpone. A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.
- ✓ Motion to Refer to Committee. A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.
- ✓ Motion to Close Debate and Vote Immediately. Any Director may move to close debate and immediately vote on a main motion.
- ✓ Motion to Adjourn. A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

Decorum.

The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The President may eject any person or persons making personal, impertinent or slanderous remarks, refusing to abide by a request from the President, or otherwise disrupting the meeting or hearing.

The President may also declare a short recess during any meeting.

Amendment of Rules of Order.

By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.



OCEANO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2012-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OCEANO  
COMMUNITY SERVICES DISTRICT ADOPTING THE AMENDED BY-LAWS  
APPROVED BY THE BOARD OF DIRECTORS ON AUGUST 8, 2012

WHEREAS, the Board of Directors of Oceano Community Services District is dedicated to providing efficient and effective leadership in the Oceano Community; and

WHEREAS, Government Code Section 61045(f) requires the Board of Directors to adopt rules or bylaws for its proceedings; and

WHEREAS, on August 8, 2012, the Board of Directors of Oceano Community Services District reviewed and approved the proposed changes in the existing Board By-Laws as amended.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Oceano Community Services District, as follows:

1. The Oceano Community Services District Board of Directors By-Laws attached hereto as Exhibit "A", approved on August 8, 2012, are hereby adopted.
2. All prior versions of the Board of Directors By-Laws, Resolutions and/or Policies of the District that are inconsistent with the Board of Directors By-Laws herein adopted are hereby repealed.

Upon the motion of Director Hurdle, seconded by VP Lucey, and upon the following roll call vote, to wit:

AYES: Director Hurdle, VP Lucey, Director Angello, President Guerrero, Director White

NOES:

ABSENT:


ABSTAINING:

The foregoing Resolution is hereby passed and adopted this 8th day of August, 2012.



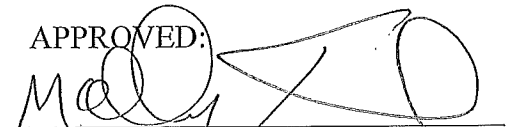
MATTHEW GUERRERO  
President

ATTEST:



Thomas Geaslen  
Secretary

APPROVED:



Molly E. Thurmond  
District Legal Counsel



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6780

FAX (805) 481-6886

“EXHIBIT A”

**OCEANO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS – BYLAWS**

**1. OFFICERS OF THE BOARD OF DIRECTORS.**

1.1 The officers of the Board are the President and Vice President.

1.2 The President and Vice President shall be elected annually during the first regular meeting in December, after any newly elected Board members are seated (Government Code Section 61043). The term of office for the President and Vice-President of the Board shall commence immediately after the election.

1.3 The President of the Board shall serve as presiding officer at all Board meetings. The President shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

1.4 In the absence of the President, the Vice-President of the Board shall serve as presiding officer over all meetings of the Board. If the President and Vice-President of the Board are both absent, the remaining members present shall select one of themselves to act as presiding officer of the meeting.

1.5 The Board may at any time determine, by majority vote of all members, that the President has demonstrated an inability to serve. Upon such determination, the Vice President shall preside instead of the President.

1.6 The Board may at any time determine, by majority vote of all members, that the Vice President, when acting as the presiding officer pursuant to Section 1.5 above, has demonstrated an inability to serve. Upon such determination, the Board shall, by majority vote, elect another member to be the presiding officer.

**2. MEETINGS**

2.1 Regular meetings of the Board of Directors (the Board) shall commence at 6:30 p.m. on the second and fourth Wednesday of each calendar month in the Board room at the District Office currently located at 1655 Front Street, Oceano, CA. 93475

2.2 Members of the Board shall attend all regular and special meetings of the Board unless there is good cause for absence.

2.3 The General Manager, in cooperation with the Board at the prior meeting shall prepare an agenda for each regular and special meeting of the Board. Any Director, before or during a regular meeting, may request that the General Manager place an item on the agenda. The General Manager may also put emergent District business on the agenda. Items being placed on any agenda are subject to Brown Act regulations.

**2.4** No action or discussion may be taken on an item not on the posted agenda. However, matters deemed to be emergencies or of an urgent nature may be added to the agenda of a regular meeting under the procedures of the Brown Act. Pursuant to the Brown Act and at regular meetings:

(a) Board Members may briefly respond to statements or questions from the public; and

(b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and

(c) The President or a majority of the Board itself may direct staff to place a matter on a future agenda.

**2.5** The presiding officer shall conduct all meetings in a manner consistent with the policies of the District and the Brown Act. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's final decision on all subjects. He/she shall vote on all questions; and on roll call his/her name shall be called last.

**2.6** A majority of the Board shall constitute a quorum for the transaction of business. While a majority of the Board is sufficient to do business, motions must be passed unanimously if only three Board members are present. Only those Board members present at a meeting may vote on business conducted at that meeting.

**2.7** If a quorum does not arrive within fifteen (15) minutes of the time the meeting has been scheduled, it shall be determined that a quorum is not present. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting or, if no Board member is present, the District secretary shall adjourn the meeting.

**2.8** A roll call vote shall be taken upon the passage of all ordinances, resolutions, and other matters established by Board policy or state law that require solicitation of bids, and all matters involving more than a seven thousand five hundred dollar (\$7,500.00) expenditure by the District. The roll call vote shall be entered in the minutes of the Board meeting showing those Board members voting aye, those voting no, and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interest, his or her silence or abstention shall be deemed and recorded as an affirmative vote.

**2.9** Any person attending a meeting of the Board may record the proceedings with an audio or video tape recorder or a still or motion picture camera unless the recording causes unreasonable noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings or would impair the ability of the public to observe the proceedings. All video tape recorders, still, and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers' podium once the meeting begins.

**2.10** During each meeting, time shall be set aside to receive public comment in accordance with the Brown Act and District policy. Public comment shall be directed to the Board as a whole and not to any member individually or to the public.

**2.11** If an individual or group willfully interrupts a meeting, fails to adhere to the District's policies pertaining to public comment, or otherwise creates an unreasonable disruption to the proceedings, the meeting may be stopped and the room may be cleared. In such circumstances, members of the media must be allowed to remain and only matters on the agenda can be discussed.

### **3. COMMITTEES**

**3.1** The Board may create Committees that are reflective of the District's business and its enumerated powers at its discretion. Committees shall be advisory committees to the Board and shall not commit the District to any policy, act or expenditure. The duties of the committees shall be outlined at the time of creation.

**3.2** All committee meetings shall be conducted as public meetings in accordance with the Brown Act.

**3.3** No committee shall include in its membership more than two (2) Board members.

**3.4** An alternate member may be assigned by the Board in advance for those meetings where a regular member is unable to attend.

### **4. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES.**

**4.1** The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file created for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheadings. However, the District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 4.2 below, shall not be required to record any remarks of Board Members or any other person. The Minutes shall record all of the votes taken for the passage of all ordinances, resolutions or motions.

**4.2** Any Director may request that brief comments pertinent to an agenda item be included in the minutes, but only at the meeting in which the item is discussed.

**4.3** The District Secretary shall attempt to record the names and place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.

**4.4** Whenever the Board acts in a quasi-judicial proceeding, such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

**4.5** Any audio or visual recording of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. Audio and/or visual recordings will be posted on the District's website for 30 days before being taken down. Physical copies of the audio/visual recordings will be retained in the District archive for five (5) years and may be destroyed thereafter.

**4.6** Nothing herein shall be deemed to create a requirement that minutes from the meeting be taken, or tape or film recordings be made, of any closed sessions of the Board.

**4.7** All correspondence should have Name and Address of record to be entered in the minutes.

## **5. MEMBERS OF THE BOARD OF DIRECTORS.**

**5.1** Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

**5.2** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and options, but in a respectful manner.

**5.3** Once the Board takes action, Directors should commit to supporting the action and should not obstruct implementation of the action.

**5.4** Any vacancy in the office of a member elected to the Board shall be filled pursuant to Government Code Section 1780.

## **6. AUTHORITY OF DIRECTORS.**

**6.1** The full Board of Directors, in actions taken pursuant to The Brown Act, retain absolute power to set policy, direct staff, and conduct the business of the District.

**6.2** The Board is the unit of authority within the District. Apart from their normal functions as a part of the Board, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.

**6.3** Directors do not represent any fractional segment of the community. Rather, they are part of the body which represents and acts for the community as a whole.

**6.4** The primary responsibility of the Board is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are the responsibility of the professional staff members of the District. Directors should not obstruct the professional staff in the performance of their duties.

**6.5** The Board at a regular or special meeting may authorize a Director or staff to speak or communicate on behalf of the District or represent the District at a meeting or related function. Otherwise, Board members attending such events as described above shall make it clear

that they are speaking on their own behalf and not representing the District or its Board of Directors.

## **7. DIRECTOR GUIDELINES.**

**7.1** It is the intent of the Board of Directors to:

**(a)** Maintain control and direction of the District by action of the Board of Directors taken pursuant to the Brown Act;

**(b)** Allow Board Members access to information relative to the running of the District;

**(c)** Protect staff from undue influence, threats, harassment, and/or pressure from individual Board Members or members of the public;

**(d)** Allow staff to execute priorities given by the Board of Directors and management without fear of reprisal.

**7.2** Individual Board members, by making a request to the General Manager shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as a basis for certain actions of staff or as justification for staff recommendations. Board Members shall receive the cooperation and candor of the General Manager in being provided with the requested information. If the General Manager cannot timely provide the requested information because it is not presently available or its production would cause an interruption in work schedules or workloads, then the General Manager shall inform the Board member why the information is not available or cannot be made available in a timely manner, and when it may be made available.

**7.3** If the information still cannot be provided the General Manager shall, or the Board Members shall direct the General Manager to, place an item on the Board agenda for direction as to the Board's desire and method of providing the information.

**7.4** In handling complaints from residents, property owners within the District or other constituents, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and appropriate response.

**7.5** Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programs, should refer said concerns directly to the General Manager.

**7.6** When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.

**7.7** Directors and the General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

**7.8** When responding to constituent requests and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager.

**7.9** Sitting Directors should not enter into Litigation against the District. Should a Director enter into litigation against the District, it will be presumed that said Director has a conflict of interest on all matters presented to the Board for discussion and action.

## **8. DIRECTOR COMPENSATION.**

**8.1** Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular or special meeting of the Board and fifty dollars (\$50.00) for each committee meeting attended by him or her.

**8.2** In no event shall Director compensation exceed one hundred dollars (\$100.00) per day.

**8.3** Director compensation shall not exceed six hundred (\$600.00) in any one (1) calendar month.

## **9. EXPENSE REIMBURSEMENT**

**9.1** Each Board Member is entitled to reimbursement for their actual and necessary traveling and incidental expenses incurred in the performance of the duties required and authorized by the Board. Personal phone calls are not reimbursed.

**(a)** It is the policy of the District to exercise prudence with respect to hotel or motel accommodations. It is also the policy of the District for Board members and staff to stay at the hotel or motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

**(b)** Any Director traveling on District business shall receive transportation and lodging expenses, and ordinary expenses such as meals and tips. If a Director is called upon to personally pay District business expenses during travel, the Director shall maintain all receipts from any such District business trips. Such receipts will be used to calculate the amount of reimbursement.

**(c)** Mileage reimbursement for use of privately owned vehicles used for District business shall be as established by the Internal Revenue Service.

## **10. CORRESPONDENCE DISTRIBUTION POLICY.**

**10.1** The following letters and other documents shall be accumulated and delivered to the Board on Friday of each week.

**(a)** All letters approved by the Board and/or signed by the President on behalf of the District.



(b) All correspondence received by the District that are of District-wide concern as reasonably determined by the General Manager.

## **11. CONFLICTS OF INTEREST AND RELATED POLICY.**

**11.1** State laws exist which attempt to eliminate any action by a Board Member or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with the Fair Political Practices Commission (the "FPPC") at (916) 322-5660, prior to the day of the meeting if they have a question about a particular agenda item.

**11.2** Each Director is encouraged to review the District's Conflicts of Interest Code on a regular basis. The general rule is that an official may not participate in making a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. If real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is deemed to be directly involved in the decision. Additionally, FPPC rules generally require a disqualified Board member to leave the room during the discussion of the matter.

**11.3** The prohibitions of Government Code Section 1090 provide that the District may not contract with any business in which a Board member has a financial interest.

**11.4** The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment of either public office, the discharge of the duties of the two offices by one person is incompatible with the affected office and the official must step down from one of the offices.

## **12. EVALUATION OF CONSULTANTS.**

The District Consultants, including the District's Legal Counsel and Consulting Engineer, shall be evaluated annually during the months of May or June.

## **13. CONTINUING EDUCATION.**

**13.1** Board Members are required to attend training on ethics and sexual harassment every other year on an alternating schedule. Board members are also required to attend training on the National Incident Management System (NIMS).

**13.2** Members of the Board and the General Manager are encouraged to attend educational conferences and professional meetings to improve District operation, such as Special District Administration, Finance and Governance, and other programs that emphasize employee relationships.

**13.3** Subject to budgetary constraints, there is no limit on the number of Directors attending a particular conference or seminar when their attendance is beneficial to the District and in compliance with the Brown Act.

#### **14. RELATIONSHIP AND CONDUCT BETWEEN BOARD MEMBERS AND STAFF**

**14.1** The Board of Directors recognizes that the primary function of staff is to execute Board policy and to keep the Board of Directors informed.

**14.2** Members of the Board of Directors shall not attempt to pressure and/or influence staff decisions, recommendations, workloads, schedules, and priorities.

**14.3** Staff shall take guidance and direction only from action taken by the Board of Directors or from appropriate management supervisors as may be the case. Staff shall reject any attempts by an individual Board Member to influence or otherwise pressure them into making, changing or otherwise affecting staff decisions or recommendations, or changing work schedules and priorities. Staff shall report such attempts, without fear of reprisal, to the General Manager, or to the President or the Vice President of the Board of Directors, who shall take appropriate action.

**14.4** In the event that an employee has been the subject of any unlawful conduct from a Board Member, the employee shall report such conduct in writing and without fear of reprisal to the President or the Vice President of the Board of Directors, or to the Grand Jury directly, who shall investigate the complaint and take further necessary action.

#### **15. FIDUCIARY RESPONSIBILITY**

**15.1** No member of the Board of Directors shall serve as the District treasurer.

**15.2** The General Manager shall be responsible for supervision of the District's finances.

**15.3** The Board of Directors shall adopt by resolution a system of accounting and auditing that shall completely and at all times show the District's financial condition. The system of accounting shall adhere to generally accepted accounting principles (Government Code Section 61053).

**15.4** Any portion of the District's money may be deposited in the county treasury of San Luis Obispo County or the treasury of the State of California. The Board shall, by resolution, designate a bank as the depository of all District money not deposited with the County or State Treasury.

**15.5** The General Manager shall make quarterly or more frequent written reports to the Board of Directors, as the Board shall determine, regarding the receipts and disbursements and balances in the accounts of the District.

**15.6** The Board will review and approve the District Investment Policy on an annual basis.

**15.7** The budget shall be prepared annually for Board approval by the following procedures:

(a) On or before June 1<sup>st</sup> of each year, the Board of Directors should adopt a preliminary budget that conforms to generally accepted accounting procedures applicable to special districts. The preliminary budget shall be prepared by the General Manager.

(b) On or before July 1<sup>st</sup> of each year, the Board of Directors shall publish a notice in a newspaper of general circulation stating the date, time, and place when the Board will meet to adopt the final budget, and that the preliminary budget is available for inspection at the District office.

(c) On or before September 1<sup>st</sup> of each year, the Board of Directors shall adopt a final budget that conforms to generally accepted accounting procedures applicable to special districts.

(d) The procedures for adopting a budget shall comply with Government Code Section 61110.

**15.8** Audits shall be conducted as soon after the end of the Fiscal Year as possible, preferably within 120 days.

## **16. PUBLICATION OF POLICY**

**16.1** Copies of this Policy shall be distributed to:

(a) All current District employees and new employees at the time of hire.

(b) All current Directors of the District and new Directors at the time they take office.

(c) Staff will provide orientation for new Directors.

**16.2** The General Manager shall be available to answer questions of District employees regarding the District Policy on relationship and conduct between Board Members and staff.

## **17. RESTRICTIONS ON BYLAWS**

These Bylaws shall govern the Board in all cases to which they are applicable and not otherwise inconsistent with State and Federal laws.



**OCEANO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2006-1**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
ESTABLISHING NEW WATER SERVICE CHARGES AND  
CONSOLIDATING EXISTING WATER ORDINANCES**

**WHEREAS**, The District will furnish water service in accordance with the regulations contained herein and in accordance with the applicable County Ordinances and State and Federal Regulations to any property within the service limits of the District and to such areas outside the District limits as the Board may designate.

**WHEREAS**, the Board of Directors has been presented with evidence that demonstrates the necessity to increase monthly water service charges to meet its contractual obligations; and,

**WHEREAS**, the District's reserves provide a source of revenue for capital replacement and/or improvements; and,

**WHEREAS**, the purpose of this Ordinance is to:

- A. Maintain adequate level of revenue, equitably collected, to meet the District's operational and contractual obligations; and,
- B. To classify and to charge the revenues that make up the District's water reserve with the obligation to fund periodic shortfalls in revenues, if any; and,
- C. To implement the objectives of the San Luis Obispo County General Plan for the District's water supply; and,
- D. To consolidate existing water ordinances into one ordinance for convenience and clarity.

**WHEREAS**, based upon facts and analysis presented by District staff and public testimony received, the Board of Director's find:

- A. This public meeting was properly noticed pursuant to Government Code Section 54954.2 (Brown Act).
- B. The fees, rates, and charges that are subject to this Ordinance do not exceed the estimated reasonable cost necessary to comply with the District's contractual obligations and other costs of providing water service for which the charges and fees are imposed.
- C. The revenues that make up the District's water reserves are adequate and sufficient to form a classification and be charged with the financial commitments provided in this Ordinance.
- D. The District residents benefit from the logical, long-range approach to financing of public facilities and water supplies.
- E. The District will benefit from a more organized Ordinance placing all water related charges in one location.

**NOW, THEREFORE, BE IT ORDAINED**, pursuant to Government Code Sections 61060, 61115, 61115(c) and 61060(h) by the Board of Directors of the District as follows:

**ARTICLE 1**  
**General**

In all cases, water shall be supplied only through water meters installed as set forth herein and, in each case, the property owners shall be responsible for all water passing through the meter.

If application is made for service where no service connection has been installed but a distribution main is adjacent to the property, the applicant, in addition to making application for service, shall comply with the regulations governing the installation of services

Unless otherwise approved by the Board, all service of water by the District shall be made in accordance with the following rules and regulations any and all of which may be amended or added to or repealed in whole or in part by the District Board at any regular or special meeting thereof.

**System Control:** All reservoirs, pipelines, pumping stations, wells, treatment facilities, valves, connections, meters and other appurtenances and property of the District shall be

under the management and control of the Board with daily operational control delegated to the General Manager, and no other persons except employees of the District shall have any right to operate said system and/or property in any manner.

**Protection of Health:** The District reserves the right to treat any and all water served through its system with such chemicals and processes, at such time, and in such amounts as it deems proper to safeguard public health. District further reserves the right to safeguard public drinking water supplies by preventing backflow into the District water system.

## **ARTICLE 2 Permit Application**

**Permit Application for Service Connection:** Permit is an Agreement. The applicant's signature on any District or County permit shall constitute an agreement to comply with all provisions, terms and requirements of this and other ordinances, rules and regulations of the District and with the plans and specifications District has approved together with such corrections or modifications as may be made or permitted by the District, if any. Such agreements shall be binding upon the applicant and may be altered only by the District upon written request for the alteration by the applicant.

1. **Permits Required:** No public water main, or water service, or other facility or action requiring a permit from the District shall be installed, altered or repaired or begun until a permit is first obtained from District and all fees paid in accordance with the Provisions of this Ordinance.
  - a. **Powers and Authorities of Inspectors:** The Manager and any duly authorized representative of the District shall be permitted, upon showing evidence of his or her position, to enter private property for the purpose of inspection, re-inspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of this Ordinance and the Rules and Regulations of the District.
  - b. **Requirements for Public Service Construction:** Prior to the construction of a public service for which the District has jurisdiction, plans, profiles and specifications shall be prepared by a registered engineer and submitted to the District for review and approval. All such documents submitted shall be prepared in accordance with, and review shall be based upon District's Standards and Specifications.
    - i. District staff shall make every effort to review and comment on any plans, profiles and specifications within ten business days from submittal.

- ii. Upon approval of the plans, profiles and specifications the General Manager or District Engineer shall sign and date the pertinent pages.
  - iii. No construction shall begin without plans, profiles and specifications approved and signed by the General Manager or District Engineer.
- c. **Subdivisions:** Prior to the granting of approval by the District for the recording of a final map or of installing any part of a public service under the jurisdiction of the District, the applicant shall have complied with all the requirements stated above and all other applicable provisions and pay all fees and meet all District requirements.
  - i. All public water lines shall be in streets or rights of way dedicated for public use or, if approved by the District, shall be in easements granted to the District. In the event that an easement is allowed by the District for the extension of any public service or the making of connections, the applicant shall procure and have accepted by the District a proper easement or grant right of way sufficient in size to allow the laying and maintenance of service connection. The cost of obtaining said easement or right of way shall be borne by the applicant.
  - ii. If a final map for a tract is recorded and the construction of public services for which the District has jurisdiction is not completed within the time allowed, the General Manager may extend the time limit or may, with Board approval, complete the work and take appropriate steps to enforce the provisions of any bond furnished by the subdivider.
- d. **Persons Authorized to Perform Work:** Only properly licensed contractors shall be authorized to perform the work of construction of public services to be maintained by the District. Applicant is responsible for assuring that their contractor conforms to the terms and conditions of the applicant's permit insofar as these terms and conditions apply to the work to be done by the contractor.
- e. **Compliance with All Applicable Laws and Rules and Regulations:** Any person constructing a public service to be operated and maintained by the District or any type of structure requiring approval or permit by District shall comply with all State, County District, South San Luis Obispo County Sanitation District and any other laws,



statutes, ordinances, rules and regulations pertaining to any and all aspects of said construction and shall obtain all permits and pay all fees required by the department having jurisdiction.

- f. **Protection of Excavation and Restoration:** The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a public service to be operated and/or maintained by the District is under construction and of each dangerous condition to be encountered as a result thereof. He shall also likewise protect the public in the use of the adjacent public rights of way against any such conditions in connection with the construction of such public services. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstated in a manner satisfactory to the District. The applicant or contractor may be required to post a bond to guarantee that repairs to any property disturbed will be made.
  
- g. **Design and Construction Standards:** The minimum standards for design and construction of public services to be operated and maintained by the District shall be in accordance with the District Standards and Specifications except where requirements of the State, County or Federal government are more restrictive, in which case the more restrictive requirements shall apply. The administration, inspection, enforcement and acceptance shall be by the District. The District may permit modifications or may require higher standards. Before acceptance of any public service by the District such public service shall have been tested and all work shall have been completed in full compliance with District Standards and Specifications to the satisfaction of the District's Engineer, General Manager or authorized representative.
  
- h. **Inspection Fees:** Fees for inspection of building water and related facilities shall be as detailed below:
  - Single Family Dwelling.....\$50.00
  - Multiple Units.....\$25.00 per unit
  
- i. **Disposition of Fees:** All fees collected on behalf of the District shall be shown as revenue in the proper account and the funds deposited in the manner provided by the District.
  
- j. **All Costs Paid by Owner:** All costs and expenses incident to the installation and connection of water or other work for which a permit has been issued shall be borne by the owner. The owner shall

indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

- k. **Street Excavation Permit Required:** A separate permit must be secured by applicant from the San Luis Obispo Department of Public Works, the State Department of Transportation or any other authority having jurisdiction over any public way in which applicant intends to perform any work related to District services.
  
- l. **Liability:** The District and its officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from any liability imposed by law upon the District and its officers, agents or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein. Applicant shall obtain property and liability insurance in amounts necessary for proper coverage as established from time to time by District guidelines.
  
- m. **Liability for Violation of Ordinances, Rules and Regulations:** Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District, may be served by the General Manager or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. All persons shall be held strictly responsible for any and all acts of agents and employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon the notification by the General Manager of any defect arising in any violation of this Ordinance, or any other ordinance, rule or regulation of the District, the person or persons having charge of said work shall immediately correct the same.
  
- n. **Continued Violation a Public Nuisance:** Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this or any other ordinance, rule or regulation of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility or at the discretion of the District, the District may abate the violation, in which case the cost of the abatement and any reasonable attorney's fees and administrative

fees shall be applied against the offending property as provided by law.

- o. **Disconnection for Violation:** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the General Manager shall have the power to disconnect the user or subdivision from the water mains of the District. Upon disconnection, the General Manager shall estimate the cost of disconnection and reconnection to the system, and such user shall deposit as the estimated cost before user is reconnected to the system. The General Manager shall refund any part of the deposit remaining after payment of all costs.
- p. **Habitation of Disconnected Premise Forbidden:** During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, thereupon the District may cause proceedings to be brought for the abatement of the Occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District a reasonable attorneys's fee and cost of suit arising in said action, as well as reasonable administrative costs.
- q. **Means of Enforcement:** The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations and not as a penalty.
- r. **Violation of Ordinances, Rules and Regulations is a Misdemeanor:** Section 6523 of the California Health and Safety Code [as referenced by Government Code Section 61064] provides that a violation of an ordinance, rule or regulation of the District by any person is a misdemeanor punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed one month, or both. Each and every connection or occupancy in violation of the ordinances, rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such.
- s. **Violator Liable for any Expense, Loss or Damage to the District:** any person violating any of the provisions of the ordinances, rules and regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such

violation.

2. **A permit application for service connection must be made for each newly constructed structure or remodel or addition of an existing structure on a form furnished by the District.** The fee for filing the application or renewal thereof is \$30.00 per structure and/or separate residential unit, whichever is greater. The permit shall specify the size of the service connection, the property to be served and the purpose for which the water is to be used. The information supplied by the applicant in such a permit shall be considered as authoritative and final. If any error in such application shall cause the installation of a service connection that is improper, either in size or location, the cost of all changes required shall be borne by the applicant.
  - a. **No Single Service:** Except as may be otherwise specifically approved by the Board, service to newly constructed building shall include both sewer and water. One service will not be provided without the other.
  - b. **Repayment Agreements:** In general, those applicants who require a water main extension in front of the property to be served shall pay the entire cost of such extension which in some cases may be partially reimbursable if other parties connect directly to the extended system. If reimbursement is requested the following must apply:
    - i. The extension must be at least two hundred (200) feet in length and have the potential to directly serve other property. In this case direct service means the ability to connect directly into the extension with a service connection to another property but without further extending the public system.
    - ii. District shall determine the prorated cost of the new connections. Such costs shall be based upon construction costs furnished by the applicant and as approved by the District.
    - iii. These main extension charges shall be detailed in an agreement approved by the Board. Said agreement shall not be in force more than ten years.
    - iv. District shall collect from those charges levied against the new connections a ten (10%) percent administration fee.
    - v. The public main extension under agreement may be further extended in accordance with the rules and regulations set forth

herein without obligation and reimbursement shall not be made by those new services connecting to the additional extension excepting when that additional extension conforms to the guidelines detailed in this section and is under a separate repayment agreement.

c. **Annexation Rates:** For each acre or fractional part of an acre of the land included in the area proposed to be annexed, the sum of \$100 per acre shall be charged to defray the administrative and personnel costs to the District to process such annexation.

3. The term "service connection" as used herein shall be understood to designate the waterline and appurtenance installed between the connecting main and the meter and including a valve on the customer's side of the meter. All service connections will be on permanent District facilities and installed to the property line.

4. **Water Service Connection Fees:** Connection fees for new water service are established as follows:

<u>Size of Service</u>	<u>Fee to Install a New Water Service</u>
5/8" x 3/4" meter	\$675 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4,080 (minimum = \$4755.00)
3/4" meter	\$950 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$5030.00)
1" meter	\$1,350 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$ 5430.00)
1 1/2" meter	\$2,700 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$ 6780.00)
2" meter	\$5,400 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = 9480.00)
3" meter	\$10,800 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$14,880.00)
4" meter	\$18,900 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$22,980.00)
6" meter	\$43,200 installation charge + \$ 81.60/front foot with a minimum front foot charge of \$4080 (minimum = \$ 47,280.00)

5. **Additional Connection Fees:** To defray the expenditure impact of the California State Water Project and the Lopez Dam Improvement Revenue Bonds, the following additional fees are imposed:
- a. In addition to existing connection fees, a connection fee of \$1,000 for each equivalent single family dwelling is hereby established.
  - b. For this Section, equivalent single family dwelling shall mean, as applied to residential construction, any house or individual dwelling unit such as an apartment, mobile home, condominium or any living area containing a cooking facility. Any such unit being equal to one equivalent single family dwelling. By way of example, a 50 unit apartment complex or a 50 unit mobile home park shall mean to equal 50 equivalent single family dwellings.
  - c. For this Section, equivalent single family dwelling shall be equal to, as applied to commercial construction, each ten (10) gallons per minute average water demand or part thereof. By way of example, a commercial enterprise having a water demand of twenty-five gallons per minute shall mean to equal 3 equivalent single family dwellings.
  - d. This connection fee shall be in addition to any existing fees and shall be set aside in a separate account and used to defray the costs of purchasing supplemental water. Once user fees are adequate to cover water department operations and maintenance costs including any outstanding debt and water purchases, the fees may be used to defray water capital replacement or water capital improvement costs.
6. **Capacity Charges:** In addition to existing connection fees established above, effective January 1, 1993, a capacity charge in the amount of \$1,572 for each equivalent single family dwelling is hereby established.

On January 1, 1994, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six (\$1,572 + [13.50 x 6]).

On January 1, 1995, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six (\$1,653 + [14.50 x 6]).

On January 1 of all subsequent years, the capacity charge shall be increased by the then current SFR minimum bi-monthly water charge multiplied by six.

- a. **Single Family Dwellings.** For this Ordinance, "equivalent single family dwelling" shall mean, as applied to residential construction, any house

or individual dwelling unit such as an apartment, mobile home, condominium or any living area containing a cooking facility. Any such unit being equal to one equivalent single family dwelling. By way of example, a 50 unit apartment complex or a 50 unit mobile home park shall mean to equal 50 equivalent single family dwellings.

- b. **Non-Residential Construction.** For this Ordinance, as applied to non-residential construction, the single family dwelling equivalency factor shall be based upon the water meter size as follows:

<u>Required Meter Capacity</u>	<u>SFR Equivalencies</u>
10 gpm (5/8" meter)	1
15 gpm (3/4" meter)	2
25 gpm (1" meter)	4
50 gpm (1 ½" meter)	7
80 gpm (2" meter)	11
160 gpm (3" meter)	23
250 gpm (4" meter)	36
500 gpm (6" meter)	71

The required meter capacity shall be the maximum meter flow rating of the meter, and the flow rating shall be determined on the basis of fixture unit calculations according to the Uniform Plumbing Code (UPC) adopted by the District. By way of example, a non-residential construction project requiring a one-inch meter shall have a single family dwelling equivalency factor equal to four times the current capacity charge to a single family residence. Any appeal of the required meter capacity which cannot be resolved at the administrative level shall be handled in accordance with Section 20.14 of the 1985 UPC or any subsequent code adopted by the District.

7. When the proper permit for water has been filed, all applicable fees paid, a service connection is installed, the meter set, and the water turned on, the charge for water service shall begin. After a property has been connected to a District service or services, charges shall continue to accrue whether the property is occupied or not unless the owner requests the District to remove the water meter. Once a meter is removed the property shall be subject to a reconnection fee would they require service.
8. **Out of District Service:** For those properties that are outside the District boundaries but are receiving District water and/or sewer services, not on an emergency basis, there will be a \$7.10 administrative charge per billing cycle.

**ARTICLE 3**  
**Application for Service**

1. **Applications for service to use an existing service connection shall be made only in the property owner's name.** An application fee of \$30.00 shall be paid to the District at the time application for water service is made. Property owner assumes responsibility for services provided without regard to tenancy of premise. Said responsibility is ongoing until the owner notifies the District in writing that services are to be disconnected. At no time shall service be accounted for or listed by any name except that of the property owner. If property is transferred without proper application being made by the new owner within thirty days of the property being transferred, an application fee of \$50.00 shall be applied against the property Utility Account. Mid-period readings of meters shall not be made for occupancy changes.
  
2. **Discontinuance of Service for Violation of Rules and Regulations:** A customer shall be entitled to a reasonable notice of the intent of District to discontinue service for noncompliance or violation or infraction of any rule or regulation and to a reasonable opportunity to comply therewith or to cease the violation or infraction.
  - a.. No such notice or opportunity to comply with or cease a violation or infraction of any such rule and regulation need be given for those incidences in which the noncompliance, violation or infraction by the customer has created, is creating, or is likely to create on the customer's premises and/or in the water supply system of District, conditions dangerous and detrimental to property (including crops), public health, safety and welfare.
  
  - b. Property owners are responsible for the actions of customers who occupy their property and cause the District to disconnect the water through the customer's noncompliance with the rules and regulations detailed herein and shall be held liable for all costs incurred. Said charges shall be estimated and paid prior to the resumption of service. This payment is subject to additional billing or refund to reflect the actual completed cost.
  
3. **Relief on Application:** When any person by reason of special circumstance or is in disagreement with any action or decision made by the District staff, is of the opinion that any provision of the Ordinance is unjust or inequitable as applied to his or her premise or request, he or she may make written application to the Board, stating the special circumstances, citing the provision complained of, and request modification or relief from that provision as applied to him or her. The District Secretary shall make every effort to set



a hearing for the next regularly scheduled Board meeting and shall cause notice of such hearing to be given to the appellant no less than five days prior to the hearing date unless notice is waived, in writing, by the appellant. The Board may continue the hearing from time to time. The findings of the Board shall be final. The Board shall rule upon the application within 45 days of acceptance of the written request or appeal unless the Board makes a finding that additional time to make its findings are needed. Nothing contained herein shall be construed as granting the appeal should the procedures detailed in this Ordinance not be strictly followed.

4. **Relief on Own Motion:** The Board may, on its own motion, find by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premises or situation and may, by motion, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.
5. **Use of Water without Application:** Any customer taking possession of premises where the water supply has been shut off must make proper application to the District to have the water supply turned on. In the event water is delivered through the installation without the customer first having made such an application and paying the application fee, the customer will be held liable for all charges for water service rendered, the amount thereof to be determined, at the discretion of the District, either by meter reading or on the basis of the estimated consumption for the length of time, and/or estimated length of time service was received by the customer without proper application.
6. **Discontinuance of Water Service:** If, at any time water service is discontinued, a turn-on charge of \$30.00 will be paid to the District prior to the time the District will continue service.
7. **Pressure Conditions:** The District assumes no responsibility for loss or damage because of lack of water pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. All connections, pumps, tanks, chlorinators or other appurtenances installed at any point in the water line between the meter and the customer's water outlets shall be the sole responsibility of the property owner, both as to the original installation and as to the maintenance and upkeep. Such installation must be approved by the District. Approval shall be based upon standard water works practice as promulgated by the American Waterworks Association and/or District Standard.

8. **Meter Locations:** The District shall approve all meter locations. Water service will be installed in size as determined by the District and at the location desired by the applicant where such requests are reasonable and compatible with function of the distribution system.
9. **Municipal, Industrial and Domestic Service Connections:** Except as otherwise herein provided, each house or building under separate ownership must be provided with its own service connection or connections. Two or more houses or buildings under one ownership and on the same lot or parcel may be supplied through one service connection under the conditions herein set forth or a separate service connection may be installed for each building.
  - a. The District reserves the right to limit the number of houses or buildings, or the area of the land under one ownership to be supplied by one service connection and to limit the number of service connections for any area served.
  - b. When property provided with a service connection is subdivided, the existing service connection shall be considered belonging to the lot or parcel of land which it directly enters.
  - c. A service connection shall not be used to supply water to adjoining property of a different owner or to supply water to property of the same owner on opposite sides of a street or alley, dedicated or offered for dedication. A service connection may supply water to a recreational vehicle or living unit trailer for a maximum of seventy-two (72) hours every ninety (90) days. An illegal service connection providing water service as described in this paragraph shall be subjected to a charge of \$100.00 per incident charged against the property supplying the water Utility Account.
10. **Multiple Unit Connections:** For service to planned unit developments, such as condominiums, apartments or trailer courts or services to parcels that contain more than one dwelling unit, providing that the parcel cannot be split in the future, and subject to the discretion of District staff, one service may be provided. If at any time the parcel is for any reason split the provisions of "Municipal, Industrial and Domestic Service Connections," above, apply.
11. **Service Connection Size and Location:** The District reserves the right to determine the size of the service connection and its location in relation to boundaries of the premise to be served. Any meter larger than one and one-half inches in size shall be:
  - a. compound meter only; and,

- b. Attached only to equal or larger size service leads.

The customer's pipe to the meter should not be laid until the service connection is installed. In the event the customer's on-site water lines are installed and the location at the meter does not correspond with that of the service connection, then the customer must bear any additional costs incurred to relocate the customer's pipe or make whatever changes are necessary.

- 12. **Service Connection Curb Cock and Valve:** Every service connection installed by the District shall be equipped with a curb cock or valve on both inlet and outlet side of the meter; the inlet valve or curb cock is the exclusive use of the District in controlling the use of water through the service connection and/or meter. If either of the above described curb cocks or valves should be damaged or worn-out through use by the customer to an extent requiring the replacement or repair, the District shall charge the customer for such replacement and/or repair.

**ARTICLE 4  
District Billing Process**

- 1. Water meters shall be read and billings for water and sewer service shall be mailed once every two months. Where both water and sewer service are being provided at a given service address, both water and sewer charges shall appear on one bill. The District shall not bill water and sewer charges separately for service addresses receiving both services.

When a meter is covered or otherwise inaccessible, so that it cannot be read, an estimated bill or series of estimated bills, will be rendered. Accumulated errors, if any, in such estimates will be adjusted when the meter is first thereafter read. If an estimated reading is required, the recipient of the bill shall be notified at the time of the billing.

- a. **Minimum Bi-Monthly Charges  
Non-Residential Accounts**

5/8" x 3/4" meter	\$ 29.15
3/4" meter	\$ 36.55
1" meter	\$ 58.40
1 1/2" meter	\$ 109.20
2" meter	\$ 172.30
3" meter	\$ 276.95
4" meter	\$ 473.80
6" meter	\$ 741.30

The minimum bi-monthly water charge, as listed, allows six hundred cubic feet of water. Additional needs will be charged at the metered rate of:

7 - 25 ccf	\$ 2.25 / ccf
Additional Needs	\$ 2.95 / ccf

In addition to the charges listed above, a fee of \$1.14 per ccf, or portion thereof, will be charged to defray the additional costs associated with Zone 3 Lopez Dam Retrofit and the Water Treatment Plant Update.

**b. Bi-Monthly Charges  
Residential Accounts**

The minimum bi-monthly water charges for residential accounts will be \$23.94, which will allow six hundred cubic feet. Additional needs shall be charged at the metered rate of:

7 - 25 ccf	\$ 2.25 / ccf
Additional Needs	\$ 2.95 / ccf

In addition to the charges listed above, a fee of \$1.14 per ccf, or portion thereof, will be charged to defray the additional costs associated with Zone 3 Lopez Dam Retrofit and the Water Treatment Plant Update.

For meters serving more than one residential dwelling unit, the minimum bi-monthly charge shall be calculated as \$3.99 multiplied by six (hundred cubic feet), multiplied by the number of dwelling units served.

**2. Partial Billing:** Partial billings shall be based upon the following chart:

<u>Days of Use</u>	<u>Fraction of Charge</u>
1 - 15	1/4 of Minimum
16 - 30	1/2 of Minimum
31 - 45	3/4 of Minimum
46 - 60+	All of Minimum

**3. Disputed Bills:** Whenever the correctness of any bill for water service is questioned, the District will cause an investigation to be made, including, a meter test in accordance with this Ordinance.

Bills reflecting clerical or meter errors shall be adjusted, taking into consideration the volume of business, seasonal demand, and any other factors that may assist in determining equitable charge.

4. Whenever a bill reflects a high usage as compared with other billing periods, and the owner can produce evidence of a break or malfunction and evidence that the break or malfunction had been repaired, the bill will be presented to the Board of Directors for an adjustment that would invoice the customer the average of the past twelve months water bills. Computation of the average will include the most recent bill and the previous five water bills.
5. **Terms and Conditions for Providing Service and Payment of Bills:** Statements for metered water service will be rendered according to registration of the meter. Statements will be mailed every two months and are due and payable upon presentation. For each property receiving service all responsibility and liability for charges incurred is assumed by the owner of said property until said owner notifies the District, in writing, to discontinue such service. The District cannot be responsible for errors unless such notification is in writing.
6. All billings shall be mailed in the property owner's name to the property owner's residence address. Billings can be sent to the service address even though the owner does not occupy the residence at the service address providing:
  - a. Mail service is provided to the service address.
  - b. The property owner completes an authorization form requesting that a billing (courtesy bill) be sent to service address. The fee for providing a courtesy bill is \$2.40 per bill.
7. **No Single Services:** Except as may be otherwise specifically approved by the Board, services to newly constructed buildings shall include both water and sewer. One service will not be provided without the other.

## **ARTICLE 5 Nonpayment of Utility Bills**

1. A customer's water service may be discontinued if a utility bill become delinquent.
  - a. Charges not collected within twenty (20) days of billing shall be delinquent.

- b. If charges and penalties are not collected within twenty (20) days of billing, the General Manager is authorized to commence Service Termination Procedures pursuant to the Service Termination Procedures section below.
- c. The General Manager, at his or her discretion, may cause a meter reading to be made at any time; and thereupon, the bill for water and sewer used since the previous reading shall become immediately due and payable and shall become delinquent on the tenth (10<sup>th</sup>) day following the mailing or the presentation of the bill; and such account shall be subject to all applicable delinquency and termination procedures if the bill is not collected within the ten (10) day period.
- d. **Service Termination Procedures:**
  - i. The owner or their authorized agent (not a tenant) shall be mailed a written notice (second notice) of the intent to shut-off water and an explanation of the reason for the termination of service. The second notice shall be mailed no earlier than twenty days from the date of mailing the District bill for services. Once this second notice is mailed, there will be a \$5.00 service charge (second notice fee). No earlier than fifteen days after the second notice is mailed, a good faith effort will be made to contact an adult person residing at the premises in the form of a delinquency notice to be posted on the building where the service is to be disconnected. The posted notice shall state that unless the charges and penalties are paid within forty-eight hours, service will be discontinued. Once the delinquency notice is hung, there will be an additional \$25.00 service charge (delinquency fee).
  - ii. Should it ever become necessary to remove a water meter or to discontinue service for reasons other than maintenance, there shall be a \$30.00 service charge (reconnection fee) for its replacement. If water service has been turned off for failure to pay for service, the customer, before water is restored, shall in addition to being required to pay all amounts then due, pay in advance during normal business hours a reconnection charge of \$30.00. If the reconnection charge is not paid before 3:30 p.m. on any working day, then the water service may not be turned on until the next working day. If the customer desires their service to be turned on the same day ~~the same day~~ they have paid all charges due, including the reconnection charge, and said payments have been made after 3:30 p.m. on a working day, then the reconnection charge shall be increased

by the cost for call-out service. Call-out service—s are a minimum of two hours at time and one-half pay.

- iii. A service charge (returned check fee) of \$30.00 for each returned check will be collected, subject to relief by the General Manager due to mitigating circumstances. In addition, the General Manager may require, at this or her discretion, payment in cash, certified check or other means acceptable to him or her, as bonafide payment.
  - iv. At the discretion of the General Manager, a sum balance not to exceed \$30.00 may be carried forward to the next bill.
  - v. Returned Checks: A service charge (returned check fee) of \$30.00 for each returned check will be collected, subject to relief by the General Manager due to mitigating circumstances. In addition, the General Manager may require, at his/her discretion, payment in cash, certified check or other means acceptable to him/her, as bonafide payment.
2. If a customer receives water service at more than one location, and the bill for service at any one location is not paid, water service at all locations may be turned off upon the approval of the Water and Sewer Committee.
  3. District personnel shall not be required to call at the house before turning off water nor shall District field personnel receive payments. Reconnection payments, along with penalties and any other charges shall be made at the District office.
  4. **Delinquent Charges Become a Lien:** Charges of any kind more than 120 days delinquent plus penalties and interest thereon when recorded as provided in Section 61621.1 et seq of the California Government Code, shall constitute a lien upon the real property except that no such lien shall be created against any publically owned property. Such lien shall continue until the charge, penalties, and interest thereon are fully paid, or until the property is sold, or until otherwise extinguished by operation of law.

In the event that a lien is filed, or any action of law is commenced for the collection of such delinquent charges, the District shall compute the amount of the charge plus penalties, disconnection fees, administrative costs, and interest on the sum thereof at the rate of one-half of one percent per month from the date of delinquency, and shall report the total of such computation to the County Auditor for inclusion on the tax rolls. A copy of such report shall be recorded with the County Recorder.

5. **Addition of Unpaid Fees and Charges to the Tax Roll:** On or before July 15 of each calendar year, the Secretary of the District shall prepare a list of persons owing connection fees, service charges, penalties and other charges. The Secretary, immediately upon preparing such a list shall follow the procedures for notice and hearing set forth in Section 61621.2 et seq of the California Government Code and upon completion of same a delinquent list shall be transmitted before August 10<sup>th</sup> of such year to the County Auditor for additional to the assessment roll as provided for in said Section 61621.2 et seq of the California Government Code.
6. **Unsafe Apparatus:** The District may refuse to furnish water and may discontinue service to any premise where unsafe apparatus is installed or where any apparatus is installed to circumvent the provisions of this Ordinance. Discontinuance will occur immediately upon discovery of any such installation. An illegal service connection providing water service as described in this paragraph shall be subjected to a charge of \$100.00 per incident charged against the property supplying the water Utility Account.

## **ARTICLE 6**

### **Maintenance of Service Connections, Meters and Housings**

1. All service connections, water meters, and housings installed by the District shall be maintained at District expense, except as otherwise herein provided. Backflow prevention devices, the requirements of which are detailed below, will be maintained at customer expense.
2. **Improvement of Water System by Others:** Any customer or owner desiring to make improvements or changes necessitating the cutting, refitting, raising or lowering of service connections, water mains, fire hydrants, standpipes, meters, valves or other parts of the water system shall notify the District. If such changes are approved by the District, the work shall be accomplished by District personnel or under the direct supervision of District personnel with the owner or owner's agent paying actual costs thereof including administration and overhead costs.
3. **Damage to Meters, Service Connections and Obstructions Around Meters:** The District reserves the right to furnish, set and maintain all meters and service connections. Said meters and service connections shall be maintained by the District. Replacement shall be made by the District when such equipment is rendered unserviceable through reasonable use. However, the cost of replacements and repairs or adjustments of any equipment of the District (including water meters) when rendered necessary by any act of negligence or carelessness of the customer, shall be made by the District at the expense of the property owner.



In addition, it shall be the duty of each property owner to keep the space above the water meter or shut-off box, or fire hydrant, or valves free from any obstruction that may in any way interfere with access to the same by employees of the District, and in the event that any customer fails after twenty-four hour notice to remove any obstruction thereto, the District may remove the same and charge the customer for the cost of removal of such obstruction.

4. **Change of Meter Location:** When the location of a meter is change at the property owner's request, the total cost, including administration and overhead, of making such a change will be paid by the owner. Payment must be received by the District prior to the relocation of the meter.
5. **Meter Found Not Registering:** When a meter is found to be out of order, the charge for water will be based upon the average of the past twelve water bills.
6. **Water Supply Shut-off for Repairs or Modifications to the System:** The District reserves the right, at any and all times, to shut-off the water for the repairing, extending, or altering, etc., of water mains, the repairing and replacing of hydrants, the repairing and renewing of water service connections, or the changing and testing of water meters or detector check valves, etc.

When the water supply is to be shut-off for any of the above reasons, the District will make a reasonable effort to deliver a notice of the shut-off to the customer or to some responsible interested person on the premises but it does not assume any liability for the failure of the customer to receive or to understand such notice. The District shall not be responsible for the maintenance of pressure, nor the continuity of water supply, and the customer's dependent upon a continuous water supply should provide adequate storage for emergencies.

Customers having water heaters or any other devise requiring a continuous water supply, should take all necessary steps to prevent water damage to or the causing of injury by such devices as a result of the shutting-off of the water supply.

7. **Damage Through Leaking Pipes or Fixtures on the Premises Served:** The District assumes no responsibility for the maintenance and operation of the customer's water system beyond the service connection. The customer assumes all liability and responsibility of every kind to the end that the District shall be kept whole and harmless at all times in any claim resulting from

matters involving quantities, quality, time and occasion of delivery, or any other phase of maintenance operation and service of customer's water system.

8. **Tampering with District Property:** Except to shut-off water to prevent damage, no person, other than an authorized District employee, shall at any time or in any manner, operate, or cause to be operated, any valve in or connected to a water main, service connection or fire hydrant, or tamper or otherwise interfere with any water meter, meter valve, backflow prevention device detector check valve or other part of the water system.

In the event a person, firm, or corporation for any reason digs out or uncovers a curb cock or wheel valve controlling a water supply, or lifts or removes a meter cover or its center piece, or causes or suffers any such to be done, such person, firm or corporation will be held liable for any injury or damage occasioned thereby or resulting therefrom.

9. **Admittance of District's Employees to Customers' Premises:** After giving reasonable notice excepting in situation involving risk to life or property, authorized inspectors, agents and employees of the District shall have the right of entry and access, at all reasonable times, in, to and upon customers' buildings (other than residential buildings), grounds or premises, for the purpose of:

- a. Testing, changing or reading water meters installed, maintained and operated by the District.
- b. Inspecting any and all such building, grounds and premises (including any and all plumbing, water piping, fixtures, and connections therein or thereon) to determine:
  1. The manner and quantity of such use; or,
  - ii The existence of any condition causing, or likely to cause, the wastage of water or affecting, or likely to affect, the furnishing or receipt of water service.
- c. Determining the existence, operation, maintenance and/or use in, on, or about said buildings, grounds or premises of any plumbing, water piping, water fixture or connections which may now or hereafter cause, create or permit backflow, backsiphonage or any other condition affecting, or likely to affect, the purity and/or potability of the water supply furnished by the District; and,
- d. Facilitating the enforcement, from time to time, by District, of any and

all of its applicable rules and regulations. Each District inspector, agent and employee shall be furnished with, and upon the request of any customer shall display, appropriate evidence of identification.

10. **Cross Connections:** Cross connections of any type which may permit a backflow of water from a supply other than that of the District into the District's mains are prohibited. Any connection constituting a potential backflow hazard is permissible only to the extent approved by the District and shall be protected by an approved backflow device. Since the hazard of potential pollution is created by operations on the property, the expense of installation and maintenance of said devices shall be paid by the customer. Such a connection shall at all times be subject to inspection for possibility of backflow.

#### **ARTICLE 7**

#### **Promulgation and Enforcement of Water Service Requirements**

1. The District shall promulgate, prescribe and enforce such water service requirements as may be necessary or convenient for the protection, control of the water service connections sold, supplied, delivered, distributed, and/or maintained pursuant to this Ordinance.
2. Each and every condition and requirement with respect to use, connection, disconnection, reconnection, and/or discontinuance of water, water service and/or water service connections provided for and set forth herein shall apply with equal force and effect to any failure or refusal of any person or corporation, public or private, to comply with any such water service requirements.
3. There shall be no deviation from the requirements of this Ordinance except upon express authorization by the General Manager or his designated representative.

#### **ARTICLE 8**

#### **Meter Test:**

1. Customer request for meter test
  - a. A customer, giving not less than one week's notice, may request the District to test the meter serving its premises.
  - b. The District shall require the customer to pay an amount to cover the reasonable cost of the test. The payment required shall be \$40.00.

- c. The payment shall be returned if the meter is found to register more than two percent fast. The customer will be notified, not less than five days in advance, of the time and place of the test.
  - d. The customer shall have the right to require the District to conduct the test in their presence or in the presence of their representative.
  - e. A written report giving the results of the test will be given to the customer within ten days after the completion of the test.
2. When, upon test, a meter is found to be registering more than two percent fast, under conditions of normal operation, the District shall refund to the customer the full amount of the payment for the test and the overcharge, based upon correct meter readings for the period, not exceeding six months, the meter was in use.
  3. If a meter fails to register during any period while in use or is known to register inaccurately, the customer shall be charged in accordance with the provisions previously herein set forth.

**ARTICLE 9**  
**Temporary Supply from Fire Hydrants**

1. Water may, upon application and a payment of a \$30.00 fee, be procured for a fire hydrant permit wherein the applicant shall specify the location of the fire hydrant to be used. The applicant at the time of application shall pay the District a deposit of \$500.00 as security for the meter and pay for the charges due. The deposit will be refunded, less the cost of the water used and a \$30.00 disconnect fee, upon return of the meter device in the same condition as issued.
2. Application for hydrant meters shall be for a period of sixty days or portion thereof to run coterminous with the District billing period. Failure to renew the application within ten days of the expiration of the sixty day period will cause the applicant to renew the application with a re-payment of the application fee.
3. Upon receiving permission to so procure water from a fire hydrant, the applicant shall only operate said hydrant with wrenches or tools specifically designed for hydrant operation. The use of crescent wrenches or other tools not manufactured for hydrant operation is prohibited.

**ARTICLE 10**

## Miscellaneous

1. The revenue that make up the District's reserves shall be charged with the obligation of payment of periodic shortfalls in revenue, if any collected pursuant to this Ordinance to meet the District's contractual commitments as well as on-going costs of providing water service.
2. Existing Water Ordinances. Existing water rules, regulations and charges can be found in the following locations:
  - a. Ordinance 1984-1
  - b. Ordinance 1984-2
  - c. Ordinance 1986-3
  - d. Ordinance 1987-2
  - e. Ordinance 1992-4
  - f. Ordinance 2002-1
3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent with or in conflict with the terms and conditions of any prior District Ordinance(s), motions, resolutions, rules or regulations governing the same subject, the terms and conditions of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistency and conflicting provisions of prior ordinances, motions, resolutions, rules and regulations are hereby repealed.
4. Severability. If any section, subsection, sentence, clause or phrase or this Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The Board hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared invalid or unconstitutional.
5. Effective Date. This Ordinance shall take effect and be in full force and effect thirty (30) days from the date of passage; and before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once with the names of the members voting for and against the Ordinance in the Five Cities Times-Press-Recorder.

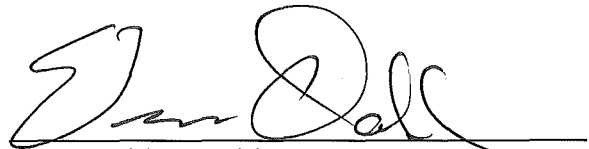
**INTRODUCED** at a regular meeting of the Board of Directors on the 22nd day of February 2006, and **PASSED AND ADOPTED** by the Board of Directors on the 8th day of March, 2006, upon the motion of Director Angello, seconded by Director Mann, and upon the following roll call vote, to wit:

AYES                      Director Angello, Director Mann, President Dahl

NOES                      Director Hill, Vice President Bookout


ABSENT                    (None)

ABSTAINING              (None)



Vern Dahl, President

Attest:



Gina A. Davis, Deputy Board Secretary