



# Agenda

## San Miguel Community Services District

### BOARD OF DIRECTORS

Anthony Kalvans, President

John Green, Director

Gib Buckman, Director

Larry Reuck, Vice President

Joseph Parent, Director

**THURSDAY APRIL 27, 2017 7:00 P.M. Revised**

### SPECIAL AND REGULAR MEETING AGENDA

**SMCSD Boardroom**

**1150 Mission St.**

**San Miguel, CA 93451**

**Cell Phones:** As a courtesy to others, please silence your cell phone or pager during the meeting and engage in conversations outside the Boardroom.

**Americans with Disabilities Act:** If you need special assistance to participate in this meeting, please contact the CSD Clerk at (805) 467-3388. Notification 48 hours in advance will enable the CSD to make reasonable arrangements to ensure accessibility to this meeting. Assisted listening devices are available for the hearing impaired.

**Public Comment:** Please complete a "Request to Speak" form located at the podium in the boardroom in order to address the Board of Directors on any agenda item. Comments are limited to three minutes, unless you have registered your organization with CSD Clerk prior to the meeting. If you wish to speak on an item not on the agenda, you may do so under "Oral Communications." Any member of the public may address the Board of Directors on items on the Consent Calendar. Please complete a "Request to Speak" form as noted above and mark which item number you wish to address.

**Meeting Schedule:** Regular Board of Director meetings are generally held in the SMCSD Boardroom on the fourth Thursday of each month at 7:00 P.M. Agendas are also posted at: [www.sanmiguelcsd.org](http://www.sanmiguelcsd.org)

**Agendas:** Agenda packets are available for the public inspection 72 hours prior to the scheduled meeting at the Counter/ San Miguel CSD office located at 1150 Mission St., San Miguel, during normal business hours. Any agenda-related writings or documents provided to a majority of the Board of Directors after distribution of the agenda packet are available for public inspection at the same time at the counter/ San Miguel CSD office at 1150 Mission St., San Miguel, during normal business hours.

- I. **Call to Order: 7:00 PM**
- II. **Pledge of Allegiance:**
- III. **Roll Call:**
- IV. **Adoption of Special and Regular Meeting Agenda**

V. **Public Comment and Communications (for items not on the agenda):**

Persons wishing to speak on a matter not on the agenda may be heard now; however, no action will be taken until placed on a future agenda. Speakers are limited to three minutes. Please complete a "Request to Speak" form and place in basket provided.

VI. **ADJOURN TO CLOSED SESSION:**

**A. CLOSED SESSION AGENDA: Cancelled**

1. **CONFERENCE WITH DISTRICT GENERAL COUNSEL**

**Anticipated Litigation**

Pursuant to Government Code Section 54956.7 (2) (d) (1 case)

Title: District General Counsel

2. **CONFERENCE WITH DISTRICT GENERAL COUNSEL**

**Existing Litigation Cancelled**

Pursuant to Government Code 54956.9 paragraph (1) (d)

Title: San Luis Obispo County Employee' Association vs. San Miguel Community Services District, Case No. Public Employees Relations Board LA-CE-1073-M

3. **CONFERENCE WITH LABOR AGREEMENT NEGOTIATORS**

Pursuant to Government Code Section 54957.6 **Cancelled**

Agency Representatives: General Manager and District General Counsel

Employee Organization: San Luis Obispo County Employees Association

Title: Memorandum of Understanding Negotiations with Association

**B. RECONVENE TO OPEN SESSION**

**C. REPORT OUT OF CLOSED SESSION Cancelled**

3. Report out of Closed Session by District General Counsel

VII. **Call to Order for Regular Board Meeting (7:00 pm)**

VIII. **Public Comment and Communications:**

Persons wishing to speak on a matter not on the agenda may be heard now. Speakers are limited to three minutes. Please complete a "Request to Speak" form and place in basket provided. Speakers who want to speak on an agenda item listed below should complete a "Request to Speak" form and place in basket provided.

IX. **Staff & Committee Reports – Receive & File:**

**Non-District Reports:**

- |  |           |
|--|-----------|
| 1. San Luis Obispo County Sheriff              | No Report |
| 2. San Luis Obispo County Board of Supervisors | No Report |

- 3. San Luis Obispo County Planning and/or Public Works No Report
- 4. San Miguel Area Advisory Council No Report
- 5. Camp Roberts—Army National Guard No Report

**District Staff & Committee Reports:**

- 6. General Manager (Mr. Gentry) Verbal
- 7. District General Counsel (Attorney White) Verbal
- 8. Dist Eng/Utility Service Mgr (Mr. Reely) Report Attached
- 9. Fire Chief (Chief Roberson) Report Attached
- 10. Finance/Budget Committee (Chair Reuck) Report Attached
- 11. Organization/Personnel Committee (Chair Green) Reports Not Ready
- 12. Equipment & Facilities Comm. (Chair Parent) Report by Chair
- 13. GSA Advisory Committee (Chair-vacant) Meeting TBD

**X. CONSENT ITEMS:**

The items listed below are scheduled for consideration as a group and one vote. Any Director or a member of the public may request an item be withdrawn from the Consent Agenda to discuss or to change the recommended course of action. Unless an item is pulled for separate consideration by the Board, the following items are recommended for approval without further discussion.

- 14. **Approval of Board Meeting Minutes:**  
**14 a Special Board Minutes for April 14, 2017**
- 15. Approval of **Resolution No 2017-09** Authorizing the use of Department of Justice to access criminal history information from state and federal law enforcement on employment, licensing or certification purposes.

**XI. BOARD ACTION ITEMS:**

- 16. **Review and Discuss Resolution No 2017-05 Declaring Hazardous Weeds a Public Nuisance within the District.**

**Staff Recommendation:** Review and Discuss approving **Resolution No 2017-05** Declaring Hazardous Weeks a Public Nuisance within the District.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

- 17. **Review and Discuss Approving Resolution No 2017-07 adopting proposed Utility Billing Late Fees and Collection Procedures**

**Staff Recommendation:** Review and discuss approving **Resolution No 2017- 07** adopting proposed utility billing late fees and collection procedures.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

**18. Review and Discuss approving Resolution No 2017-08 adopting revisions to Board of Directors Rules and By-Laws Handbook**

**Staff Recommendation:** Review and discuss approving **Resolution No 2017-08** adopting revisions to Board of Directors Rules and By-Laws Handbook.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

**19. Review and Discuss Request to Nominate a Board Member for election to the Special District Risk Management Authority (SDRMA) Board of Directors**

**Staff Recommendation:** Review and discuss nominating a Board Member to the SDRMA Board of Directors.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

**XII. BOARD COMMENT:**

This section is intended as an opportunity for Board members to make brief announcements, request information from staff, request future agenda item(s) and/or report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.

**XIII. ADJOURNMENT**

**Time:**\_\_\_\_\_

ATTEST:

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss.  
COMMUNITY OF SAN MIGUEL )

I, Tamara Parent, Account Clerk/Operations Coordinator of San Miguel Community Services District, hereby, certify that I caused the posting of this agenda at the SMCSO office on April 21, 2017. **Reposted due to Closed Session Cancellation 4/26/17**

Date: April 21, 2017

Tamara Parent

Tamara Parent, Account Clerk II/Operations Coordinator

**Next Scheduled Regular Board Meeting is May 25, 2017.**



## MONSOON CONSULTANTS

P.O. Box 151 San Luis Obispo, CA 93406  
(805) 476-6168 [www.monsoonconsultants.com](http://www.monsoonconsultants.com)

### **SAN MIGUEL COMMUNITY SERVICES DISTRICT**

Darrell Gentry, General Manager  
Post Office Box 180  
San Miguel, CA 93451  
(805) 467-3300

### **BOARD OF DIRECTORS**

John Green, President  
Larry Reuck, Vice President  
Anthony Kalvans  
Gib Buckman  
Travis Dawes

### **Re: DISTRICT ENGINEER / UTILITY SERVICES MANAGER REPORT - APRIL 2017**

Gentlemen:

The following is a summary of the activities performed and the status of relevant issues which pertain to the duties and responsibilities of this position:

#### **OVERVIEW**

The District produced approximately 5.4 MGAL (7222 CCF) of water during the month of March 2017. This represents an increase of 15% from the prior month. No major failures or unexpected major expenditures were encountered within the water, wastewater, or street lighting systems during the month. In addition to routine operations and maintenance duties, our utility staff is continuing to work to install approximately 500-LF of new 8" PVC water main in "K" Street, in conjunction with the municipal park improvement construction project. We anticipate that the new segment of waterline will be completely installed on or before the end of April.

#### **MEETING PARTICIPATION**

A brief summary of relevant issues that were discussed during meetings attended by the DE and Utility Supervisor during the previous month are summarized below. (Note that routine meetings with SMCS staff are not included):

1. March 28, 2017: The DE and Utility Supervisor met with the developers of both the Tract 2779 and the Butterfield projects to review plans and provide direction. A further discussion regarding these projects is presented below.
2. April 4, 2017: The DE attended the SLO County Board of Supervisors meeting during which a 3-2 vote resulted in the San Luis Obispo County Board of Supervisors opting to reaffirm a policy change designating the county as the Groundwater Sustainability Agency (GSA's) for the San Luis Obispo County

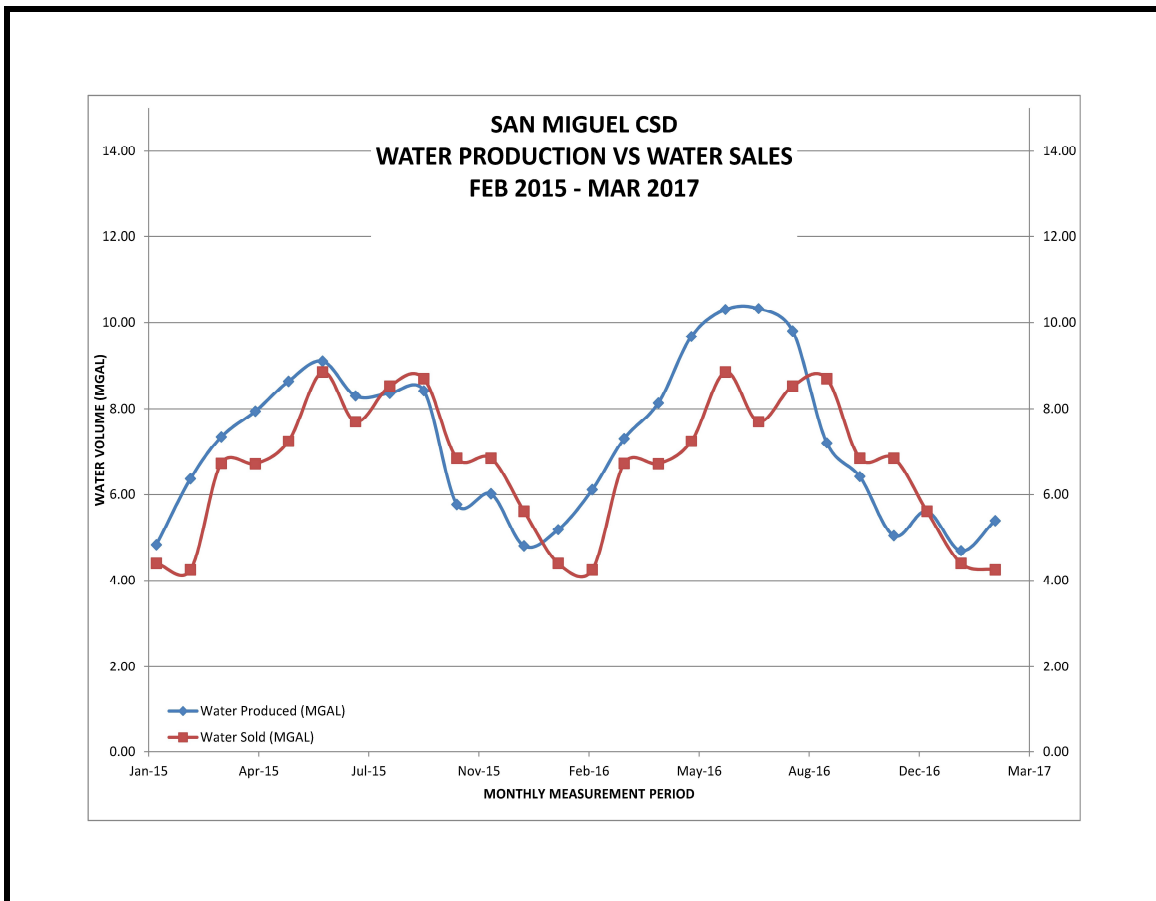
**CIVIL ENGINEERING / HYDROLOGY**

groundwater basins which are located in the unincorporated areas and not served by other GSA's. This decision will not affect the District's plans to create our own GSA, but a consequence will be that the County's funding for other projects, including drainage improvement and flood control projects, will likely be significantly reduced.

3. April 6, 2017: The DE and Utility Supervisor participated in a meeting of the Equipment & Facilities Committee to provide input regarding the Capital Improvement Projects / Outlays Program for FY 2017-18 & 2018-19.
4. April 12, 2017: At the request of the GM, the DE attended a meeting of the Paso Robles Groundwater Basin SGMA Implementation –Eligible GSA Entity Working Group. A summary of the meeting discussion is presented below.

**60-DAY WATER PRODUCTION SURVEY**

The following graph depict the water production and sales for the proceeding 2-months.



**CAPITAL IMPROVEMENT PROGRAM**

The following is a summary of the principal activities that were related to the Capital Improvements Program during the previous month:

1. Capital Improvement Projects / Outlays Program for FY 2017-18 & 2018-19: The DE and Utility Supervisor met with the Equipment & Facilities committee to

provide background and justification for the proposed Capital Improvement Projects and Equipment Outlay Schedule. Based on the results of the meeting, the schedule was refined and modified, with a recommendation to submit the revised schedule to the Budget & Finance Committee.

2. San Lawrence Terrace Arsenic Blending Pipeline & Tank Improvements: The DE and the Utilities Supervisor provided our comments and revision requests to the Wallace Group. The Wallace Group is in the process of updating the plans, specifications, and bidding documents and has committed to have the final bidding documents to the District by the end of April.
3. San Miguel Park / "L" Street Improvements: The County's contractor (G Sosa Construction), continues to make progress. The widening of "L" Street is approximately 75% complete and the "K" Street pavement has been removed. Utility staff has completed the majority of the replacement of approximately 500-LF of existing 6" C.I. water main replacement within "K" Street in the area of the park. This waterline replacement work is expected to be completed by the end of April. The fire hydrant relocation on "L" Street may still be required, pending the results of a survey.
4. Waterline Replacement on 11th Street & UPRR and 10th Street & Mission: A CDBG application was submitted in October, to request funding for the water main upgrade, crossing beneath UPRR at 11th Street. This has become a critical project based on recent observations and required repairs on this water main. This project is included in the FY 2017-2018 CIP.

## **DEVELOPMENT**

The following is a summary of private development projects that are either in-progress or planned that staff is currently reviewing or inspecting during Construction:

- a) Butterfield Downtown Mixed Use: Butterfield submitted plans for a mixed use project on Mission Street. The DE and Utility Supervisor attended a meeting with the developers on March 28, 2017. At that meeting, we discussed / clarified alternatives for water and sanitary sewer service for the proposed development and the potential for project phasing.
- b) People's Self Help (Tract 2527, formerly Mission Garden Estates): Plans for this 60 Lot residential development project have been approved and a preconstruction meeting was held 12/6/16. The contractor has initiated the clearing, grubbing and earthworks phase of the project.
- c) Nino (formerly Ritter): This 60-Lot residential development project, Tract 2637, is complete with all phases of infrastructure improvements. All phases of infrastructure have been installed and inspected. Phase 2-3 home construction is underway, and fees have been paid for most of phase 2. Phase 2 and 3 home construction is under way. (NO CHANGE FROM LAST MONTH)
- d) People's Self Help (Tract 2710). This is a 24 Lot residential subdivision. Construction of water and sewer lines have been completed, tested and passed inspection. Homes are now under construction and they will be building in groups of 8 at once. The District is providing lateral inspections as needed. (NO CHANGE FROM LAST MONTH)
- e) Hasting Family Trust, Tract 2647. This is a 12 Lot residential subdivision. All infrastructure improvements have been completed and individual lots are in

progress of being sold. The tract map is satisfied and recorded. (NO CHANGE FROM LAST MONTH)

- f) 972 K Street/Commercial (Dollar General Store). The contractor has completed the clearing, grubbing, earthworks and building foundation / slab phases of the project underway. The building erection is currently underway and significant progress has been made.
- g) Tract 2779 (Nino - 34 lots) –A meeting with the developer and his engineer was held on March 28, 2017 which was attended by the DE and Utility Supervisor. District staff reviewed the proposed design and requested revisions to the proposed water and sanitary sewer infrastructure. The developer’s engineer revised the plans per District comments and resubmitted on April 11, 2017. The DE and Utility Supervisor performed a final review and have responded to the developer with a request for minor revisions. We are awaiting the final submittal package
- h) 968 “L” Street – 4-unit development – A preliminary will serve was issued and the District is waiting on complete plans. Project is stalled due to issues at the County. (NO CHANGE FROM LAST MONTH)
- i) 998 “K” Street – (Virk – Convenience Store) – The developer has submitted a site plan to allow the demolition of existing convenience store and construction of a replacement convenience store. The District received the preliminary plans and a request for input from the County. The DE and Utility Supervisor have performed a preliminary review of the submittal and the Utility Supervisor responded to the County with comments on April 18, 2017.

**GROUNDWATER SUSTAINABILITY AGENCY**

The District’s application to form a Groundwater Sustainability Agency (GSA) is under review by the DWR. Pending approval of our GSA formation, we will initiate the process of developing a Groundwater Sustainability Plan (GSP). We have made contact with DWR regarding their Sustainability Groundwater Planning Grant Program which offers GSA’s grant funding to assist with the GSP development. We have been informed that the DWR anticipates releasing a Draft Proposal Solicitation Package for the Prop 1 SGWP Grant Program in the Spring 2017 which will provide additional information on eligibility.

The DE attended a meeting of the Paso Robles Groundwater Basin SGMA Implementation –Eligible GSA Entity Working Group on April 12, 2017. The participants of the working group include the following entities:

Entities	Other Important Dates	Public Hearing	DWR-Posted Date	End 90 Day notice
San Miguel CSD GSA		10/27/2016	12/22/2016	3/22/2017
City of Paso Robles GSA		1/17/2017	2/14/2017	5/15/2017
Heritage Ranch CSD		2/16/2017	3/8/2017	6/6/2017
County of SLO	Update to BOS 3/7/2017	5/16/2017	(TBD- Mid/Late May)	(TBD: Sept)
Shandon-San Juan Water District	1 <sup>st</sup> Board Meeting 5/23/2017	6/7/2017	(TBD- 6/9/2017)	
Estella-El Pomar-Creston Water District	LAFCO Formation Hearing 4/6/2017			
Salinas Valley GSA	JPA Formed 12/22/16	(TBD- April)		



The working group attendees spent the meeting reviewing, discussing and editing a proposed Memorandum of Understanding (MOU) which sets forth the terms of a working arrangement between the various entities. A copy of the DRAFT MOU will be forwarded to the GSA Committee for their review and consideration at their next meeting.. The next meeting of the working group is scheduled for the morning of April 27, 2017. The DE will attend and be available at the SMCSD Monthly Board Meeting to discuss and answer questions.

### **STAFFING / RECRUITING**

Given our recent experience trying to fill our Operator and Utility Worker vacancies, the DE is in the process of performing an analysis of comparative salaries for these positions within the Central Coastal region of California. We have contacted several small CSD and municipal agencies within the region and have requested current pay scales for similar positions within their districts / agencies. When the research is complete, the DE will prepare a summary report, including recommendations, to the GM for his review. (NO CHANGE FROM LAST MONTH)

### **OPERATIONAL & MAINTENANCE ISSUES**

#### **Well Status:**

MCL = maximum contaminate level ----- ppb = parts per billion ----- ppm = parts per million

- SLT well Arsenic levels are: 8 ppb; MCL is 10 ppb Sampled 3/27/17
- SLT well Nitrate levels are: 3.2 ppb; MCL is 45 ppb Sampled 7/18/16
- Arsenic levels on Oak Drive are: 8 ppb; MCL is 10 ppb Sampled 3/27/17
- Well 3 and 4 are both in operation.
- Well 4 water static level: 66.2 Pumping level 97.2 (3/17)
- SLT Water static level 171.4' 11/16

#### **State Water Resources Control Board (SWRCB):**

- Effective 1/17/17 the state is requiring that all water districts sample for lead and copper at any K-12 schools that they supply water to, upon request of those schools. The testing is to consist of 5 samples throughout the school, including any subsequent confirmation test. This testing is to be at the expense of the water district but funding is available to help schools upgrade or replace plumbing to comply with drinking water standards.

#### **Water System Status:**

Water leaks this month: 3 This year: 3 Total last year: 6  
Water related calls through the alarm company after hours this month: 2 this Year: 4

- SLT Well is being run to system, blending in the Terrace Tank.

#### **Sewer System Status:**

Sewer overflows this month: 0 this year: 0  
Sewer related calls through the alarm company this month: 4 this Year: 14

#### **WWTP Status:**

- We will begin pumping sludge again at the end of the month when we finish the water line on K street.

#### **Lighting Status:**

- Nothing to update

**SCADA:**

- Installation of the system has been completed per contract and the system is now operating as designed, we are receiving all the alarms and are able to make adjustments remotely via a tablet. Corrections have been made to correct issues that were discovered during the initial installation and replacement of the backup float system at the Wastewater Treatment Plant that was discovered to be faulty is currently scheduled for mid-January. We still have to address an oversight in the reporting ability of the SCADA system, but we are working with TESCO to determine the most efficient and cost effective way to move forward and to receive the necessary reports. An item was originally scheduled for E&F for 1/12/17 to discuss SCADA but was rescheduled by the GM.
- Through this implementation of SCADA we have made several adjustments to our pumping schedule to reduce energy cost by pumping in off peak periods, and by running wells longer to reduce startups.
- Through increase time in operation the SCADA system will allow operations to become more efficient as we get more data to show what the system is actually doing on a continual basis.

**Miscellaneous:**

- District utility staff continuing raising valves and manholes around town
- Caltrans in San Miguel: Caltrans is underway on improvements to the HWY 101 corridor, for what will be a 2-year project. We have received notice of road closures; notices are available in the office.

I would like to take this opportunity to thank each of you and District staff that will review the information contained in this report. If there are any questions or you wish to discuss, please do not hesitate to contact me.

Respectfully Submitted,

**MONSOON CONSULTANTS**

*Blaine T. Reely*

Blaine T. Reely, Ph.D., P.E.  
President, Monsoon Consultants

April 20, 2017

Date



## San Miguel Community Services District Board of Directors Meeting

### Staff Report

April 27<sup>th</sup>, 2017

AGENDA ITEM: IX 9

**SUBJECT:** Fire Chief Report for March 2017

---

**STAFF RECOMMENDATION:** Receive and File Monthly Reports for the Fire Department

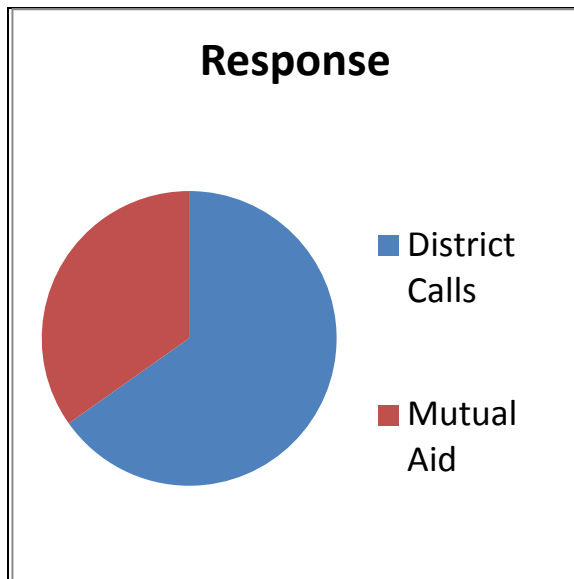
---

**INCIDENT RESPONSE:**

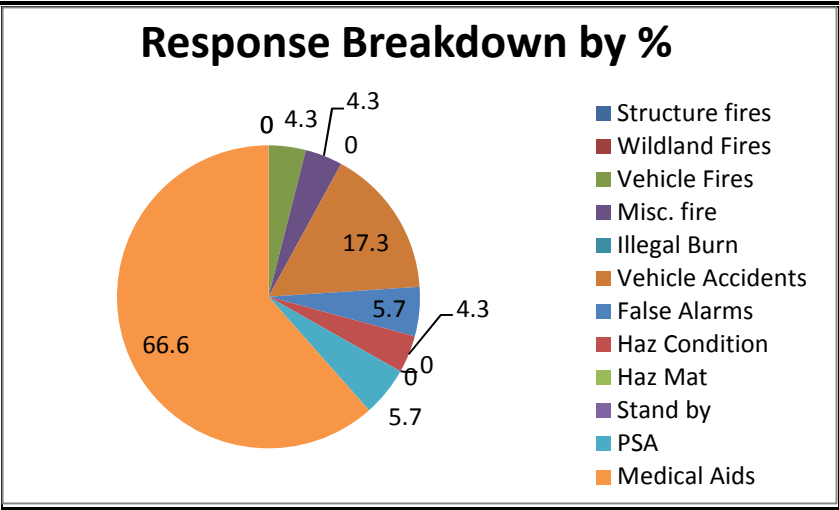
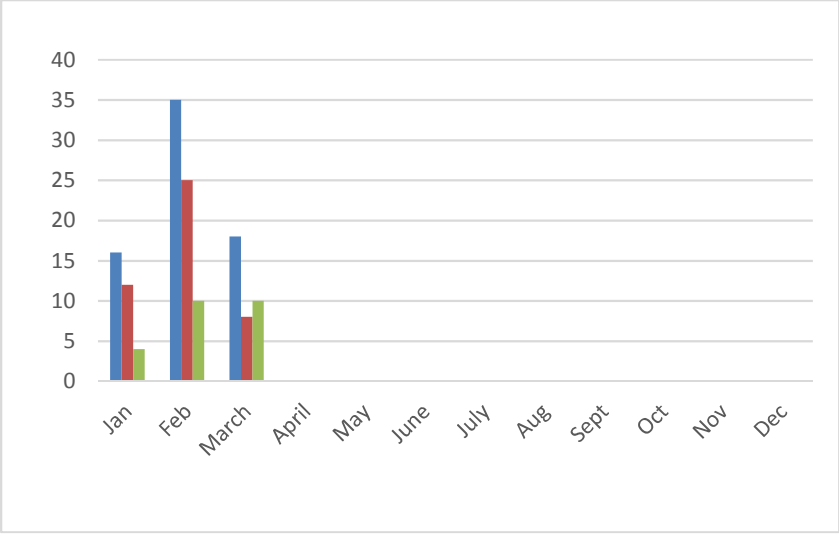
- Total Incidents for March 2017      **18**
- Average Calls per Month in 2017    **23**
- Total calls for the year to date      **69**

Emergency Response Man Hours in January = <b>47</b>	2017 total    174
Stand-By Man Hours for January = 13	<u>82</u>
	<b>Total hr.    256</b>

Emergency Response Man Hours = <b>3.3 hr.</b> Per call for March	<b>3.7 hr.</b> Per call for the year
Stand-By Average per Call = <b>.7 hr.</b> Per call for, February	<b>1.1 hr.</b> Per call for the year



	March	YTD
District calls	8 = <b>44.4%</b>	45 = <b>65.2%</b>
Mutual aid calls	10 = <b>55.5%</b>	<b>24 = 34.7%</b>
Assist Camp Roberts	<b>3</b>	<b>5</b>



For 69 calls for 3 Months in 2017	
District Calls	65.2%
Mutual Aid	34.7%
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	
Structure fires	0%
Wildland Fires	0%
Vehicle Fires	4.3%
Misc. fire	4.3%
Illegal Burn	0%
Vehicle Accidents	17.3%
False Alarms	5.7%
Haz Condition	4.3%
Haz Mat	0%
Stand by	0%
PSA	5.7%
Medical Aids	66.6%

**Personnel:**

- 1 Chief Hours: 34 hours and 3 days of 24-hour coverage.
- 1 Asst. Chief: 18 hours and 11 days of 24-hour coverage.
- Captain Young 9 days 24 hours of coverage.
- Captain Byrnes 2 days 24 hours of coverage.
- Captain Root 5 days 24 hours coverage.

We currently have 17 active members.  
 3 Fire Captains  
 2 Engineers  
 10 Firefighters

3 drills 17 members, 21/51 attendance 41.1% Drill Attendance  
 Year average attendance 7/17 members per drill.

69 calls, 17 members, 243/1173 responders, 20.7% Response Attendance,

March 18 calls, 17 members 57/306 responders, 18.6% average 2017 annual response. 3.1 per call

## Equipment:

- (TIC) Thermal Imaging Camera have been delivered and will be installed after an in-service training.
- 8668 Is out of service due to the pump not starting, new fuel filters have been purchased.
- Exhaust pipe on 8687 is rubbing the transmission case and will need to be fixed.

## Activities:

### March

<u>Date</u>	<u>Subject Matter</u>
7	Hose Loads and Pulls, Small and Large Lines
14	Auto Extrication/ Patient Removal
21	Vehicle Fires Attack
28	Association Meeting

<u>Date</u>	<u>Other activities</u>	<u>Time</u>
-------------	-------------------------	-------------

### April

<u>Date</u>	<u>Subject matter</u>
4	First Responder Protocols Review
11	Search and Rescue
18	Tools and Equipment Set up / Lights, Ventilation, Rescue
25	Association Meeting

<u>Date</u>	<u>Other activities</u>	<u>Time</u>
	Clean up	8:00 am-12:00 am
22	Sagebrush Day's Parade	9:00 am -12:00 am
26	Cruise Night	16:30 pm -8:30 pm
27	Car Show	10:00-3:00 pm
	Upstairs construction is on going	

## Information:

Prepared By:

*Rob Roberson*

---


Rob Roberson, Fire Chief

Approved By:

*Darrell W. Gentry*

---

Darrell W. Gentry, General Mgr.

	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEP		OCT		NOV		DEC		TOTAL	
	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid
Structure Fires	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Veg. Fires	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vehicle Fires	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2
Misc. Fires	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
Illegal Burning	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vehicle Accidents	1	2	2	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	9
False Alarms	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2
Hazardous Condition	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1
Hazardous Materials	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Standby	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pub.Svc.Asst.	0	0	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	1
Medical Aids	9	2	16	8	6	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	31	15
<b>Call TOTALS</b>	12	4	25	10	8	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	45	24
	<b>16</b>		<b>35</b>		<b>18</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>69</b>	
<i>CPR</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mutual Aid SLO/Mon.	4	0	8	2	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	24
Camp Bob Asst.	1		1		3		0		0		0		0		0		0		0		0		0		5	
Average Calls Per	<i>Month</i>		23.0	<i>Day</i>	0.8	<i>SLO Co. MA</i>				22	<i>Montrey Co. MA</i>				2	<i>CPR TOTAL</i>						0				

# FIRE EQUIPMENT

## 2017 MILEAGE / FUEL REPORT

IX-9-3

Mileage/ Fuel	January		February		March		April		May		June		Total		Avg. MPG
	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	
<b>Diesel</b>															
E-8696	9	0	64	0	46								119	0	#DIV/0!
E-8687	0	0	15	0	15								30	0	#DIV/0!
E-8668	68	0	44	14.6	11								123	14.6	8.4
<b>6 Month Total</b>												<b>272</b>	<b>14.6</b>	<b>18.6</b>	
<b>Gas</b>															
U-8630	647	37											647	37	17.5
C-8600	694	26.4	466	29.6	135	19							1295	75	17.3
<b>6 Month Total</b>												<b>1942</b>	<b>112</b>	<b>17.3</b>	

Mileage / Fuel	July		August		September		October		November		December		Total		Avg. MPG
	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	
<b>Diesel</b>															
E-8696													119	0	#DIV/0!
E-8687													30	0	#DIV/0!
E-8668													123	14.6	8.4
<b>6 Month Total</b>												<b>272</b>	<b>14.6</b>	<b>18.6</b>	
<b>Gas</b>															
U-8630													647	37	17.5
C-8600													1295	75	17.3
<b>6 Month Total</b>												<b>1942</b>	<b>112</b>	<b>17.3</b>	

YTD 2016 Total	mi.	gal.	Avg. MPG
<b>Diesel</b>	<b>544</b>	<b>29.2</b>	<b>18.6</b>
<b>Gas</b>	<b>3884</b>	<b>224</b>	<b>17.3</b>



## **San Miguel Community Services District Finance & Budget and Citizens Review Committee Members**

**April 20, 2017**

**SUBJECT: Special Report to Committee Members: Report and Plan for Monthly & Year-to-Date Financial Report and Internal Control Changes Needed**

This report is intended to provide a follow-up and status report about activities being performed to get the regular monthly and YTD Financial Reports completely corrected and reported. Also, to provide more assurance to Committee and Board Members that the public funds are being handled properly.

A detailed examination of Black Mountain financial data has been completed by the temporary accountant who is here to assist with this effort. The following are internal control procedural changes for accounting entries and for error reduction and elimination of bad data in monthly and YTD reports:

**Deposits:** All banking deposits are double checked by separate persons. The first person, usually the Account Clerk, prepares all banking deposits. The second person to verify the deposit is the Bookkeeper or temporary accountant. All deposits at the individual banks are made by GM, then re-verify back in the office to the pre-deposit reviews and BMS Utility Billing and Accounting recorded entries.

Separate bank accounts with Heritage Oaks (now known as Pacific Premier) for: Payroll, General Fund, Capital Reserve, Water/Wastewater Connection-Hookup & Meter Replacement are used to separate and account for revenues received. Capital Reserve and Connection fee accounts are interest bearing accounts, while Payroll and General Fund are non-interest bearing accounts.

Separate bank accounts are also held with Rabobank-Capital Projects, a checking account for project payments, and with Pacific Western—Vehicle Replacement Fund, a savings account. The Cash Report will show account balances.

**Plan--Internal Control Procedure Changes Made to date:**

The changes are the deposit verification by different person prior to banking deposit being made to separate bank accounts. This procedure is to assure accuracy prior to further transaction recordation in Black Mountain System (BMS). The added change was, as previously stated, the



separate bank account for the water connection/hookup fees. This change was done as suggested by current independent auditor, which was already discussed with Committee Members. As needed, these changes are to be added to a daily/monthly SOP document.

**Bank Account Reconciliations:**

Account Reconciliations are done each month using bank statement issued by District account holders named above. Such reconciliations have been quality control checked by BMS but there is no current BMS secondary verification that the reconciliations are done without any exceptions or lack of authority. Thus, there is a need for an evaluation to be done.

These daily and weekly reconciliations need to be double checked to verify that no manual adjustments have been made. Manual adjustments done without notation and/or explanation. BMS Quality Control internal checks did not explain account reconciliation manual adjustments that were done. Our examination has found the need to evaluate each manual adjustment entries and determine why and what was being done prior to close out each month, then verified by a second person.

**Plan – Internal Control Procedure Changes Made to date:**

Evaluation of account reconciliation for the past and current fiscal years is in process now. New internal control procedures will involve General Manager and at least one of two other persons for verification on routine basis, usually the end-of-month and after the 1<sup>st</sup> and 15<sup>th</sup> of each month to verify accounts payable and revenues collected.

As needed, these changes are to be added to a daily/monthly SOP document.

**Fund Accounts:**

The detailed examination of BMS data entries revealed a very specific pattern tied to data entries made in 2014 and early 2015, when BMS accounting began to be used actively. This entry errors are legacy items that are being eliminated now by current work effort.

The starting point was to follow-up with suggested action by Moss Levy regarding separation of water and wastewater connection/hookup fees, while there was separation in the BMS revenue reporting. It was not clear on the expense side of accounting ledger, nor was there the separation of bank account, physically. Our examination shows that pre-2014, there was no significant connection/hookup fees being received. Since July 2014 to the present, there have been significant revenues received. We have also identified related expenses used for water and wastewater system improvements since January 1, 2015 to present and are adjusting fund account line items to show what the net revenue and expense funds are currently.

**Plan—Internal Control Procedure Changes Made to date:**

- 1) Adjustments to those related expenses are not to be finalized until District receives the Moss Levy Journal Voucher adjustments required for the 2015-16 audit report. A change log report generated by BMS is being used to track all present and future entry changes.

As of April 19<sup>th</sup>, the change log covering 2015 only is 47 pages of adjustments made related to connection/hookup fees received and expended, fire impact and OES revenues received and expended. This log is expected to grow as we complete 2015-16 and 2016-17 adjustments. Next steps are to finish this work already begun.

The practice and procedure is established in BMS which will generate a report on daily and weekly schedule. A financial record of all entry changes shall be maintained as routine practice and procedure. Verification and sign-off for changes made shall be required by Bookkeeper, Accountant and General Manager.

- 2) Accounts Payable—Invoice statements are being double verified by GM and Accountant or Bookkeeper as well as Department Supervisor for correct Object coding, such as Wastewater Department 40, Object # 351 Repairs & Maintenance. Also, identify & code for Capital Projects. This practice has been done for some time but the change is the double verification of original coding done. Adjustments to coding can be done by GM after consulting with applicable department, Fire or Utility Services.
- 3) The data is in the BMS revenue and expense records but improperly recorded. The proper relocation (adjustment) of the data is being done now by Bookkeeper and temporary accountant.
- 4) Connection and hookup fees, upon receipt and deposit, are immediately transferred out of the HOB General Fund account and moved to the HOB bank account for connection/hookup/meter replacement fees. A record of this bank transfer is provided for recordkeeping. A reconciliation of these fees received since 2013 to present is being finalized. This work includes identifying the fees received, identifying any water or wastewater system project done for which these fees could be assigned then adjusting balance for net income. Net income thus far has been identified but is being verified now by a second person.

When this net income figure is verified then information is to be reported to Committee Members and a transfer to the separate HOB account will be made.

As needed, these changes are to be added to a daily/monthly SOP document.

### **2015-16 Financial Audit:**

Moss Levy reported yesterday that they are completing their preliminary report but due to the recent income tax reporting being over, they are expecting to complete for Committee and Board review by late May.

This Audit shall include a Management Letter and a Report on Internal Control Procedures and Journal Adjustments Required for the Audit prior to reporting to Board.

**Plan**—Specific Internal Control Adjustments made by District shall be reviewed with Moss Levy prior to their Audit report and findings being given. Other Internal Control Procedures mentioned here will be completed prior to the start of next fiscal year.

**FY Budget Adjustments:**

All budget adjustments must be done as a Year-End Budget Adjustment with guidance by Moss Levy. There is no logic to perform any adjustments now.

**FY 2017-18 Budget Review by Committee:**

Next week, the budget will be ready to distribute but Committee Members need to review and discuss the Capital Project listing with the requested support documents. E & F Committee reviewed it and has made its recommendations which will be shared with Committee as a part of that review.

Will be requesting on Monday, via a scheduling invite, your availability for special meeting dates in May.

Prepared by:

Darrell Gentry, General Manager



## EQUIPMENT AND FACILITIES COMMITTEE NOTES For April 6<sup>th</sup>, 2017 Meeting

Meeting was attended by: Director Parent (Chair), Director Reuck, Robert Roberson (Fire Chief), Blaine Reeley (District Engineer), Kelly Dodds (Utility Supervisor), Scott Young (Fire Captain/ Public)

**The committee reviewed all items on the proposed Capital Projects list. Only those which there was specific request or discussion are within this report.**

**These notes are only intended to augment the Meeting Minutes. The meeting minutes will be provided by the Committee Chair.**

**One item that was repeatedly brought up was to have an actual accounting of how much money each department has in; Fire Impact fees, OES reimbursements, the vehicle replacement, Connection fees, or other designated funds that would be used for large purchases or improvements.**

### Item V.1

#### Capital projects

##### FIRE

##### FY 2017-18

#### 1 Response staffing (Safety)

- a. The Committee was highly supportive of ensuring adequate personnel were available for response in the event of an emergency.
- b. Discussion revolved around increasing efforts to recruit people with in San Miguel, however it was acknowledged that due to the decline in interest of residents in volunteering, that it was becoming more difficult to attract people to the fire department.
- c. It was determined that the Fire Chief should increase efforts to recruit locally, as well as begin preparing to hire staffing.

#### 2 Replacement SCBA (Safety)

- a. The Committee was highly supportive of immediately beginning the process of replacing the lifed-out SCBAs.
- b. This is a safety and compliance issue that needs to be resolved this year.
- c. Initially, capital reserves were designated for this purchase, however this type of purchase is eligible for use of OES monies (money received for out of county assignments). The Committee would like an accounting of

monies received from these assignments and recommends use of those funds, if they are available.

**3 Structural Turnout Replacement (Safety)**

- a. The Committee was highly supportive of ensuring adequate availability of structural turnouts.
- b. The agreed with the recommendation to purchase approximately 10 sets a year to augment the current cache of structural turnouts and to replace existing turnouts that have surpassed the 10-year useful age, as defined in current NFPA standards.
- c. Initially, Fire Impact Fees were designated for this purchase, however this type of purchase is eligible for use of Volunteer Firefighter Assistance Grant Funds (VFA is a Matching Grant). The Committee would like the Fire Chief to apply for the VFA Grant and apply any awarded funds to this purchase.

**4 Additional Fire Radios (Safety)**

- a. The Committee was highly supportive of the proposed purchase of handheld radios to augment and standardize the radio cache.
- b. Initially, Fire Impact Fees were designated for this purchase, however this type of purchase is eligible for use of Volunteer Firefighter Assistance Grant Funds (VFA is a Matching Grant). The Committee would like the Fire Chief to apply for the VFA Grant and apply any awarded funds to this purchase.

**5 Installation of emergency generator at fire station**

- a. The Committee was supportive of the installation of a backup generator at the station. The proposed generator would be able to handle all the power needs of the station and be automatically switched.
- b. One concern was that it may not be big enough to handle an addition to the fire station. It was discussed to up size it to accommodate a proposed expansion. This generator would also be able to be relocated, if it were determined that was needed to accommodate the addition.
- c. The Committee was in favor of moving forward

**6 Additional Remodel to fire station**

- a. The Committee was supportive of continuing work on the fire station.
- b. However, after discussion and public comment they recommended that part of the proposed funds be applied to correcting deficiencies that currently exist at the fire station.
- c. The remainder of the funds should be pooled with the other departments to develop a long-term plan for the fire station as well as the main administrative offices.
- d. Everyone in attendance agreed that at this juncture the best course would be to prepare a plan for the district needs and then continue with the addition instead of spending money on changes now that may have to be changed again soon.

**7 Report writing station in app bay**

- a. The Committee was supportive of this project and agreed that it should be included in this budget

- 8 Fire Training curriculum IFSTA**
  - a. The Committee was supportive of this project and agreed that it should be included in this budget
- 9 Replace Utility 8630**
  - a. The committee is in favor of the vehicle replacement.
  - b. There was discussion about the annual vehicle assessments that should be brought to the committee prior to the budget approval so that all equipment can be assessed and replacements prioritized for this coming budget cycle.
- 10 Purchase of three (3) AEDS**
  - a. The Committee recommended that this item be moved from #3 in FY 2018-19 to #10 in FY 2017-18
  - b. This item is important to move forward in this coming fiscal year, as it could potentially save a life for minimal cost.

### **FY 2018-19**

- 1 Water Tender**
  - a. The committee discussed the possible costs and the potential and real benefits of this purchase.
  - b. The agreed that this is a purchase that would aide and further the districts capabilities and should proceed.
  - c. The capabilities that this equipment would provide and the potential revenue that it would generator are significant enough to warrant the purchase.
- 2 Relocation of Diesel tank and installation of gas tank at yard**
  - a. This is an operational project; the committee was in favor of having fuel on site in the event of an emergency.
- 3 Replacement Rescue tools (1 Set)**
  - a. The committee was in favor of replacement of one set of rescue tools in this fiscal year and one in the next to reduce overall replacement cost and spread out the purchases.
- 4 2 laptop computers (MDCs)**
  - a. The committee was in favor of this purchase. This is an item that will further the capabilities of the fire department and allow more interaction and integration with neighboring department.
  - b. This purchase will likely be the first in a larger project to provide MDCs in the engines.

### **STREET LIGHTING**

#### **FY 2017-18**

- 1 Flat Tilt Trailer (6x12)**
  - a. The Committee was in favor of this equipment purchase.
  - b. Since this trailer could be used for water and wastewater as well as lighting the Committee recommended splitting it equally between the three departments.
- 2 Facility Siting/ architectural planning study for new CSD admin offices**
  - a. The Committee was highly supportive of moving forward on this item.

- b. The committee agreed that it was time for this item to move forward as existing space was to cramped for the current needs of the district.
  - c. The Fire Chief discussed grant and loan options and that with an overall facility plan we can apply for grants and loans to realize the entire project and get what we need for the next 15-20 years.
  - d. The Committee discussed having specific E&F or Ad Hoc committee meetings to review and develop this project.
  - e. The funding for this should be split between; Fire, Lighting, Wastewater and Water
- 3 Convert 24 existing street lights to LED**
- a. The Committee was in favor of converting the street lights at the proposed cost.
  - b. Staff will confirm actual conversion kit models once the project is approved and scheduled for installation.

## **WASTEWATER**

### **FY 2017-18**

- 1 Aerator upgrade to bubbler/ blower system – Installation of replacement and new DO meters at the WWTP**
- a. The Committee was highly in favor of the project and using ON BILL financing to fund it. The Committee felt that this was a priority for the operation of the WWTP.
  - b. The Committee wanted to combine the DO meters into the Aerator project since the two projects coincide with one another and need to be completed at the same time to be effective.
- 2 Additional Utility Vehicle (1 Ton+)**
- a. The Committee was in favor of moving forward with this purchase as soon as possible.
  - b. The purchase would be split between water and Sewer. The total proposed cost was set at \$70,000
  - c. There was discussion of selling the F550 from the fire department to water and sewer. And then using that money to upgrade the Type 2 engine to a type 3 for the fire department. Staff and Committee members present all agreed that this would be a good direction to take.
- 3 Update Wastewater Master Plan -- SSMP Audit, update**
- a. The Committee was highly supportive of getting these accomplished this year.
  - b. The SSMP Audit and Update are both overdue and need to be addressed to maintain compliance.
  - c. The consensus of Staff and Committee was to perform all the Master plan updates and SSMP audit/ update simultaneously. Based on input from the Dr. Reeley this could cut the overall cost of these plans considerably performing them simultaneously.
- 4 Prepare preliminary design, engineering report and submit applications for funding WWTP plant expansion**

- a. The Committee was in favor of continuing work on this item, it is already in process and will be coming back to the board for approval once grant funding for engineering is approved from the state.
  - b. Because we are nearing our capacity at the WWTP we need to start moving forward on engineering of a upgraded plant so that by the time that we reach our capacity we will be underway with construction or ready to do so.
- 5 Facility Siting/ architectural planning study for new CSD admin offices**
- a. The Committee was highly supportive of moving forward on this item.
  - b. The committee agreed that it was time for this item to move forward as existing space was to cramped for the current needs of the district.
  - c. The Fire Chief discussed grant and loan options and that with an overall facility plan we can apply for grants and loans to realize the entire project and get what we need for the next 15-20 years.
  - d. The Committee discussed having specific E&F or Ad Hoc committee meetings to review and develop this project.
  - e. The funding for this should be split between; Fire, Lighting, Wastewater and Water
- 6 Replace pole lighting at the WWTP**
- a. The Committee supported this item and recommended to fund it through the regular O&M Budget
- 7 TESCO Reporting module**
- a. The Committee was in favor of moving forward with this project this year.
  - b. Staff advised that with new requirements from the GSA and the new tracts being brought on line in the next few years that Staff would be gathering all the needed information for those projects and incorporating it into the requirements for the reporting module. The cost of this project will be split between Water and Wastewater
- 8 Tablets for service orders and access to GIS for utilities**
- a. The Committee was in favor of moving forward on this item, but increased the purchase amount to a total of \$4,000 to insure enough funds were available for the purchase.
  - b. This purchase would be split between water and wastewater
  - c. Before purchasing these tablets, Staff will work with the District IT Consultant and District Engineer to determine the requirements for the Tablets
- 9 Laptop for sewer video trailer**
- a. The Committee was in favor of moving forward with this project this year.
  - b. The purchase of a dedicated laptop for the purposes of sewer videoing will ensure that we can safely store and manage the sewer line videos without having to use equipment that is not designed for that purpose.
- 10 Trench Plates**
- a. The Committee was in favor of moving forward with the purchase of plates this year.
  - b. The Committee raised the request amount to a total of \$4,000 to purchase additional plates.
  - c. This purchase would be split between water and wastewater



**WATER****FY 2017-18****1 SLT Arsenic Blending line**

- a. This project is already underway. It is

**2 Additional Utility Vehicle (1 Ton+)**

- a. The Committee was in favor of moving forward with this purchase as soon as possible.
- b. The purchase would be split between water and Sewer. The total proposed cost was set at \$70,000
- c. There was discussion of selling the Ford F550 from the fire department to water and sewer. And then using that money to upgrade the Type 2 engine to a type 3 for the fire department. Staff and Committee members present all agreed that this would be a good direction to take.

**3 Replace water line on 11<sup>th</sup> from N to Mission**

- a. The Committee agreed that this is a priority and needs to move forward this year.
- b. An application was submitted to CDBG for this project and the county should be awarding funding mid to late 2017.
- c. The Committee also discussed the need to move forward with this project if the grant was not awarded. Dr Reeley recommended that the District start preliminary work on specs and planning to speed up the process once funding is available

**4 Update Water Master Plan**

- a. The Committee was highly supportive of getting this accomplished this year.
- b. The consensus of Staff and Committee was to perform all the Master plan updates and SSMP audit/ update simultaneously. Based on input from the Dr. Reeley this could cut the overall cost of these plans considerably performing them simultaneously.

**5 Replace water line on 10<sup>th</sup> across Mission**

- a. The Committee agreed that this is a priority and needs to move forward this year.
- b. The Committee also discussed the need to move forward with this project if a grant is not awarded. Dr Reeley recommended that the District start preliminary work on specs and planning to speed up the process once funding is available

**6 Facility Siting/ architectural planning study for new CSD admin offices**

- a. The Committee was highly supportive of moving forward on this item.
- b. The committee agreed that it was time for this item to move forward as existing space was to cramped for the current needs of the district.
- c. The Fire Chief discussed grant and loan options and that with an overall facility plan we can apply for grants and loans to realize the entire project and get what we need for the next 15-20 years.
- d. The Committee discussed having specific E&F or Ad Hoc committee meetings to review and develop this project.

- e. The funding for this should be split between; Fire, Lighting, Wastewater and Water

**7 TESCO Reporting module**

- a. The Committee was in favor of moving forward with this project this year.
- b. Staff advised that with new requirements from the GSA and the new tracts being brought on line in the next few years that Staff would be gathering all the needed information for those projects and incorporating it into the requirements for the reporting module. The cost of this project will be split between Water and Wastewater

**8 Tablets for service orders and access to GIS for utilities**

- a. The Committee was in favor of moving forward on this item, but increased the purchase amount to a total of \$4,000 to insure enough funds were available for the purchase.
- b. This purchase would be split between water and wastewater
- c. Before purchasing these tablets, Staff will work with the District IT Consultant and District Engineer to determine the requirements for the Tablets

**9 Trench Plates**

- a. The Committee was in favor of moving forward with the purchase of plates this year.
- b. The Committee raised the request amount to a total of \$4,000 to purchase additional plates.
- c. This purchase would be split between water and wastewater



SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
APRIL 14, 2017 SPECIAL MEETING MINUTES

MEETING HELD AT DISTRICT OFFICES  
1150 MISSION STREET  
SAN MIGUEL, CA 93451

**I. Call to Order:**

Meeting called to order by President Kalvans at 8:30 AM

**II. Pledge of Allegiance:**

Director Kalvans lead the Pledge of Allegiance.

**III. Roll Call:** Directors Present: Buckman, Green, Kalvans, Parent and Reuck.

District Staff Attending: General Manager Gentry,  
District General Counsel: Doug White, Helane Seikaly and Karl Schweikert  
participated via Skype video conference call.  
Others in Attendance: None

**IV. Adoption of Special Meeting Agenda:**

Director Buckman made a motion to adopt Special Meeting Agenda as presented,  
Seconded by Director Parent. Motion was approved by voice vote of 5 AYES and 0 NOES.

**V. Public Comment and Communications (for items not on the agenda):**

President Kalvans asked if there were any public requests or comments. There were none.

District General Counsel White announced that General Counsel had received a written opinion from the Fair Political Practices Commission that stated Director Parent could participate in Board discussions on matters related to Labor/MOU negotiations without a conflict of interest arise if such discussions did not specifically deal with a person related to Director Parent by marriage, children or family member.

President Kalvans announced Adjournment to Closed Session at 8:32AM.

**VI. ADJOURN TO CLOSED SESSION:**

**A. CLOSED SESSION AGENDA:**

Item 3 of Closed Session Agenda pulled out of order to be discussed with General Counsels after Item 1 was discussed due to work schedule conflicts for Directors Parent and Kalvans.

**1. CONFERENCE WITH DISTRICT GENERAL COUNSEL**

**Anticipated Litigation**

Pursuant to Government Code Section 54956.9 (d) (2) (1 case)

General Manager recused from this Closed Session item. All Board Members present for discussion with General Counsels.

**3. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency Representatives: General Manager and District General Counsel

Employee Organization: San Luis Obispo County Employees Association

General Manager returned to Closed Session for discussions on remaining Closed Session items.

**2. CONFERENCE WITH DISTRICT GENERAL COUNSEL**

**Existing Litigation**

Pursuant to Government Code Section 54956.9 (d) (1)

Title: San Luis Obispo County Employees' Association vs. San Miguel Community Services District, Public Employment Relations Board Case No. LA-CE-1073-M 2.

Directors Parent and Kalvans left the Closed Session meeting during discussions.

Vice-President Reuck assumed Acting President of Board for this item discussions.

A quorum of the remaining Board Members was established at 3 Members present.

**B. RECONVENE TO OPEN SESSION:**

Vice President Reuck reconvened the meeting to Open Session at 12:23PM and asked District General Counsel to report out of Closed Session.

**C. REPORT OUT OF CLOSED SESSION**

**4. Report out of Closed Session by District General Counsel:**

District General Counsel reported that direction was given to General Manager and District General Counsel pertaining these Closed Session items.

**VI. BOARD COMMENT:**

Director Green asked about the status of the Board Rules and Bylaws Handbook. General Manager replied that the Handbook is already a part of the April Board meeting agenda. Director Green asked if there had been any other Director comments or proposed changes. GM answered that there had been no comments or proposed changes submitted to date. There were no further Board comments.

**VIII. ADJOURNMENT:**

Vice President Reuck adjourned the meeting at 12:37PM.



## San Miguel Community Services District Board of Directors

### Staff Report

April 27, 2017

ITEM: IX – 15

**SUBJECT:** Approval of **Resolution No 2017-09** Authorizing the use of Department of Justice as an access to criminal history information from state and federal law enforcement on employment, licensing or certification purposes

---

#### STAFF RECOMMENDATION:

Staff recommends that Board of Directors approve and adopt **Resolution No 2017-09** authorizing the use of Department of Justice as an access to criminal history information from state and federal law enforcement on employment, licensing or certification purposes.

---

#### DISCUSSION:

This request is seeking Board of Director authorization to use the Department of Justice (DOJ) as an access to criminal history information from state and federal law enforcement on employment, licensing or certification purposes. Presently, the District uses local law enforcement through Livescan, which does not provide as deep access to criminal history information available nationally.

Livescan, in a short description, is a system for electronic submission of an applicant's fingerprints and personal identity information sufficient to produce an in-depth background check and response from state and federal law enforcement agencies. The Livescan brochure information states that digitalized fingerprints and the transfer to District of background information can be done in minutes, instead of days required for hard copy processing through the U.S. mail. Livescan, locally, is available at the Templeton Sheriff's station. The District designated Custodian of Record is the only person eligible to access the information sent back via email. DOJ will invoice for actual costs and fee payment collections.

It can be important to the District in situations related to pre-hire employment criminal background to have the ability and access to state and federal history information. For Cities, Counties and other local governmental units, like SMCSO Department of Justice requires a Board resolution and authority. Once accepted for federal and state level access to Livescan data District can make requests for criminal history information from the FBI as well. District, once approved by DOJ, will also need to officially designate, by a local resolution, a Custodian of Records responsible for

hiring, security, storage, dissemination and destruction of the criminal records furnished to the District.

This designated District Custodian individual, General Manager or another Board designated person must serve as the primary contact for the District and undergo a criminal history check through the Livescan process. If this designee is denied or revoked as Custodian of Record for felony convictions, or any other offense involving moral turpitude, dishonesty or fraud impacting that person's ability to perform the Custodian cannot be approved by DOJ, then the Board must name another individual to serve as the Custodian of Records.

There are fees associated with fingerprinting and criminal record information requested by District.

**FISCAL IMPACT:**

No costs for making an application for DOJ authorization but there are future costs for the fingerprinting and criminal history information which the District will be responsible for at that the time of a request.

Prepared by:

*Darrell W. Gentry*

General Manager

**Attachment:** Resolution No 2017-09



**RESOLUTION NO. 2017-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MIGUEL COMMUNITY SERVICES DISTRICT  
AUTHORIZING THE USE OF DEPARTMENT OF JUSTICE TO ACCESS  
CRIMINAL HISTORY INFORMATION FROM STATE AND FEDERAL  
LAW ENFORCEMENT ON EMPLOYMENT, LICENSING OR  
CERTIFICATION PURPOSES**

**WHEREAS**, Penal Code Sections 11105(b) (11) and 13300(b) (11) Authorizing cities, counties, districts and joint power authorities, Section 6500 of state Government code; to access state and local summary criminal history information for employment, licensing or certification purposes; and

**WHEREAS**, Penal Code Sections 11105(b) (11) and 13300(b) (11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

**WHEREAS**, Penal Code Section 11105(b) (11) and 13300(b) (11) require the San Miguel Community Service District Board of Directors (“BOARD”) to authorize access to summary criminal history information for employment, licensing, or certification purposes.

**NOW THEREFORE, BE IT RESOLVED**, that the Board is hereby requesting authorization to access state summary criminal history information for employment including volunteers and contract employees, licensing, or certification purposes and may not disseminate the information to private entity.

**PASSED AND ADOPTED** by the Board of Directors on a motion of Director, \_\_\_\_\_, seconded by Director, \_\_\_\_\_ by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this 24<sup>th</sup> day of April, 2017.

---

Anthony Kalvans, President  
Board of Directors

ATTEST:

---

Darrell W. Gentry, General Manager

APPROVED AS TO FORM:

---

Doug White, District General Counsel





## San Miguel Community Services District Board of Directors

### Staff Report

April 27, 2017

ITEM: XI-16

**SUBJECT: Declaring Hazardous Weeds a Public Nuisance within the San Miguel Community Services District**

---

#### **STAFF RECOMMENDATION:**

Staff recommends that the Board of Directors approve and adopt **Resolution No 2017-05** declaring hazardous weeds a public nuisance and direct staff to proceed with mailing notices to abate.

---

#### **DISCUSSION:**

District Fire Department conducts a weed abatement program to reduce fuel load and eliminate fire hazards, pursuant to the authority contained in Government Code Section 61100(t) and Health and Safety Code Sections 14875 *et seq.* Abatement is initiated by resolution adoption declaring weeds on identified properties as a public nuisance. Annually, the Fire Department inspects all parcels within its service boundaries for compliance with its weed abatement program. The parcels listed in Exhibit "A" in the attached Resolution were determined to be non-compliant thereon are deemed a public nuisance.

A formal notice is sent to property owners following adoption of the attached Resolution. In accordance with the comprehensive weed abatement procedures set forth in the Health and Safety Code, a public hearing is scheduled for April 27<sup>th</sup>, 2017, to consider any objections by affected property owners. All parcels not corrected shall be placed on a list for abatement. Costs of abatement plus administrative expenses are placed as an assessment on each parcel's property tax bill.

#### **FISCAL IMPACT:**

None. The costs of abatement are paid by the affected property owner. Administrative expenses are recovered by imposing a service charge.

Prepared by:

*Rob Roberson*

Fire Chief

Approved by:

*Darrell W. Gentry*

General Manager

**Attachment:** Resolution No 2017-05

APN	Street	Legal	Est. Acres	Sup. Dist.	Avg. Slope
021-371-001	00000 CEMETERY RD	T25S R12E SEC 20 PTN	23.17	Supdist 1	7
021-391-001	00000 WE 10TH ST	T25S R12E PTN SEC 20	19.62	Supdist 1	8
021-391-002	00000 WE 10TH ST	T25S R12E PTNS SECS 17 & 20	0.68	Supdist 1	6
027-221-036	09630 NO RIVER RD	SAN LAWR TER LT 39	3.29	Supdist 1	16
027-221-017	09750 NO RIVER RD	SAN LAWR TER LT 38	2.85	Supdist 1	6
027-251-030	08691 MARTINEZ DR	PM 68/95-97 PAR 2	2.07	Supdist 1	4
027-251-014	08707 MAGDALENA DR	SAN LAWR TER PTN LT 44	0.87	Supdist 1	2
027-251-019	09510 RIVER RD	SAN LAWR TER LT 48	2.05	Supdist 1	2
027-221-052	08845 OAK DR	SAN LAWR TER PTN LT 36	0.92	Supdist 1	3
027-221-028	09880 NO RIVER RD	SAN LAWR TER PTN LT 36 LESS 49% MIN RTS	0.75	Supdist 1	2
027-221-004	08640 SAN PABLO DR	SAN LAWR TER LT 26	2.7	Supdist 1	2
027-221-003	08705 MISSION LN	SAN LAWR TER TR PTN LT 27	0.95	Supdist 1	10
027-272-011	13200 NORTH BLUFFS CT	TR 2647 LT 11	1	Supdist 1	9
027-272-010	13000 RIVER BLUFFS LN	TR 2647 LT 10	1.08	Supdist 1	14
027-272-009	13020 RIVER BLUFFS LN	TR 2647 LT 9	1.01	Supdist 1	21
027-272-008	13040 RIVER BLUFFS LN	TR 2647 LT 8	1.01	Supdist 1	25
027-272-001	13060 RIVER BLUFFS LN	TR 2647 LT 1	1.83	Supdist 1	24
027-272-002	13075 RIVER BLUFFS LN	TR 2647 LT 2	1.69	Supdist 1	27
027-272-004	13105 RIVER BLUFFS LN	TR 2647 LT 4	1.03	Supdist 1	8
027-272-003	13095 RIVER BLUFFS LN	TR 2647 LT 3	1.02	Supdist 1	8
027-272-005	13125 NORTH BLUFFS CT	TR 2647 LT 5	1.15	Supdist 1	18
027-272-006	13145 NORTH BLUFFS CT	TR 2647 LT 6	1.36	Supdist 1	25
027-272-007	13165 NORTH BLUFFS CT	TR 2647 LT 7	2.44	Supdist 1	34
021-241-008	00000 11TH ST	T25S R12E PTN SEC 16	0.48	Supdist 1	6
021-231-028	00000 12TH ST	TN SAN MIGUEL BL 73 PTN LTS 15 & 16	0.03	Supdist 1	1
021-231-032	00000 N ST	TN SAN MIGUEL BL 73 PTN LTS 1516 & PTN ABD RD	0.04	Supdist 1	1
021-231-024	01222 N ST	TN SAN MIGUEL BL 73 PTN LTS 10 TO 14	0.48	Supdist 1	1
021-231-041	00000 N ST	TN SAN MIGUEL BL 73 PTN LTS 10 THRU 14	0.3	Supdist 1	1
021-231-017	00599 12TH ST	T25S R12E PTN SEC 16	0.31	Supdist 1	1
021-401-001	00620 12TH ST	T25S R12E SEC 16 PTN SW 1/4 OF SW 1/4	2.71	Supdist 1	2
021-195-002	01436 RIO VISTA PL	TN SAN MIGUEL TR 32 BL 4 LTS 3 & 4	0.3	Supdist 1	6
021-193-007	01420 BONITA PL	TN SAN MIGUEL TR 32 BL 2 LT 5	0.16	Supdist 1	2
021-181-008	01428 N ST	TN SAN MIGUEL BL 71 LTS 10 TO 12	0.25	Supdist 1	1

APN	Street	Legal	Est. Acres	Sup. Dist.	Avg. Slope
021-191-004	01485 PRADO PL	T25S R12E PTN SEC 16	0.22	Supdist 1	0
021-192-011	01499 BONITA PL	TR 32 BL 1 PTN LTS 13&14	0.13	Supdist 1	1
021-152-005	01585 BONITA PL	TR 1552 LT 5	0.12	Supdist 1	1
021-152-041		0 TN SAN MIGUEL T25S R12E PTN SEC 16	0.36	Supdist 1	1
021-051-022		0 BOE 872-40-10D PAR 19	2.66	Supdist 1	2
021-141-024	00000 MISSION ST	PM 63/67-71 PAR 8	0.43	Supdist 1	1
021-112-002	00000 16TH ST	TN SAN MIGUEL BL 67 & PTN ABD RD	1.1	Supdist 1	2
021-092-002	00000 17TH ST	TN SAN MIGUEL BL 68 & PTN ABD RD	1.28	Supdist 1	3
021-091-008	01703 MISSION ST	TN SAN MIG BL 53 LTS 15 & 16	0.18	Supdist 1	9
021-091-016	00000 MISSION ST	TN SAN MIG PTN OF STREET ADJACENT TO BL 53	0.57	Supdist 1	8
021-071-001		0 002.11AC VACANT	2.07	Supdist 1	3
021-101-003		0 000.50AC VACANT	0.39	Supdist 1	4
021-101-005		0 005.56AC VAC TN SAN MIG PTN BLKS 22 & 37 & ABD RDS	4.56	Supdist 1	3
021-131-023	01599 MISSION ST	PM 46/72 PAR 4 & PTN RD	0.15	Supdist 1	4
021-131-016	01575 MISSION ST	PM 46/72 PAR 3	0.12	Supdist 1	3
021-131-004	01588 L ST	TN SAN MIGUEL BL 55 LTS 27 & 28	0.19	Supdist 1	9
021-131-012	01560 L ST	TN SAN MIGUEL BL 55 LTS 25 & 26	0.19	Supdist 1	10
021-131-020	00349 15TH ST	TN SAN MIGUEL BL 55 LTS 17 & 18	0.2	Supdist 1	11
021-131-018	01545 MISSION ST	TN SAN MIGUEL BL 55 LTS 9 & 10	0.18	Supdist 1	2
021-131-011	01525 MISSION ST	TN SAN MIGUEL PTN BL 55 LESS 75% MIN RTS IN PTN	0.55	Supdist 1	2
021-171-013	01411 MISSION ST	TN SAN MIGUEL BL 56 LT 13 & PTN LT 12	0.11	Supdist 1	1
021-171-008	00000 14TH ST	TN SAN MIG BL 56 PTN LTS 17 TO 21	0.18	Supdist 1	4
021-122-012	01599 L ST	TN SAN MIGUEL BL 36 LTS 1 TO 3	0.23	Supdist 1	3
021-122-008	01532 K ST	TN SAN MIGUEL BL 36 LTS 22 & 23	0.19	Supdist 1	3
021-121-002	01599 K ST	TN SAN MIGUEL BL 23 LTS 1 & 2	0.15	Supdist 1	4
021-161-002	01499 K ST	TN SAN MIGUEL BL 24 LTS 1 TO 4	0.26	Supdist 1	4
021-211-016	01383 MISSION ST	TN SAN MIGUEL BL 57 LTS 1 TO 5	0.43	Supdist 1	1
021-211-012	01337 MISSION ST	TN SAN MIGUEL BL 57 LTS 12 TO 16	0.42	Supdist 1	1
021-201-004	01343 K ST	TN SAN MIGUEL BL 25 LTS 9 TO 11	0.18	Supdist 1	4
021-202-001	01396 K ST	TN SAN MIGUEL BL 34 LTS 31 & 32	0.16	Supdist 1	4
021-252-004		0 000.60AC BUILDING	0.74	Supdist 1	12
021-252-013	01235 L ST	TN SAN MIG BL 33 LTS 12 TO 14	0.28	Supdist 1	12
021-252-009	00249 12TH ST	TN SAN MIGUEL BL 33 E 1/2 LTS 17 TO 21	0.24	Supdist 1	8

APN	Street	Legal	Est. Acres	Sup. Dist.	Avg. Slope
021-271-012	00000 K ST	TN SAN MIGUEL BL 27 LT 10 & PTN LT 9	0.1	Supdist 1	10
021-271-011	00000 K ST	TN SAN MIGUEL BL 27 LT 8 & PTN LTS 7 & 9	0.1	Supdist 1	8
021-271-010	01155 K ST	TN SAN MIGUEL BL 27 LTS 5 6 & PTN 7	0.12	Supdist 1	7
021-272-019	01199 L ST	TN SAN MIGUEL BL 32 LTS 1 & 2	0.18	Supdist 1	11
021-272-020	01175 L ST	TN SAN MIGUEL BL 32 LTS 3 TO 5	0.27	Supdist 1	10
021-281-010	01177 MISSION ST	TN SAN MIGUEL BL 59 LTS 5 & 6	0.17	Supdist 1	2
021-281-005	01156 L ST	TN SAN MIG BL 59 LTS 25 & 26	0.19	Supdist 1	3
021-281-012	01141 MISSION ST	TN SAN MIGUEL BL 59 LTS 8 TO 10	0.26	Supdist 1	2
021-272-026	01115 L ST	TN SAN MIGUEL BL 32 LTS 13 & 14	0.17	Supdist 1	7
021-272-025	01109 L ST	TN SAN MIGUEL BL 32 LTS 15 & 16	0.18	Supdist 1	8
021-312-001		0 TN SAN MIGUEL BL 63	1.08	Supdist 1	1
021-302-006	01071 L ST	TN SAN MIGUEL BL 31 LTS 1 TO 4	0.42	Supdist 1	7
021-302-010		0 TN SAN MIGUEL BL 31 LTS 10 TO 12	0.3	Supdist 1	7
021-302-008	01010 L ST	TN SAN MIG BL 31 LTS 13 TO 16 LESS 50% MR	0.38	Supdist 1	8
021-331-019	00000 MISSION ST	MCD ADD BL 61 LT 45PTN LT 3 & PTN ABD RD	0.28	Supdist 1	1
021-331-032	00972 L ST	TN SAN MIGUEL MC D ADD BL 61 LT 28 & PTN LTS 29&30	0.22	Supdist 1	2
021-331-001	00000 L ST	TN SAN MIGUEL BL 61 LTS 30 TO 32	0.28	Supdist 1	3
021-331-034	00968 L ST	TN SAN MIGUEL MC D ADD BL 61 LTS 23 THUR 24	0.19	Supdist 1	2
021-341-010	00821 MISSION ST	TN SAN MIG MCD ADD BL 76 LTS 5 & 6	0.19	Supdist 1	2
021-341-012	00811 MISSION ST	TN SAN MIG MCD ADD BL 76 LTS 7 & 8	0.18	Supdist 1	2
021-341-006	00333 SAN LUIS OBISPO RD	TN SAN MIGUEL MCD ADD BL 76 LTS 11 & 12	0.18	Supdist 1	3
021-371-002	00777 MONTEREY RD	T25S R12E SEC 20 PTN	1.72	Supdist 1	5
021-371-003	00000 MONTEREY RD	T25S R12E PTN SEC 20	0.23	Supdist 1	10
021-371-005		0 T25S R12E PTN SEC 20	0.28	Supdist 1	10
021-323-001	00238 9TH ST	TN SAN MIGUEL MC D ADD BL 77 PTN LTS 1 TO 5	0.23	Supdist 1	8
021-323-004	00252 9TH ST	TN SAN MIGUEL T25S R12E PTN SEC 20	0.68	Supdist 1	4



## RESOLUTION NO. 2017-05

### A RESOLUTION OF THE BOARD OF DIRECTORS DECLARING HAZARDOUS WEEDS A PUBLIC NUISANCE WITHIN THE SAN MIGUEL COMMUNITY SERVICES DISTRICT

**WHEREAS**, the San Miguel Community Services District (“District”) is a duly formed Community Services District under Government Code Section 61100(t), and has the power to provide protection against fire and risks of fire; and

**WHEREAS**, pursuant to the authority established in Health and Safety Code Section 14875, *et seq.*, the District may declare hazardous weeds a public nuisance for the purposes of proceeding with a weed abatement program; and

**WHEREAS**, the District Board of Directors finds that it is in the public interest that hazardous weeds within the District be abated as an aid to fire prevention.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Miguel Community Services District as follows:

**Section 1.** That the recitals set forth above are true and correct and are incorporated herein by this reference.

**Section 2.** That the weeds located on the private properties described in Exhibit “A” attached hereto and incorporated herein by this reference, all of which are located within the District, are hereby declared to be a public nuisance.

**Section 3.** In accordance with Health and Safety Code Section 14890, the District Fire Chief is hereby designated as the person to give the notice, substantially in the form proscribed by Health and Safety Code Section 14892, to destroy, modify, abate and remove such hazardous weeds.

**Section 4.** That said nuisance, unless otherwise corrected, shall be abated by the District, and the cost thereof shall be assessed upon the parcels from which said nuisance is abated.

**Section 5.** That a public hearing shall be held on the proposed abatement of hazardous weeds on April 27<sup>th</sup> at 7:00 p.m. at the following address: 1150 Mission Street, San Miguel California, 93451, to provide an opportunity for all property owners having any objections to the proposed removal of such weeds to be heard and given due consideration.

**Section 6.** That the District Clerk is hereby authorized and directed to mail notice of said hearing to the property owners described in Exhibit "A" as their names and addresses appear from the last equalized assessment roll as authorized by Health and Safety Code Section 14896.

On the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this 27<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Anthony Kalvans, President  
Board of Directors  
San Miguel Community Services District

**ATTEST:**

**APPROVED AS TO FORM AND CONTENT:**

\_\_\_\_\_  
Darrell W. Gentry, General Manager  
and Secretary to the Board of Directors

\_\_\_\_\_  
Doug White, District General Counsel



## San Miguel Community Services District Board of Directors

### Staff Report

April 27, 2017

ITEM: XI – 17

**SUBJECT: Review and Discuss Approving Resolution No 2017-07 adopting proposed Utility Billing Late Fees and Collection Procedures**

**STAFF RECOMMENDATION:**

Staff recommends that the Board of Directors approve and adopt **Resolution No 2017-07** adopting proposed utility billing late fees and collection procedures.

**BACKGROUND:**

The Organization and Personnel Committee reviewed these proposed billing collection procedures and policy statement at its March 24<sup>th</sup> and April 14<sup>th</sup> meetings. The District currently lacks a formal utility bill appeal and collection procedure policy statement.

The O & P Committee requests additional policy and procedure language be added to include some policy parameters for relief due to catastrophic events, medical conditions or treatments requiring an absence from a residence and/or conditions resulting in uninhabitable living conditions.

O & P Committee also made a recommendation for increasing the required service deposit to \$200.00. This increase was discussed because increase would be equivalent to 2 months of water and sewer service charges. Present deposit is \$100.

The surrounding agency information is:

Water Agency	Billing to	Fee	Deposit Req'd
Heritage Ranch	owner	\$25.00	No
Oceano CSD	owner	\$30.00	No
Cambria CSD	owner/tenant	\$38.50	Yes, \$100 for tenants only
Los Osos CSD	owner/tenant	\$50.00	No
Atascad. Mutual	owner	\$0.00	No
City of Paso Robles	owner/tenant	\$45.00	Yes, \$100 for tenants only
Templeton CSD	owner/tenant	\$10.00	No

In comparison to other agencies, the proposed recommended deposit would be higher. The comparison is not equal because each agency has some distinction when compared to SMCSO. For instance, Heritage Ranch does not pump any groundwater or operate wells relying on surface water pumping from the lake, but does operate water and wastewater treatment facilities largely to a highly restricted population/residence customer base. Atascadero Mutual is a private water company. Los Osos CSD is fragmented by private water companies and limited wastewater facilities in operation. Oceano and Cambria CSD is similar, in operations to SMCSO but population demographics are different. Neither of these two CSD's are experiencing or planned for growth and development and have California Coastal Commission land use procedures and requirements that do not apply to SMCSO. This added land use review for Oceano and Cambria can significantly complicate or even prohibit future growth potential.

An option to the deposit recommendation is to discuss apply the \$200 deposit requirement for tenants only, since the most significant complaint that we learn about is from landlords having to remedy an outstanding unpaid bill. Many landlords ask their tenants to apply for water and sewer service with SMCSO and vacate a rental without paying an outstanding bill.

The O & P Committee did not discuss this particular option in its meeting. A later question arose that prompted inclusion of the option approach to deposit amount that is recommended. The Board can consider either approach or ask that other options be presented before making its decision.

**Proposed Policy:**

**Account Deposits:**

For all new accounts opened after the effective date of this policy shall be subject to a deposit payment of \$200.00. All deposits received shall be accounted for by a separate revenue and expense accounts to maintain accuracy in funds received and available for deposit refunds as may be needed.

**Billing Process:**

The policy codifies the District's existing late fee schedule. The District typically sends bills out on the 15<sup>th</sup> of each month with the outstanding balance due on the 10<sup>th</sup> of the subsequent month. Under the proposed policy, customers must remit payment by the day indicated on their utility bill or they will be subject to fines. The District will add a ten percent (10%) late fee if a customer's account has any remaining balance on the date indicated by the bill.

For example, a customer fails to pay their fifty-dollar (\$50) water bill, due February 10, 2017. The District will charge a five dollar (\$5) late fee, and the customer must pay fifty-five (\$55) for the account to become current. The customer then accrues another fifty dollars (\$50) in water usage, and must pay \$105 by March 10, 2017. If he or she fails to make a payment by the deadline, the District will assess a second late penalty at ten percent (10%) and the customer would owe \$115.50.

**Appeal Process:**

The policy establishes a formal appeals process for customers to dispute any utility charge, first with the General Manager and then with the Board of Directors. A customer, to dispute a bill, must



first file a request for relief with the General Manager. The request must present evidence of why relief should be granted. The General Manager may grant the request in full or in part or deny the request.

**Special Conditions Relief to Be Considered in an Appeal Process:**

General Manager may also grant an appeal relief due to any one or more conditions that may due to:

- a) catastrophic events, such as fire, mold or similar medical diagnosis,
- b) seasonal adjustments due to extended periods of vacation or medical conditions or treatment requiring an absence from residence and/or
- c) conditions of uninhabitable residence conditions that may result from property damage, building or fire code notice of non-occupancy or uninhabitable conditions.

If the customer remains unsatisfied with the General Manager’s final decision, the customer may file a Notice of Appeal with the General Manager. Within fifteen (15) days of receiving the Notice of Appeal, the General Manager must notify the appellant of the time and place set for the hearing in front of the Board of Directors. The customer may present evidence to the Board of Directors at the hearing demonstrating why the bill is inaccurate or improper. The Board of Directors may deny the appeal or revise the amount owed; however, the Board of Directors must make findings on the record justifying any reduction of the total amount owed by the customer.

Alternatively, the Board of Directors may refuse to hear the customer’s appeal, and instead have the appeal heard by a neutral arbitrator. If the Board of Directors sends the appeal to arbitration, the cost of the arbitration will be split evenly between the District and the customer.

**Termination of Service:**

The policy also codifies the District’s procedure for terminating services in the event of nonpayment. The District will commence the termination process when a water account remains delinquent for thirty (30) days. The process for terminating water service includes a 10-day notice of termination and a subsequent forty-eight (48) hour notice. If a customer ignores both notices, and their account remains delinquent, then the District will terminate water service. The proposed policy also authorizes the Board of Directors to adopt a disconnection and reconnection fee by resolution.

**Collection through County Tax Roll:**

Pursuant to Government Code section 61115, the District may collect unpaid utility charges through the tax bills of affected parcels of real property. The policy provides the procedure for the District to collect unpaid utility bills in this manner. First, the General Manager must prepare and submit a report to the Board of Directors that describes the amount of charges and delinquencies for each affected parcel in a year. The Board of Directors will then conduct a public hearing on the report and consider objections and protests. The Board of Directors may adjust the charges and penalties prior to adopting the final report. The General Manager will then submit the final report to the county on or before August 10 of each year, and the delinquent charges will become assessment against each affected parcel and collected in the same manner as property taxes.

**FISCAL IMPACT:**

None. The adoption of a new collection procedure and late fee schedule will allow any expenses to be recovered by related charges for late payment and/or payment collection.

**Staff Recommendation:**

Staff recommends the Committee make a recommendation to the Board to approve adoption of a Utility Billing, Late Fee, Appeal, and Collections Policy as amended.

PREPARED BY:

*Darrell W. Gentry*

---

General Manager

**Attachment: Resolution No 2017-07**

# May & June 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10 <u>SMCSD water/sewer BILL DUE</u> (3-15-17 to 4-15-17)	11 10% late fee added	12	13
14 <u>SMCSD BILLING</u>	15	16	17	18	19 <u>10 Day Notice of past due form 10<sup>th</sup> due date</u>	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10
				30 days past due <u>48 Hour Notice</u> Doorhanger out		<u>Bill Due</u> but it's a Sat.
11	12 <u>48 Notice Shut OFF</u> <u>SMCSD water/sewer BILL DUE</u> (4-15-17 to 5-15-17)	13 10% late fee added	14	15 <u>SMCSD BILLING</u>	16	17

**FUN FACT'S**  
4-2016 TO 4-2017

**SMCSD Average Water/Sewer Bill**  
\$75.66

**SMCSD Average Water usage**  
11 Units 748 X 11 = 8,228 gal.

**SMCSD Average Water/Sewer Penalty**  
\$16.44



**RESOLUTION NO. 2017-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MIGUEL COMMUNITY SERVICES DISTRICT ADOPTING PROPOSED  
UTILITY BILLING LATE FEES AND COLLECTION PROCEDURES**

**WHEREAS**, the San Miguel Community Services District (“District”) desires to establish governing policies and procedures for utility billing late fees and collection procedures for utility billing late charges and to establish a formal collection and appeal procedure for billed charges; and

**WHEREAS**, the District Board of Directors (“Board”) has determined that these governing policies and procedures should be established with formal processes to appeal a utility billing statement and to recover applicable and appropriate late fee charges by a public procedures; and

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Directors of the San Miguel Community Services District hereby determines the need formal procedures and policies do hereby approve and adopt as shown as Exhibit “A” attached hereto.

**BE IT FURTHER RESOLVED**, this Resolution shall be in effect upon adoption of this resolution by the Board and remain in full force and effect until rescinded or replaced by a Board resolution or ordinance.

**PASSED AND ADOPTED** by the Board of Directors on a motion with amendments of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_ by the following roll call vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAINING:**

the foregoing Resolution is hereby passed and adopted this 24<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Anthony Kalvans, President  
Board of Directors

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Darrell W. Gentry, General Manager  
and Secretary to the Board

\_\_\_\_\_  
Doug White, District General Counsel



# San Miguel Community Services District Board of Directors

## Staff Report

April 27, 2017

AGENDA ITEM: XI. 18

**SUBJECT: Review and Discuss approving Resolution No 2017-08 adopting revisions to Board of Directors Rules and By-Laws Handbook**

---

### **STAFF RECOMMENDATION:**

Review and Discuss with recommendation to Board approving Resolution No 2017-08 adopting revisions to Board of Directors Rules and By-Laws Handbook.

---

### **BACKGROUND:**

The Organization & Personnel Committee reviewed this revision document at its February/March meetings. After finishing a review of changes, the Committee asked that the revised Handbook be distributed to all Board Members, except for themselves. If there were no comments or changes suggested or made by any Board Member, then the Handbook was to be scheduled for full Board discussion at its April Board meeting. If there were Board comments received, then the Handbook would need to come back to the Committee for added discussion. No comments were received as of April 21, 2017.

This specific task was listed in the Board approved 2016-17 Annual Work Program for revising and updating the existing Board Rules and By-Laws Handbook. The Board had revised its Handbook several years ago, but recent circumstances, such as the personnel matters, Chapter 1 was added to the Board's Handbook presented here for approval. Also, there have been changes in administration staffing, Board membership and functions that prompted this update.

District General Counsel prepared this revision for consideration and included specific areas, such as Chapter 1 of the Handbook and incorporated ideas discussed during last year's Board training session with David Aranda, BHI Consulting. This proposed revision, once adopted, will supersede and replace the existing Board Handbook. Future reviews of this Handbook should be scheduled every 3 years to maintain the Handbook over time, changing circumstances or situations.

### **FISCAL IMPACT:**

The cost for the adoption of a new Board Handbook was incurred by District General Counsel for general legal services for preparing the draft revision and reviewing prior Handbook.

**ACTION DISCUSSION:**

Staff recommends that the Board approve **Resolution No 2017-08** adopting revisions to Board's Rules and By-Laws Handbook.

PREPARED BY:

*Darrell W. Gentry*

---

General Manager

Attachment: **Resolution No 2017-08** Adopting revisions to Board's Handbook

# San Miguel Community Services District



# Board Members' Handbook

Board Members' Handbook created November 2016

Adopted by Resolution No \_\_\_\_\_

# Table of Contents

## PART I – ADMINISTRATIVE GUIDELINES

<b>Chapter 1: Introduction &amp; Overview</b> .....	<u>22</u>
A. Purpose of San Miguel Community Services District Board Member’s Handbook ..	<u>22</u>
B. Overview of Basic Documents.....	<u>22</u>
1. California Government Code .....	<u>33</u>
2. Annual Budget.....	<u>33</u>
3. Emergency Operations Plan .....	<u>33</u>
C. Orientation of New District Officials .....	<u>33</u>
D. Board Member Qualifications.....	<u>44</u>
E. Basic Definitions .....	<u>44</u>
<b>Chapter 2: Board—General Powers and Responsibilities</b> .....	<u>55</u>
A. Board Authority .....	<u>55</u>
B. Board Functions.....	<u>55</u>
C. Board President and Vice-President Functions.....	<u>66</u>
1. President .....	<u>66</u>
2. Vice-President .....	<u>66</u>
D. Appointment of General Manager and District Counsel.....	<u>66</u>
1. General Manager.....	<u>66</u>
2. District Counsel.....	<u>77</u>
E. Role in Emergency .....	<u>77</u>
F. Standing Committees .....	<u>77</u>
<b>Chapter 3: Board Administrative Support</b> .....	<u>1010</u>
A. Requests for Research or Information.....	<u>1010</u>
B. Inappropriate Actions .....	<u>1010</u>



<b>Chapter 4: District Finances</b> .....	<u>1111</u>
A. Board Member Compensation.....	<u>1111</u>
B. Expenditure Allowance .....	<u>1111</u>
C. Expenditure Guidelines .....	<u>1111</u>
<b>Chapter 5: Board Member Communications</b> .....	<u>1313</u>
A. Overview .....	<u>1313</u>
B. Speaking “for the District” .....	<u>1313</u>
C. Correspondence from Board Members .....	<u>1414</u>
D. Confidential Issues.....	<u>1515</u>
E. Local Ballot Measures .....	<u>1515</u>
F. State Legislation, Propositions .....	<u>1515</u>
G. Proclamations.....	<u>1515</u>
<b>Chapter 6: District Officials—Conflicts &amp; Liability</b> .....	<u>1617</u>
A. Conflict of Interest .....	<u>1617</u>
B. Political Reform Act.....	<u>1718</u>
1. Publicly identify the financial interest. ....	<u>1819</u>
2. Recuse yourself from both the discussion and the vote on the matter. ....	<u>1819</u>
3. Leave the room until the matter has been complete. ....	<u>1920</u>
C. Government Code Section 1090.....	<u>1920</u>
D. Conflict of Interest Forms .....	<u>2021</u>
E. Ex Parte Communications .....	<u>2021</u>
F. Liability .....	<u>2021</u>
G. AB 1234 Training .....	<u>2122</u>
H. AB 1661 Training .....	<u>2122</u>
<b>Chapter 7: District Officials—Interaction with Staff and Officials</b> .....	<u>2223</u>
A. Overview .....	<u>2223</u>
B. Board-Manager Relationship.....	<u>2223</u>
1. Employment Relationship Between the Board and General Manager .....	<u>2223</u>

2. Evaluation .....	<u>2324</u>
3. Open Communication .....	<u>2324</u>
4. Staff Roles .....	<u>2324</u>
C. General Manager Code of Ethics .....	<u>2425</u>
D. Board-District Counsel Relationship .....	<u>2425</u>
1. District Counsel.....	<u>2425</u>
2. District Counsel Legal Responsibilities .....	<u>2425</u>
3. District Counsel Representation.....	<u>2526</u>
E. General Manager-District Counsel Relationship .....	<u>2526</u>
F. Access to Information and Communications Flow .....	<u>2627</u>
1. Objectives .....	<u>2627</u>
2. Board Roles .....	<u>2627</u>
3. Access to Information .....	<u>2728</u>
G. Dissemination of Information .....	<u>2829</u>
H. Restrictions on Political Involvement by Staff.....	<u>2829</u>
1. Staff Members .....	<u>2829</u>
2. Management Staff.....	<u>2829</u>
3. General Employees.....	<u>2930</u>
I. General Conduct Expectations .....	<u>2930</u>
<b>Chapter 8: Leaving Office.....</b>	<b><u>3132</u></b>
A. Filling Board Vacancies .....	<u>3132</u>
1. Appointing a New Member .....	<u>3132</u>
2. Special Election.....	<u>3132</u>
3. Intervention by the Board of Supervisors .....	<u>3233</u>
B. Conflicts of Interest While Leaving Office .....	<u>3233</u>

## PART II - BOARD PROCEDURAL GUIDELINES

<b>Chapter 9: Open Meetings—Brown Act .....</b>	<b><u>2626</u></b>
A. Policy .....	<u>2626</u>

1. Introduction .....	<u>2626</u>
2. Penalties and Applicability .....	<u>2626</u>
B. Meetings .....	<u>2626</u>
1. General.....	<u>2626</u>
2. Serial Meetings .....	<u>2727</u>
C. Procedure .....	<u>2727</u>
a. Posting the Agenda.....	<u>2727</u>
b. Agenda Items .....	<u>2727</u>
D. Actions .....	<u>2828</u>
E. Ex Parte Communication.....	<u>2828</u>
<b>Chapter 10: Board Meetings .....</b>	<u><b>2929</b></u>
A. Board Meetings .....	<u>2929</u>
1. Regular Meetings .....	<u>2929</u>
a. Other Locations.....	<u>2929</u>
b. Location During Local Emergency .....	<u>2929</u>
c. Holidays .....	<u>2929</u>
2. Special Meetings & Emergency Meetings .....	<u>3030</u>
3. Adjourned Meetings.....	<u>3030</u>
4. Closed Session.....	<u>3131</u>
a. Time Limit .....	<u>3131</u>
5. Cancellation of Regular Meetings .....	<u>3131</u>
6. Quorum. ....	<u>3131</u>
7. Chair. ....	<u>3232</u>
a. Absence of President.....	<u>3232</u>
b. President & Vice President Absence .....	<u>3232</u>
c. Presiding Officer .....	<u>3232</u>
8. Attendance by the Public.....	<u>3333</u>
9. Action Minutes .....	<u>3333</u>
10. Recordings of Meetings .....	<u>3333</u>

B. Policy Decision Making Process .....	<u>3333</u>
1. Ad-Hoc Committees .....	<u>3333</u>
2. Town Hall or Community Meetings .....	<u>3333</u>
<b>Chapter 11: Order of Business</b> .....	<u>3535</u>
A. General Order .....	<u>3535</u>
1. CALL TO ORDER .....	<u>3535</u>
2. PLEDGE OF ALLEGIANCE.....	<u>3535</u>
3. ROLL CALL .....	<u>3535</u>
4. APPROVAL OF AGENDA.....	<u>3535</u>
5. CLOSED SESSION (IF NECESSARY) .....	<u>3636</u>
6. CALL TO ORDER FOR REGULAR BOARD MEETING/REPORT OUT OF CLOSED SESSION .....	<u>3737</u>
7. PUBLIC COMMENT (NON AGENDA ITEMS).....	<u>3737</u>
8. SPECIAL PRESENTATIONS/PUBLIC HEARINGS.....	<u>3737</u>
9. STAFF REPORTS/COMMITTEE REPORTS.....	<u>3737</u>
10.AGENDA .....	<u>3838</u>
a. Consent Calendar .....	<u>3838</u>
11.BOARD ACTION ITEMS .....	<u>3838</u>
12.BOARD COMMENTS.....	<u>3939</u>
13.ADJOURNMENT TO NEXT REGULAR MEETING OF (Date).....	<u>3939</u>
B. Conduct of Business .....	<u>3939</u>
C. Action on Agenda Items .....	<u>3939</u>
D. Items Placed on Written Agenda .....	<u>4040</u>
E. Items from the Board, General Manager, or District Counsel .....	<u>4040</u>
F. Public Hearings: .....	<u>4040</u>
1. General Procedure.....	<u>4040</u>
2. Time for Consideration.....	<u>4343</u>
3. Continuance of Hearing.....	<u>4343</u>
4. Communications and Petitions .....	<u>4444</u>

5. Ex-Parte Contacts .....	<u>4444</u>
6. Resolutions .....	<u>4444</u>
7. Voting & Publishing Requirements for Resolutions and Ordinances.....	<u>4545</u>
<b>Chapter 12: Guidelines of Conduct</b> .....	<u>4646</u>
A. General Procedures .....	<u>4646</u>
B. Authority of the President/Presiding Officer .....	<u>4646</u>
C. President to Facilitate Board Meetings .....	<u>4646</u>
D. Board Deliberation & Order of Speakers.....	<u>4646</u>
E. Limit Deliberation to Item at Hand .....	<u>4747</u>
F. Length of Board Comments.....	<u>4747</u>
G. Limitations of Debate .....	<u>4747</u>
H. Obtaining the Floor .....	<u>4747</u>
I. Motions .....	<u>4848</u>
1. Procedure for Motions .....	<u>4848</u>
2. Precedence of Motions .....	<u>4949</u>
3. Motions Introducing Ordinances .....	<u>5151</u>
J. Voting Procedures.....	<u>5151</u>
1. Abstention .....	<u>5252</u>
2. Tie Votes .....	<u>5252</u>
3. Motion for Reconsideration .....	<u>5353</u>
K. Non-Observance of Guidelines .....	<u>5353</u>
L. Non-Exclusive Guidelines .....	<u>5353</u>
<b>Chapter 13: Addressing the Board</b> .....	<u>5454</u>
A. Oral Presentations by Members of the Public .....	<u>5454</u>
B. Public Comment .....	<u>5454</u>
1. Timing .....	<u>5555</u>
2. Board Appearance Request Form .....	<u>5555</u>
3. District Matters .....	<u>5555</u>
4. Response to Public Comment.....	<u>5555</u>

C. Agenda Item Oral Presentation ..... 5555  
    1. Presentations Submitted in Writing ..... 5656  
    2. Timing ..... 5656  
    3. Assigning Time ..... 5656  
    4. Reading Written Comments ..... 5656  
D. Comments in Writing Encouraged ..... 5757  
    1. Comment Cards ..... 5757  
    2. Repetitious Comments Prohibited ..... 5757  
E. Speaker Time Limits for An Agenda Item ..... 5858  
F. Waiver of Guidelines ..... 5858  
G. Decorum ..... 5858

# **PART I: ADMINISTRATIVE GUIDELINES**

# Chapter 1: Introduction & Overview

## **A. Purpose of San Miguel Community Services District Board Member's Handbook**

The San Miguel Community Services District (the "District") has prepared this Board Members' Handbook (the "Handbook") to assist Board members and other District Officials (collectively, "District Officials") by documenting accepted practices and clarifying expectations. This Handbook should serve as a reference on adopted practices and procedures pertaining to District Board of Directors ("Board") meetings, committee meetings or Advisory Groups, provide an overview of District operations, Board powers and responsibilities, expected behavior and decorum from Board members and other elected or appointed officials, and related matters.

The Handbook supersedes any other handbooks which govern the Board, Committees, or Advisory Groups as of the effect date of adoption by the Board.

## **B. Overview of Basic Documents**

This Handbook is a summary of important aspects of Board Officials' activities. However, it cannot incorporate all materials and information necessary for understanding the business of District Officials. Many other laws, plans and documents exist which bind the District Officials to certain courses of action and practices. A summary of some of the most notable documents which establish District Official direction is provided below.



## **1. California Government Code**

The state Government Code contains many requirements for the operation of local government and administration of public meetings throughout the state. Many of these requirements, such as open meeting laws, is to ensure there is broad awareness of such requirements. The District is a “special district” which means it is organized in accordance with provisions of the Government Code and it is bound by the state’s general law.<sup>i</sup>

## **2. Annual Budget**

The District’s annual budget provides a description of District services and the resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization.

## **3. Emergency Operations Plan**

The District is in the process of drafting emergency plan entitled “Emergency Operations Plan”, which will describe actions to be taken in periods of extreme emergency. The Emergency Operations Plan may be updated from time-to-time. The Board may be called upon during an emergency to establish policies related to the specific incident.

## **C. Orientation of New District Officials**

It is important that new and incoming District Officials gain an understanding of the full range of services and programs provided by the District. As Board members join the Board or other District Officials join their respective committees, department heads are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or

programs about which Board members would like more information, arrangements will be made to increase awareness of these operations.

#### **D. Board Member Qualifications**

Each Board member shall not hold an incompatible office. Each Board member shall hold office and discharge his or her duties with loyalty. Each Board member shall attend all regular and special meetings of the Board, unless there is good cause. Removal or replacement of a Board member shall be governed by the requirements set out in Government Code §§ 1770-1782 and outlined in detail in Chapter 8 of this Handbook.

#### **E. Basic Definitions**

1. Chair/Presiding Officer is the individual authorized by law or District policy to oversee, direct and preside over the public meeting of the Board meeting or any other District committee.
2. Board of Directors is the governing body of the District, comprised of four (4) Board Directors and one (1) President of the Board. Each Board member serves a term of office of four (4) years or until his or her successor qualifies and takes office. Board members shall take office at noon on or before the first Friday in December following their election but may assume their elected seat after being sworn in at the first regular Board meeting in December.
3. District Official is any elected or appointed member of the Board or District committee established by resolution or Board policy.

## Chapter 2: Board—General Powers and Responsibilities

### **A. Board Authority**

The Board is the unit of authority within the District. Board members have no individual authority. As individuals, Board members may not commit the District to any policy, act, or expenditure. Board members do not represent any fractional segment of the community, but are rather part of the body, which represents and acts for the District as a whole. Routine matters concerning the operational aspects of the District are to be delegated to professional District staff members.

### **B. Board Functions**

The Board of Directors is the legislative body of the District; its members are the community's decision makers. Power is centralized in the elected Board collectively, and not in an individual Board member. The Board approves the budget and determines the public services to be provided and the taxes, fees and assessments to pay for these public services. It focuses on the District's mission to provide fire protection, wastewater, water, street lighting, and solid waste collection. The Board appoints a professional General Manager to carry out the administrative responsibilities of the District without Board interference in those delegated duties and responsibilities.

## **C. Board President and Vice-President Functions**

### **1. President**

The President is to preside at all meetings of the Board and perform such other duties consistent with the office as may be imposed by the Board. At Board meetings, the President assists the Board in focusing on the agenda, discussions, and deliberations. The President does not possess any power of veto. As presiding officer of the Board, the President is to faithfully communicate the will of the Board majority in matters of policy. The President is also recognized as the official head of the District for all ceremonial purposes. The President shall be selected by the Board in December annually.

### **2. Vice-President**

The Vice-President shall perform the duties of the President during the President's absence or disability. The Vice-President shall serve in this capacity at the pleasure of the Board.

## **D. Appointment of General Manager and District Counsel**

The Board appoints two (2) positions within the District organization: General Manager and District Counsel. Both positions serve at the will of the Board.

### **1. General Manager**

Is an employee of the District and has an employment agreement, which specifies terms of employment including an annual evaluation by the Board. General Manager shall be the administrative head of the District under the direction of the Board and by Board adopted policies. He or she shall be responsible for the efficient administration of all the

affairs of the District, which are under the General Manager's control and without interference in day-to-day management duties and responsibilities by Board members. The General Manager shall also be responsible for the duties outlined in the Government Code.<sup>ii</sup>

## **2. District Counsel**

District Counsel services will be provided by contract. The District Counsel attends all Board meetings, as well as other meetings at the request of the Board as deemed necessary. The District Counsel is appointed and serves at the pleasure of the Board.

### **E. Role in Emergency**

The Board has some extraordinary powers for the protection of persons and property within the District in the event of an emergency. The District is currently in the process of drafting an "Emergency Operations Plan" by and which the role of Board members and District staff will be explained and specified.

### **F. Standing Committees**

At the first regular meeting in December, the Standing Committee positions for the following year will be appointed by the President, with the consent of the Board. Each committee will consist of two (2) Board Members and District staff (General Manager and his or her designee) may be invited to advise or give input as needed. Each Board member may~~will~~ serve a maximum of two (2) consecutive years on one committee. Members of the public may be appointed by the President, with the consent of the Board to serve on District committees on a voluntary basis.

Committee meetings will be held when deemed appropriate by the Committee Chairman or the General Manager.

Each Committee's function will be to study appropriate issues in depth, report their findings, make policy recommendations and conclusions to the whole Board for its consideration.

The District's Standing Committees are:

- a. Finance Committee, formerly the Finance and Budget Committee;
- b. Facilities Committee, formerly the Equipment and Facilities Committee;  
and
- c. Personnel Committee, formerly the Organization and Personnel Committee.

## **G. Ad Hoc Committees**

The President may, with consent of the Board, establish and appoint members to an Ad Hoc Committee. Said Committee shall be established for specific duties, responsibilities and limited to no more than six (6) months in length of term. Committee may give input and/or recommendations to the Board of Directors for consideration and action in accordance with Board established duties and responsibilities.

Said Ad Hoc Committees may consist of up to two (2) Board Members, District staff and members of the public. Ad Hoc Committee members serve on a voluntary basis and meetings will be held when deemed necessary and appropriate by Committee Chair or the General Manager.



## Chapter 3: Board Administrative Support

### **A. Requests for Research or Information**

Board members may request information or research from the General Manager on a given topic. All Board member requests for research or information should only be directed to the General Manager, and not directly to a District staff member. Requests for new information or policy direction will be brought to the full Board for consideration at a regular meeting. All written products will be provided to the full Board.

### **B. Inappropriate Actions**

The Board has delegated the General Manager the responsibility to discuss, on behalf of the full Board, any perceived or inappropriate action by a Board member. The General Manager will discuss with the Board member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the General Manager will report the concern to the full Board.



## Chapter 4: District Finances

### **A. Board Member Compensation**

Pursuant to Government Code section 61047 and District Resolution No. 2015-26, Exhibit A, Board members are authorized to receive up to One Hundred Dollars (\$100.00) for each regular Board meeting attended in each month, limited to one (1) day in one month, and all other expenses incurred.

Board members may waive their stipends as provided by state law<sup>iii</sup>; however, they may not elect to assign their salary to any person or entity including a charitable organization.

### **B. Expenditure Allowance**

The annual District budget may include an expenditure allowance for expenses necessary for members to undertake official District business. Eligible expenses include travel expenses, including meals for Board members, and mileage reimbursement, which are made for District business.<sup>iv</sup> Donations to organizations are not eligible nor are meals for individuals other than Board members.

### **C. Expenditure Guidelines**

Any expense must be related to District affairs.<sup>v</sup> Public property and funds may not be used for any private or personal purpose. For example, reimbursement is not allowed to pay for meals at a meeting to discuss political or campaign strategies. It is also inappropriate for District funds to pay for a meal or other expenses of a private citizen or spouse attending a meeting.

District budgetary practices and accounting controls apply to expenditures within the District budget. Board members should plan expenditures, which will allow them to remain within the annual allocation. When exceptional circumstances require that additional amounts be allocated, the request must be made to the General Manager, and Board action may be necessary. Reimbursement requests should be made through the General Manager's office with receipts. Expenditure records are public information.

# Chapter 5: Board Member Communications

## **A. Overview**

Perhaps the most fundamental role of a Board member is communication; communication with the public to assess community options and needs and communication with staff to provide policy directions and to gain an understanding of various policy alternatives. Because the Board performs as a body (that is acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking “for” the Board. Equally important, when members are expressing personal views and not those of the Board, the public should be so advised.

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

## **B. Speaking “for the District”**

When Board members are requested to speak to groups or are asked the Board’s position on an issue, the response should reflect the position of the Board as a whole. Of course, a Board member may clarify their vote on a matter by stating “While I voted against X, the Board voted in support of it.” When representing the Board at meetings or other venues, it is important that those in attendance gain an understanding of the Board’s position rather than that of an individual member.

## **C. Correspondence from Board Members**

1. Members of the Board may be called upon to write letters to citizens, businesses or other public agencies. Typically, the President will be charged with transmitting the District's position on policy matters to outside agencies on behalf of the Board. Individual members of Board will often prepare letters for constituents in response to inquiries or to provide requested information.
2. The following is the policy of the Board relative to official and non-official correspondence by members of the Board:
  - a. Board members shall not write or send letters on District stationary or letterhead without Board approval.
  - b. The President is authorized to send thank you and acknowledgement letters as they directly pertain to the District in its usual course of business. Such correspondence shall not represent or include Board endorsements, positions, etc. All correspondence signed by the President shall have a copy forwarded to each Board member.
  - c. Board members may endorse political candidates, initiatives, legislation or positions using their own stationary. They may identify themselves by District Board position and title, but in no case shall said endorsements infer that the District or Board supports said position or candidate. Board members are encouraged to notify or send copies of said endorsement to the full Board.

d. The Board policy is that it will not support individual political candidates, but may vote to support or take stands on initiatives, measures or other legislation as appropriate and permissible under state law. The President shall be authorized to sign letters stating the Board's position.

#### **D. Confidential Issues**

Confidential issues, including anything which has been discussed in a closed session, shall not be disclosed to any member of the public, including the press.

#### **E. Local Ballot Measures**

At times ballot measures may be placed on the ballot that affect Board policy. There are restrictions regarding what actions the Board or individual members may take on ballot measures under California Law.

#### **F. State Legislation, Propositions**

The Board may be asked to take action on pending state legislation. The Board has adopted a practice of requiring analysis of bills prior to taking any official position. The analysis is to include a summary of the legislation's purpose and a listing of those entities both in support and against the proposed legislation.

#### **G. Proclamations**

Ceremonial proclamations are often requested of the District in recognition of an event or individual. Proclamations are not statements of policy but a manner in which the District can make special recognition of an event (e.g. Recycling Week). As part of his or her ceremonial responsibilities, the President is charged with administration of Proclamations. Individual Board members do not issue proclamations, but may request that the President issue a proclamation.

## Chapter 6: District Officials—Conflicts & Liability

### **A. Conflict of Interest**

State laws are in place that attempt to eliminate any action by a District Official that may reflect a conflict of interest. The purpose of such laws and regulations is to ensure that all actions are taken in the public interest.

Newly elected officials are required to file a Statement of Economic Interest (Form 700) within thirty (30) days of being sworn into office. Thereafter, elected officials are required to file an annual Form 700. The General Manager will notify the District Officials of any filing requirements. Written permission must be obtained before posting elected officials' home addresses or telephone numbers on the Internet.

At any time if a District Official believes that a potential for conflict of interest exists, he or she is encouraged to consult with the District Counsel or private legal counsel for advice. Staff may also request an opinion from the District Counsel regarding a District Official's potential conflict. Laws which regulate conflicts are very complicated. Violations may result in significant penalties or fines, including criminal prosecution. While not inclusive, a general summary of conflict rules has been prepared and appears below.

There are several laws that govern conflicts of interest for public officials in California – the Political Reform Act, Government Code section 1090, and Government Code section 87105 (<http://leginfo.legislature.ca.gov/faces/codes.xhtml>). In general terms, the

Political Reform Act prohibits a public official from having a financial interest in a decision before the official. Section 1090 prohibits a public official from being interested in government contracts; and section 87105 requires a public official, who has a conflict of interest, to publicly announce the conflict, recuse himself or herself and leave the room until after the discussion and voting on the matter is complete.

## **B. Political Reform Act**

The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a disqualifying conflict of interest. Therefore, if a public official has a conflict of interest, the official must disqualify himself or herself from acting on or participating in the decision before the District. During that discussion, the official must leave the area where the discussion is taking place.

An official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally” on one or more of the economic interests of the official or a member of the official’s immediate family.<sup>vi</sup>

As of 2016, economic interests include interests in businesses worth \$2,000 or more, interests in real property, both ownership and leases, worth \$2,000 or more, a source of income in an amount of \$500 or more, and gifts of \$460 or more provided to or received within one (1) year of the decision.<sup>vii</sup> These dollar amounts are subject to annual increases. Please check with the District Counsel to verify the current dollar amounts.

Often the economic interest involved is real property owned or leased by the District Official. In these cases, a public official is presumed to have a conflict of interest if he or she has a direct or indirect interest worth two thousand dollars (\$2,000) or more in fair market value.<sup>viii</sup> If a Board member has a pro rata share interest in real property, in which the Board member or immediate family member owns, and has a ten percent (10%) or greater interest in the property, then that is also a conflict of interest.<sup>ix</sup>

Determining whether a Board member has a disqualifying conflict of interest is very complicated and fact specific. Please contact the District Counsel if you suspect that you may have a conflict of interest so that a formal four-step analysis of the potential conflict can be provided.

Government Code section 87105 states that a Board member who has a conflict of interest must recuse himself or herself and leave the room, unless the matter is on the Consent Calendar.<sup>x</sup> After it has been determined that a conflict of interest exists under the Political Reform Act, the following steps must take place:

**1. Publicly identify the financial interest.**

This must be done in enough detail for the public to understand the economic interest that creates the conflict of interest. Residential street addresses do not have to be disclosed.

**2. Recuse yourself from both the discussion and the vote on the matter.**

Recusal applies to all proceedings related to the matter



### **3. Leave the room until the matter has been complete.**

The matter is considered complete when there is no further discussion, a vote, or any other action.<sup>xi</sup>

**Exceptions:** if the matter is on the consent calendar, recusal is not required. Additionally, if the individual with the conflict wants to speak during public comment, he or she may do so as a private citizen. However, this is the only time he or she may be in the room while the matter is being considered.

The Fair Political Practices Commission (“FPPC”) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.

### **C. Government Code Section 1090**

Government Code section 1090 is similar to the Political Reform Act, but it applies only to District contracts in which a public official has a financial interest. The financial interests covered by section 1090 are different than those in the Political Reform Act. Having an interest in a contract may preclude the District from entering into the contract at all. In addition, the penalties for violating section 1090 are severe. If a District Official believes that he or she may have any financial interest in a contract that will be before the Board, the member should immediately seek advice from the District Counsel or the District Official’s personal attorney.

There are a number of other restrictions placed on Board actions, which include prohibitions on secrecy and discrimination, as well as assurance that all District

funds are spent for public purposes. Violations of these restrictions may result in a personal liability for individual District Officials.

#### **D. Conflict of Interest Forms**

Annual disclosure statements are required of all Board members and senior staff. These disclosure statements indicate potential conflicts of interest including sources of income, ownership of property and receipt of loans and gifts. Board members often serve on the governing board of other local agencies as a result of appointment or delegation through the Board. These agencies will also require submittal of disclosure forms. These forms require information including income, loans, receipt of gifts, and interest in real property among other items.

#### **E. Ex Parte Communications**

All Board members may have “ex parte” communications – meaning communications outside the meeting forum. However, such communication should not be encouraged, made, or accepted when such communication is designed to influence the official decision or conduct of the official or other officials in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. This guarantees that all interested parties to any matter shall have equal opportunity to express and represent their interests. The applicable California law, the Brown Act, is discussed in Chapter 9 of this Handbook and provides more detail as to Board members’ obligations under California state law.

#### **F. Liability**

The District offers a variety of services and may often find itself subject to legal actions through lawsuits. The District must always approach its responsibilities

in a manner which reduces risk to all involved. However, with such a wide variety of high profile services (e.g. fire, utilities) risk cannot be eliminated.

The District belongs to the Special District Risk Management Association to manage insurance and risk activities. When claims are filed against the District they are sent to the District's claims examiner to review and make recommendations. Unless there is a clear liability on the part of the District, the claim will normally be recommended for denial. The claim is placed on the District agenda for rejection, but will only be discussed in closed session if the Board desires. The Board should be careful discussing details of a claim or lawsuit outside of closed session.

It is important to note that violations of certain laws and regulations by individual District Officials may result in that official being personally liable for damages which would not be covered by the District's insurance. Examples may include discrimination, harassment, or fraud.

### **G. AB 1234 Training**

California state law requires the District to advise District Officials, subject to California's ethics education requirements about their compliance options at least once a year.<sup>xii</sup> The District will ensure that all District Officials will be provided the AB 1234 Ethics Training.

### **H. AB 1661 Training**

Beginning January 1, 2017, the state law will require local agency officials to receive sexual harassment prevention training and education within the first six (6) months of taking office and every two (2) years thereafter.<sup>xiii</sup>

# Chapter 7: District Officials—Interaction with Staff and Officials

## **A. Overview**

Board policy is implemented through professional staff. Therefore, it is critical that the relationship between the Board and staff be well understood by all parties so policies and programs may be implemented successfully. To maintain effective relationships between the Board and staff it is important that roles are clearly recognized.

## **B. Board-Manager Relationship**

### **1. Employment Relationship Between the Board and General Manager**

This relationship honors the fact that the General Manager is the chief executive officer of the District. The Board should avoid situations that can result in District staff being directed, intentionally or unintentionally, by one or more members of the Board. Regular communication between the Board and General Manager is important in maintaining open communications. All dealings with the General Manager, whether in public or private, should respect the authority of the General Manager in administrative matters. Disagreements should be expressed in policy terms rather than in terms that question satisfaction with or support of the General Manager.

## **2. Evaluation**

The Board is to evaluate the General Manager on an annual basis and pursuant to the terms of the General Manager's contract with the District.

## **3. Open Communication**

As in any professional relationship, it is important that the General Manager keep the Board informed. The General Manager respects and is sensitive to the political responsibility of the Board and acknowledges that the final responsibility for establishing the policy direction of the District is held by the Board. The General Manager encourages regular one on one meetings with Board members to provide information on various issues before the Board.

## **4. Staff Roles**

The Board recognizes the primary functions of staff as executing Board policy and actions taken by the Board and in keeping the Board informed. Staff is obligated to take guidance and direction only from the Board as a whole through the General Manager or from the appropriate management supervisors. The Board is discouraged from instructing staff directly, but should instead submit any requests to the General Manager or District Counsel. Further, any comments or concerns from the Board should be communicated to the General Manager or District Counsel. Staff is directed to reject any attempts by individual members of the Board to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

District staff will make every effort to respond in a timely and professional manner to all requests made by the General Manager on behalf of an individual Board member for information or assistance, provided that the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned to staff through the direction of the full Board.

### **C. General Manager Code of Ethics**

The General Manager is subject to a professional code of ethics from his or her professional association. These standards appear in Appendix A of this Handbook, the ICMA Code of Ethics. It should be noted that this code binds the General Manager to certain practices which are designed to ensure actions are in support of the District's best interests. Violations of such standards can result in censure by the professional association.

### **D. Board-District Counsel Relationship**

#### **1. District Counsel**

The District Counsel is the legal advisor for the Board, General Manager, and department heads.

#### **2. District Counsel Legal Responsibilities**

The general legal responsibilities of the District Counsel are to:

- a. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;

- b. Represent the District's interest, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings;
- c. Prepare ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes for which they are prepared; and
- d. To keep the Board and staff apprised of court rulings and legislation affecting the legal interest of the District.

### **3. District Counsel Representation**

It is important to note that the District Counsel does not represent individual Board members, but the Board as a whole.

### **E. General Manager-District Counsel Relationship**

The District Counsel provides legal support and advice to the General Manager to assist him or her in implementing Board policies and exercising his or her authority as the chief executive officer of the District. The District Counsel also keeps the General Manager apprised of current relevant court rulings and legislation. It is important to note that the District Counsel represents the Board and the District as a whole, not the General Manager, Board members, or individual residents of the District. The District Counsel may share confidential information obtained from the General Manager with the Board if necessary to protect the best interests of the District, and vice versa.

## **F. Access to Information and Communications Flow**

### **1. Objectives**

It is the responsibility of staff to ensure Board members have access to information from the District and to ensure such information is communicated completely and with candor to those making the request. However, Board members must avoid intrusion into those areas that are the responsibility of the staff. Individual Board members shall not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities. This is necessary to protect staff from undue influence and pressure from individual Board members, and to allow staff to execute priorities given by the General Manager on behalf of the Board as a whole without fear of reprisal.

### **2. Board Roles**

The full Board retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, workloads and schedules, departmental priorities, and the performance of District business.

Individual members of the Board shall not make direct attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy.



Board members also have a responsibility of information flow. It is critical that they make extensive use of staff and committee reports and committee minutes. Board members should come to meetings prepared—having read the board agenda packet materials and supporting documents, as well as any additional information or memoranda provided on District projects or evolving issues. Additional information may be requested from staff, if necessary.

### **3. Access to Information**

Individual Board members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. Any request for information shall be directed to the General Manager. The General Manager or District Counsel will pass critical information to all Board members. The Board will always be informed by the General Manager or District Counsel when a critical or unusual event occurs about which the public would be concerned.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress) are under review and not available for release until complete and after review by District management. In addition, there are legal restrictions on the District's ability to release certain personnel information even to members of the Board. Confidential personnel information also has restrictions on its ability to be released. Any concerns Board members may have regarding the release of information, or the refusal of the General

Manager to release information, should be discussed with the District's Counsel for clarification.

## **G. Dissemination of Information**

In cases where a staff response to an individual Board member request involves written materials which may be of interest to other Board members, the General Manager will provide copies of the material to all other Board members. In making this judgment, the General Manager will consider whether the information is significant, new, otherwise not available to the Board, or of interest to the Board.

## **H. Restrictions on Political Involvement by Staff**

Local governments are non-partisan entities. Staff formulates recommendations in compliance with District policy and for the good of the community and is not influenced by political factors. For this reason, it is very important to understand the restrictions of staff in any level of political involvement through campaigns, fund-raisers, or other means.

### **1. Staff Members**

By working for the District, staff members do not surrender rights to be involved in local elections. Indeed, laws are in place to preserve those rights. However, there are limitations to such involvement. Different restrictions apply to management and general employees.

### **2. Management Staff**

The General Manager strongly discourages any involvement in local campaigns even while on personal time. Such involvement erodes the

tenet that staff are to provide an equal level of service to all members of the Board.

### **3. General Employees**

These employees have no restrictions while off the job; however, no participation in campaigns or other activities may take place while on the job. No District resources may be used by staff in support of any campaign. Even while off the job, no employee may participate in campaigns or other political activities while in District uniform. For example, posing for a promotional photograph for a candidate for local office while in uniform is inappropriate. The support of the Board in these matters is requested. A Board member asking staff to sign petitions or similar items can create an awkward situation.

#### **I. General Conduct Expectations**

Board members are expected to uphold a high standard of civility towards each other and to abide by the District's Ethics and Civility Code (this code is being drafted for separate review and adoption). Civility is expected between Board members, the public, and District staff while in Board meetings and when out in public. Rude behavior and profanity will not be tolerated.

While in public, Board members should be aware that they are still viewed as elected representatives of the residents of the District. As such, Board members' behavior in public shall be appropriate and shall not include inappropriate gesturing (including, but not limited to, crude or offensive body language, gyrating, or other inappropriate body movements) or profanity.

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of

online conversations, discussions, and information posts should model the same professional behavior displayed during Board meetings and community meetings.

Social media sites are not to be used as mechanisms for conducting official District business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing and discussing items of legal or fiscal significance that have not been previously released to the public. Officials' social media site(s) should contain links directing users back to the District's official website for in-depth information, forms, documents or online services necessary to conduct official District business. Officials will not post or release proprietary, confidential, or sensitive information on social media websites.

Board members must conduct themselves in a respectable manner as to not damage the prestige of his or her elected title. In the performance of their official duties and in public, they should refrain from any form of conduct which may cause any reasonable person unwarranted offense or embarrassment.

## Chapter 8: Leaving Office

### **A. Filling Board Vacancies**

Once it has been determined that a seat on the Board is vacant, the District must notify the San Luis Obispo County elections official that there is a vacancy within fifteen (15) days of the Board being notified of the vacancy, or the effective date of the vacancy, whichever date comes later.<sup>xiv</sup> A vacancy on the Board may be filled by appointment, call of a special election, or in the manner prescribed by law.<sup>xv</sup> Alternatively, the Board may appoint a person to fill a vacancy on the Board to hold office only until the date of a special election, which shall be immediately called to fill the remainder of the term.

#### **1. Appointing a New Member**

If the Board wishes to appoint a new member, it must do so within sixty (60) days of either being notified of the vacancy or the effective date of the vacancy, whichever date comes later.<sup>xvi</sup> Once the appointment has been made, the District must notify the San Luis Obispo County elections official within fifteen (15) days of the appointment.<sup>xvii</sup>

#### **2. Special Election**

If the Board wishes to hold a special election, it must call the election within sixty (60) days of either being notified of the vacancy or the effective date of the vacancy, whichever comes later.<sup>xviii</sup> The election shall be held on the next established election date, as long as it is at least one hundred and thirty (130) days after the call of the election.<sup>xix</sup>

### **3. Intervention by the Board of Supervisors**

If the Board chooses not to call and election or make an appointment within sixty (60) days to fill the vacancy, then the San Luis Obispo County Board of Supervisors may fill the vacancy with an appointment or call for an election within ninety (90) days of the vacancy.<sup>xx</sup> If the Board of Supervisors calls for an election, it shall be held on the next established election date, which is at least one hundred and thirty (130) days from when the election is called.<sup>xxi</sup>

### **B. Conflicts of Interest While Leaving Office**

A public official may not use his or her official position to influence prospective employment. California law prohibits elected officials, who held a position with the agency from lobbying the agency, to take any action within one (1) year of official's departure from office or employment.<sup>xxii</sup> However, the individual may appear before the agency with which the official worked if the official is appearing on behalf of another public agency, or in their individual capacity.

**PART II: BOARD PROCEDURAL  
GUIDELINES**

# Chapter 9: Open Meetings—Brown Act

## A. Policy

### 1. Introduction

The Board shall comply with the provisions of the Ralph M. Brown Act, the Open and Public Meeting Law (the “Brown Act”).<sup>xxiii</sup>

### 2. Penalties and Applicability

The intent of the Brown Act is to ensure that deliberation and actions of local public agencies are conducted in open and public at meetings.

- a. Penalties: The law provides for misdemeanor penalties for members of a body who violate the Brown Act.<sup>xxiv</sup> Violations are also subject to civil action.<sup>xxv</sup>
- b. Applicability: The Brown Act applies to the Board, committees, and ad hoc committees that advise the Board. Staff cannot promote actions which would violate the Brown Act.

## B. Meetings

### 1. General

All meetings shall be open and public. A meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Motions must be passed unanimously if only three Board members attend.<sup>xxvi</sup> Social functions do not fall under the Brown Act unless District business is discussed.



## **2. Serial Meetings**

These can take place, and are prohibited by the Brown Act, when any member of the Board or District staff contact more than two (2) Board members for the purpose of deliberating or acting upon an item pending before the Board (does not apply to the public or media). Correspondence that merely takes a position on an issue is acceptable.

## **C. Procedure**

The following procedure shall be followed:

### **a. Posting the Agenda**

Agendas for regular meetings must be made available seventy-two (72) hours in advance of the meeting in the District's office and must include the following:

- i. Time and location of the meeting.
- ii. Description of the agenda items. The description should be reasonably calculated to adequately inform the public, and should include the contemplated Board action.
- iii. Public Comments Section. A section providing an opportunity for members of the public to address the Board. (The public comments portion of the agenda meets this requirement).

### **b. Agenda Items**

Requests for items to appear on the Board's Regular Meeting agenda shall be presented to the General Manager, or his or her designee, in

writing no later than 4:30 p.m. two (2) weeks prior to the meeting date.

#### **D. Actions**

No action can be taken on any item not appearing on the posted agenda, except as set forth in the Government Code Section 54954.2.

#### **E. Ex Parte Communication**

Board members who have ex parte communications with a party that appears before them at the meeting, should disclose that he or she had ex parte communication with the party. This can be done by stating that the Board member had ex parte communication with a party at a time in the meeting when the item is discussed.

Any written ex parte communication received by a District Official in a matter when all interested parties should have an equal opportunity for a hearing, shall be made a part of the record by the recipient.

Further information pertaining to ex parte communication can be found in Chapter 6, Subsection E of this Handbook.

# Chapter 10: Board Meetings

## A. Board Meetings

### 1. Regular Meetings

Regular meetings of the Board shall be held the fourth Thursday of each month, whereby closed session will commence at 6:00 p.m. and the regular meeting will commence at 7:00 p.m. at the San Miguel Fire Station located at 1150 Mission Street, San Miguel, California.

#### a. Other Locations

The Board may, from time to time, elect to meet at other locations within the District, and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.<sup>xxvii</sup>

#### b. Location During Local Emergency

If, by reason of fire, flood, or other emergency, it shall be unsafe to meet at the San Miguel Fire Station, the meetings may be held for the duration of the emergency at such other place as may be designated by the President, or if the President does not so designate, by the Vice President or General Manager.<sup>xxviii</sup>

#### c. Holidays

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be held on the next regular business day at the regular time and place or at such other time as shall be determined and noticed by the Board.

## **2. Special Meetings & Emergency Meetings**

Special meetings and emergency meetings of the Board may be called and held from time to time consistent with, and pursuant to, the procedures set forth in the Government Code.<sup>xxix</sup>

Notice for a special meeting must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice to all Board members. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

Written notice to all Board members can be waived if the majority of the Board declares an emergency situation pursuant to Government Code section 54956.5, which requires the District to act immediately to preserve public peace, health and safety over the District.

## **3. Adjourned Meetings**

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Government Code.<sup>xxx</sup>

At 10:00 p.m., the Board may finish a pending agenda item, but then must adjourn the meeting to the next regularly scheduled meeting, or to a special meeting. The Board, by a unanimous vote, may vote to finish the remaining agenda items past the 10:00 p.m. deadline.

#### **4. Closed Session**

The Board may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter which is authorized by State law to be heard in closed session. The general subject matter for consideration shall be expressed in open meeting before such session is held.<sup>xxxii</sup>

##### **a. Time Limit**

Closed Sessions may begin earlier than 6:00 p.m., as needed, as long as the closed session items are agendaized and the time for their consideration is specified in the agenda. Closed session must conclude promptly at 7:00 p.m. regardless of whether there is a pending action that must be taken. Closed session may be continued and reconvened after the regular meeting to finish any unfinished agenda items.

#### **5. Cancellation of Regular Meetings**

Any meeting of the Board may be canceled in advance by a majority of the Board.

#### **6. Quorum.<sup>xxxii</sup>**

A majority of the Board constitutes a quorum for transaction of business. However, a motion must pass unanimously if only three (3) Board members attend. Less than a majority may adjourn from time to time, and compel attendance of absent members in the manner and under the penalties prescribed by resolution. If all Board members are absent from any regular meeting, the General Manager shall declare the meeting adjourned to a stated day and hour. The General Manager

shall cause a written notice of the adjournment to be delivered personally to each Board Member at least three (3) hours before the adjourned meeting.

**7. Chair.**<sup>xxxiii</sup>

The President shall preside over all Board meetings. The President shall have the authority to preserve order at all Board meetings, to call for the removal of any person or persons from any meeting of the Board for disorderly conduct, to interpret and enforce the procedural guidelines of the Board, and to determine the order of business under the guidelines of the Board.

a. Absence of President

The Vice President shall act as President in the absence or disability of the President.<sup>xxxiv</sup>

b. President & Vice President Absence

When the President and Vice President are absent from any meeting of the Board, the Board members present may choose another member to act as President, and that person shall, during that meeting, have the duties of the President. Upon the arrival of the President or Vice President, the acting President shall relinquish the chair at the conclusion of the business before the Board.

c. Presiding Officer

The Presiding Officer for any District appointed or created committees and boards shall preside over public meetings of such committees and boards.

## **8. Attendance by the Public**

Except as specifically provided by law for closed sessions,<sup>xxxv</sup> all meetings of the Board shall be open to the public in accordance with the terms, provisions and exceptions consistent with State law.<sup>xxxvi</sup>

## **9. Action Minutes**

The General Manager, or his or her designee, will maintain a written record and attest to the proceedings of the Board in the form of action minutes. Action minutes will include final motions with votes of the Board, and reflect the names of public speakers.<sup>xxxvii</sup>

## **10. Recordings of Meetings**

Audio recordings of proceedings shall be made and shall be permanently maintained by the General Manager.<sup>xxxviii</sup>

# **B. Policy Decision Making Process**

## **1. Ad-Hoc Committees**

The President shall appoint such ad-hoc committees as may be deemed necessary or advisable by the Board. Ad-hoc committees are formed on an as needed basis with a clearly defined purpose and term. The duties of an ad-hoc committee shall be outlined at the time of appointment, and the committee shall dissolve when its final report has been made.

## **2. Town Hall or Community Meetings**

Such meetings may be held by an individual Board member and are not considered official governmental committees or Board meetings. Town Hall or Community Meetings do not require formation or

appointment by the President or Board. The Board member shall disclose this fact at their town hall meeting(s). To avoid possible Brown Act violations, only two (2) Board members may participate in the discussion at a Town Hall or Community Meeting.



# Chapter 11: Order of Business

## **A. General Order**

The business of the Board at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

### **1. CALL TO ORDER**

### **2. PLEDGE OF ALLEGIANCE**

### **3. ROLL CALL**

The General Manager or his or her designee shall call the roll of the Board members. The roll shall be called randomly, except that the name of the President shall be called last. The names of each Board member shall be called on each roll call whether they are present or absent, and shall be entered into the minutes.

### **4. APPROVAL OF AGENDA.**

A motion should be made to approve the agenda for the current meeting. Should a Board member wish to remove an item from the consent calendar for separate discussion, any Board member may do so during the approval of the agenda or during the approval of the consent calendar.

## **5. CLOSED SESSION (IF NECESSARY)**

- a. The Board meets from time to time in closed sessions which are duly held meetings or a portion thereof, at which certain actions may be taken and are not open to public and news media. These are:
  - i. Closed sessions held at such times pursuant to Government Code Section 54957.6 where the Board meets with its designated representatives prior to and during consultation and discussions with representatives of employee organizations.
  - ii. Security or emergencies.
  - iii. Personnel sessions.
  - iv. Closed sessions to consider potential or pending litigation in which the District or an officer or employee is or could be a party.
- b. Matters discussed in closed sessions are considered confidential:
  - i. Labor Relations: As a matter of policy, the Board acknowledges that the District and its taxpayers are best served if positions authorized during such sessions are presented as those of the Board as a whole. Members of the Board agree that positions and agreements shall not be divulged.
  - ii. Personnel Sessions: Matters discussed and reviewed in personnel sessions shall remain confidential in order to protect employees' rights to privacy.

- iii. Security: Arrangements made to address threats to the District or its property must be kept confidential.
  - iv. Litigation: Discussion of probable or pending litigation could waive attorney-client privilege to the detriment of the District's position.
- c. The Board must adhere to the time limits for closed session in order to begin the regular meeting in a timely manner. If the Board does not conclude the closed session in the required timeframe as set forth in the Agenda, the Board will temporarily continue the closed session meeting until the close of the regular meeting.

**6. CALL TO ORDER FOR REGULAR BOARD MEETING/REPORT OUT OF CLOSED SESSION**

(approximately 7:00p.m.)

**7. PUBLIC COMMENT (NON AGENDA ITEMS)**

**8. SPECIAL PRESENTATIONS/PUBLIC HEARINGS**

All special presentations and public hearings will be calendared and coordinated through the President or General Manager. The guidelines for conducting public hearings are discussed below at sub-section B of this Chapter.

**9. STAFF REPORTS/COMMITTEE REPORTS**

- a. SLO County Sheriff
- b. General Manager
- c. Fire Chief

- d. District Engineer
- e. Board of Supervisors
- f. Facilities Committee
- g. Personnel Committee
- h. Finance Committee

## **10. AGENDA**

### **a. Consent Calendar**

All matters listed under the Consent Calendar are considered by the Board to be routine and will be acted upon in a single motion. Separate discussions of these items may be requested by a Board member or staff member prior to the time the Board considers the motion to adopt. A member of the public may not pull an item from the consent calendar.

Agenda items requested for removal from the consent calendar by Board member or staff will be considered at the beginning of the "Staff/Committee Reports" Section of the agenda. A Board member may vote "no" on any consent item without comment or discussion. Any substantive Board comments, questions or discussion on an item will require removal of the item from the consent calendar.

## **11. BOARD ACTION ITEMS**

- a. Unfinished Business
- b. New Business

## **12. BOARD COMMENTS**

This section is intended for Board members to make brief announcements, request information from staff, request future agenda item(s) and report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.

## **13. ADJOURNMENT (Date and Time)**

### **B. Conduct of Business**

The following is the preferred sequence of the decision-making process:

- a. Announce business item;
- b. Review staff report;
- c. Board comment and discussion;
- d. Hear public comment;
- e. Board comment and discussion;
- f. Present motion;
- g. Second;
- h. Roll call or voice vote;
- i. Announcement of the decision.

### **C. Action on Agenda Items**

In accordance with the Ralph M. Brown Act, the Board may not take action on any item that did not appear on the posted Board agenda seventy-two (72) hours prior to the Board meeting unless an exception is made as permitted by the Government Code.<sup>xxxix</sup>

## **D. Items Placed on Written Agenda**

Items of business shall be placed upon the written agenda prior to the deadline announced or observed for the preparation thereof, at the request of the General Manager or the District Counsel.

Any member of the Board may place an item on a future agenda by making a formal request to the General Manager at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable based on the staff time and research necessary to prepare the item for Board consideration.

## **E. Items from the Board, General Manager, or District Counsel**

These sections of the agenda provide the opportunity for brief comment on District business, District operations, District projects, and other items of general interest.<sup>xi</sup>

## **F. Public Hearings:**

### **1. General Procedure**

The Board may, at its discretion or in compliance with applicable law, call a public hearing on any subject within its purview. The Board procedure for the conduct of public hearings is generally as follows:

- a. The Staff Presents its Report. After the President/Chair announces the item as it appears on the agenda, District staff will give a presentation to the Board and the public on the staff report prepared for the matter.

b. Initial Questions to Staff by the Board. Prior to opening up a public hearing on a matter, Board members may ask questions of staff or third party consultants regarding the staff report and the item.

c. President/Chair Opens the Public Hearing:

i. Applicant or Appellant Presentation. The applicant or appellant then has the opportunity to present comments, testimony, or argument.

ii. Public Testimony. Members of the public are provided with the opportunity to present their comments, testimony, or argument. Members of the public presenting comments, testimony, or argument will follow the following guidelines:

1. Members of the Public Request to Speak. Any person desiring to speak or present evidence shall make his or her presence known to the President/Chair and upon being recognized by the President/Chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the President/Chair.

2. Board Questions of Speakers. Members of the Board who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the President/Chair.

3. Public Oral Presentations. All Board guidelines pertaining to oral presentation by members of the public apply during public

hearings. These guidelines are discussed in this Handbook in Chapter 13: "Addressing the Board."

4. Materials for Public Record. All persons interested in the matter being heard by the Board shall be entitled to submit written evidence or remarks, as well as other graphic evidence.
5. Germane Comments. No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being considered. A determination of relevance shall be made by the President/Chair, but may be appealed to the full Board.
  - i. The applicant or appellant is given an opportunity for rebuttal or closing argument.
  - ii. The public input portion of the public hearing is closed.
- d. Questions and discussion from the Board. Board members should not express their opinions on an item prior to the close of the public hearing, as the Board members should not form or express an opinion until after all testimony has been received. Questions and comments from the Board should not be argumentative, and the Board should not engage in debates with staff, or those members of the public testifying to an opinion, until after all testimony has been received.

Any Board member shall have the right to express dissent from, or protest to, any action of the Board and have the reason entered in the



minutes. If the dissenting Board member desires such dissent or protest to be entered into the minutes, this should be made clear by language such as “I would like the minutes to show that I am opposed to this action for the following reasons…”

e. Board decision occurs. Once the Board completes its discussion of the matter, a Board member may make a motion to take action on the item. A Board member may also make a motion to table, amend, substitute, postpone, or continue the matter, pursuant to these procedures. If the Board is unsuccessful in carrying a motion on the matter before the adjournment of the meeting, the motion shall be deemed to have failed.

f. The President/Chair will announce the final decision of the Board.

## **2. Time for Consideration**

Matters noticed to be heard by the Board will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible and will continue until the matter has been completed, or until other disposition of the matter has been made.

## **3. Continuance of Hearing**

Any hearing being held, noticed, or ordered to be held by the Board at any Board meeting may, by order, notice, or continuance, be continued or re-continued to any subsequent hearing.

#### **4. Communications and Petitions**

Written communications and petitions concerning the subject matter of the hearing will be noted and summarized by the President/Chair. A reading in full shall take place where a majority of the Board votes to have that correspondence read into the record.

#### **5. Ex-Parte Contacts**

Should a Board member and one (1) or more members of the public make contact outside of the hearing process regarding a matter which is, or may be, before the Board for a quasi-judicial hearing, as soon as the Board is informed that the matter will come before it as a quasi-judicial hearing, that Board member must disclose the substance of the contact and the names of the parties on the record at the beginning of the Board's quasi-judicial hearing. Visits by Board members to sites or properties that are the subject of such pending hearings, shall also be disclosed at the beginning of the Board's quasi-judicial hearing.

#### **6. Resolutions**

A resolution is generally adopted by the Board to deal with temporary or special matters, such as when the Board makes only a factual determination or certification that certain necessary conditions or requirements set by statute have been met. Resolutions can also express opinions of the legislative body or set temporary standards (i.e. amount of processing fees that may be changed again by future resolutions). Resolutions are recorded and kept on file with the General Manager or the Account Clerk.

## **Voting & Publishing Requirements for Resolutions and Ordinances**

- a. Voting. All resolutions require a recorded majority vote of the total membership of the Board.<sup>xli</sup> Resolutions shall be signed by the Board President and attested by the General Manager.
  
- b. Publishing. The rates of taxes to be levied, or the amount of revenue required to be raised by taxation, may be fixed either by ordinance or resolution. Where the tax rate or the amount of revenue required to be raised by taxation is fixed by resolution, such resolution shall be published in the same manner and within the same time as ordinances are required to be published. Within fifteen (15) days after the ordinance passes, the Account Clerk shall cause each ordinance to be published at least once, with the names of those Board members voting for and against the ordinance, in a newspaper of general circulation circulated in the District. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but these ordinances shall be posted in the manner and at the time required by California law.

## Chapter 12: Guidelines of Conduct

### **A. General Procedures**

It is the policy of the Board not to become involved in the protracted discussion over parliamentary procedure. Consistent with any statute or other legal requirement, any issue of procedure relating to conduct of a meeting or hearing not otherwise provided for herein may be determined by the President/Presiding Officer, subject to appeal to the full Board.

### **B. Authority of the President/Presiding Officer**

Subject to appeal to the full Board, the President/Presiding Officer shall have the authority to prevent the misuses of motions, or the abuse of any privilege, or obstruction of the business of the Board by ruling any such matter out of order. In so ruling, the President/Presiding Officer shall be courteous and fair and should presume that the moving party is acting in good faith.

### **C. President to Facilitate Board Meetings**

The Board delegates the responsibility and expands the role of President/Presiding Officer to include the facilitation of Board meetings. In the role as facilitator, the President/Presiding Officer will assist the Board to focus on their agenda, discussions and deliberations.

### **D. Board Deliberation & Order of Speakers**

The President/Presiding Officer is delegated the responsibility to oversee the debate and the order of speakers. Speakers will generally be called upon in the order they request to speak as recognized by the President/Presiding Officer.

## **E. Limit Deliberation to Item at Hand**

Board members will limit their comments to the subject matter, item or motion being currently considered by the Board.

## **F. Length of Board Comments**

Board members will govern themselves as to the length of their comments or presentations. The Board delegates to the President/Presiding Officer the responsibility to assist the Board by signaling if a Board member has been speaking for an excessive time period. Comments from Board members are limited to five (5) minutes for each Board member, unless the Board, by concurrence, extend such time.

## **G. Limitations of Debate**

Board members will be allowed to speak once before the President/Presiding Officer opens the matter for public comment. Board members may speak a second time after the close of public comment if more time is allowed by the President/Presiding Officer or the majority of the Board. Comments from Board members are limited to the question under debate, avoiding all personalities and indecorous language. Comments are limited to five (5) minutes for each Board member, unless the Board, by concurrence, extend such time.

## **H. Obtaining the Floor**

Any member of the Board wishing to speak must first obtain the floor by being recognized by the President/Presiding Officer. The President/Presiding Officer must recognize any Board member who seeks the floor when appropriately entitled to do so.

Once recognized, a Board member shall not be interrupted when speaking unless it shall be to call him or her to order. If a Board member, while speaking, is called to order, he or she shall cease speaking until the question of order has been determined and, if in order, he or she shall be permitted to proceed.

## **I. Motions**

Motions may be made by any member of the Board, including the President/Presiding Officer, providing that before a motion is offered by the President/Presiding Officer, the opportunity for making a motion is offered to the other Board members. Any members of the Board, other than the person offering the motion, may second the motion.

### **1. Procedure for Motions**

Before a motion can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the President/Presiding Officer shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Board member properly recognized by the President/Presiding Officer. Once the matter has been fully discussed and the vote is called for, no further discussion will be allowed; however, Board members may be allowed to explain their vote.

- a. Process to Make and Second a Motion. Board members wanting to make or second a motion may do so through a verbal request to the President/Presiding Officer.

## 2. Precedence of Motions

When a motion is on the floor, no other motion shall be entertained except the following, which shall have precedence in the following order:

- a. Motion to Adjourn the Meeting (not debatable). A motion to adjourn shall be in order at any time, except as follows:
  - I. When repeated after defeat without any intervening business or discussion.
  - II. When made as an interruption of a Board member who is speaking.
  - III. While a vote is being taken.

A motion to adjourn “to another time” shall be debatable only as to the time which the meeting is adjourned

- b. Motion to Fix Hour of Adjournment. Such motion shall be set to a definite time at which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posted on or near where the meeting was held within twenty-four (24) hours of the adjournment. <sup>xlii</sup>

If the subsequent meeting occurs within five (5) days of the original meeting, the Board may consider matters placed on the original meeting agenda without posting a new agenda. If the subsequent

meeting occurs more than five (5) days from the original meeting, a new agenda must be prepared and posted. <sup>xliii</sup>

- c. Motion to Table. A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be “taken from the table” at any time by a motion made prior to the end of the meeting. If the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.
- d. Motion to Amend. A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending on whether the motion to amend carries.
- e. Motion to Substitute. A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable, and voted on before a vote on a motion to amend the main motion amendment.
- f. Motion to Continue. Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and



time set. If desired, the Board member who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

### **3. Motions Introducing Ordinances**

Ordinances shall not be passed within five (5) days of their introduction unless they are urgency ordinances. Ordinances may only be passed at a regular meeting and must be read in full at the time of introduction and passage except when, after reading the title, further reading is waived. Motions introducing ordinances for adoption at a future meeting are deemed to include a waiver by the Council of the full reading of the text and title of the proposed ordinance unless the motion otherwise specifically so provided. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting held at least five (5) days after alteration. Corrections of typographical or clerical errors are not considered alterations for purposes of this paragraph.

### **J. Voting Procedures**

Any Board member present at a meeting when a question comes up for a vote, should vote for or against the measure unless he or she is disqualified from voting and abstains because of such disqualification. All votes shall be roll call votes, except for minute actions. The call of roll call vote shall not be interrupted. Minute actions may be taken by voice vote. The results reflecting all "ayes" and "noes" and "abstentions" must be clearly set forth for the record. Unless a Board member clearly states that he or she is not voting because of a conflict of interest, his or her silence shall be recorded as an affirmative vote.

## **1. Abstention**

An abstention does not count as a vote for or against a matter. If a Board member abstains, he or she is counted as present for quorum purposes, but is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." If a Board member abstains from voting on the grounds that he or she has or may have a conflict of interest, that abstention shall be made either at the beginning of the Board consideration of the matter, or as soon as the Board member recognizes that he or she may have such a conflict or potential conflict. In addition, the Board member shall state for the record the precise nature of the interest which he or she may have that creates the conflict or potential conflict and shall leave the room where the Board meeting is taking place during discussion of the item when required to do so by the Political Reform Act.<sup>xliv</sup>

## **2. Tie Votes**

A tie vote results in a lost motion. In such an instance, any member of the Board may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

### **3. Motion for Reconsideration**

Motions for reconsideration of a matter may only be made at the same meeting at which the Board takes action on a matter. Such motion may only be made by a Board member who voted with the side that prevailed on the matter in question. With regard to a tie vote resulting in a lost motion, the prevailing side will be deemed to be those Board members who voted in the negative. Any member of the Board may second a motion for reconsideration. A motion to reconsider shall be debatable.

### **K. Non-Observance of Guidelines**

The guidelines are adopted to expedite and facilitate the transaction of the business of the Board in an orderly fashion, and shall be deemed to be procedural only. The Board shall not be required to follow formal organizational procedures such as Robert's Rules of Order. Failure to strictly observe the guidelines shall not affect the jurisdiction of, or invalidate any action taken by the Board.<sup>xlv</sup>

### **L. Non-Exclusive Guidelines**

These guidelines are not exclusive and do not limit the inherent power and general legal authority of the Board or of the President/Presiding Officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the District.

## Chapter 13: Addressing the Board

### **A. Oral Presentations by Members of the Public**

The rules governing oral presentations by members of the public at Board meetings are as follows:

1. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Board are requested to fill out a “Board Appearance Request Form” and submit it to the General Manager.
2. When called upon, the person is requested to come to the podium, state his or her name and address for the record (although not required), and, if speaking for an organization or other group, identify the organization or group represented.
3. All remarks should be addressed to the Board as a whole, not to an individual Board member.
4. Questions, if any, should be directed to the President/Presiding Officer who will determine whether, or in what manner, an answer will be provided.

### **B. Public Comment**

Public Comment is that period set aside at Board meetings for members of the public to address the Board on items of District business other than scheduled agenda items. The Public Comment portion of the Board meeting is the opportunity for members of the public to address the District in compliance with the Government Code.

### **1. Timing**

Public Comment for each speaker is limited to three (3) minutes, unless the Board, by concurrence, extend such time.

### **2. Board Appearance Request Form**

Persons wishing to speak under Public Comment should submit a "Board Appearance Request Form" to the General Manager or his or her designee prior to the start of the Board item. Preference may be given to those persons who have notified the General Manager or his or her designee in advance of their desire to speak.

### **3. District Matters**

Presentations under Public Comment are limited to items within the subject matter jurisdiction of the District.

### **4. Response to Public Comment**

The Board at its discretion may direct staff to respond to a concern or question raised; place items on the agenda for consideration at a future Board meeting; or permit individual discussion between a Board member and an individual providing the public comment for the purposes of clarification or discovery of facts, subject to recognition.

## **C. Agenda Item Oral Presentation**

Any member of the public wishing to address the Board orally on District business matters appearing on the Board agenda, may do so when that item is taken up by the Board, or as otherwise specified by the Board or the President/Presiding Officer.

## **1. Presentations Submitted in Writing**

Persons, who anticipate oral presentations exceeding three (3) minutes, are encouraged to submit comments in writing, in advance, care of the General Manager, for prior distribution to the Board and other interested parties. Submission of comments in writing is encouraged in lieu of possible lengthy oral presentations which may not be permitted.

## **2. Timing**

Comments by the public on District business matters appearing on the agenda may do so once the President/Presiding Officer opens the matter for public comment. Members of the public may speak a second time after the close of public comment only if more time is allowed by the President/Presiding Officer or the majority of the Board.

## **3. Assigning Time**

Persons wishing to assign their time for oral presentations to other individuals may do so only with authorization of the President/Presiding Officer or a majority of the Board.

## **4. Reading Written Comments**

Persons wishing to read written comments into the record may do so only with authorization of the President/Presiding Officer or a majority of the Board. Additional procedures for written comments is detailed below.

## **D. Comments in Writing Encouraged**

Members of the public may submit, and are encouraged to submit, comments in writing to the Board, care of the General Manager, relating to any items of District business, whether on the Board agenda or otherwise. Such comments will be distributed to members of the Board and considered and acted upon, or not acted upon, as the Board, in its judgment, may deem appropriate. All written comments submitted prior to or during the item the comments relate to, will be part of the record on that particular item. Written comments will not be read aloud at the Board meeting.

### **1. Comment Cards**

Comment cards may be used by members of the public in attendance at the meeting who do not wish to or cannot verbally address the Board during a meeting. A person may indicate his or her brief comments on the card and his or her opposition or support for an item on a comment card. During the public testimony on the item, the President indicates that the Board has received comment cards from (name of person) in support of the project or issue and comment cards from (name of person) in opposition of the project or issue.

### **2. Repetitious Comments Prohibited**

Speakers shall not present the same or substantially the same items or arguments to the Board repeatedly or be repetitious in presenting their oral comments. If a matter has been presented orally before the Board, whether the Board has taken action, or determined to take no action, the same or substantially the same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes

submission of comments to the Board in writing for such action or non-action as the Board, in its discretion, may deem appropriate.

### **E. Speaker Time Limits for an Agenda Item**

In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject matter, the President/Presiding Officer may request that a spokesperson be chosen by the group, and in case additional matters are to be presented by any other member of the group, that there be a limit on the number of such persons addressing the Board. A specific time limit may also be set for the total presentation. No group shall arrange themselves so as to use individual speakers' times in sequential order to circumvent the time limits.

### **F. Waiver of Guidelines**

Any of the foregoing guidelines may be waived by majority vote of the Board members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.

### **G. Decorum**

It is crucial that the public have confidence in the integrity of its local government. Further, to ensure that the Board's business is conducted in a manner that is both professional and efficient, it is important that all participants in the process exercise decorum and civility.

The President/Presiding Officer shall maintain order, decorum, and the fair and equitable treatment of all speakers. The President/Presiding Officer shall keep discussions and questions focused on the specific agenda item under consideration.



Board members shall perform their duties in accordance with the District's processes and rules of order governing the deliberation of public policy issues, the involvement of the public, and the implementation of policy decisions of the Board by District staff. They shall work together collaboratively, assisting each other in conducting the affairs of the District. Board members shall fully participate in public meetings, in both the open and closed sessions while demonstrating respect and courtesy to others. Board members and the General Manager shall stay focused, stay on topic and act efficiently during public meetings. They shall refrain from interrupting other speakers or otherwise interfering with the orderly conduct of the meetings.

No person shall engage in harassment of another person during a public meeting. Harassment includes but is not limited to:

1. Verbal harassment such as racial epithets, derogatory comments, or slurs;
2. Physical harassment such as assault, impeding or blocking movement, or any other physical interference or threat directed at an individual;
3. Sexual harassment such as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature, such as name calling, suggestive comments, or lewd talks and jokes that unreasonably interferes with an individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

During public meetings, all present shall:

1. Preserve safety and order;

2. Not block the audience from viewing the proceedings;
3. Not block or impede the microphone, which audibly records the proceedings;
4. Not engage in disruptive behavior, including but not limited to: heckling, whistling, yelling, and other similar demonstrations;
5. Not willfully disrupt the peace and order of the meeting;
6. Listen to others respectfully and not interrupt those whom are speaking;
7. Refrain from making comments that personally attack an individual in a way that disrupts, disturbs, or otherwise impedes orderly conduct;
8. Avoid the use of profanity, obscene language, and threats that disrupt, disturb, or otherwise impede orderly conduct;
9. Not use unlawful physical force. Physical force includes but is not limited to: grabbing, pushing, slapping, punching, kicking, or otherwise striking the body of another or an object attached to another's body;
10. Not harass any other person in any way;
11. Avoid obscene gestures or motions that could be viewed as threatening or an effort to intimidate. Unacceptable gestures include, but are not limited to. those of a sexual nature, finger pointing and fist shaking in an overly aggressive or accusatory manner, miming the use of weapons or other violent acts, and other movements that could be seen as threatening; and

12. Avoid raising voices beyond what is necessary to be heard by the audience.

Unruly conduct that disrupts the meeting such as undue noise, hissing, profanity, inappropriate applause, insults or physical disturbance shall not be permitted.

If these rules are violated, the District has the following recourse:

1. The President/Presiding Chair can call a point of order;
2. A Board member present at the public meeting may move to require the President/Presiding Chair to enforce the rules and upon majority vote, the President/Presiding Chair shall be required to do so;
3. The President/Presiding Chair may instruct the Sheriff's office or officer or another member of law enforcement to enforce the rules;
4. The Sheriff's Department officer or another member of law enforcement agency to enforce the rules may order an individual to sit, refrain from addressing the Board, board or commission, or remove the disruptive person from the meeting.

Any person making personal, impertinent, or derogatory remarks, or who shall become boisterous while addressing the Board, shall be barred from further audience before the Board at said meeting by the President/Presiding Officer unless permission to continue is granted by a majority of the Board.<sup>xlvi</sup>

Appendix A  
ICMA Code of Ethics

## ICMA Code of Ethics

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

### Tenet 1

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

### Tenet 2

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

### Tenet 3

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

### Tenet 4

Recognize that the chief function of local government at all times is to serve the best interests of all people.

#### Tenet 5

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

#### Tenet 6

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

#### Tenet 7

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

#### Tenet 8

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

#### Tenet 9

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

#### Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

#### Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

#### Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential

Information, or by misuse of public time is dishonest.

# Appendix B

## Referenced Code Citations

---

- <sup>i</sup> Government Code § 61000 *et. seq.*
- <sup>ii</sup> Government Code § 61051.
- <sup>iii</sup> Government Code § 61047.
- <sup>iv</sup> Government Code § 53232.2
- <sup>v</sup> *Id.*
- <sup>vi</sup> Government Code §87103.
- <sup>vii</sup> *Id.*
- <sup>viii</sup> Government Code §82033.
- <sup>ix</sup> *Id.*
- <sup>x</sup> Government Code §87105.
- <sup>xi</sup> Government Code §87105(a)(1)-(3).
- <sup>xii</sup> Government Code §53235(f).
- <sup>xiii</sup> Government Code §53237.1.



- 
- xiv Government Code § 1780 (b).
- xv Government Code § 1780 (c).
- xvi Government Code § 1780 (d)(1).
- xvii Ibid.
- xviii Government Code § 1780 (e)(1).
- xix Government Code § 1780 (g)(2).
- xx Government Code § 1780 (f)(1).
- xxi Government Code § 1780 (f)(2).
- xxii Government Code §87406.3.
- xxiii Government Code § 61044.
- xxiv Government Code §54959.
- xxv Government Code §54960.
- xxvi Government Code § 61045.
- xxvii Government Code § 54954(b).
- xxviii Government Code § 54954(e).
- xxix Government Code §§ 54956; 54956.5. Special meetings and emergency meetings, respectively.
- xxx Government Code §§ 54955, 54956.
- xxxi Government Code § 54954.5.
- xxxii Government Code § 61045.
- xxxiii Government Code § 61043.
- xxxiv Government Code § 61043(b).

---

<sup>xxxv</sup> Government Code § 54954.5.

<sup>xxxvi</sup> Government Code § 54953.

<sup>xxxvii</sup> Government Code § 61045.

<sup>xxxviii</sup> Government Code § 54953.5. The statute only requires maintenance of the audio or visual recording for thirty (30) days where there are other records of the meeting that are retained according to Government Code § 6250 *et seq.*

<sup>xxxix</sup> Government Code §54954.

<sup>xl</sup> Government Code §54954.2(a).

<sup>xli</sup> Government Code § 61045(c).

<sup>xlii</sup> Government Code § 54955.

<sup>xliii</sup> Government Code § 54955.2(b)(3).

<sup>xliv</sup> Government Code §87100 *et seq.* A Board member should leave the room when he or she identifies that he or she has a financial interest in the decision being discussed. Prior to leaving the room, the Board member should publicly identify the financial interest at stake and recuse himself or herself from that portion of the meeting.

<sup>xlv</sup> *City of Pasadena v. Paine* (1954) 126 Cal.App.2d 93.

<sup>xlvi</sup> Government Code § 54957.9.



**RESOLUTION NO. 2017-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MIGUEL COMMUNITY SERVICES DISTRICT  
ADOPTING REVISIONS TO THE BOARD RULES AND BYLAWS HANDBOOK**

**WHEREAS**, Government Code §54954 requires each local agency to provide, by ordinance, resolution, bylaws, or whatever other rule is required, for the conduct of business by that body, the time and place for holding regular meetings; and

**WHEREAS**, Government Code §61221 requires the Board of Directors to provide for the time and place of holding its regular meetings and the manner for calling special meetings; and

**WHEREAS**, the Board of Directors desires to revise and amend the previously adopted Board of Director Rules and Bylaws established to assist the Board of Directors in serving District residents:

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The San Miguel Community Services District Board of Director Rules and Bylaws Handbook is hereby adopted as presented and shall super secede all previous versions of said Rules and Bylaws.

**SECTION 2.** Copies of final adopted Rules and Bylaws shall be distributed to: all members of the District Board of Directors, the District General Manager, District General Counsel and shall be made available to the public upon request.

**PASSED AND APPROVED** and **ADOPTED** by the Board of Directors of the San Miguel Community Services District, on the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing resolution is hereby adopted this 27<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Anthony Kalvans, President  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Darrell Gentry, General Manager  
Secretary to the Board of Directors

\_\_\_\_\_  
Doug White, District General Counsel



## San Miguel Community Services District Staff Report

April 27, 2017

AGENDA ITEM XI.19

**SUBJECT:** Consider a request to nominate a Board Member for SDRMA Risk Management Board of Director Election and approve **Resolution No 2017-10** for a District nominee to the election process.

---

### **STAFF RECOMMENDATION:**

Staff recommends that the Board of Directors discuss and provide direction on nomination.

---

### **BACKGROUND:**

Special District Risk Management Authority (SDRMA) is seeking nominations in its 2017 Election to SDRMA Board of Directors. SDRMA is the risk management authority, which our District participates in for worker's compensation, property & liability insurance coverages. SDRMA has announced and notify that nomination for election to its Board of Directors must be filed no later than Friday, Man 5<sup>th</sup>. Four Director seats are up for election.

Ballots listing nominated persons will be sent out by SDRMA for voting by eligible member agencies. Mail-in ballots will be sent to member agencies and due Tuesday, August 29, 2017.

Elected Directors will serve a 4-year term of office. The term begins January 1, 2018 and expires December 31, 2021. If the Board of Directors desires to support a nomination for election, then the Board must approve the attached resolution, Resolution No 2017-10 at this meeting.

If there are no nominees to consider, then the Board does not need to approve the attached resolution that names our District's nominee for the election.

There is added information received from SDRMA included with this report, including the election schedule, a listing of SDRMA Board requirements and a description of what the SDRMA Board does for its member agencies. If a District nominee wins election to the SDRMA Board, then the District would need to provide financial support for the required meetings attended throughout the calendar year.

### **Fiscal Impact:**

There is no significant expense incurred for nominating a District candidate. Future costs consideration would need to be include in future fiscal year budgets for travel, lodging and meals,

if our District nominee is elected to SDRMA Board. Those costs would need to be calculated in projected budget estimates.

A benefit to SMCS D for one of the Board members serving on the SDRMA Board is the ability to capture additional annual rebates on our insurance premiums to SDRMA. This is realized by having an active Board Member involved with SDRMA.

**PREPARED BY:**

*Darrell Gentry*

---

Darrell Gentry, General Manager

Attachments: SDRMA Handouts, 1-5

**Resolution No 2017-10** Nominating a Board Member as Election Candidate to SDRMA

# 2017 Nomination Packet Checklist



## SDRMA BOARD OF DIRECTORS NOMINATION AND ELECTION GUIDELINES

January 5, 2017, marked the official commencement of nominations for the SDRMA Board of Directors. Four seats on the Board of Directors are up for election in August 2017.

**For your convenience we have enclosed the necessary nomination documents and election process schedule.** Please note that some items have important deadlines. All document contained in this packet, as well as additional information regarding SDRMA Board elections are available on our website [www.sdrma.org](http://www.sdrma.org) and/or by calling SDRMA Chief Operating Officer Paul Frydendal at 800.537.7790.

- \_\_\_ **Attachment One:**     **SDRMA Board of Directors Fact Sheet:** This document reviews the Board of Directors' Roles and Responsibilities along with other important information.
  
- \_\_\_ **Attachment Two:**     **SDRMA Board of Directors 2017 Nomination/Election Schedule:** Please review this document for important deadlines.
  
- \_\_\_ **Attachment Three:**   **SDRMA Election Policy No. 2017-03:** A Policy of the Board of Directors of the Special District Risk Management Authority establishing guidelines for Director elections.
  
- \_\_\_ **Attachment Four:**     **Sample Resolution for Candidate Nomination:** A resolution of the Governing Body of the Agency nominating a candidate for the Special District Risk Management Authority Board of Directors.
  
- \_\_\_ **Attachment Five:**     **Candidate's Statement of Qualifications:** Please be advised that no candidate statements are endorsed by SDRMA. Candidate's Statements of Qualification will be distributed to the membership with the SDRMA election ballot, "exactly as submitted" by the candidate.

**Please complete and return all required nomination and election documents to:**

SDRMA Election Committee  
C/O Paul Frydendal, COO  
Special District Risk Management Authority  
1112 "I" Street, Suite 300  
Sacramento, California 95814

SDRMA BOARD OF DIRECTORS  
FACT SHEET



## SDRMA BOARD OF DIRECTORS ROLE AND RESPONSIBILITIES

Special District Risk Management Authority (SDRMA) is a public entity Joint Powers Authority established to provide cost-effective property/liability, worker’s compensation, health benefit coverages and comprehensive risk management programs for special districts and other public agencies throughout California. SDRMA is governed by a Board of Directors elected from the membership by the programs’ members.

Number of Board Members	7-Board Members: SDRMA Board of Directors consists of seven Board Members, who are elected at-large from members participating in either program.
Board of Directors’ Role	SDRMA Board of Directors provide effective governance by supporting a unified vision, and ensuring accountability, setting direction based on SDRMA’s mission and purpose, as well as establishing and approving policy to ensure SDRMA meets its obligations and commitment to its members.
Board of Directors’ Responsibilities	Board Member responsibilities include a commitment to: serve as a part of a unified governance body; govern within Board of Directors’ policies, standards and ethics; commit the time and energy to be effective; represent and make policy decisions for the benefit, and in the best interest, of all SDRMA members; support collective decisions; communicate as a cohesive Board of Directors with a common vision and voice; and operate with the highest standards of integrity and trust.
Four Seats For this Election	4-Seats: Elections for Directors are staggered and held every two years, four seats during one election and three seats in the following election. Four seats are up for election this year.
Term of Directors	4-Year Terms: Directors are elected for 4-year terms. Terms for directors elected this election begin January 1, 2018 and end on December 31, 2021.
Board Member Travel Reimbursement	Board Members are reimbursed for reasonable travel and lodging in accordance with SDRMA Board Policy Manual 2017-01 and applicable laws and are allowed to claim a stipend of \$195 per meeting day or for each day’s service rendered as a Member of the Board.
Number of Meetings per Year	7-Board Meetings Annually: Generally not more than one meeting per month, with an average of seven board meetings per year.
Meeting Location	SDRMA office in Sacramento, California.
Meeting Dates	Typically the first Wednesday afternoon and Thursday morning of the month.
Meeting Starting Times	3:00 p.m. and 8:00 a.m.: Meetings are from 3:00 p.m. on Wednesday afternoon until 5:30 p.m. and Thursday from 8:00 a.m. to 10:00 a.m.
Meeting Length	4 - 6 hours: Length of meetings on average.
Average Time Commitment	15 - 20 hours: Commitment per month.

*“The mission of Special District Risk Management Authority is to provide risk financing and risk management services through a financially sound pool to California public agencies, delivered in a timely and responsive cost efficient manner.”*

Special District Risk Management Authority | A Property/Liability, Workers’ Compensation and Health Benefits Program

SDRMA BOARD OF DIRECTORS  
2017 NOMINATION/ELECTION SCHEDULE



# 2017 Nomination/Election Schedule

JANUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

MAY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24/31	25	26	27	28	29

AUGUST						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

DECEMBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24/31	25	26	27	28	29
30						

TASK TIMELINE
1/5 Board approves Election Schedule
2/3 Mail Notification of Election and Nomination Procedure to Members in January 90 days prior to mailing Ballots (103 actual days)
5/5 Deadline to return Nominations
5/11 Tentative Election Comm. Reviews Nominations
5/17-18 Mail Ballots 60 days prior to ballot receipt deadline (103 actual days)
8/29 Deadline to Receive Ballots
8/30 Tentative Election Committee Counts Ballots
8/31 Election Committee Notifies Successful Candidates and Provides Them With Upcoming Board Meeting Schedule
9/27 Directors' Elect invited to CSDA Annual Conf/SDRMA Breakfast/Super Session
11/1-2 Directors' Elect Invited to SDRMA Board Meeting
1/2018 Newly Elected Directors Seated and Election of Officers

SDRMA BOARD OF DIRECTORS  
ELECTION POLICY NO. 2017-03



A POLICY OF THE BOARD OF DIRECTORS OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY ESTABLISHING GUIDELINES FOR DIRECTOR ELECTIONS, DIRECTOR APPOINTMENTS, AND CREATION OF A SUPERVISING ELECTION COMMITTEE

WHEREAS, SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) is a joint powers authority, created pursuant to Section 6500, et. seq. of the California Government Code; and

WHEREAS, the Board of Directors recognizes that it is in the best interest of the Authority and its members to adopt a written policy for conducting the business of the Board; and

WHEREAS, establishing guidelines for Director elections and appointments will help ensure a process that is consistent for all nominees and candidates, will promote active participation by SDRMA members in the election/appointment process, and will help ensure election/appointment of the most qualified candidate(s); and

WHEREAS, the Bylaws provide the Board with the option of conducting the election using a mail-in ballot process; and

WHEREAS, the Board of Directors of SDRMA has an overriding and compelling interest in insuring the accuracy of the election/appointment process of its Board members through the creation of an election committee;

NOW, THEREFORE, it is the policy of the Board of Directors of SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY, until such policy shall have been amended or rescinded, that the following procedures shall be followed when conducting Director elections or filling a Director vacancy by appointment:

1.0. Election Schedule

- 1.1. Not later than the first Board meeting of each election year, the Board of Directors shall approve an election schedule based on the following criteria and time frames.

2.0. Election Committee

- 2.1. The Board of Directors herein establishes an election committee with the following composition, duties and responsibilities; The five (5) members of the Election Committee shall include two presently sitting members of the Board of Directors of SDRMA whose seats are not up for election, the Chief Operating Officer of SDRMA, and the CPA/auditor regularly used and retained by SDRMA at the time of counting ballots of and for an election to the Board of Directors. For good reason found and stated, the Board of Directors of SDRMA may appoint any CPA/auditor who, in the discretion of the Board of Directors, would appropriately serve the Election Committee. The General Counsel for SDRMA shall also sit as a member of the Election Committee with the additional obligation of providing legal advice to the balance of the Committee as legal questions may arise.

3.0. Member Notification of Election

- 3.1. Authority staff shall provide written notification, of an election for the Board of Directors, to all member agencies during January of each election year. Such written notification shall be provided a minimum of ninety (90) days prior to the distribution of ballots and shall include; (1) the number of Director seats to be filled by election; (2) a copy of this nomination and election procedure; and (3) an outline of nomination/election deadline dates.

#### 4.0. Qualifications

- 4.1. A candidate seeking election, re-election or appointment to SDRMA's Board of Directors must be a member of the Governing Body or a management employee of an SDRMA member participating in both the Property/Liability and Workers' Compensation Programs. To qualify as a "management employee," the candidate must be a management-level (as determined by the Governing Body) employee whose wages are reported to the IRS on a "W-2" form. Only one (1) representative from any Member may serve on the Board of Directors at the same time. [Per Bylaws, Article II, (2) (b)]
- 4.2. Each nominated candidate must submit a properly completed "Statement of Qualifications" (required form attached) with an original signature (electronic signatures are not acceptable) on or before the filing deadline in May in order for the candidate's name to be placed on the official ballot. A candidate shall provide responses to all questions on the candidate's "Statement of Qualifications". Each nominated candidate's "Statement of Qualifications" must be filed in SDRMA's office on or before the aforementioned deadline by: (1) personal delivery; (2) U.S. mail; or (3) courier. When ballots are mailed to the membership, each candidate's "Statement of Qualifications" form will be distributed to the membership exactly as submitted by the candidate to SDRMA. However, any attachments submitted by the candidate(s) with the Statement of Qualifications will not be sent by SDRMA with the ballots to any members.
- 4.3. If a nominated candidate elects not to use the provided form "Statement of Qualifications," and prepares instead the candidate's own completed form, the candidate's form must include the title "Statement of Qualifications" and contain exactly all information required and requested by the provided form.

NOTE: The candidate's "Statement of Qualifications" form must be submitted as a part of the nominating process. When ballots are mailed to the membership, each candidate's "Statement of Qualifications" form will be distributed "exactly as submitted" to SDRMA, except that any attachments submitted by the candidate will not be sent to any SDRMA members.

- 4.4. A candidate who does not submit a Candidate's Statement of Qualifications that complies with Section 4.2 or 4.3 will be disqualified by the SDRMA Election Committee.

#### 5.0. Nominating Procedure

- 5.1. Candidates seeking election or reelection must be nominated by action of their respective Governing Body. Only one (1) candidate may be nominated per member agency and one (1) candidate shall not represent more than one (1) member agency. A resolution from the candidate's district/agency Governing Body nominating the candidate must be received by the Authority on or before the scheduled date in May. (A sample of the resolution is enclosed). Actual receipt by the Authority on or before the scheduled deadline date in May is required. The resolution nominating the candidate may be hand-delivered to the Authority or sent by U.S. mail. In the event a candidate is nominated by two (2) or more member agencies, he or she shall represent the member agency whose nominating resolution is first received by the Authority. The other member agency or agencies that nominated the candidate shall be entitled to select a replacement nominee as long as a resolution nominating the replacement is received by the Authority prior to the scheduled deadline date.
- 5.2. A member may not nominate a candidate unless that member is participating in both the Property/Liability and Workers' Compensation Programs and is in "good standing" on the date the nominations are due. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 5.3. No earlier than the day after the deadline for receipt of nominations, the Election Committee, as hereinabove defined and comprised, shall review all nominations received from members, and will reject any nominations that do not meet all of the qualifications specified and set forth in this policy. The Election

Committee's decisions regarding the qualification of nominees are final. Following the Election Committee's review of all nominations, the Election Committee shall direct that a ballot be prepared stating and listing all of the qualified nominees. The ballot of qualified nominees shall be distributed to the membership for election by mail as described below.

- 5.4. Upon verification or rejection of each nominee by the Election Committee, staff will mail acknowledgment to both the nominee and the district/agency of its acceptance or rejection as a qualified nominee for election.
- 5.5. A nominee requesting that his/her nomination be withdrawn prior to the election, shall submit such requests in writing to SDRMA's office a minimum of three (3) days prior to the scheduled date for mailing the ballots. After that date, all qualified nominees names shall appear on the ballot mailed to the membership.

#### 6.0. Terms of Directors

- 6.1. The election of directors shall be held in each odd-numbered year. The terms of the directors elected by the Members will be staggered. Four directors will serve four-year terms, to end on December 31 of one odd-numbered year. Three directors will serve four-year terms, to end on December 31 of the alternate off-numbered year. [Per Bylaws, Article II, (3), paragraph 1].

#### 7.0. Campaigning

- 7.1. SDRMA staff will mail each qualified candidate's "Statement of Qualifications", "exactly as submitted" by the candidate with the ballots to the membership.
- 7.2. Candidates, at their own expense, may distribute additional information to member agency(s) after the ballots have been mailed and prior to the election.
- 7.3. SDRMA staff is prohibited from actively promoting a candidate or participating in the election process while on Authority premises.
- 7.4. SDRMA staff may provide member information, mailing lists, financial reports or operational data and information, that is normally available through the Public Records Act, to candidates to assist them in their research and campaigning. In addition to obtaining such information under the Public Records Act, candidates may request SDRMA staff prepare mailing labels for the distribution of campaign materials to member agencies. Under existing policy, charges will apply for this service. The SDRMA logo is trademarked for use by SDRMA only. Neither the logo, nor any other Trademark of SDRMA may be used in any campaign literature. No campaign literature is to imply support of any candidate by SDRMA.
- 7.5. SDRMA election mailings to the membership, including ballots and candidates' "Statement of Qualifications", shall be sent via first class mail.

#### 8.0. Limitations on Campaigning

- 8.1. As used in this section the following terms have the following meanings:

"Campaign Activity" means any activity that expressly advocates the election or defeat of a candidate or provides direct support to a candidate for his or her candidacy. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes or the use of public resources to nominate a candidate or vote in any Board of Directors election.



"Candidate" means an individual who has been nominated by the Member Agency to have his or her name listed on the ballot for election to the Board of Directors.

"Expenditure" means a payment of Member Agency funds that is used for communications that expressly advocate the election or defeat of a clearly identified candidate. "Expenditure" does not include the use of public funds to nominate a candidate or vote in any Board of Directors election.

"Public resources" means any property or asset owned by the Member Agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and Member Agency-compensated time.

- 8.2. An officer, official, employee, or consultant of a Member Agency may not expend or authorize the expenditure of any of the funds of the Member Agency to support or oppose the election or defeat of a candidate for the Board of Directors.
- 8.3. No officer, official, employee, or consultant of a Member Agency shall use or permit others to use public resources for campaign activity.
- 8.4. At any time during an election campaign, if a Member Agency or its officers, officials, employees or consultants violate this section, that Member Agency shall be ineligible to nominate a candidate for the Board of Directors election in which the violation occurred. Any candidate of an offending Member Agency shall be deemed to have withdrawn his or her candidacy. Prior to declaring a Member Agency ineligible to nominate a candidate or a specific candidate's candidacy withdrawn, the Elections Committee shall hold a hearing to determine whether or not a violation of this section occurred. The hearing shall be conducted pursuant to reasonable procedures that the Elections Committee shall prescribe, provided that the affected Member Agency or candidate shall have an opportunity to dispute the violation. At the conclusion of the hearing, the Elections Committee shall determine by a majority vote whether the violation occurred.

#### 9.0. Balloting

- 9.1. A ballot containing nominees for the Board of Directors, accepted and approved by the Election Committee, shall be mailed by first class mail, to each SDRMA member agency, except as provided in Section 9.2 below, no less than sixty (60) days prior to the deadline for receiving ballots and the closing date for voting. Ballots shall show the date and time the ballots must be received in SDRMA's office. A self-addressed, stamped, return envelope shall be mailed with each ballot.
- 9.2. In the event that the number of qualified/approved nominees is equal to or less than the number of director seats up for election, the mailing of the ballots as outlined in Section 9.1 shall be waived.
- 9.3. Only those qualified nominees approved by the Election Committee will be eligible candidates on the ballot. Write-in candidates shall not be accepted.
- 9.4. It is required that the Governing Body of each member vote on behalf of their agency (sample Resolution enclosed) and the ballot MUST be signed by the agency's Presiding Officer.
- 9.5. A member may not vote unless the member was a member of the Authority in "good standing" on or before the nomination due date for the pending election. "Good standing" is defined as no accounts receivable due to SDRMA which is more than ninety (90) days past due.
- 9.6. A member may cast only one (1) vote for the same candidate. By way of example, if there are four (4) candidates on the ballot, a member may not cast two (2) to four (4) votes for any single candidate. Any ballot casting more than one (1) vote for the same candidate will be considered void.





- 9.7. A member may vote by using the official ballot provided by SDRMA, or a copy of SDRMA's original ballot, or a reasonable duplicate prepared by the member agency. Whichever of the three foregoing formats is used, the ballot must contain an original signature and confirmation that the ballot was approved at a public meeting of the agency's Governing Body. Ballots submitted without an original signature and/or without confirmation that the form of the ballot was approved at a public meeting of the agency's Governing Body will be considered void.
- 9.8. Ballots may be returned using either hand-delivered or mailed in ballots - faxed or e-mailed ballots will not be accepted. Mailed in ballots must be addressed to, and hand-delivered ballots must be delivered to, the Special District Risk Management Authority office presently located at 1112 I Street, Suite 300, Sacramento, California 95814-2865.
- 9.9. Any ballot received after the specified deadline will not be counted and will be considered void.

#### 10.0. Election Results

- 10.1. All ballots will be opened and counted at SDRMA's office only after the deadline for receiving ballots. Ballots will be opened by SDRMA's Election Committee, no more than five (5) days after the closing deadline. Candidates receiving the highest number of votes shall be declared the elected director(s).
- 10.2. In the event of a tie, a coin toss shall be used to determine the elected director. The coin toss shall be conducted by the Election Committee at the time and place of the conclusion of counting ballots.  
  
PROCEDURE: In the event more than two (2) candidates tie, the coin toss shall be between two (2) candidates at a time based on the order in which their name appeared on the ballot This process shall be repeated, as needed, in cases where there are more than two (2) candidates.
- 10.3. Excluding tie votes, within five (5) days after the ballots are opened and tabulated Authority staff shall advise the candidates and their respective agency in writing of the final election results. Copies of the results shall also be mailed/distributed to SDRMA's Board of Directors, staff and consultants and published in the first available CSDA newsletter.
- 10.4. If a director-elect withdraws after the election or fails to accept the Director seat prior to December 31, the Board shall name a new director-elect by going back to the ballots and awarding the seat to the candidate receiving the next highest number of votes during the election.
- 10.5. Staff shall invite newly elected director(s) to attend the Annual Membership meeting and all scheduled Board meeting(s) after confirmation of election results until the director(s) elect assume office. Director(s) elect will be reimbursed for expenses, except for director stipends, in accordance with approved director reimbursement policy (copy of policy shall be provided to newly elected directors).
- 10.6. A member or candidate dissatisfied with the election result may, within ten (10) days after the ballots are opened and tabulated, file with the Authority a written challenge and appeal. The challenge and appeal must clearly set forth the complaint and any and all facts in support of the challenge and appeal. Within ten (10) days after the ballots are opened and tabulated, the challenge and appeal shall be delivered and received by the Authority. Within five (5) days of receipt of the challenge and appeal, the Authority shall deliver the same to the Election Committee for decision. The Election Committee shall have absolute authority for deciding the challenge and appeal. Notice of the decision of the Election Committee shall be provided to the party filing the challenge and appeal within ten (10) days.

11.0. Director Vacancy

11.1. If a director vacancy(s) occurs (Note 1), appointment of a replacement director for the balance of the unexpired term will be made by the remaining members of the SDRMA Board. In order to accomplish this in an orderly and consistent manner, when a vacancy(s) of an elected Director(s) occurs, the SDRMA Board of Directors, after discussion and consideration, shall, when deemed appropriate, instruct staff to:

- a) notify all then member entities that a vacancy has occurred; and
- b) said notice shall refer to the applicable Article in the By-laws in advising member entities and their eligible candidates of the steps to take to apply for appointment; and
- c) the SDRMA Board shall establish the closing date for the receipt of applications; and
- d) candidates shall submit the following, by the date specified in the notice:
  - i) a letter of interest; and
  - ii) a resume, with particular emphasis on the candidate's knowledge of special districts and risk management; and
  - iii) a resolution from, or a letter approved by, the candidate's Governing Body nominating the candidate; and
- e) the Election Committee shall review all applications received, and shall reject any that do not meet all of the qualifications specified and set forth in this policy; and
- f) upon verification or rejection of each application by the Election Committee, staff will mail acknowledgement to both the applicant and the district/agency of its acceptance or rejection of the applicant as a qualified candidate for appointment; and
- g) candidates shall be interviewed at the next regularly scheduled meeting of the SDRMA Board of Directors following the date of closure for the applications. Interviews shall be in person, or if an unforeseen emergency arises, the interview may be by telephone at the same scheduled time; and
- h) the SDRMA Board shall make the appointment without undue delay, but need not act at the same meeting.

Note 1: If the Director vacancy occurs within nine (9) months after the date the ballots were counted and certified by the Election Committee or within nine (9) months after a candidate was appointed to fill a vacancy, then the Board shall have the option to interview and appoint the candidate(s) who did not receive sufficient votes to be elected OR to interview and appoint from the pool of candidates from 11.1.g) above. If the Director vacancy occurs in an election year after the Notification of Election is sent to the members, the Board may determine to fill the vacancy by appointing the candidate who receives the next highest number of votes in the election. If the Board determines in its sole discretion that none of these options is appropriate, then staff shall be instructed to proceed with the process described above in steps 11.1 a) to h).

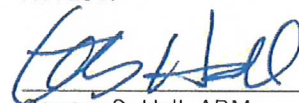
Revised and adopted this 2<sup>nd</sup> day of February 2017, by the Board of Directors of Special District Risk Management Authority, at a regular meeting thereof.

This Policy No. 2017-03 supercedes Policy No. 2015-01 and all other policies inconsistent herewith.

APPROVED:

  
\_\_\_\_\_  
Jean Bracy, President  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Gregory S. Hall, ARM  
Chief Executive Officer

**SAMPLE  
RESOLUTION FOR  
CANDIDATE NOMINATION**

Available for download in Microsoft Word file format  
visit our website at [www.sdrma.org](http://www.sdrma.org)

**[AGENCY NAME]**  
**RESOLUTION NO.**

**A RESOLUTION OF THE GOVERNING BODY OF THE [AGENCY NAME] NOMINATING  
[CANDIDATE'S NAME] AS A  
CANDIDATE FOR ELECTION TO THE SPECIAL DISTRICT RISK MANAGEMENT  
AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, the Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code, Section 6500 et.seq., for the purpose of providing risk management and risk financing for California Special Districts and other local government agencies; and

**WHEREAS**, the Joint Powers Agreement (JPA) and Bylaws of SDRMA set forth director qualifications, terms of office and election requirements; and

**WHEREAS**, the Board of Directors of SDRMA established procedures and guidelines for the Director Election process; and

**WHEREAS**, the Board of Directors of SDRMA established a policy requiring candidates seeking election to the SDRMA Board of Directors to be: 1) a member of the agency's governing body or management employee per SDRMA Election Policy 2017-03, Section 4.1 and be an active member agency of **both** SDRMA's Property/Liability and Workers' Compensation Programs, and 2) be nominated by Resolution of their member agency's governing body, and 3) each nominated candidate must submit a completed and signed "Candidate's Statement of Qualifications" on or before the May 5 filing deadline in order for the candidate's name to be placed on the official ballot.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The governing body of **[AGENCY NAME]** nominates **[CANDIDATE'S NAME]**, its **[POSITION TITLE]**, as a candidate for the Board of Directors of the Special District Risk Management Authority.
2. **[ONLY IF CANDIDATE IS NOT A MEMBER OF THE AGENCY'S GOVERNING BODY:** The governing body of **[AGENCY NAME]** has determined that **[CANDIDATE'S NAME]** is a management employee for purposes of SDRMA Election Policy 2017-03, Section 4.1].
3. The governing body of **[AGENCY NAME]** further directs that a copy of this Resolution be delivered to SDRMA on or before the May 5, 2017 filing deadline.

**ADOPTED** this **[DATE]** of **[MONTH/YEAR]** by the Governing Body of **[AGENCY NAME]** by the following roll call votes:

AYES:	<b>[LIST NAMES of GOVERNING BOARD VOTES]</b>
NAYES:	“
ABSTAIN:	“
ABSENT:	“

APPROVED

ATTEST

\_\_\_\_\_  
President – Governing Body

\_\_\_\_\_  
Secretary

CANDIDATE'S STATEMENT  
OF  
QUALIFICATIONS

Available for download in Microsoft Word file format  
visit our website at [www.sdrma.org](http://www.sdrma.org)



**Special District Risk Management Authority  
Board of Directors  
Candidate's Statement of Qualifications**

What special skills, talents, or experience (including volunteer experience) do you have?  
**(Response Required)**

---

---

---

---

---

---

---

---

What is your overall vision for SDRMA? **(Response Required)**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**I certify that I meet the candidate qualifications as outlined in the SDRMA election policy. I further certify that I am willing to serve as a director on SDRMA's Board of Directors. I will commit the time and effort necessary to serve. Please consider my application for nomination/candidacy to the Board of Directors.**

Candidate Signature \_\_\_\_\_ Date \_\_\_\_\_



## **RESOLUTION NO. 2017-10**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT NOMINATING \_\_\_\_\_ AS A CANDIDATE FOR ELECTION TO THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS**

**WHEREAS**, the Special District Risk Management Authority (SDRMA) is a Joint Powers Authority formed under California Government Code, Section 6500 et.seq., for the purpose of providing risk management and risk financing for California Special Districts and other local government agencies; and

**WHEREAS**, the Joint Powers Agreement (JPA) and Bylaws of SDRMA set forth director qualifications, terms of office and election requirements; and

**WHEREAS**, the Board of Directors (“Directors”) of SDRMA established procedures and guidelines for the Director Election process; and

**WHEREAS**, the Board of Directors of SDRMA established a policy requiring candidates seeking election to the SDRMA Board of Directors to be:

- 1) a member of the agency’s governing body or management employee per SDRMA Election Policy 2017-03, Section 4.1 and be an active member agency of SDRMA’s Property/Liability and Workers’ Compensation Programs, and
- 2) be nominated by Resolution of their member agency, and
- 3) each nominated candidate must submit a completed and signed “Candidate’s Statement of Qualifications” on or before the May 5 filing deadline for the candidate’s name to be placed on the official ballot.

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. The governing body of San Miguel Community Services District nominates \_\_\_\_\_, Director, as a candidate for the Board of Directors of the Special District Risk Management Authority for purposes of SDRMA Election Policy 2017-03, Section 4.1.
2. The Board of Directors further directs that a copy of this Resolution be delivered to SDRMA on or before the May 5, 2017 filing deadline.



**PASSED AND ADOPTED** by the Board of Directors on a motion of Director, \_\_\_\_\_, seconded by Director, \_\_\_\_\_ by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this 24<sup>th</sup> day of April, 2017.

\_\_\_\_\_  
Anthony Kalvans, President  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Darrell W. Gentry, General Manager

\_\_\_\_\_  
Doug White, District General Counsel