



# **SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

Post Office Box 339, Oceano, California 93475-0339

1600 Aloha Oceano, California 93445-9735

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

[www.sslocsd.org](http://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 15, 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

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### **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 April 01, 2015 Meeting**

**3B. Review and Approval of Warrants**

**4. PLANT SUPERINTENDENT'S REPORT**

**5. BOARD ACTION ON INDIVIDUAL ITEMS:**

**A. ANNUAL REVIEW OF DISTRICT BYLAWS**

Staff recommends the Board ratify the Update to the Bylaws.

**B. PROPOSAL REVIEW COMMITTEE; MODIFICATIONS TO COMMITTEE TO REFLECT BOARD REQUIREMENTS**

Staff recommends the Board modifies the makeup of the Board adopted committee to review the proposals for Review of Past Management Practice to reflect Board requirements.

**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 April 01, 2015  
6:00 P.M.

**1. CALL TO ORDER AND ROLL CALL**

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

District Staff in Attendance: Rick Sweet, District Manager; 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.

Mary Lucey, Oceano, spoke about the Water Resource Board meeting and the success with desalination and Flange to Flange Project.

Debbie Peterson, Grover Beach, announced that Tuesday April 21<sup>st</sup> at 5:30pm there will be a meeting in Pismo Beach regarding recycling water from their sewage plant.

Sharon Brown, Grover Beach, has concerns regarding the Review Committee for the RFP process. She would like to know the scope of the investigation.

Director Guerrero requested the Board see the Proposals.

Ron Holt, Arroyo Grande, requests the RFP Review Committee be a permanent standing committee more active in other issues.

Beatrice Spencer, Arroyo Grande, is concerned that Andrea Vergne and April McLaughlin are on the RFP Committee and do not live in the District boundaries. She requests that the committee continue keeping an active role and follow the process of the investigation.

Director Sweet reminded the Board that the committee was approved by roll call vote and would need a new vote to change the Committee. He advised dropping down to seven members as a better option.

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

**3. CONSENT AGENDA**

**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**

Chairman Hill pulled 3C.D.E. and requested they be Action Items.

**3B. Action:** The Warrant Register was approved unanimously by roll call vote.

Sharon Brown would have liked more detailed minutes in regards to forming the committee for the RFP review. She also recommended changing “gave disclosure” to “disclosed”.

Director Hill and District Manager Rick Sweet reminded Ms. Brown that the minutes are only meant to record the action the Board had taken.

**3A. Action:** The minutes were approved with the grammatical change by Hill and Guerrero with Nicolls abstaining. The sentence will read, “Shannon Sweeney disclosed 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.”

Director Guerrero has concern that there may be members from the group associated with the disturbing emails sent to the District on the RFP Review Committee.

This discussion of the committee will need to be brought back at a future meeting since it was not on the agenda.

**3C.** The staff report on Legal Fees spent on the ACL was received and filed.

**3D.** Statute of Limitations Report

Patricia Price had specific questions about the District’s case against the State Water Board that could not be answered except with nonspecific examples.

Tim Brown also asked questions regarding the Statute of Limitations.

Mary Lucey asked the District to go in the direction that is least harmful to the District.

Debbie Peterson suggested the Board was using a diversionary tactic. She asked if the Board is trying to outrun the Statute of Limitations. She believes the Statute of Limitations is known.

Sharon Brown asked how and when the State notified the District of the fine.

Beatrice Spencer is frustrated in regards to the litigation. Asks how the Board could not know the Statute of Limitations.

Director Hill reminded the public that the comments and perceptions do not correlate with facts.

**Action:** The report was received and filed.

**3F. Announcements Out of Closed Session**

Tim Brown believes generic directional type things can be disclosed. Public needs to know

what direction the Board is going.

Debbie Peterson believes there are several things that can be reported out. Her understanding is that directors can vote to share further.

**Action:** The report was received and filed.

#### **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.

District Manager Rick Sweet spoke about a meeting with the Water Board in regards to renewing the District permit. It is important to note that there is a significant difference in the type of project when comparing the District project to the Morro Bay plant project. The District's is an augment to the plant primarily for enhanced treatment purposes and Morro Bay's was a new plant.

In regards to redundancy, our new draft permit will have benchmarks in regards to moving forward with a project.

Tim Brown expressed appreciation to Clemons. He is disgusted by the personal attacks.

Mary Lucey spoke about the IRWM meeting regarding Prop 1 money. She believes SSLOCSD has a good shot at getting this money.

Brad Snook spoke in opposition to the Cambria desalination system. He would like to see the District move away from the flood plain. He believes Pismo study and the WSC study will be relevant.

Debbie Peterson cautions against making claims that any members on the RFP committee are members of the South County Oversight Group. It appears that it was an individual that sent the emails on behalf of the Group and not the whole group.

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

#### **5. BOARD ACTION ON INDIVIDUAL ITEMS:**

##### **A. ANNUAL REVIEW OF DISTRICT BYLAWS**

The Board reviewed the Bylaws and directed staff to make the obvious changes to the District Bylaws and bring this item back for ratification at a subsequent meeting where Director Shoals has the opportunity to participate in the discussion.

Legal Counsel Seitz gave a brief summary of the legal changes that effect bylaws.

Debbie Peterson pointed out that "podium" and "lectern" may be used incorrectly in the bylaws.

Sharon Brown pointed out that the location should be changed. She also had concerns with

Special Meeting Item.

**Action:** The Board requested this item be brought back to a future meeting for ratification.

**7. MISCELLANEOUS ITEMS**

- A. Miscellaneous Oral Communications
- B. Miscellaneous Written Communications

**8. PUBLIC COMMENT ON CLOSED SESSION**

Director Hill asked for public comment.

Mary Lucey gave comment regarding the South County Oversight Group.

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 met in closed session and took no reportable Action.

**10. ADJOURNMENT**

There being no further business to come before the Board, Director Hill adjourned the meeting at approximately 8:17p.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  
04/15/2015 FY 2014/15

ISSUED TO	BUDGET LINE ITEM	DESCRIPTION	WARRANT NO.	ACCT	ACCT BRKDN	TOTAL
ABALONE COAST ANALYTICAL, INC.	CHEMICAL ANALYSIS	MARCH	041515-9361	7078	842.00	842.00
ALLIED ADMINISTRATORS	DENTAL INSURANCE	MAY	62	6025	1,055.36	1,055.36
ALLSTAR INDUSTRIAL SUPPLY	MISCELLANEOUS SUPPLY'S	1365	63	8055	421.01	421.01
AMIAD	MISCELLANEOUS SUPPLY'S	7300020951	64	8030	273.01	273.01
ARAMARK	EMPLOYEE UNIFORMS	04/03/15	65	7025	493.12	493.12
ARIAS, MICHAEL	MEETINGS, MEMBERSHIP, CONFERENCE	PER DIEM	66	7050	123.00	123.00
BATTERIES PLUS	MISCELLANEOUS SUPPLY'S	464-297996	67	8030	117.71	117.71
BEST BEST & KRIEGER	OUTSIDE COUNSEL	EMPLOYEE BENEFITS	68	7070	1,080.00	1,080.00
BRENNTAG	PLANT CHEMICALS	BP1508147	69	8050	4,623.13	4,623.13
CALIFORNIA ELECTRIC	MISCELLANEOUS SUPPLY'S	MULTIPLE INVOICES	70	8030	175.16	175.16
CARQUEST	AUTOMOTIVE	MULTIPLE INVOICES	71	8032	142.62	142.62
CARRS BOOTS	EMPLOYEE UNIFORMS	JONES, WOESTE, RODRIGUEZ	72	7025	375.00	375.00
CHEMSEARCH	MISCELLANEOUS SUPPLY'S	1854503	73	8030	531.08	531.08
CLEMONS, JOHN	MEETINGS, MEMBERSHIP, CONFERENCE	PER DIEM	74	7050	123.00	123.00
ENGEL & GRAY, INC.	SOLIDS HANDLING	MARCH	75	7085	2,518.50	2,518.50
FASTENAL	TOOLS	MULTIPLE INVOICES	76	8055	1,740.65	1,740.65
FED EX	OFFICE SUPPLY'S	LUBE WATCH	77	7078	77.80	77.80
FGL	CHEMICAL ANALYSIS	580638A	78	7078	60.00	60.00
GARING TAYLOR & ASSOCIATES	ENGINEERING	MARCH	79	7077	1,076.25	1,076.25
HACH	COMPUTER SUPPORT		80	8045	2,778.00	2,778.00
I.I. SUPPLY	SAFETY SUPPLY'S	30413	81	8056	28.69	28.69
IMG	DMV PHYSICAL	WOESTE	82	8056	100.00	100.00
JB DEWAR	FUEL		83	8020	560.94	560.94
JOHNSON'S BOILER & CONROL	EQUIPMENT MAINTENANCE	BOILER	84	8030	1,391.00	1,391.00
JWC ENVIRONMENTAL	MISCELLANEOUS SUPPLY'S	65635	85	8030	362.08	362.08
MINERS	MISCELLANEOUS SUPPLY'S	MARCH	86	8035	56.29	56.29
MUI, FANNY	MEETINGS, MEMBERSHIP, CONFERENCE	PER DIEM	87	7050	124.00	124.00
NESTLE PURE LIFE	HOUSEHOLD	MARCH	88	8035	253.61	253.61
OCSO	UTILITIES WATER	01/18-03/18	89	7094	148.37	148.37
OFFICE DEPOT	OFFICE SUPPLY'S	MARCH	90	8045	161.06	161.06
POLYDYNE INC.	PLANT CHEMICALS	CLARIFOC	91	8050	5,835.10	5,835.10
SHIPSEY & SEITZ, INC.	LEGAL	PREP & ATTEND MEETINGS	92	7071	942.50	8,872.10
		GENERAL LEGAL SERVICES		7071	4,004.80	
		LITIGATION		7070	3,924.80	
SOUTH COUNTY SANITARY	UTILITIES RUBBISH	APRIL	93	7093	228.50	228.50
SO CAL GAS	UTILITIES-GAS	MARCH	94	7092	993.69	993.69
STATE FUND	WORKER'S COMPENSATION	APRIL	95	6080	9,160.33	9,160.33
TELEDYNE INSTRUMENTS, INC	EQUIPMENT MAINTENANCE	REPLACE PUMP ASSEMBLY	96	8030	540.73	540.73
USA BLUEBOOK	EQUIPMENT MAINTENANCE	PLUG	97	8030	1,137.63	1,137.63
VWR	LAB SUPPLIES		98	8040	506.29	506.29
WEST COAST ROTOR	MISCELLANEOUS SUPPLY'S	24129	99	8030	2,904.72	2,904.72
<b>SUB TOTAL</b>					<b>\$ 51,991.53</b>	<b>\$ 51,991.53</b>
SO. SLO CO. SANITATION DISTRICT	PAYROLL REIMBURSEMENT	04/03/15	9400	6090	25,332.70	25,332.70
<b>SUB TOTAL</b>					<b>\$ 25,332.70</b>	<b>\$ 25,332.70</b>
<b>GRAND TOTAL</b>					<b>\$ 77,324.23</b>	<b>\$ 77,324.23</b>

We hereby certify that the demands numbered serially from 041515-9361 to 041515-9400 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

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

Date: April 10, 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	3.71	481	30.6	482	32.5	49	188	93.6
High	2.40	4.30	485	31.4	502	35.0	130	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 April 10th.

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. Although influent flow rates are lower, influent BOD and TSS loadings are much higher. The Plant continues to handle the increased loadings well.

### Maintenance

- Repaired broken cleanout pipe at Sec. Dig. Pump pad.
- Replaced battery back-up unit in PLC at MCC building.



- Exercised and inspected all Plant water 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**

- Saturday April 4<sup>th</sup>, 3:30 – On-call Operator received call from the Fire Department seeking access to the Plant for the purpose of accessing an active fire in the trees adjacent to the Plant.

### **In-Progress**

- Garing, Taylor, and Associates is working with staff to review and ensure the integrity of the District's A.G. sewer bridge. Inspection scheduled for April 22<sup>nd</sup>.
- Digester #1 cleaning.
- SCADA transition to Rockwell Automation Software.

### **Training**

- Staff attended safety training on Hazardous Materials Communication as presented in the District's Injury and Illness Prevention Plan.
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### **Miscellaneous**

- On April 4<sup>th</sup>, at approximately 3am, 5 Cities Fire responded to a fire at the homeless encampment adjacent to the Plant. Fire Department staff entered the Plant through the front gate. They had to cut through a fence to access the fire. The District's on-call Operator was present at the time. The fire was put out eventually. The Fire Department was finished at about 6:30am. Fire Dept. staff returned at 9:28 am to monitor the area that had burned. Superintendent Clemons walked through the burnt encampment on Saturday afternoon. There were two tents remaining. There were two people in the camp.
- Superintendent Clemons attended a meeting of the Sanitation Agency Managers Association in Lompoc, CA.

Best regards,

John Clemons  
Superintendent





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## Staff Report

To: Board of Directors  
From: Richard Sweet, PE, District Manager  
Date: April 15, 2015

Subject: **2015 RATIFICATION OF DISTRICT BYLAWS**

### **RECOMMENDATION:**

That, consistent with the District Bylaws, the Board ratify by resolution updated bylaws for 2015, attached.

### **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." At the April 1, 2015 Board meeting the Board reviewed the bylaws and recommended that changes be made to Section 2, entitled, "Meetings," subsection 2.1 which states, "Subject to Holidays and scheduling conflicts, regular meetings of the Board of Directors shall commence at 6:00 pm on the first and third Wednesday of each calendar month at the Oceano Community Services District, located at 1655 Front Street, Oceano, CA or at such meeting location within the District boundaries designated by the Board Chair."

In addition, within Section 5, entitled, "Preparation of Minutes," subsection 5.3 states, "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;" This section mistakenly identifies Sections 4.4 and 4.6 and should identify sections 5.4 and 5.6. This change has been incorporated in the revised bylaws.

## **DISCUSSION:**

To reflect the Board's present policy to rotate meetings amongst the represented jurisdictions it was recommended that the section 2.1 noted above be revised to state, "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 at such meeting location within the District boundaries designated by the Board Chair."

## **Options**

1. Decline to make changes to the present bylaws and continue to utilize the bylaws ratified in 2013.
2. Request additional changes to the bylaws and direct staff to make further revisions and return to a subsequent Board meeting with these changes for ratification.

Richard G. Sweet, PE  
District Manager

Attachment: South San Luis Obispo County Board of Directors Bylaws, 2015 Update

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**  
**BOARD OF DIRECTORS BYLAWS**  
**2015 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 at such 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  
2015 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  
2015 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  
2015 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  
2015 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  
2015 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  
2015 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 5.4 and 5.6 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  
2015 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  
2015 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  
2015 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  
2015 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  
2015 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  
2015 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.

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

RESOLUTION NO. 2015-327

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING THE YEAR 2015 BOARD BYLAWS

**WHEREAS**, The Board of Directors of the South San Luis Obispo County Sanitation District has previously adopted Board Bylaws that set forth internal Board policies; and

**WHEREAS**, District legal counsel has reviewed and drafted revisions and additions that modernize the previously adopted policies; and

**WHEREAS**, The Board has reviewed the proposed bylaws;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the South San Luis Obispo County Sanitation District as follows:

1. That the above recitals are true and correct; and
2. The Board adopts the 2015 Board Bylaws

PASSED AND ADOPTED by the Board of Directors of the South San Luis Obispo County Sanitation District this April 15, 2015, on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Jim Hill, Chairperson,  
South San Luis Obispo County Sanitation District

ATTEST:

APPROVED AS TO FORM:

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Rick Sweet, District Manager

---

Michael W. Seitz  
District Legal Counsel



# 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 15, 2015

Subject: **PROPOSAL REVIEW COMMITTEE; MODIFICATIONS TO  
COMMITTEE TO REFLECT BOARD REQUIREMENTS**

### **RECOMMENDATION:**

That the Board modifies the makeup of the Board adopted committee to review the proposals for Review of Past Management Practice to reflect Board requirements.

### **BACKGROUND**

At the meeting of February 18, 2015 the Board approved the issuance of a Request for Proposals (RFP) for the review of past management practices for the period of 2004 through the February 2013. As per the approved RFP, the RFP was issued on March 9, 2015, in conformance with the original project schedule, and responses will be received on April 13, 2015. Upon receipt of the responses the proposals will be reviewed by a panel of individuals comprised of stakeholder members that reside within the District.

### **DISCUSSION**

At the March 18, 2015 Board meeting the Board formulated a committee comprised of the individuals shown on Attachment "A." At the April 1, 2015 Board meeting it was brought to the Board's attention that two individuals on the committee adopted by the Board are not served by the District. The Board directed that the committee makeup be brought back to the Board with the Committee membership revised to reflect removal of individuals not served by the District, Attachment "B."

## **Options**

1. Decline to make changes to the committee.
2. Request additional changes to the committee.

Richard G. Sweet, PE  
District Manager

Attachments: Attachment "A" "Committee Makeup, March 18, 2015"  
Attachment "B" "Revised Committee Makeup, April 15, 2015"

**Attachment "A"**

**Proposal Review Committee Makeup  
As Adopted at the March 18, 2015  
Board Meeting**

Patricia Price  
Beatrice Spencer  
Mark London  
April McClaughlin  
Brad Snook  
Ron Holt  
Patty Welsh  
Jeff Pienack  
Andrea Vergne

**Attachment “B”**

**Revised Proposal Review Committee Makeup  
To Reflect Board Policy**

Patricia Price  
Beatrice Spencer  
Mark London  
Brad Snook  
Ron Holt  
Patty Welsh  
Jeff Pienack