



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

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Telephone (805) 489-6666 FAX (805) 489-2765

www.sslocsd.org

AGENDA

BOARD OF DIRECTORS MEETING

City of Arroyo Grande, City Council Chambers

215 East Branch Street

Arroyo Grande, California 93420

Wednesday, April 01, 2015 at 6:00 P.M.

Board Members

Jim Hill, Chair

John Shoals, Vice Chair

Matthew Guerrero, Director

Agencies

City of Arroyo Grande

City of Grover Beach

Oceano Community Services District

Alternate Board Members

Mary Lucey, Director

Tim Brown, Director

Barbara Nicolls, Director

Oceano Community Services District

City of Arroyo Grande

City of Grover Beach

1. CALL TO ORDER AND ROLL CALL

2. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

This public comment period is an invitation to members of the community to present comments, thoughts or suggestions on matters not scheduled on this agenda. Comments should be limited to those matters which are within the jurisdiction of the District. The Brown Act restricts the Board from taking formal action on matters not published on the agenda. In response to your comments, the Chair or presiding Board Member may:

- Direct Staff to assist or coordinate with you.
- It may be the desire of the Board to place your issue or matter on a future Board meeting agenda.

Please adhere to the following procedures when addressing the Board:

- Comments should be limited to three (3) minutes or less.
- Your comments should be directed to the Board as a whole and not directed to individual Board members.
- Slanderous, profane or personal remarks against any Board Member, Staff or member of the audience shall not be permitted.

Any writing or document pertaining to an open-session item on this agenda which is distributed to a majority of the Board after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the offices of the Oceano CSD, a member agency located at 1655 Front Street, Oceano, California. Consistent with the Americans with Disabilities Act (ADA) and California Government Code §54954.2, requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires

modification or accommodation in order to participate at the above referenced public meeting by contacting the District Manager or Bookkeeper/Secretary at (805) 481-6903.

3. CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. Each item is recommended for approval unless noted. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Any Board Member may request that any item be withdrawn from the Consent Agenda to permit discussion or to change the recommended course of action. The Board may approve the remainder of the Consent Agenda on one motion.

3A. Review and Approval of the Minutes of the March 18, 2015 Meeting

3B. Review and Approval of Warrants

3C. Legal Fees Spent on Administrative Civil Liability From November 2014 to Present

3D. Generic Statute of Limitations for Various Types of Causes of Action

3E. Announcements Out of Closed Session

4. PLANT SUPERINTENDENT'S REPORT

5. BOARD ACTION ON INDIVIDUAL ITEMS:

A. ANNUAL REVIEW OF DISTRICT BYLAWS

Staff recommends the Board review and direct staff to make any updates to the District Bylaws and consider updated bylaws for ratification at a subsequent meeting.

6. MISCELLANEOUS ITEMS

A. Miscellaneous Oral Communications

B. Miscellaneous Written Communications

7. PUBLIC COMMENT ON CLOSED SESSION

8. CLOSED SESSION

- (1) Conference with Legal Counsel regarding Existing Litigation; Pursuant to Government Code Section 54956.9;b1; SSLOCSD v. California State Water Resources Control Board et. al. SLOCSC 14 CV 0596.

9. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION

10. ADJOURNMENT

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

City of Arroyo Grande, City Council Chambers
215 East Branch Street
Arroyo Grande, California 93420

Minutes of the Meeting of Wednesday March 18, 2015
6:00 P.M.

1. CALL TO ORDER AND ROLL CALL

Present: Chair Jim Hill, City of Arroyo Grande; Vice Chair John Shoals, City of Grover Beach; Director Matthew Guerrero, Oceano Community Services District;

District Staff in Attendance: Shannon Sweeney, District Engineer; Mike Seitz, District Counsel; John Clemons, Plant Superintendent; Amy Simpson, District Bookkeeper/Secretary.

2. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Director Hill opened the public comment period.

Sharon Brown, Grover Beach, asked that the Bylaws be reviewed. Spoke in favor of paying the NOV fine. Asked about the Statute of Limitations.

Director Hill announced that the Bylaws will be reviewed with the opportunity for the public to give comment.

Legal Counsel Seitz's understanding is that once the State Board dismissed the Districts appeal, there is 30 days to file action. He will ask Mr. Sweet to prepare a staff report of the legal fees spent on this suit against the Water Board.

Tim Brown asked what the District can do to toll the Statute of Limitations against John Wallace. Disappointed in the lack of a quorum at the cancelled Special Meeting.

Legal Counsel reminded the Board that they were advised by outside Counsel that because of allegations pending at that time, the Board did not want Seitz to be part of that analysis. The Board was given a very specific analysis of Statute of Limitations from outside counsel. Seitz cannot think of a way to share without protecting the attorney client privilege.

Chair Hill requested to have a Closed Session discussion on pending litigation.

Beatrice Spenser echoed the sentiments of the Sharon and Tim Brown. She spoke of the PR of the Board and is upset about the cancellation of the Special Meeting. She asks that current litigation be settled, set Seitz free, and move forward in a positive direction.

Patty Welsh is not a fan of two Board members and asked about the statute of limitation.

Mary Lucey read the Special Meeting protocol and stated that she never received *proper* notice of the Special Meeting.

Julie Tacker appreciates Lucey's comments. Requests a Performance Review of General

Manager. Asked about the settlement. Asked about Downey Brand contract and suing Wallace in regards to purging and gutting the documents when he was no longer acting as District Administrator.

Patricia Price asked why the District is fighting the fine and what is the Statute of Limitations.

Tim Brown believes that some Closed Session discussions can be shared with the Public that will not effect litigation.

Debbie Peterson asked if Grover and AG had considered using the District for FOG Inspections.

There being no more public comment, Director Hill closed the public comment period.

3. CONSENT AGENDA

3A. Financial Review of January

3B. Review and Approval of Warrants

3C. Review and Approval of the Minutes of the February 18, 2015 Meeting

3D. Review and Approval of the Minutes of the March 04, 2015 Meeting.

Action: 3A, 3B and 3D were approved unanimously by roll call vote.

Acton: 3C was approved 2-0. Director Guerrero was not at the Feb. 18th meeting.

4. PLANT SUPERINTENDENT'S REPORT

Plant Superintendent Clemons presented the Plant Superintendent's Report which shows that the Plant numbers remain steady and strong and are in compliance with regulatory limits. Mr. Clemons spoke about the maintenance, safety and training, and projects being done by Staff at the Plant.

Action: The Board received and filed the Plant Superintendent's report.

5. BOARD ACTION ON INDIVIDUAL ITEMS:

A. CREATION OF A REVIEW BOARD FOR THE RFP PROCESS TO DESIGNATE A FIRM TO CONDUCT THE MANAGEMENT REVIEW.

The Board selected a committee from the nominees submitted to review proposals and to recommend a proposer to the Board for preparation of the study for the Review of Past Management Practices.

Director Hill opened the discussion to the public.

Patricia Price, Julie Tacker, Cinnamon Laughton, Tim Brown and Patty Welsh all spoke in favor of having Debbie Peterson on the Board.

Debbie Peterson believes there is a distinction between working under Wallace and not working under Wallace. Supportive of John Clemons on the committee. Recommends extending the time period of the committee beyond the RFP process. Opposition to having Public Works Directors on the committee.

Director Shoals has three criteria for the committee members.

1. No former Board members
2. No relation to current or past employees
3. No political candidates

Cassandra Appleton and Debbie Peterson were removed from the list because of their former relations with the District. Brad Snook, Jeff Pineack, and Andrea Vergne were added to the list of interested volunteers.

Shannon Sweeney gave disclosure that Wallace Group did set up the FOG program in Santa Maria and there is currently a Wallace Group employee working on a project for Santa Maria. This would exclude her from being on the committee.

The Board decided that they could get technical support from Superintendent John Clemons separately from the committee and to keep the committee to strictly public volunteers.

Mary Lucey is concerned that Oceano is not represented.

Julie Tacker asked if it would be a Brown Act Committee.

Seitz said that it would be a Brown Act Committee.

Action: The Board approved unanimously by roll call vote to create a committee consisting of the following members of the public

1. Patricia Price
2. Beatrice Spencer
3. Mark London
4. April McLaughlin
5. Brad Snook
6. Ron Holt
7. Patty Welsh
8. Jeff Pineack
9. Andrea Vergne

**B. REVISED PLANT SUPERINTENDENT EMPLOYMENT STANDARDS;
REVISED PLANT SUPERINTENDENT COMPENSATION SCHEDULE**

Director Hill opened the discussion for public comment.

Julie Tacker supported the item.

Director Hill closed public comment.

Action: The Board adopted unanimously by roll call vote.

RESOLUTION NO. 2015-326

**A RESOLUTION OF THE SOUTH SAN LUIS OBISPO
COUNTY SANITATION DISTRICT BOARD OF DIRECTORS
APPROVING THE ADOPTION OF A REVISED**

**PLANT SUPERINTEDENT EMPLOYMENT STANDARDS AND
PLANT SUPERINTENDENT COMPENSATION SCHEDULE**

7. MISCELLANEOUS ITEMS

A. Miscellaneous Oral Communications

Director Hill reported of disturbing and inappropriate emails that had been sent to the District Staff. These emails have been given to the AG police department and the Cyber Crimes Department who will be consulting with District Attorney's Office.

C. Miscellaneous Written Communications

Julie Tacker referred to a letter sent to the Board members from Jeff Edwards. It was a letter from the Water Board to the City of Morro Bay. Talking about the conflict with the Coastal Commission. She fears the redundancy project will be rejected by the Coastal Commission. She also is concerned about the potential scalping plant decreasing flow to the Aloha plant. Hopes that the direction of the District in regards to the Downey Brand will be reported out after Closed Session.

8. PUBLIC COMMENT ON CLOSED SESSION

Director Hill asked for public comment.

Sharon Brown is still seeking information on Statute of Limitations and hopes something will be reported out after Closed Session.

Director Hill closed the public comment period.

9. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION

Legal Counsel Michael Seitz reported that the Board had met in closed session pursuant to Government Code 54956.9 b1 regarding existing litigation; SSLOCSD v. California State Water Resources Control Board et. al. SLOCSC 14 CV 0596

The Board gave direction to District Counsel but took no reportable Action.

Legal Counsel will provide a discussion on generic Statute of Limitations for various types of causes of action at the next meeting.

10. ADJOURNMENT

There being no further business to come before the Board, Director Hill adjourned the meeting at approximately 8:30p.m.

THESE MINUTES ARE DRAFT AND NOT OFFICIAL UNTIL APPROVED BY THE BOARD OF DIRECTORS AT A SUBSEQUENT MEETING.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
WARRANT REGISTER
04/01/2015 FY 2014/15

ISSUED TO	BUDGET LINE ITEM	DESCRIPTION	WARRANT NO.	ACCT	ACCT BRKDN	TOTAL
ADAMSKI MOROSKI MADDEN CUMBERLA	OUTSIDE COUNSEL	FEBRUARY	040115-9330	7070	0.00	0.00
ALLSTAR INDUSTRIAL SUPPLY	MISCELLANEOUS SUPPLY'S	1352	31	8055	518.17	518.17
ARAMARK	EMPLOYEE UNIFORMS	03/20/15	32	7025	493.40	493.40
BATTERIES PLUS	MISCELLANEOUS SUPPLY'S	DOPPLER FLOWMETER BATTERY	33	8030	29.12	29.12
CALIFORNIA ELECTRIC SUPPLY	EQUIPMENT MAINTENANCE	MULTIPLE INVOICES	34	8030	330.91	330.91
CALPERS HEALTH	MEDICAL INSURANCE	APRIL	35	6010	17,374.89	17,374.89
CHARTER	PHONES AND INTERNET	APRIL	36	7011	291.03	291.03
DOCTORS MED PLUS	SAFETY SUPPLIES	HEP B	37	8056	65.00	65.00
FASTENAL	EQUIPMENT MAINTENANCE	LABELER SUPPLY'S	38	8055	580.05	580.05
FED EX	OFFICE SUPPLY'S	LUBE WATCH	39	7078	78.82	78.82
GUERRERO, MATTHEW	BOARD SERVICE	MARCH	40	7075	200.00	200.00
FERGUSON ENTERPRISES, INC.	STRUCTRUE MAINTENANCE	REPLACE CHECK VALVE	41	8060	1,040.60	1,040.60
HILL, JIM	BOARD SERVICE	MARCH	42	7075	200.00	200.00
HILTI	TOOLS	DRILL BITS	43	8055	602.07	602.07
INDUSTRIAL ELECTRONIC CONTROLS, I	EQUIPMENT MAINTENANCE	BADOR REPAIR	44	8030	848.60	848.60
J.B. DEWAR	FUEL	02.17 02.28	45	8020	404.21	404.21
JOHNSON'S BOILER & CONROL	EQUIPMENT MAINTENANCE	BOILER	46	8030	1,865.92	1,865.92
KENNEDY/JENKS COUNSULTANTS	ENGINEERING	UPDATING EXISTING PLANT	47	7077	7,020.00	7,020.00
LARA HR SERVICES	PROFESSIONAL SERVICES	HUMAN RESOURCES	48	7076	7,600.00	7,600.00
NICKSON'S MACHINE	STRUCTRUE MAINTENANCE	82694	49	8061	264.00	264.00
OCSO	BILLING	FY 14/15	50	7074	11,000.00	11,000.00
PG&E	UTILITIES ELECTRIC	02/09/15 - 03/11/15	51	7091	9,349.47	9,349.47
SAFETY KLEEN	PROFESSIONAL SERVICES	WASTE OIL SERVICE	52	8056	73.21	73.21
SHOALS, JOHN	BOARD SERVICE	MARCH	53	7075	200.00	200.00
SIMPSON, AMY	MEETINGS, MEMBERSHIP, CONFERENCE	REIMBURSE	54	7050	215.80	215.80
STATE WATER RES. CONT.BOARD	RENEWAL OPERATOR CERT	CLEMONS	55	7050	340.00	340.00
SWEET, RICHARD	DISTRICT ADMINISTRATION	12/5/14 TO 04/13/15	56	7076	16,000.00	16,000.00
VWR	LAB SUPPLIES		57	8040	178.95	178.95
WATER SYSTEMS CONSULTING, INC.	WATER RECYCLING STUDY	RECYCLED WATER	58	7088	1,872.25	1,872.25
SUB TOTAL					\$ 79,036.47	\$ 79,036.47
SO. SLO CO. SANITATION DISTRICT	PAYROLL REIMBUSEMENT	03/20/15	59	6090	25,398.64	25,398.64
SO. SLO CO. SANITATION DISTRICT	CALPERS RETIREMENT	03/26/15	60	6060	3,537.97	3,537.97
SUB TOTAL					\$ 28,936.61	\$ 28,936.61
GRAND TOTAL					\$ 107,973.08	\$ 107,973.08

We hereby certify that the demands numbered serially from 040115-9330 to 040115-9360 together with the supporting evidence have been examined, and that they comply with the requirements of the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT. The demands are hereby approved by motion of the SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT, together with warrants authorizing and ordering the issuance of checks numbered identically with the particular demands and warrants.

BOARD OF DIRECTORS:

DATE: _____

Chairman

Board Member

Board Member

Secretary



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

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Total Legal Fees as of Nov. 2014 to Present spent on Suit against State Water Board

\$21,268.23

ACL Seitz		SWRCB Seitz		ACL Downey Brand	
November	\$1,513.60	November	\$ -	November	\$8,069.50
December	\$985.60	December	\$158.40	December	\$1,925.15
January	\$440.00	January	\$2,692.80	January	\$1,246.18
February	\$792.00	February	\$1,584.00	February	\$1,861.00
	\$3,731.20		\$4,435.20		\$13,101.83

MICHAEL W. SEITZ

JON S. SEITZ
(1947-2013)

SHIPSEY & SEITZ, INC.
A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
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(805) 543-7272 FAX (805) 543-7281
mike@shipseyandseitz.com

JOHN L. SEITZ
(1924-1986)

GERALD W. SHIPSEY
(1924-2013)

MEMORANDUM

**TO: BOARD OF DIRECTORS
SOUTH COUNTY SANITATION DISTRICT**

FROM: MICHAEL W. SEITZ, DISTRICT LEGAL COUNSEL

DATE: MARCH 25, 2015

RE: STATUTE OF LIMITATIONS

=====

Introduction

At the last meeting, there were a number of questions directed to me in regards to statute of limitations. I am not allowed to discuss any specific facts in regards to matters that are pending before the closed session items.

I have attached to this Memorandum portions of the Government Code and the Code of Civil Procedure that describe various statutes of limitation. This is not intended to be an exhaustive study regarding these statutes, rather a simple description.

False Claims Act

First, in regards to the False Claims Act found at Govt. Code § 12650, the statute of limitations is quoted in § 12654(a). Under this action, any action for false claims, a civil action must be filed not more than six (6) years after the date on which the violation of § 12651 is committed, or more than three (3) years after the date when facts material to the right of action are known, or reasonably should have been known, by the Attorney General or prosecuting authority with jurisdiction to act under this Article, but in no event more than ten (10) years after the date on which the violation is committed, whichever of the aforementioned occurs last.

Indemnity

Indemnity is an action to recover from a third party liabilities that have been found with another. There is both express and implied indemnity. Implied indemnity generally runs from the date that the party first became aware that liability could attach to it. The statute of limitations regarding express indemnity is found in Code of Civil Procedure § 337(1). When an indemnity claim is based upon a written document, it must be filed within four (4) years when founded upon an instrument in writing.

Breach of Contract

Action for Breach of Contract is found in Government Code § 339 and must be filed within two (2) years. In that type of action, you are alleging that the person violated their contract and that you suffered harm thereby.

As indicated, this is not intended to be an exhaustive discussion regarding statute of limitations regarding any specific matter. Rather, it is a brief description of statute of limitations in regards to certain types of actions. As counsel, I will not be able to discuss any specific facts regarding any party in regards whether the statute of limitations apply to any cause that might be considered by the District.

END OF MEMO

MICHAEL W. SEITZ

JON S. SEITZ
(1947-2013)

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JOHN L. SEITZ
(1924-1986)GERALD W. SHIPSEY
(1924-2013)

MEMORANDUM

**TO: BOARD OF DIRECTORS
 SOUTH COUNTY SANITATION DISTRICT**

FROM: MICHAEL W. SEITZ, DISTRICT LEGAL COUNSEL

DATE: MARCH 25, 2015

RE: ANNOUNCEMENTS OUT OF CLOSED SESSION

=====

During the past meetings there have been multiple questions in regards to the announcements that must be made after a closed session is held. Specifically, I have been asked on multiple occasions, to indicate that settlement offers are being proposed. As you know I have been very reluctant to do so as I believe that it could materially affect the District's strategy in terms of seeking settlement of particular claims.

I have provided you with a copy Section § 54957.1 which references closed sessions; public report of action taken. This is the current section in the Brown Act that discusses what must be announced in a closed session. This statute covers multiple types of matters that the Board might consider in closed session, but I will highlight now the sections dealing with litigated matters. This statute provides: (a) Legislative body of any public agency shall publically report any action taken in closed session and the vote or abstention on that action of every member present as follows:

(a.2) Approval given to it's legal counsel to defend, or seek to refrain from seeking appellate review or relief or enter into an *amicus curiae* in any form litigation as a result of consultation under section § 54956.9 shall be reported in open session at a public meeting during which the closed session in held....

(a.3) Approval given to it's legal counsel, of a settlement of pending litigation as defined section 54956.9, at any stage prior to or during a judicial or quasi judicial proceeding shall report after the settlement is final as follows:

(A) If the legislative body accepts the settlement offer signed by the opposing party the body shall report it's acceptance and identify the substance of the agreement in open session at a public meeting during which the closed session is held.

(B) If the final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

These are the sections that deal with public announcement following closed session of any litigated matter. I obviously sense the unease of the members of this Board in regards to the public criticism and public demands for more information.

I hope that this clarifies the District's responsibilities in regards to disclosing in public votes taken or directions given in closed session. I'm sending this to each of you, and if any of you have question, please do not hesitate to contact me. I ask that you do not reply all to the email that transmitted this correspondence

END OF MEMO

Effective: January 1, 2007

West's Ann.Cal.Gov.Code § 54957.1

§ 54957.1. Closed sessions; public report of action taken

Currentness

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to [Section 54956.8](#) shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under [Section 54956.9](#) shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in [Section 54956.9](#), at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to [Section 54956.95](#) shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to [Section 54957](#) shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to [Section 54957.6](#) shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(7) Pension fund investment transaction decisions made pursuant to [Section 54956.81](#) shall be disclosed at the first open meeting of the legislative body held after the earlier of the close of the investment transaction or the transfer of pension fund assets for the investment transaction.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to [Section 54954.1](#) or [54956](#), if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of [subdivision \(b\) of Section 3 of Article I of the California Constitution](#).

Credits

(Added by [Stats.2005, c. 72 \(A.B.138\), § 14, eff. July 19, 2005](#). Amended by [Stats.2006, c. 538 \(S.B.1852\), § 311.](#))

Notes of Decisions (15)



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

1600 Aloha Oceano, California 93445-9735
Telephone (805) 489-6666 FAX (805) 489-2765

Date: March 27, 2015

To: SSLOCSD Board of Directors

From: John Clemons, District Superintendent

Via: Rick Sweet, District Manager

Subject: **Superintendent's Report**

Chart 1 – Plant Data

March 2015*	INF Flow MGD	Peak Flow MGD	INF BOD mg/L	EFF BOD mg/L	INF TSS mg/L	EFF TSS mg/L	Fecal Coli	Cl2 lbs/day	BOD REM Eff.%
Average	2.28	3.58	436	26.7	450	29.6	22	161	93.8
High	2.46	4.20	492	33.4	488	35.0	79	250	
Limit	5.0			40/60/90		40/60/90	2000		80
CY 2014 Monthly									
Average	2.35	3.8	392	26	406	31	87	149	93.4
High	2.70	4.8	444	34	470	39	1600	250	

- * = Plant data through March 27th.

Limit – 40/60/90 represent NPDES Permit limits for the monthly average, weekly average, and instantaneous value for plant effluent BOD and TSS.

Treatment processes continue to operate efficiently. All KPI (key performance indicator) parameters are well within permit limits.

Maintenance

- .Cleared a clog in supernatant line on #2 digester.
- Began manhole inspections in Grover Beach.
- Exercised and inspected all Plant sludge valves.

- Ran effluent pump as per preventative maintenance schedule.
- Repaired broken pin on Amiad Filter.
- Installed VFD on #2 centrifuge pump.
- Safety Officer performed monthly safety inspection.

Call outs

- No call outs this period.

In-Progress

- Garing, Taylor, and Associates is working with staff to review and ensure the integrity of the District's A.G. sewer bridge. Currently planning to touch up the exterior coating. Considering lining the interior.
- Digester #1 cleaning.
- SCADA transition to Rockwell Automation Software.

Training

- Operator III T. Rodriguez attended a Collections System Maintenance training course.
- Staff attended a safety training on Bloodborne Pathogens.

Miscellaneous

- District Manager Rick Sweet, District Engineer Shannon Sweeney and Plant Superintendent John Clemons met with Katie DiSimone, Sheila Sodenberg, and Harvey Packard of the Regional Waterboard to discuss the redundancy project and general Plant performance.
- Staff sent a written plan to the SLO APCD regarding possible gas discharge during the digester cleaning process.
- Conducted Quarterly Safety Committee meeting.

Best regards,

John Clemons
Superintendent



SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

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Staff Report

To: Board of Directors
From: Richard Sweet, PE, District Manager
Date: April 1, 2015

Subject: **ANNUAL REVIEW OF DISTRICT BYLAWS**

RECOMMENDATION:

That, consistent with the District Bylaws, the Board review the bylaws and recommend changes for future consideration or, having no request for changes, that the existing bylaws be presented to the Board for their ratification at the next Board meeting.

BACKGROUND

Section 16 of the District bylaws (bylaws), copy attached, states, "Subject to 3.1 the Board Bylaws Policy shall be reviewed annually at the first meeting in February." The Board performed the last review in 2013.

DISCUSSION:

Staff has no recommendation for changes to the bylaws at this time. If the Board would like to consider changes to the bylaws, staff will make the requested changes and present the changes to the Board at an upcoming board meeting for the Board's consideration. If the Board has no recommendation for changes, the existing Bylaws will be presented to the Board at the April 15, 2015 board meeting for the Board's ratification as required in the bylaws.

Richard G. Sweet, PE
District Manager

Attachment: South San Luis Obispo County Board of Directors Bylaws, 2013 Update

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
BOARD OF DIRECTORS BYLAWS
2013 UPDATE

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are the Chair and Vice Chair.
- 1.2 The Chair of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the Chair, the Vice Chair of the Board of Directors or his/her designee shall serve as chairperson over all meetings of the Board. If the Chair and Vice Chair of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The Chair and Vice Chair of the Board shall be elected annually at the last regular meeting of each calendar year.
- 1.5 The term of office for the Chair and Vice Chair of the Board shall commence on January 1 of the year immediately following their election.
- 1.6 The Chair, and in his/her absence, the Vice Chair, are authorized to attend meetings of the San Luis Obispo County Planning Commission, meetings of the San Luis Obispo County Board of Supervisors, meetings between District Staff and Water Board Personnel, including either Regional Quality Control Staff or State Water Board Staff, without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to District Policy 10.01(b). If the Chair is absent, the Vice Chair or Boardmember shall attend these meetings.
- 1.7 The Chair, or in his/her absence, the Vice Chair shall meet with the General Manager in advance of a regularly scheduled meeting to review all Warrants to be presented at the next regular Board meeting immediately following the meeting with the General Manager.

2. MEETINGS

- 2.1 Subject to holidays and scheduling conflicts, regular meetings of the Board of Directors shall commence at 6:00 p.m. on the first and third Wednesday of each calendar month in the Board Room at the Oceano Community Services District, located at 1655 Front Street, Oceano, CA, or at such other meeting location within the District boundaries designated by the Board Chair. The Board of Directors reserves the right to cancel and/or designate other dates, places and times for Director meetings due to scheduling conflicts and holidays.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

2.2 SPECIAL MEETINGS.

Special meetings may be called by the Chair or two (2) Directors with a minimum of twenty-four (24) hours public notice. A special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager in consultation with the Chair, or in his or her absence, the Vice Chair or those Directors calling the meeting.

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

2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

- (a)** Directors may briefly respond to statements or questions from the public;
- (b)** Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
- (c)** A Director individually, or the Board by motion, may take action to direct the General Manager to place a matter on a future agenda; and
- (d)** Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.

2.5 MEETING PROTOCOL

- (a)** Policy. The purpose of oral presentation at District meetings, as well as written presentations, is to formally communicate to the Board of Directors on matters (1) listed on the Agenda, or (2) matters that are within the jurisdiction of the Board of Directors during general public comment. Such presentations are helpful to the Board in its decision-making process. The Board of Directors welcomes information and expressions of opinion from members of the public on any item which it may be considering. However, the Board of Directors is not required to provide a public forum for remarks or conduct in violation of the Rules of Decorum.
- (b)** Public Comment. Subject to the following rules, the Board of Directors shall set aside 30 minutes on each agenda item for public comment:

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

- (c) The Chairperson, after consideration of the length of the Agenda, the nature of the agenda item, and the meeting limitations of Section 2.2, may expand or further limit the 30 minute time allocation for public comment.
- (d) Each public commenter shall be limited to 3 minutes unless shortened or extended by the Chairperson with consideration of the length of the Agenda, the nature of the agenda item, and the meeting limitations of Sections 2.2, above.

2.6 DISTURBANCE OF BOARD MEETINGS

2.6.1 Rules of Decorum. The rules of decorum, below, shall apply to public comment and attendance at District meetings.

- (a) Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, clapping and talking (other than giving public comment) or other acts which disrupts the orderly conduct of the District meeting.
- (b) Members of the audience who wish to address the Board on a particular item on the Agenda shall line up behind the podium or sit in the front two (2) rows next to the podium.
- (c) No person shall address the Board of Directors without first being recognized by the Chairperson.
- (d) Persons addressing the Board are requested to state their name and their general place of residence.
- (e) Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole. Persons addressing the Board of Directors shall not engage in a dialogue with individual Directors, District staff or members of the audience. The Chairperson shall determine whether, or in what manner, the District will respond to questions.
- (f) Persons addressing the Board are limited to one opportunity per Agenda item unless otherwise directed by the Chairperson in his/her discretion.
- (g) A person cannot defer his/her time allocation to another person.
- (h) When a group or organization wishes to address the Board on the same subject, the Chairperson may request that a spokesperson be chosen to speak for that group. The spokesperson's three (3) minute time allocation may be extended by the Chairperson in his/her discretion.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

- (i) Persons addressing the Board shall confine the subject matter of their comments to the Agenda item being considered by the Board of Directors.
- (j) Each person addressing the Board of Directors shall do so in an orderly and civil manner and shall not engage in conduct which disrupts the orderly conduct of the District meeting.
- (k) The Chairperson may rule a speaker out of order who is unduly repetitious or extending discussion of irrelevance.
- (l) Except as provided below, persons who reference or read from documents such as reports, exhibits, or letters (“Documents”) as part of his/her comment to the Board shall lodge the Document (or a copy) with the District Secretary at the end of the comment, to allow the Document to be appropriately referenced in the meeting Minutes and to allow District staff the opportunity to review and respond to the Document. The Chairperson has the discretion to strike a speaker’s comments from the record for failure to lodge the referenced Documents. Upon request, the lodged Documents shall be returned to the speaker after 1:00 p.m. on the day following the meeting.

Exceptions:

- Speaker’s presentation outline, however, Documents referenced in the outline shall be lodged.
- Documents that are in the Agenda packet.
- Documents that have been previously published by the District, so long as the speaker identifies the Document by date, author and the pages referenced or read from.
- For voluminous Documents the speaker need only lodge the cover sheet that identifies the author and date and the pages read from or referenced.

2.7 Enforcement of Rules of Decorum. Any person who violates the Rules of Decorum may, at the discretion of the Chairperson, be removed from the meeting. The Rules of Decorum shall be enforced in the following manner:

- (a) Warning. The Chairperson shall warn the person who is violating the rules of decorum.
- (b) Expulsion. If after receiving a warning from the Chairperson, the person persists in violating the rules of decorum the Chairperson shall order the person to leave the Board meeting room for the remainder of the meeting.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

- (c) Assisted Removal. If such person does not voluntarily remove himself/herself, the Chairperson may order any law enforcement officer who is on duty at the meeting, or who may be summoned to the meeting, to remove the person from the Board room.
 - (d) Restoration of Order. If order cannot be restored by the removal of individuals who are disrupting the meeting, the Board meeting will be continued under the provisions of Government Code §54957.9
- 2.8** Limitations (Government Code §59454.3(c)) The Rules of Decorum shall not be interpreted to prohibit public criticism of the policies, procedures, programs or services of the District.
- 2.9** The Chair, or in his/her absence the Vice Chair (or his/her designee), shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall announce the Board's decision on all subjects. He/She shall vote on all questions and on roll call votes his/her name shall be called last.
- 2.10** Two (2) Directors of the Board shall constitute a quorum for the transaction of business. When a quorum is lacking for a regular, adjourned, or special meeting, the Chair, Vice Chair, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.11** Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.12** A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the Minutes of the Board, showing those Directors voting aye, those voting no, those not voting because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.13** Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.14** All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The Chair retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

3. ETHICS TRAINING

- 3.1 Pursuant to sections 53234 et seq. of the Government Code all Directors and designated District personnel shall receive at least 2 hours of ethics training every two years.
- 3.2 Each newly appointed Board member will receive such training from their Agency. Each newly designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

4. AGENDAS

- 4.1 The General Manager, in cooperation with the Board Chair, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 5 p.m. 11 calendar days prior to the meeting date. Such a request must also be submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.
- 4.2 A block of twenty (20) minutes time shall be set aside to receive general public comment. Comments on agendized items should be held until the appropriate item is called. Unless otherwise directed by the Chair, public comment shall be presented from the podium. The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the Chair of the Board and limited to three (3) minutes unless extended or shortened by the Chair at his/her discretion.
- 4.3 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
 - (a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board chooses an earlier or later time.
 - (b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

- (c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, or conflict of interest, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote, or conflict of interest, on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, or conflict of interest, in the Minutes on the item identified by the Director.

5. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

- 5.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;
- 5.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions or motions.
- 5.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person;
- 5.4 Any Director may request for inclusion into the Minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include brief summaries of public comment, the General Manager's report, matters of concern to District legal counsel, District committee reports, and Directors' reports. Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board Chair, or any Director.
- 5.5 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.
- 5.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.
- 5.7 The District shall keep and maintain the electronic recordings of District Board Meetings for a period of three hundred sixty-five (365) days beyond the date that the Minutes for any meeting are approved. The purpose is to insure accuracy of

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

the Minutes and the electronic recording is not intended to substitute for the official record of the meeting.

6. DIRECTORS

- 6.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.
- 6.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole.
- 6.3 Information may be requested from staff or exchanged between Directors before meetings, within such limitations as required by the Brown Act. Information that is requested or exchanged shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 6.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 6.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, dissenting Directors should not to create barriers to the implementation of said action.
- 6.6 Except during open and public meetings the use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.
- 6.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on the issue.
- 6.8 Directors are cautioned when using e-mail communications. Any communication from the General Manager, or the District's legal counsel, or from other members of the Board of Directors, in each case the Director in responding to that e-mail shall not respond to "all", as that could constitute a violation of the Brown Act for a serial meeting or other provisions.

7. AUTHORITY OF DIRECTORS

- 7.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
- 7.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body which represents and acts for the community as a whole.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

- 7.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- 7.4 Directors, when attending other meetings, may refer to their affiliation as a member of the Board of Directors and may make statements on their own behalf or endorsements on their own behalf as long as there is no misrepresentation made or implied about the District's position in regards to the issue presented.

8. AUTHORITY OF THE GENERAL MANAGER

The General Manager shall be responsible for all of the following:

- 8.1 The implementation of the policies established by the Board of Directors for the operation of the District.
- 8.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the District's Personnel Policies as established by the Board of Directors.
- 8.3 The supervision of the District's facilities and services.
- 8.4 The supervision of the District's finances.

9. DIRECTOR GUIDELINES

- 9.1 Directors, by making a request to the General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager shall inform the individual Director why the information is not or cannot be made available.
- 9.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 9.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 9.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager. The chain of command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

- 9.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 9.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager.
- 9.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
- 9.8 No member may participate in a hearing or take action on an item which creates an economic conflict of interest for the member. Where there is an economic conflict of interest, the conflicted member shall announce the nature of the conflict of interest and recuse himself or herself from the hearing or deciding the matter and thereon step down from the dais and leave the room until the matter has been fully considered and voted upon, or otherwise continued.

10. DIRECTOR COMPENSATION

- 10.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board of Directors attended by him/her.
- 10.2 Each Director is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or participation in a training program on a topic that is directly related to the District, provided that the Board of Directors has previously approved the member's participation at a Board of Director's meeting and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.
- 10.3 In no event shall Director compensation exceed \$100 per day.
- 10.4 Director compensation shall not exceed six full days in any one calendar month.

11. DIRECTOR REIMBURSEMENT

- 11.1 Each Director is entitled to reimbursement for their actual and necessary expenses, including the cost of programs and seminars, incurred in the performance of the duties required or authorized by the Board.
 - (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

- (b)** Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. Directors using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
- (c)** Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include \$10.00 for breakfast, \$10.00 for lunch, \$20.00 for dinner, for a daily total of \$40.00.
- (d)** All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.

11.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.

11.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense except for per diem allowances.

11.4 Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors.

12. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

12.1 All letters approved by the Board of Directors and/or signed by the Chair on behalf of the District; and

12.2 All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

13. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item.

13.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision.

13.2 Interest in Contracts, Government Codes Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Director has a financial interest.

13.3 Incompatible Office

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second office, he/she is simultaneously terminated from holding the first office.

14. EVALUATION OF CONSULTANTS

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year.

15. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT
DIRECTOR BYLAWS
2013 UPDATE**

budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

16. BOARD BYLAWS REVIEW POLICY

Subject to 3.1 the Board Bylaws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

17. RESTRICTIONS ON RULES

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.